

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

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—RJL, 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—RJL, 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.**

**ZONING BOARD OF APPEALS
APRIL 6, 2015 - AGENDA and MINUTES**

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *April 6, 2015*

INTRODUCTION OF MEMBERS:

CALL TO PUBLIC:

APPROVAL OF MINUTES FOR: *January 5, 2015 Regular Meeting*

OLD BUSINESS:

No Old Business

NEW BUSINESS:

- 1) *ZBA Case # 02-15 – Telesite for Verizon Wireless – 141 Schroeder Park Drive Tax ID# 4710-01-300-033 – Howell Aerie #3607 FOE*

CALL TO PUBLIC:

ADJOURNMENT:

Minutes - APRIL 6, 2015

MEMBERS PRESENT: Claire Stevens, Larry Grunn, Larry Fillinger, and Dan Rossbach
(alternate for Linda Manson-Dempsey)

MEMBERS ABSENT: Dan Lowe

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

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

APPROVAL OF AGENDA

Claire Stevens motioned to approve the agenda as presented. Larry Grunn 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

January 5, 2015 Regular Meeting: Claire Stevens motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried 3-0** (Rossbach abstained.)

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #02-15—Telesite for Verizon Wireless, 141 Schroeder Park Dr., Tax ID #4710-01-300-033

David Antoun, Robert Labelle and Dinyar Buhariwalla were present on behalf of the variance request. The applicant is requesting a 110 ft. variance for construction of a cell tower. Mr. Labelle briefly summarized the request; the applicant provided maps of the area that show current coverage and coverage with the proposed cell tower. This unique location will address both coverage and capacity issues. The need for a tower in this area is determined by customer complaints, monitoring usage and modeling. Claire Stevens asked why other types of towers have guidewires; Mr. Labelle said height. Mr. Antoun said they plan to put screening around the compound.

Call to the Public

No response.

Motion

Claire Stevens motioned for ZBA Case #02-15—Telesite for Verizon Wireless, 141 Schroeder Park Dr., Tax ID #4710-01-300-033, to relax the setback requirement and grant a 110 ft. variance on the north property line, 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. *Large setback requirements are outdated in terms of today's construction standards. Tower are designed to collapse upon themselves, and strenuous application of the setback requirement would prevent the full development potential of the property.*
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. *Allowing construction of the tower nearer to the property line provides preferred placement for the tower and allows the landowner to have the tower in an out-of-the-way position.*
3. That the request is due to the unique circumstances of the property. *The property's proximity to I-96 and access off of D-19 makes this property unique*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the property owner.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not solely economic; the site provides coverage requirements, and no co-location options are available.*

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

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Larry Grunn motioned to adjourn at 8:20 pm. Claire Stevens seconded. **Motion carried 4-0.**

**ZONING BOARD OF APPEALS
Monday, June 1, 2015
AGENDA AND MINUTES**

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *June 1, 2015*

INTRODUCTION OF MEMBERS:

CALL TO PUBLIC:

APPROVAL OF MINUTES FOR: *April 6, 2015 Regular Meeting*

OLD BUSINESS:

No Old Business

NEW BUSINESS:

2) ZBA Case # 03-15 – Reid & Barbara Sparks – 552 Cobblestone Trail Tax ID# 4710-11-300-027

CALL TO PUBLIC:

ADJOURNMENT:

MINUTES – 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 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; Fillinger—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.**

ZONING BOARD OF APPEALS
August 3, 2015
AGENDA and MINUTES

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

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:

MINUTES- August 3, 2015

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

MEMBERS ABSENT: Larry Fillinger

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

Claire Stevens called the meeting to order at 7:31 p.m.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Larry Grunn 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

June 1, 2015 Regular Meeting: Larry Grunn motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried 4-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #04-15—JAC Property Enterprises, 1285 S. Michigan Ave., Tax ID #4710-01-100-013

Aaren Currie was present to request a 4' variance for the height of his sign. Dan Lowe said he feels the sign is safer and provides better visibility if it's higher. **Call to the Public** No response.

Motion

Dan Lowe motioned for ZBA Case #04-15—JAC Property Enterprises, 1285 S. Michigan Ave., Tax ID #4710-01-100-013, to relax the height requirement for the sign and grant a 4' 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 permitted height would create a safety hazard in the parking lot.*
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 permitted height would block the view and create a dangerous situation.*
3. That the request is due to the unique circumstances of the property. *The grade and elevation where the sign is located is below the road and would create a hazard without the variance.*

4. That the alleged hardship has not been created by a property owner. *The situation was not created by the property owner.*

5. That the difficulty shall not be deemed solely economic. *The difficulty is not economic, it's a safety issue.*
Larry Grunn seconded. Roll call vote: Lowe—yes; Stevens—yes; Manson-Dempsey—yes; Grunn—yes.

Motion carried 4-0.

CALL TO THE PUBLIC

Greg Durbin asked about the lighting issue, and suggested low-pressure sodium lights. Mr. Currie said he's working on it.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 7:47 pm. Dan Lowe seconded. **Motion carried 4-0.**