

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 4, 2019**

MEMBERS PRESENT: Larry Fillinger, Linda Manson-Dempsey, Larry Grunn, Dan Lowe, and Diane Bockhausen

MEMBERS ABSENT: None

OTHERS PRESENT: Dave Hamann, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:31 p.m.

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Dan Lowe seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

September 9, 2019 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried.**

OLD BUSINESS: None

NEW BUSINESS

ZBA Case #05-19—Gary McKay, 1451 Triangle Lake Rd., Howell, MI, Tax Code #4710-27-401-019; Seeking interpretation of Section 6.10 and variance request for Section 8.04 E 3—ERS-1 Front Yard Setback

The applicant, Gary McKay, was present to request a variance for a deck that would encroach on the front yard setback, which is on the lake side of the property. He said the original plan had to be changed due to incorrect information he received from the Livingston County Health Department regarding his septic system.

Linda Manson-Dempsey said that nothing is marked on the plan he submitted. Dan Lowe felt the information provided was unclear and confusing. Dave Hamann reminded the ZBA members that they can contact him anytime for clarification. Ms. Manson-Dempsey said she doesn't feel there's a hardship, and the house should

have been designed with the existing septic field in mind. Mr. McKay explained that's what he did, but the information he was given by the county was incorrect.

Dave Hamann said the ZBA is considering two things: his interpretation of 6.10—Front Setback Reductions and the variance request for Section 8.04 E 3.

Diane Bockhausen said she doesn't believe the proposed deck wouldn't impede anything for the neighbors.

Linda Manson-Dempsey said there aren't enough details, there were a series of errors, this shouldn't be the ZBA's role, and the Planning Commission has nothing to do with ZBA decisions.

Dan Lowe said he would rather postpone a decision until the ZBA has more dimensional information.

Call to the Public

Planning Commissioner Bruce Powelson, 3466 Pingree, said this situation was discussed at the most recent Planning Commission meeting, and the township's planner felt this was a reasonable request due to circumstances beyond the property owner's control.

Motion

Linda Manson-Dempsey motioned for ZBA Case #05-19—Gary McKay, 1451 Triangle Lake Rd., Tax Code #4710-27-401-019, Section 8.04 E 3 to grant a 14 foot variance to the 50 foot front yard setback. The ZBA granted this variance considering the following criteria:

1. That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use. *This restriction would prevent the owner from building a deck facing the lake.*
2. That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property. *Due to the fact that this is a lakefront lot, any lesser relaxation would not give substantial relief.*
3. That the request is due to the unique circumstances of the property. *The circumstances were created by the Livingston County Health Department who provided incorrect information on the location of the drain field.*
4. That the alleged hardship has not been created by a property owner. *This situation was not created intentionally.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not deemed economic.*

Diane Bockhausen seconded. Roll call vote: Bockhausen, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes.

Motion carried 5-0.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:21 pm. Diane Bockhausen seconded. **Motion carried.**