

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 7, 2022**

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.

APPROVAL OF AGENDA

Diane Bockhausen motioned to approve the agenda. Larry Grunn seconded. **Motion carried.**

APPROVAL OF MINUTES

December 6, 2021 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Diane Bockhausen seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

UNFINISHED BUSINESS

ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, seeking a variance for Section 8.04 E 3 a2 Side-yard Setback and Section 6.07.1 Maximum Square Footage of Accessory Structure

Joseph Hamway was present to request two variances to construct a new garage. His current garage is on three slabs with four different roof lines. His new garage would be the side distance from the side lot line, and would be four foot wider toward the inside of his lot. The maximum square footage allowed would be 1300 and his proposed garage is 1470.

The fire stop information from the Livingston County Building Department is included in the packet. Dan Lowe said he has several concerns: the drawing is not accurate, a side setback should be a minimum of five feet, there's an issue with the overhang, and he doesn't believe a variance has ever been given for square footage.

Call to the Public

No response.

Motion

Diane Bockhausen motioned for ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, Section 8.04 E 3 a 2 Side-Yard Setback, to grant a 7'4" side yard variance, from 10' to 2'8", 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 current garage is the same distance from the side lot line, and that won't change with the new structure.*
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.** *The side yard variance will allow utilization of existing roadways and the driveway, and this is a narrow 60' lot.*
3. **That the request is due to the unique circumstances of the property.** *The property owner is rebuilding a pre-existing, non-conforming building on a 60' wide lake lot.*
4. **That the alleged hardship has not been created by a property owner.** *The building has existing for many years and has been built out over a long period of time.*
5. **That the difficulty shall not be deemed solely economic.** *This is not solely economic, The owner will be tearing down an eyesore building, and the new building will be much more of an asset to the community.*

Linda Manson-Dempsey seconded. Roll call vote: Grunn—yes; Manson-Dempsey—yes; Fillinger—yes; Bockhausen—yes; Lowe—no. **Motion carried 4-1.**

Motion

Linda Manson-Dempsey motioned for ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, to grant a variance to Section 6.07.1 to allow a 170' square foot 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.** *The restrictions would prevent him from adding additional 4 on east side'.*
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.** *The variance would allow him to store his vehicles/RVs inside.*
3. **That the request is due to the unique circumstances of the property.** *The width of this lake lot is only 60'.*
4. **That the alleged hardship has not been created by a property owner.** *The hardship was not created by the property owner; he wants to get rid of an existing structure that is in disrepair and replace with a new building.*
5. **That the difficulty shall not be deemed solely economic.** *The difficulty is not solely economic as it will cost a substantial amount to erect the new building.*

Larry Grunn seconded. Roll call vote: Lowe—no; Bockhausen—yes; Manson-Dempsey—yes; Grunn—yes; Fillinger—yes. **Motion carried 4-1.**

SPECIAL ORDERS

A meeting schedule with the new times was distributed. Dan Lowe questioned the time change; Dave Hamann said it was a board decision. He encouraged the ZBA members to review the Zoning Board of Appeals Rules & Procedures.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Larry Grunn motioned to adjourn at 8:10 pm. Linda Manson-Dempsey seconded. **Motion carried.**