

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

The Township Zoning Board of Appeals will meet in person

July 11, 2022 at 7:00 pm

However, there will be virtual access.

Instructions to participate in the meeting are posted on www.mariontownship.com

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIENCE

INTRODUCTION OF MEMBERS

APPROVAL OF AGENDA

July 11, 2022

APPROVAL OF MINUTES FOR: February 7, 2021 Regular Meeting

CALL TO PUBLIC

NEW BUSINESS:

- 1) ZBA Case #01-22 Stephen Bullinger 245 Brighton Road
Seeking variance for Section 8.01.F.3.a Front yard setback
4710-25-300-033.

UNFINISHED BUSINESS:

SPECIAL ORDERS:

CALL TO PUBLIC:

ADJOURNMENT:

Submitted by: S. Longstreet

Approved: _____

MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 7, 2022

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dave Hamann, Zoning Administrator

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

Diane Bockhausen motioned to approve the agenda. Larry Grunn seconded. **Motion carried.**

APPROVAL OF MINUTES

December 6, 2021 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Diane Bockhausen seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

UNFINISHED BUSINESS

ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, seeking a variance for Section 8.04 E 3 a2 Side-yard Setback and Section 6.07.1 Maximum Square Footage of Accessory Structure

Joseph Hamway was present to request two variances to construct a new garage. His current garage is on three slabs with four different roof lines. His new garage would be the side distance from the side lot line, and would be four foot wider toward the inside of his lot. The maximum square footage allowed would be 1300 and his proposed garage is 1470.

The fire stop information from the Livingston County Building Department is included in the packet. Dan Lowe said he has several concerns: the drawing is not accurate, a side setback should be a minimum of five feet, there's an issue with the overhang, and he doesn't believe a variance has ever been given for square footage.

Call to the Public

No response.

Motion

Diane Bockhausen motioned for ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, Section 8.04 E 3 a 2 Side-Yard Setback, to grant a 7'4" side yard variance, from 10' to 2'8", 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 current garage is the same distance from the side lot line, and that won't change with the new 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 side yard variance will allow utilization of existing roadways and the driveway, and this is a narrow 60' lot.*
3. **That the request is due to the unique circumstances of the property.** *The property owner is rebuilding a pre-existing, non-conforming building on a 60' wide lake lot.*
4. **That the alleged hardship has not been created by a property owner.** *The building has existing for many years and has been built out over a long period of time.*
5. **That the difficulty shall not be deemed solely economic.** *This is not solely economic, The owner will be tearing down an eyesore building, and the new building will be much more of an asset to the community.*

Linda Manson-Dempsey seconded. Roll call vote: Grunn—yes; Manson-Dempsey—yes; Fillinger—yes; Bockhausen—yes; Lowe—no. **Motion carried 4-1.**

Motion

Linda Manson-Dempsey motioned for ZBA Case #02-21 Joseph Hamway, 2865 Rubbins, Tax Code #4710-27-301-013, to grant a variance to Section 6.07.1 to allow a 170' square foot 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 restrictions would prevent him from adding additional 4 on east side'.*
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 variance would allow him to store his vehicles/RVs inside.*
3. **That the request is due to the unique circumstances of the property.** *The width of this lake lot is only 60'.*
4. **That the alleged hardship has not been created by a property owner.** *The hardship was not created by the property owner; he wants to get rid of an existing structure that is in disrepair and replace with a new building.*
5. **That the difficulty shall not be deemed solely economic.** *The difficulty is not solely economic as it will cost a substantial amount to erect the new building.*

Larry Grunn seconded. Roll call vote: Lowe—no; Bockhausen—yes; Manson-Dempsey—yes; Grunn—yes; Fillinger—yes. **Motion carried 4-1.**

SPECIAL ORDERS

A meeting schedule with the new times was distributed. Dan Lowe questioned the time change; Dave Hamann said it was a board decision. He encouraged the ZBA members to review the Zoning Board of Appeals Rules & Procedures.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Larry Grunn motioned to adjourn at 8:10 pm. Linda Manson-Dempsey seconded. **Motion carried.**

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 1-22
Tax Code 4710-25-300,033
Current Zoning RR
Fee Paid 400
Date Received 6-20-2022
Received by JH

Applicant STEPHENS BULLINGER
Address 245 BRIGHTON RD.
Telephone 517-404-5141
(Home) (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

~~5.05 C 3~~ 8.01 F.3a FRONT SETBACK (70)
ASKING 10 FOOT VARIANCE

- 2. Letter stating reason request should be granted (per Section 5.05 C)
- 3. Plot Plan—example and checklist attached (requirement per Section 4.03 D)
- 4. Required Livingston County Health Department evaluation

Refer to checklist on last page for additional instructions

By signing this application, permission is granted for official representative(s) of Marion Township to do onsite inspections.

Signature Stephens Bullinger

Date 6/17/22

Office Use Only	
Meeting Date <u>July 11, 2022 7pm</u>	Action Taken _____
Conditions (if applicable) _____	
Signed _____	

Stephen Bullinger
245 Brighton Road
Howell, MI 48843
517-404-5141

June 20, 2022

Marion Township Zoning Board of Appeals
2877 West Coon Lake Road
Howell, MI 48843

Dear Zoning Board Members:

I am requesting a variance for shed placement at 245 Brighton Road. Per Section 5.05 C.3. "...the request is due to the unique circumstances of the property." The property is lined on the east, west, and south sides by mature 20' to 30' evergreen trees as noted in the attached satellite photo. The drain field runs the entire width and length of the east side between the house and the trees. The west side of the house is on a slope and not wide enough for a shed. The rear (north) side of the house has power lines above, and then an extreme slope continues through the majority of the back yard.

The best logistical location for the shed is on the southeast corner of the property. I have attached photos of the views from Brighton Road and the adjoining neighbors' homes. Because of the various obstacles on the property and the unique topography, this is the reason that I am requesting a variance.

Sincerely,



Stephen Bullinger

SAMPLE DOCUMENT ADDRESSING SECTION 5.05 C, ITEMS 1 THROUGH 5

1. How the restrictions of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted use.

The shed is most functional in the requested location and is all but invisible to our neighbors.

2. How the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give substantial relief to the owner of the property.

Due to the lot width, there were constraints on the width of garage that we could build, which limits our storage space. We would like additional landscaping storage.

3. How the unique circumstances of the property create the need for a variance.

Our drain field occupies the full depth of the east side of the home. The west side is too narrow for the shed and slopes to the north.

4. How the alleged hardship was not created by the property owner

We have a high voltage utility easement along the backside of the house and an overflowing pond and swampy area at the back of the yard.

5. The difficulty shall not be deemed solely economic.

Private use only.


Signature


Date

PAR. B
4.33 ± AC

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NTS

726.00

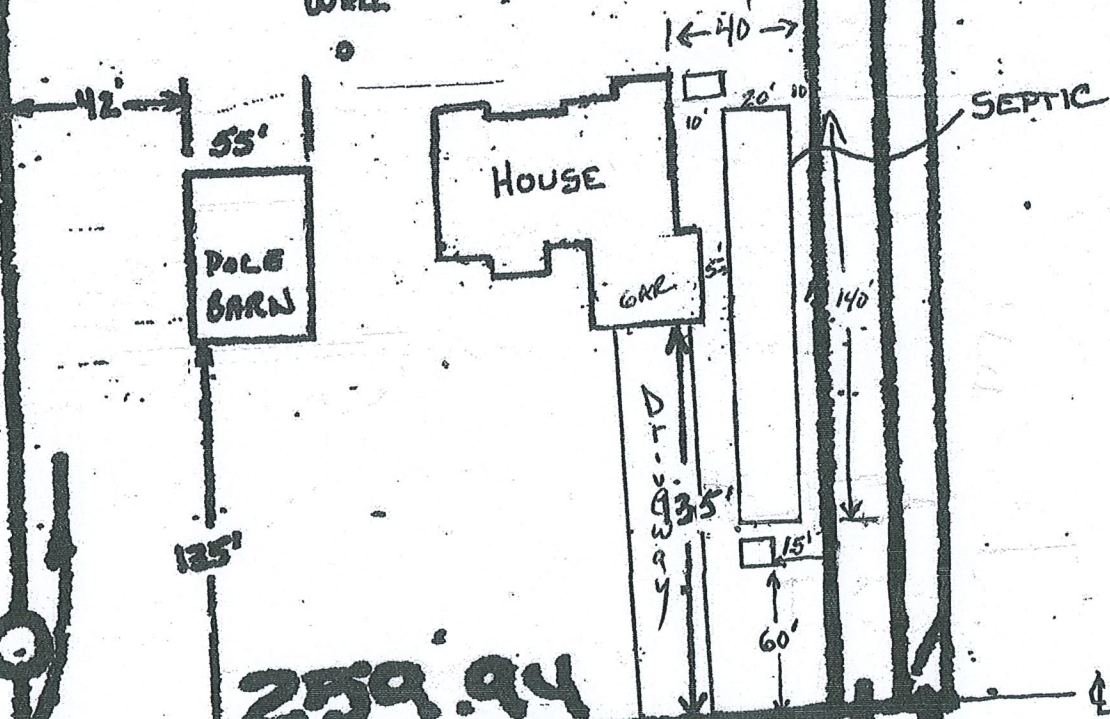
726.23

267 BRIGHTON RD. DRIVEWAY

245
BRIGHTON RD.

APPROVED
Livingston County Department
of Public Health
Name: *[Signature]*
Date: 9/17/14

WELL



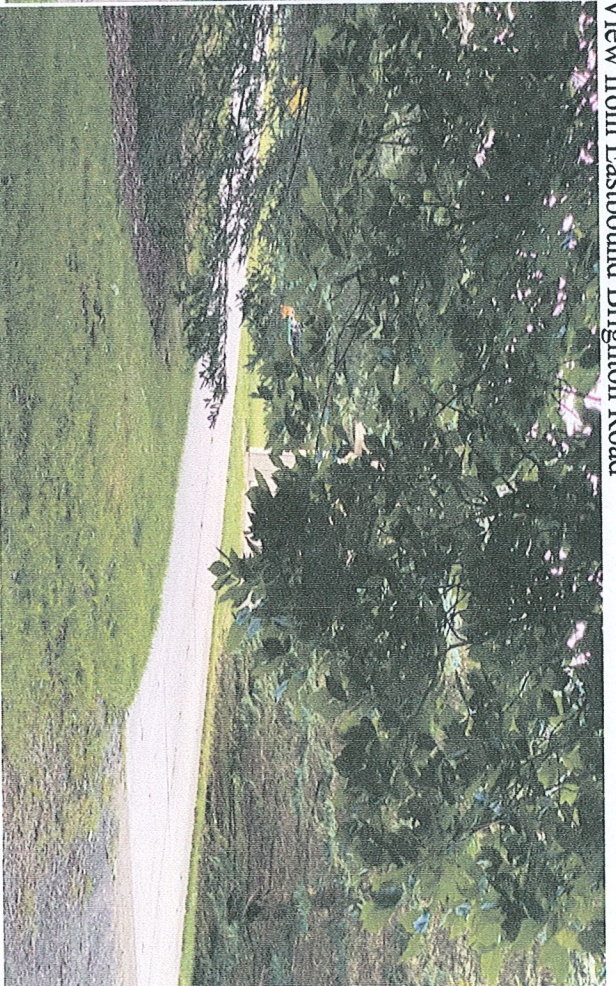
259.94

OF ROAD

View from 280 Brighton Road (across the street)



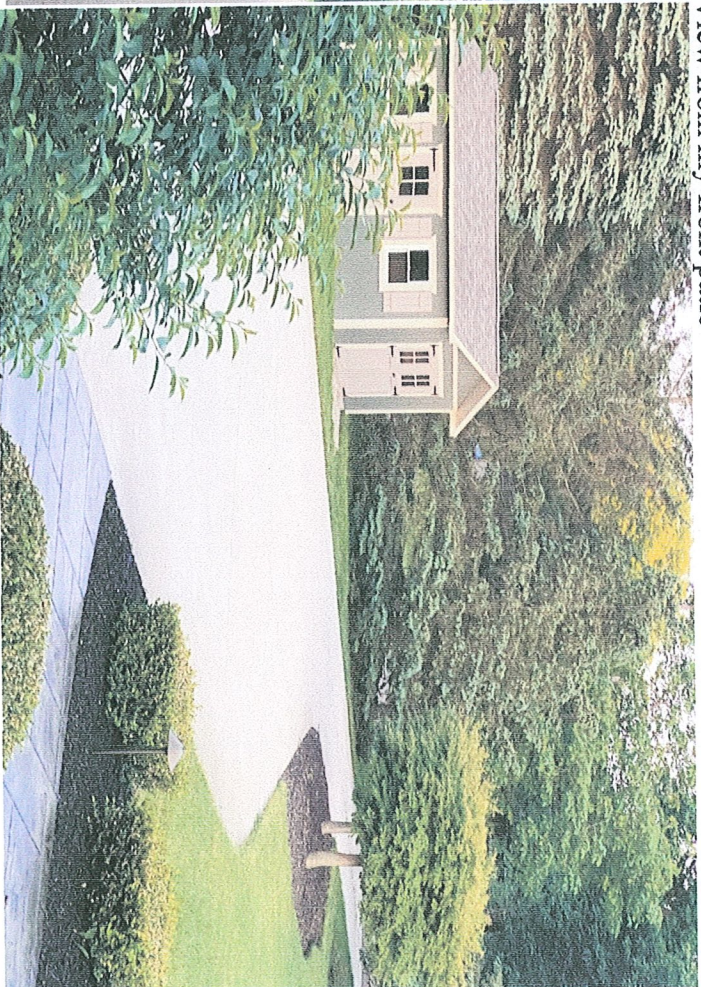
View from Eastbound Brighton Road



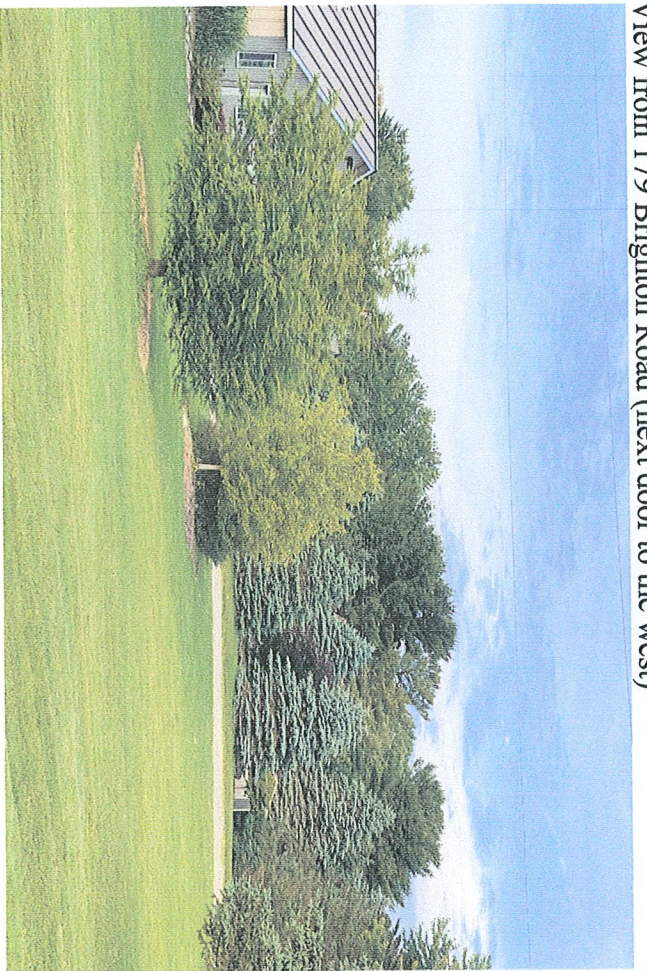
View from Eastbound Brighton Road



View from my front patio



View from 179 Brighton Road (next door to the west)



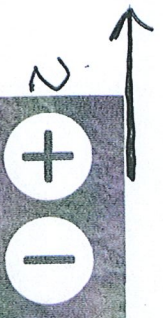
View from 179 Brighton Road



View from 168 Brighton Road (across the street to the west)



Map Satellite Lot lines



\$456K

\$511K

245
BRIGHTON
RD.

Brighton Rd

Brighton Rd

Brighton Rd



Google



Street View

Plot Plan Checklist

- Street name(s)
- Street address
- Drawing scale (optional)
- North arrow
- Location of driveway and sidewalks
- Label existing buildings & structures and indicate usage
- Label proposed buildings/structures and indicate usage
- Dimensions from existing buildings and structures to property lines
- Dimensions from proposed buildings/structures to property lines
- Dimensions of existing buildings and structures
- Dimensions of proposed buildings/structures
- Dimensions of property lines
- Location of well and septic
- Confirmation of lot lines with survey or location of irons