

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR ELECTRONIC MEETING
JANUARY 4, 2021**

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 7:30 p.m. The meeting is also available online.

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves. All meeting attendees were attending the meeting from their home.

APPROVAL OF AGENDA

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

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

October 5, 2020 Regular Meeting and October 27, 2020 Training Meeting: Larry Fillinger said he would like the minutes from the 10/27 training meeting revised to show that Dave Hamann and John Enos were both present, and to include Larry Grunn as a ZBA meeting. Linda Manson-Dempsey motioned to approve the minutes as amended. Diane Bockhausen seconded. **Motion carried.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #07-20—Vern Brockway, 1388 Lucy Rd., Howell, MI, Tax Code #4710-01-400-005; seeking variances for Section 10.01 E 3 a, b and c—Setbacks, and Section 6.13 B 1—Landscape Buffers

Allan Pruss from Monument Engineering Group Associates was present on behalf of the property owner. The applicant is requesting variances for renovations to an existing non-conforming lot and building for a repair shop. Mr. Pruss said this will drastically improve the overall function and appearance of the site. The board members discussed the surrounding property. Dan Lowe said that a visual buffer between two zoning districts is required. Larry Grunn said he also has concerns about the landscape buffer. Dave Hamann said this project will be going

back to the Planning Commission for further review. Diane Bockhausen asked for clarification on lots within an industrial park. Dave Hamann said there are two options in the industrial zoning district: a 20-acre industrial park with one acre lots or a minimum of four acres not in an industrial park. Dan Lowe said he would like six to ten 8' spruce trees on the south side, either concolor fir or Norway spruce

Call to the Public

No response.

Motion

For ZBA Case #07-20—Vern Brockway, 1388 Lucy Rd., Howell, MI, Tax Code #4710-01-400-005, that Brockway seeks to raze the current small, disheveled structure on this parcel and proposes to erect a new 6,000 square foot building to house a repair shop. Applicant is seeking seven variances: four variances of Section 10.01 E 3 regarding yard and setback requirements, and three variances of Section 6.13 B & D regarding screen between land uses and greenbelt buffer, Diane Bockhausen motioned to grant all seven variances, 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.** *The restrictions of the township zoning ordinance would unreasonably prevent Brockway from using the property for the permitted use of light industrial because the site is a legally non-conforming parcel for both minimum lot area and minimum frontage. The required building setbacks and landscape buffer make the site undevelopable. As petitioner pointed out, the site does resemble that of a lot within an industrial park and its use is permitted by right in its zone. The buildable area (312 square feet) created by the required building setback results in an unreasonable lot coverage of one percent. This is a fraction of the allowed lot coverage of 40%. The lot coverage of the proposed new 6,000 square foot building is 15%. The proposed conditions are considerably less than the maximum lot coverage and conforms to the spirit of the township ordinance. Also, the required landscape buffer of 25 feet restricts the development of the parcel by inhibiting the placing of required design elements closer to the property lines as allowed, including a retention basin and onsite disposal field location, both of which are allowed within ten feet of the property line.*
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.** *Granting the variance would do substantial justice to Brockway and a lesser relaxation than that required would not give substantial relief because the size of the building proposed is what is necessary to carry out the proposed use that is permitted by right in a Light Industrial zone and the building size is significantly under required lot coverage.*
3. **That the request is due to the unique circumstances of the property.** *The unique circumstances of 1388 Lucy Road make the granting of the variances reasonable. This is a legally non-conforming parcel zoned Light Industrial that is surrounded by parcels zoned as residential. The size of the parcel makes it undevelopable without the requested variances.*
4. **That the alleged hardship has not been created by a property owner.** *The property owner had no part in creating the legally non-conforming lot.*
5. **That the difficulty shall not be deemed solely economic.** *The difficulty is not solely economic. Granting the variance does not provide economic relief but would allow the property to be developed consistent with a permitted Light Industrial use.*

For Section 10.01 E 3: a variance of 49 feet from the front yard which would be the east side of the property/building fronting on Lucy Road; a variance of 26 feet for the north side setback; a variance of 10.4 feet for the south setback; a variance of 31 feet for the rear setback. Linda Manson-Dempsey seconded. Roll call vote: Grunn—yes; Bockhausen—yes; Lowe—yes; Manson-Dempsey—yes; Fillinger—yes. **Motion carried 5-0.**

Diane Bockhausen, for the same reasons stated above, for Section 6.13 B & D, motioned to grant: a variance of 40 feet to accommodate the front landscape buffer; a variance of 15 feet to accommodate the side landscape buffer on

the north side of the property recognizing that the south landscape buffer will comply with the ordinance and be 25 feet from the property line, and will include a minimum of eight 8' Norway spruce or concolor fir trees; a variance of 15 feet to accommodate the rear (west) landscape buffer. Roll call vote: Fillinger—yes; Manson-Dempsey—yes; Lowe—yes; Bockhausen—yes; Grunn—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.**