

**MARION TOWNSHIP ZONING BOARD OF APPEALS**

Monday, January 5, 2015

**AGENDA and MINUTES**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIENCE:**

**APPROVAL OF AGENDA:** *January 5, 2015*

**INTRODUCTION OF MEMBERS:**

**CALL TO PUBLIC:**

**APPROVAL OF MINUTES FOR:** *December 1, 2014 Regular Meeting*

**OLD BUSINESS:**

*No Old Business*

**NEW BUSINESS:**

- 1) *ZBA Case # 01-15 – RJKL, LLC / Roy’s Autoworks – 1442 Old Pinckney Road  
Tax ID# 4710-02-400-005*

**CALL TO PUBLIC:**

**ADJOURNMENT:**

**MINUTES – JANUARY 5, 2015**

**MEMBERS PRESENT:** Claire Stevens, Dan Lowe, Larry Fillinger, and Linda Manson-Dempsey

**MEMBERS ABSENT:** Larry Grunn

**OTHERS PRESENT:** Annette McNamara, Zoning Administrator

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**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. Dan Lowe seconded. **Motion carried 4-0.**

**MEMBERS PRESENT**

The members of the Zoning Board of Appeals introduced themselves.

**CALL TO THE PUBLIC**

No response.

**APPROVAL OF MINUTES**

**December 1, 2014 Regular Meeting:** Claire Stevens motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried 3-0** (Manson-Dempsey abstained.)

**OLD BUSINESS**

None.

**NEW BUSINESS**

**ZBA Case #01-15—RJKL, LLC/Roy’s Autoworks, 1442 Old Pinckney Rd., Tax ID #4710-02-400-005**

Keith Pinkelman from Lynnman Construction was present, along with Roy Caverly, the property owner. They would like to construct an addition to the existing building. In order to do so, they are requesting two variances: Section 9.01 E (3) a to allow a reduction of the front setback requirement from 80 feet to 0 feet and reduction of the setback from Pinckney Road from 100 feet to 0 feet; and Section 6.13 D 1 to eliminate the greenbelt buffering requirement.

Linda Manson-Dempsey asked if the two parcels would be combined into one. The response was yes, once they receive approval to expand the building. If any variances are granted, they would be contingent on the parcels being combined.

Dan Lowe said he would like them to plant evergreens between 3-4 feet tall. Claire Stevens asked if the Planning Commission has reviewed this project; the answer was yes, the PC has reviewed the site plan. No objections to this request were received from surrounding property owners.

### **Call to the Public**

No response.

### **Motion**

Linda Manson-Dempsey motioned for ZBA Case #01-15—RJKL, LLC/Roy's Autoworks, 1442 Old Pinckney Rd., Tax ID #4710-02-400-005, to relax the 25-foot greenbelt requirement to a 5-foot greenbelt on the east and west sides, with evergreens maintained at 3-4 feet and deciduous trees with 3-4 inch calipers, contingent on the parcels being combined into one, and 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 25-foot greenbelt required along the east and west property lines, combined with the triangular shape of the lot, would unreasonably limit the buildable area and prevent the owner from using the property for a permitted use.*
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 granting of this variance would give substantial relief to the owner due to the unique shape of the parcel.*
3. That the request is due to the unique circumstances of the property. *The request is due to the unique shape of the parcel.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the applicant, and due to his business growing, the additional space is necessary.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not solely economic, and the property owner will be investing considerable money to improve the property.*

Claire Stevens seconded. Roll call vote: Lowe—yes; Fillinger—yes; Stevens—yes; Manson-Dempsey—yes.

**Motion carried 4-0.**

### **Motion**

Linda Manson-Dempsey motioned for ZBA Case #01-15—RJKL, LLC/Roy's Autoworks, 1442 Old Pinckney Rd., Tax ID #4710-02-400-005, to relax *Section 9.01 E 3 a* and grant 49 foot relief on the east side and 58 foot relief on the west side, contingent on the parcels being combined into one, and 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 25-foot greenbelt required along the east & west property lines, combined with the triangular shape of the lot, would unreasonably limit the buildable area and prevent the owner from using the property for a permitted use.*
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. *Anything less than the variance granted would impact the owner's business.*
3. That the request is due to the unique circumstances of the property. *The request is due to the unique shape of the parcel.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the applicant, and due to his business growing, the additional space is necessary.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not solely economic, and the property owner will be investing considerable money to improve the property.*

Dan Lowe seconded. Roll call vote: Manson-Dempsey—yes; Stevens—yes; Fillinger—yes; Lowe—yes.

**Motion carried 4-0.**

### **CALL TO THE PUBLIC**

No response.

### **ADJOURNMENT**

Linda Manson-Dempsey motioned to adjourn at 8:13 pm. Claire Stevens seconded. **Motion carried 4-0.**