

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

December 1, 2014 @ 7:30 p.m.

AGENDA AND MINUTES

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *December 1, 2014*

INTRODUCTION OF MEMBERS:

CALL TO PUBLIC:

APPROVAL OF MINUTES FOR: *November 10, 2014 Regular Meeting*

OLD BUSINESS:

No Old Business

NEW BUSINESS:

- 1) ZBA Case # 07-14 – Bradford L. Maynes, Law office of Paul E. Burns for Fabio/Giske Revocable Living Trust – 777 Hurley Drive Tax ID# 4710-35-301-009*

CALL TO PUBLIC:

ADJOURNMENT:

MINUTES

MEMBERS PRESENT: Claire Stevens, Dan Lowe, Larry Fillinger, and Larry Grunn (arrived at 7:40 pm)
MEMBERS ABSENT: Linda Manson-Dempsey
OTHERS PRESENT: Mike Kehoe, Township Attorney
Annette McNamara, Zoning Administrator

CALL TO ORDER

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

APPROVAL OF AGENDA

Claire Stevens motioned to approve the agenda as presented. Dan Lowe seconded. **Motion carried 3-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

November 10, 2014 Regular Meeting: Dan Lowe motioned to approve the minutes as presented. Claire Stevens seconded. **Motion carried 3-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #07-14—Bradford L. Maynes, Law Office of Paul E. Burns, for Fabio Giski Revocable Living Trust, 777 Hurley Drive, Tax ID #4710-35-301-009

Bradford Maynes, attorney for the applicant, was present, along with Fabio & Staci Giski. Mr. Maynes said the Giski property has two unusual issues: the steep slope to the water and the angle of the water to the house. The masonry support for the deck is partially supporting the foundation of the house. There are also safety concerns regarding the existing (concrete) deck. The Giski's are requesting side yard and front yard variances for construction of a wood deck over the concrete.

Call to the Public

Roger Pashak, 825 Hurley Dr., asked about the east side of the property. The wood decking is coming down on that side. Claire Stevens asked about the steep slope to the water's edge; Mr. Maynes said they intend to have landscape stairs leading to the water. Ms. Stevens asked about the stairs; Annette McNamara read the section of the zoning ordinance regarding allowed encroachments for stairs.

Daniel Strong, 771 Hurley Drive, asked what the distance is from the water to the deck. The closest is approximately 45'. Arvin Johnson, 841 Hurley, asked if the concrete had been expanded since it was originally poured; no additions have been made to the concrete.

Frank Ladzinski, 741 Hurley Drive, said that only a patio without the wood would make the property look worse than allowing them to build a deck.

Janet Ladzinski, 741 Hurley Drive, said the concrete has been there for a long time, and what they are proposing would look much better.

The ZBA members discussed the stairs and the safety issues. Scott Lloyd, 5717 Pingree, said that anything over 30" requires a handrail. The stairs will lead off the east side.

Motion

Claire Stevens motioned for ZBA Case #07-14—Bradford L. Maynes, Law Office of Paul E. Burns, for Fabio Giski Revocable Living Trust, 777 Hurley Drive, Tax ID #4710-35-301-009, to approve a variance for the east side of the property as depicted in the yellow section of Exhibit D, Project No. 14-042 dated 11/2/14, 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 concrete has been in place since 1940 within the setback.*
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 concrete is not repairable and there are safety issues.*
3. That the request is due to the unique circumstances of the property. *The slope and topography of the property are unique. The masonry wall is supporting the house.*
4. That the alleged hardship has not been created by a property owner. *The concrete is pre-existing and the property owner did not create the steep slope to the water.*
5. That the difficulty shall not be deemed solely economic. *Granting this variance will allow the property owner's to enjoy their property in a similar way as other property owners.*

Larry Grunn seconded. Roll call vote: Grunn—yes; Stevens—yes; Fillinger—yes; Lowe—yes. **Motion carried 4-0.**

Motion

Claire Stevens motioned for ZBA Case #07-14—Bradford L. Maynes, Law Office of Paul E. Burns, for Fabio Giski Revocable Living Trust, 777 Hurley Drive, Tax ID #4710-35-301-009, to approve a variance for the west side of the property as depicted in the yellow section of Exhibit D, Project No. 14-042 dated 11/2/14, based on the same considerations as the variance for the east side of the property. Larry Grunn seconded. Roll call vote: Grunn—yes; Stevens—yes; Fillinger—yes; Lowe—yes. **Motion carried 4-0.**

Motion

Dan Lowe motioned for ZBA Case #07-14—Bradford L. Maynes, Law Office of Paul E. Burns, for Fabio Giski Revocable Living Trust, 777 Hurley Drive, Tax ID #4710-35-301-009, to approve a variance for the west side of the property as depicted in the green section of Exhibit D, Project No. 14-042 dated 11/2/14, based on the same considerations as the variance for the east side of the property. Larry Grunn seconded. Roll call vote: Lowe—yes; Fillinger—yes; Stevens—no; Grunn—yes. **Motion carried 3-1.**

Motion

Dan Lowe motioned for ZBA Case #07-14—Bradford L. Maynes, Law Office of Paul E. Burns, for Fabio Giski Revocable Living Trust, 777 Hurley Drive, Tax ID #4710-35-301-009, to approve a front yard variance for the property as depicted in the blue section of Exhibit D, Project No. 14-042 dated 11/2/14, based on the same considerations as the previous granted variances. Larry Grunn seconded. Roll call vote: Grunn—yes; Stevens—no; Fillinger—yes; Lowe—yes. **Motion carried 3-1.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Claire Stevens motioned to adjourn the meeting at 8:17 pm. Dan Lowe seconded. **Motion carried 4-0.**