

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

Monday, August 3, 2015
7:30 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *August 3, 2015*

INTRODUCTION OF MEMBERS:

CALL TO PUBLIC:

APPROVAL OF MINUTES FOR: *June 1, 2015 Regular Meeting*

OLD BUSINESS:

No Old Business

NEW BUSINESS:

- 1) ZBA Case # 04-15 – JAC Property Enterprises – 1285 S. Michigan Ave
Tax ID# 4710-01-100-013*

CALL TO PUBLIC:

ADJOURNMENT:

draft

Submitted by: S. Longstreet

Approved: _____

MARION TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 1, 2015

MEMBERS PRESENT: Claire Stevens, Larry Grunn, Larry Fillinger, Linda Manson-Dempsey, AND Dan Lowe

MEMBERS ABSENT: None

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Claire Stevens seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

April 6, 2015 Regular Meeting: Claire Stevens motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried 5-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #03-15—Reid & Barbara Sparks, 552 Cobblestone Trail, Tax ID #4710-11-300-027

Reid & Barbara Sparks were present on behalf of this variance request. The applicant is requesting a front-yard setback variance and a variance to allow placement of an accessory in the front yard. They live on a corner lot and therefore have two front-yard setbacks. They would like to construct a 30' x 32' garage. Dan Lowe had a question on the height of the walls and roof pitch. Mr. Sparks said the structure has 19 ½' walls and the roof

draft

pitch will match the house. Mr. Lowe asked the applicants if they would be willing to plant arborvitae along the side as a buffer from Peavy Road; the applicants said yes.

Call to the Public

No response.

Motion

Larry Grunn motioned for ZBA Case #03-15—Reid & Barbara Sparks, 552 Cobblestone Trail, Tax ID #4710-11-300-027, to relax the setback requirement and grant 45' of relief on the NE corner of the property, 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. *Due to the location of the lot on a corner, and the placement of the well and septic systems, there is no other suitable location for the accessory 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 applicant has placed the structure as far from the setback as they can and have reduced the size of the structure.*
3. That the request is due to the unique circumstances of the property. *The house is located on a corner lot and was built where it was because of the topography of the lot and to allow for a back yard.*
4. That the alleged hardship has not been created by a property owner. *The builder chose the placement of the house.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not solely economic.*

The applicant has agreed to plant a minimum of four (4) arborvitae on the Peavy Road side of the proposed structure.

Dan Lowe seconded. Roll call vote: Lowe—yes; Grunn—yes; Fillingner—yes; Manson-Dempsey—yes; Stevens—yes. **Motion carried 5-0.**

Annette McNamara informed the applicant that the land use permit can be picked up in eight (8) days.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Larry Grunn motioned to adjourn at 7:45 pm. Claire Stevens seconded. **Motion carried 5-0.**

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 04-15
Tax Code 4710-01-100-013
Current Zoning Highway Service
Fee Paid 1,000.- taken out of existing
Date Received 7.13.15 escrow account
Received by AKM for SPR#01-15

Applicant JAC Property Enterprises L.L.C.

Address 1285 S. Michigan Ave. Howell Michigan 48843

Telephone 517.546.9060 (Work)

Applicant is (check one): Owner Purchaser Representative

Purchaser or Representative needs a letter of permission from owner

Nature of Request (check applicable one)

- Administrative Review (per Section 5.05 A)
- Interpretation of Ordinance (per Section 5.05 B 1, 2, 3 or 4)
- Variance Request (see below)

- 1. Zoning Ordinance Section 15.1D3
- 2. Letter stating reason request should be granted (per Section 5.05 C)
- 3. Requirement per Section 4.03 D
- 4. Required Livingston County Health Department evaluation N/A

Office Use Only	
Meeting Date <u>August 3, 2015</u>	Action Taken _____
Conditions (if applicable) _____ _____	
Signed _____	

Marion Township Zoning Board of Appeals

JAC Property Enterprises
1285 S. Michigan Avenue
Howell, Michigan 48843

This letter serves as a request to please grant a variance for the sign at described property. Our property severely drops from the roadway at D19 to our parking area and structure. The maximum height for free standing sign is 6' which we are above. If we were to meet the requirements for height it would create a safety issue and therefore request a variance from the standard 6' height.

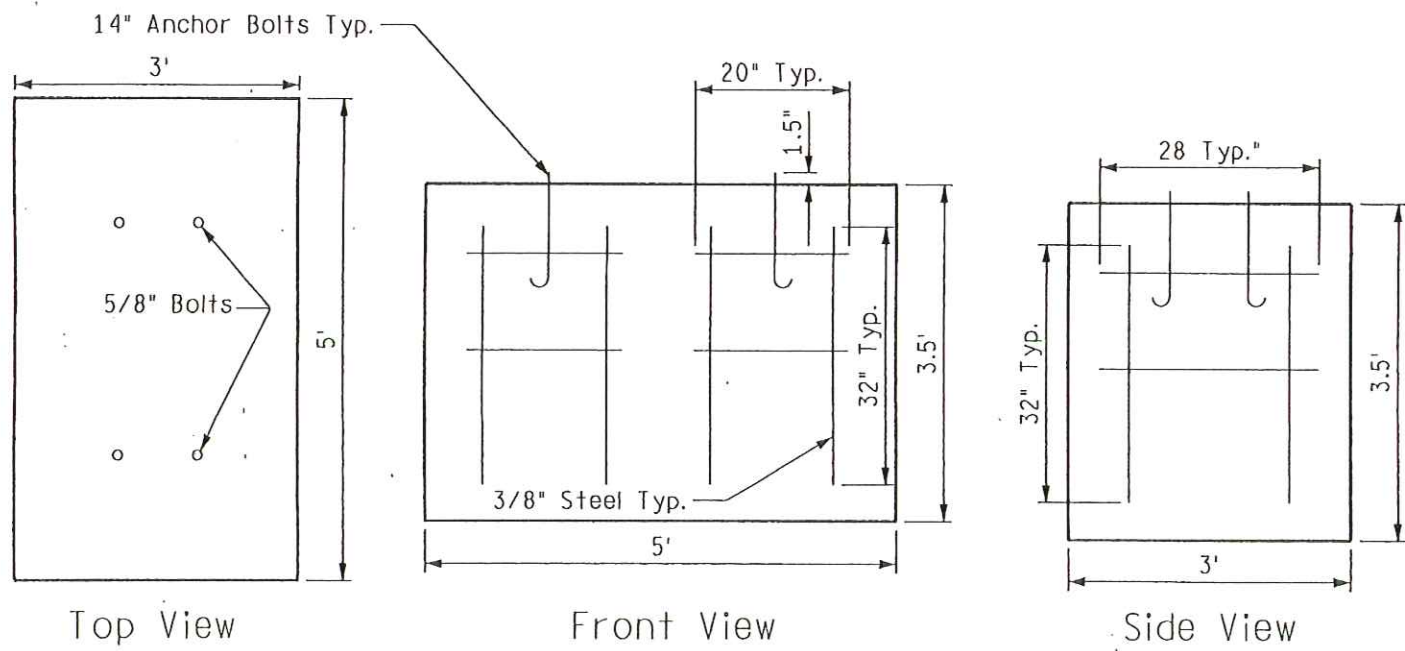
By meeting the Zoning ordinance of 6' and having the drop to our property the hardship becomes that the sign would be in the same height as a car traveling on the road. This creates a blockage for clear vision for passer byes. By raising the sign it makes a clear site path and does not obstruct the clear vision.

Under Section 5.05 Item C we comply to:

1. The restriction may prevent unreasonable use by the owner.
2. The variance would do substantial justice to the applicant.
3. The structure and roadway is existing and has a unique circumstance.
4. Since the structure and road are pre-existing and the location of the structure and grade has not been changed we have not created the issue.
5. The difficulty is in clear vision/safety and not solely economic.

We kindly and respectfully request a variance be granted.

Sincerely,
Aaren Currie
J.A.C. Property Enterprises

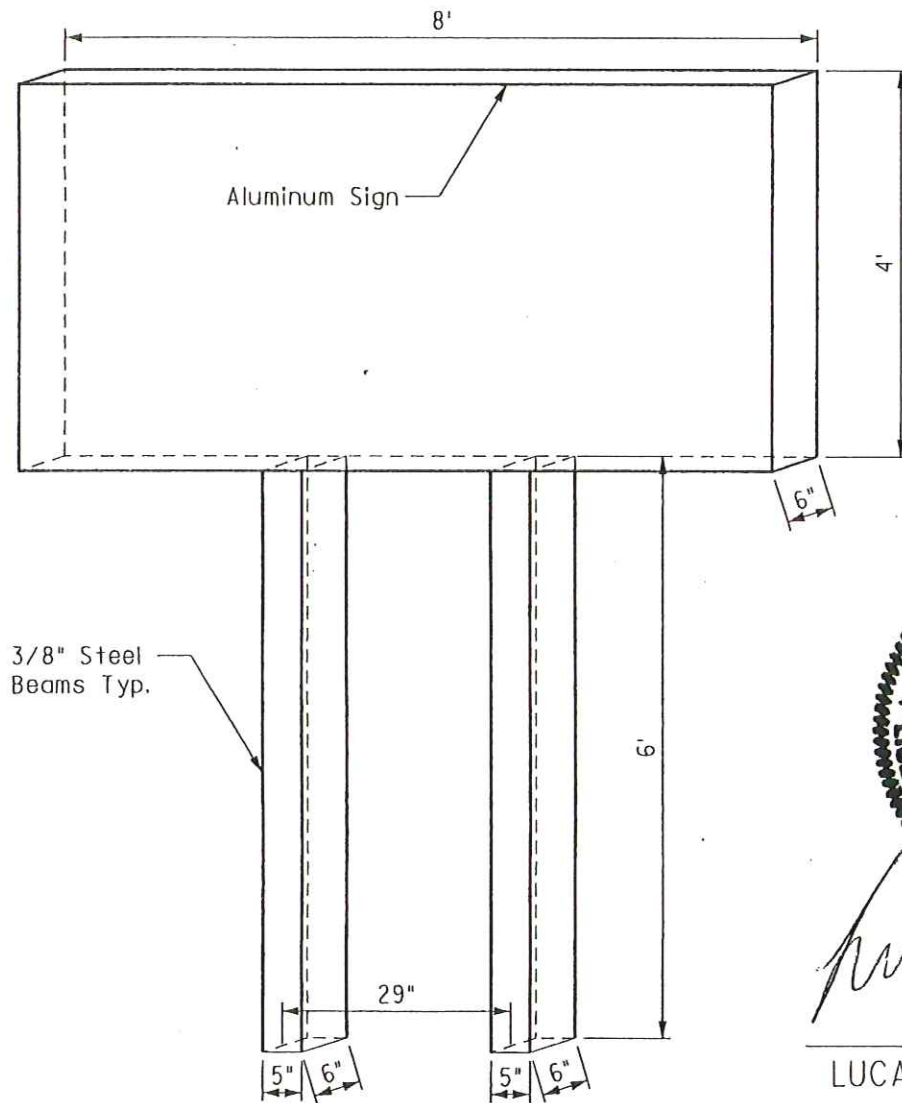


Top View

Front View

Side View

Foundation



Sign

Scale 1"=2'

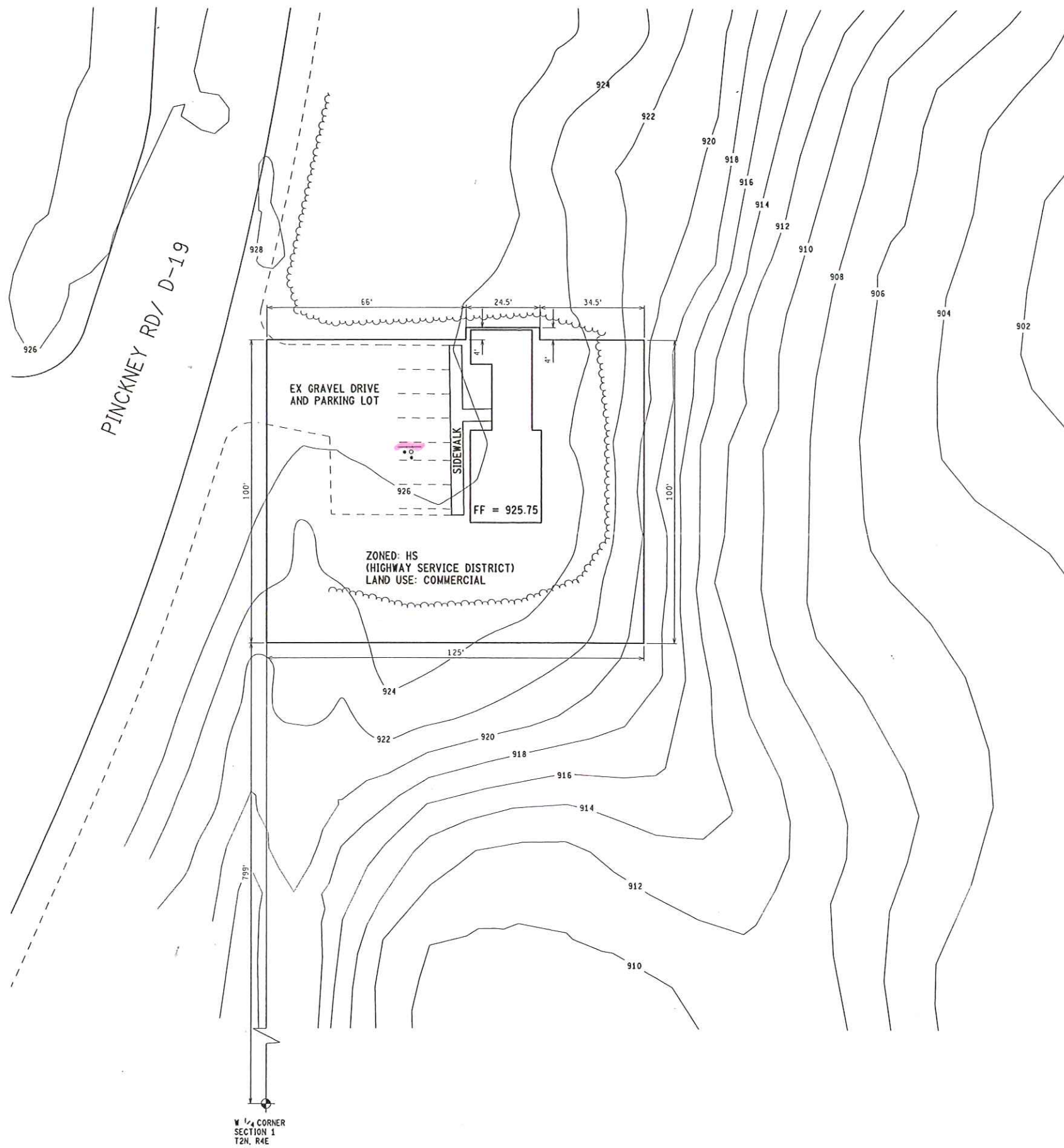


Lucas J. Curd

12-16-14

LUCAS J. CURD, P.E.

DATE



- LEGEND**
- 922 EX CONTOUR
 - ++ SIGN
 - o EX WELL
 - BOLLARD
 - ~ TREE LINE
 - ⊕ SECTION CORNER

LEGAL DESCRIPTION OF OVERALL PARCEL

Tax ID# 4710-01-100-013

PART OF THE SOUTH PART OF THE NW 1/4 OF SEC 1, T2N, R4E, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE CENTER LINE OF PINCKNEY ROAD (SO-CALLED) ON THE WEST LINE OF SEC 1, AT A POINT 799 FT N OF THE W 1/4 POST THEREOF, THENCE N 100 FT IN THE CENTERLINE OF SAID ROAD: THENCE E 125 FT; THENCE S 100 FT; THENCE W 125 FT TO THE POB

ALSO, COMMENCING AT THE WEST 1/4 CORNER OF SEC 1, T2N, R4E, MICHIGAN: THENCE ALONG THE WEST LINE OF SAID SECTION, DUE N 899.0 FT; THENCE E 66.6 FT TO THE POB OF THE LAND TO BE DESCRIBED: THENCE N 4.00 FT; THENCE E 24.50 FT; THENCE S 4.00 FT; THENCE W 24.50 FT TO THE POB.

COMMONLY KNOWN AS 1285 MICHIGAN AVE, HOWELL, MI 48843

SITE DATA SUMMARY

PARCEL AREA: 0.289 AC.
 GROSS BUILDING AREA COVERAGE
 EXISTING BUILDING: 1243 SFT
 TOTAL = 1243 SFT OR .0285 AC.
 (9.9% OF SITE COVERAGE)

W 1/4 CORNER SECTION 1 T2N, R4E

PLAN REVISIONS

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION
		X				X	
		X				X	



JAC PROPERTY ENTERPRISES LLC
 1285 S MICHIGAN AVE
 HOWELL, MI 48843-2682



JN: 7380-01

DATE: 03/04/15
 DESIGNER: LUCAS CURD, PE
 CAD: LJC

SITE PLAN SHEET

DRAWING SHEET
 2