

Submitted by: S. Longstreet

Approved: \_\_\_\_\_

**MARION TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
OCTOBER 4, 2021**

**MEMBERS PRESENT:** Larry Fillinger, Larry Grunn, Dan Lowe, Linda Manson-Dempsey, and Diane Bockhausen

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Dave Hamann, Zoning Administrator

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**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**

Linda Manson-Dempsey motioned to approve the agenda. Larry Grunn seconded. **Motion carried.**

**CALL TO THE PUBLIC**

No response.

**APPROVAL OF MINUTES**

**July 12, 2021, Regular Meeting:** Larry Grunn motioned to approve the minutes as presented. Diane Bockhausen seconded. **Motion carried.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

**ZBA Case #01-21—Blair Towe, 889 Hurley Dr., Howell, MI, Tax Code #4710-35-301-024; seeking a variance for Section 8.04 E 3 a 2—Side Yard Setback**

Gary Dunn, 893 Hurley Drive, was present on behalf of the property owner, Blair Towe. Mr. Towe would like to build a garage on his lot that is non-conforming by today’s standards. The ZBA members have concerns about the retaining wall; Mr. Dunn assured them that the wall will be repaired, but it’s impossible to get a contractor out right now. Mr. Towe is asking for a four-foot variance on each side yard setback to construct a 28’ x 40’ building. Dan Lowe is concerned this would be creating a dangerous situation. Linda

Manson-Dempsey said the ZBA can only consider the variance request for the side yard setback. Dave Hamann said this lot was created in 1923, and was created prior to Marion Township's zoning ordinance.

### **CALL TO THE PUBLIC**

Neighbors Susan Thompson, 886 Hurley Drive, and Frank Ladzinski, 741 Hurley Drive, offered comments. The call to the public was closed at 8:15 pm.

### **Motion**

For ZBA Case #01-21—Blair Towe, 889 Hurley Dr., Howell, MI, Tax Code #4710-35-301-024, to grant a four-foot variance on the east and west side yard lot lines to construct a barn, 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 of the township zoning ordinance would unreasonably prevent construction of an outbuilding because the lot is only 40-feet wide.*
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.** *Granting the variance would do substantial justice to the property owner because he wouldn't be able to have an outbuilding and meet the side yard setback requirements.*
3. **That the request is due to the unique circumstances of the property.** *The lot of record was created prior to the zoning ordinance, which was created in the 1960s.*
4. **That the alleged hardship has not been created by a property owner.** *The property owner had no part in creating the legally non-conforming lot.*
5. **That the difficulty shall not be deemed solely economic.** *The difficulty is not solely economic. Granting the variance does not provide economic relief but would allow the property to be developed consistent with a permitted residential use.*

The granting of this variance is contingent on the Livingston County Building Department approval of the retaining wall. Diane Bockhausen seconded. Roll call vote: Lowe—no; Bockhausen—yes; Manson-Dempsey—yes; Grunn—no; Fillinger—yes. **Motion carried 3-2.**

### **ADJOURNMENT**

Linda Manson-Dempsey motioned to adjourn at 8:25 pm. Diane Bockhausen seconded. **Motion carried.**