

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

**The Township Zoning Board of Appeals will meet in person
November 14, 2022 at 7:30 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

November 14, 2022

APPROVAL OF MINUTES FOR: August 29, 2022 Regular Meeting

CALL TO PUBLIC

NEW BUSINESS:

- 1) ZBA Case #03-22 John & Mary Martin 446 Trestle Drive seeking a variance to Section 8.03F3c rear yard setback to install an inground pool.
4710-12-302-144

UNFINISHED BUSINESS:

SPECIAL ORDERS:

CALL TO PUBLIC:

ADJOURNMENT:

Submitted by: Tammy Beal

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 29, 2022**

MEMBERS PRESENT: Larry Fillinger, Larry Grunn, Dan Lowe, and Diane Bockhausen,
Jean Root

MEMBERS ABSENT: Ed Galubensky

OTHERS PRESENT: Dave Hamann, Zoning Administrator, Linda Manson-Dempsey

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:00 p.m. The meeting is also available online.

PLEDGE OF ALLEGIENCE

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

APPROVAL OF AGENDA

Diane Bockhausen made a motion to approve the August 29, 2022 agenda as presented, Larry Grunn seconded. **Motion carried.**

APPROVAL OF MINUTES

Larry Fillinger asked that the persons names that were for and against the applicant have their names put in the minutes. Jean Root asked to have "#6) Definition of Section 3.02 of Farm Market is in compliance with applicant's actual intent, "added to the concluding motion and "Send an advisory to the Planning Commission to review the Zoning Ordinance as it relates to GAAMPS." Diane Bockhausen motioned to approve the amended August 8, 2022 Regular Meeting minutes; Larry Grunn seconded. **Motion carried.**

Jean Root made a motion to approve the August 8, 2022 Closed Session Meeting minutes as presented, Larry Grunn seconded. **Motion carried.**

CALL TO THE PUBLIC

None heard.

NEW BUSINESS

None

UNFINISHED BUSINESS: Review and Discuss the Rules and Procedures

Linda Manson-Dempsey doesn't think we should limit the time that people speak at a meeting and thinks that they have the right to finish. She said that a good chairman can control the meeting and redirect the speaker. If you are going to set rules and time limits then you have to follow thru with it.

Larry Fillinger has never had a problem with the amount of time people talk but stated that we should have continuity with the other Boards.

Larry Grunn says most times it isn't a problem but he's had a room full of people and they talked on and on, thinks there should be a 3-minute limit.

Dan Lowe says it hasn't been a problem with this Board, the Board of Trustees has decided to keep doing things the way they have been but limit each speaker to 5 minutes.

Jean Root says that the conflicting times in the Rules of Procedure needs to be cleaned up, 3 minutes is a fair amount of time to speak. People can come up again to make another point and then the clock starts again.

Dave Hamann stated that the applicant gets 5 minutes to give the Board all the information that they need to make a decision because this is the last sounding Board before a case goes to court. The supporters and opposers then get 3 minutes to state their opinions.

Jean Root made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure letter G, second #2 to change 3 minutes per speaker to 5 minutes per speaker, Dan Lowe seconded.

Motion carried. (Grunn-no)

Diane Bockhausen made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure letter G, third #2 to (5) minutes per speaker, Larry Fillinger seconded. **Motion carried.**

Diane Bockhausen made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure letter G, second and third #1 to read reasonable period of time, not unlimited period of time, Larry Grunn seconded. **Motion carried.**

Jean Root stated that the Marion Township Zoning Board of Appeals Rules of Procedure should be posted on the Township website.

Diane Bockhausen made a motion to correct the Marion Township Zoning Board of Appeals Rules of Procedure paragraph numbering #4.6 G-instead of three sets of #1 and #2's they should be numbered #1 thru #6, Larry Fillinger seconded. **Motion carried.**

Dan Lowe made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure Section 4.1 Regular meetings to read "The Appeals board shall meet at least once a month if there are appeals, they will be held on the first Monday of the month starting at 7:30 pm. Larry Fillinger seconded. **Motion carried (Manson-Dempsey-no).**

Diane Bockhausen made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure 4.3 Other Meetings- to add "e-mail" to the delivering of the meeting notices, Larry Fillinger seconded. **Motion carried.**

Larry Fillinger made a motion to amend the Marion Township Zoning Board of Appeals Rules of Procedure 4.10 Motions- to read "Motions shall be reiterated before a vote is taken.", Diane Bockhausen seconded. **Motion carried.**

Discussion ensued about Rebuttal at the top of page #5 item #e, it was decided to leave it as written.

Diane Bockhausen asked about the meetings, can she answer questions that people outside of the meetings might ask?

Linda Manson-Dempsey replied that you can answer questions about the meeting but not give your opinion on it. For a closed session you cannot talk about what happened during the meeting.

Jean Root cautioned about how you answer questions, she recommends that you direct people to the website and they can read the minutes.

Dave Hamann asked if it was alright for Tammy Beal to make the changes to the Marion Township Zoning Board of Appeals Rules of Procedure handbook and then give them to Larry Fillinger and Dan Lowe to read over and sign. Everyone agreed..

SPECIAL ORDERS

None

CALL TO PUBLIC

None heard.

Jean Root made a motion at 8:16 p.m. to adjourn the meeting, seconded by Diane Bockhausen. **Motion carried.**

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 03-22
Tax Code → 4710-12-302-144
Current Zoning SR
Fee Paid 400
Date Received 10-17-2022
Received by DM

Applicant John + Mary Martin
Address 446 Trestle drive Howell, Mi. 48843 (Marion Oaks)
Telephone 734.664.6010 & 734.673.7861 #cell
(John) (Home) #cell (Mary) (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

Section 802F3C Request variance for "Rear yard Setback"
5'-foot VARIANCE to build a 16x24 ft w/10x14 ft pool.

- 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.

John L. Martin +
Mary Y. Martin
Signature

10/13/22
Date

Office Use Only

Meeting Date _____	Action Taken _____
Conditions (if applicable) _____	
Signed _____	

Section 5.05

Authorized Appeals

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any Township official or by the Planning Commission in administering or enforcing the provisions of the Zoning Ordinance.
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
1. Interpret the provisions of the Zoning Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Zoning Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Zoning Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. (See Section 7.04.)
 3. Classify a use that is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Zoning Ordinance is amended to permit it.
 4. Determine the parking space requirements of any use not specifically mentioned by classifying it with one of the groups listed in Article XIV by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Zoning Ordinance.

C. Variances

The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations and other similar requirements as specified in the ordinance. The existence of nonconforming structures or buildings on other lands, or in other districts, shall not create a precedent, or be the basis for a variance. To obtain a variance, the applicant shall submit sufficient information to enable the Board of Appeals to determine that a practical difficulty exists, if applicable, by explaining:

1. That the restrictions of the Township Zoning Ordinance would unreasonably 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 substantial relief to the owner of the property.
3. That the request is due to the unique circumstances of the property.
4. That the alleged hardship has not been created by a property owner.

5. The difficulty shall not be deemed solely economic.

Following review and consideration of the above and in order to grant a variance, the Board of Appeals:

Shall find that the reasons set forth in the application and as explained above justify the granting of the variance and that it is the minimum variance that will make possible the reasonable use of the land, building or structure; and

Shall further find that the granting of the variance will be in harmony with the intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public interest.

The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the five preceding criteria. If any criteria does not apply, the Zoning Board of Appeals shall justify why it does not apply.

Use variances are strictly prohibited. A variance shall not permit the establishment, within any district, of any use, which is not permitted by right, special use permit or by a temporary land use.

- D. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (see Section 6.15.) Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the variance.

E. **Approval Period**

The decision of the Zoning Board of Appeals shall expire after one year unless a building permit for the construction is obtained and construction is started in accordance with the terms of the permit and the requirements of the Zoning Board of Appeals. The Zoning Board of Appeals may grant no more than one extension, for up to one year, provided the applicant demonstrates that they have been diligently working toward completion and the delay is due to conditions beyond their control.

- F. **Rehearing:** No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8) days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

- G. **Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Board to be valid.

Section 5.06

Appeal Procedures

- A. **Notice of Appeal:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department, board, or bureau of the state or of the Township, by filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a land use permit (either a plot plan or site plan) in Section 4.03.D. shall be submitted. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the ruling of the Zoning

Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator's decision or the decision shall be final.

B. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, issued by the Zoning Board of Appeals or by a court of record.

C. **Hearing:** Upon receipt of a Notice of Appeal or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing and give notice as provided in section 103 of PA 110 of 2006, as amended.

Upon receipt of a Notice of Appeal seeking an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing.

If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

D. **Appearance:** At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

E. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Zoning Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on any matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance in the Zoning Ordinance.

F. **Fee:** A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township is the moving party.

G. **Performance Guarantee:** In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or similar instrument acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 4.06.

Section 5.07

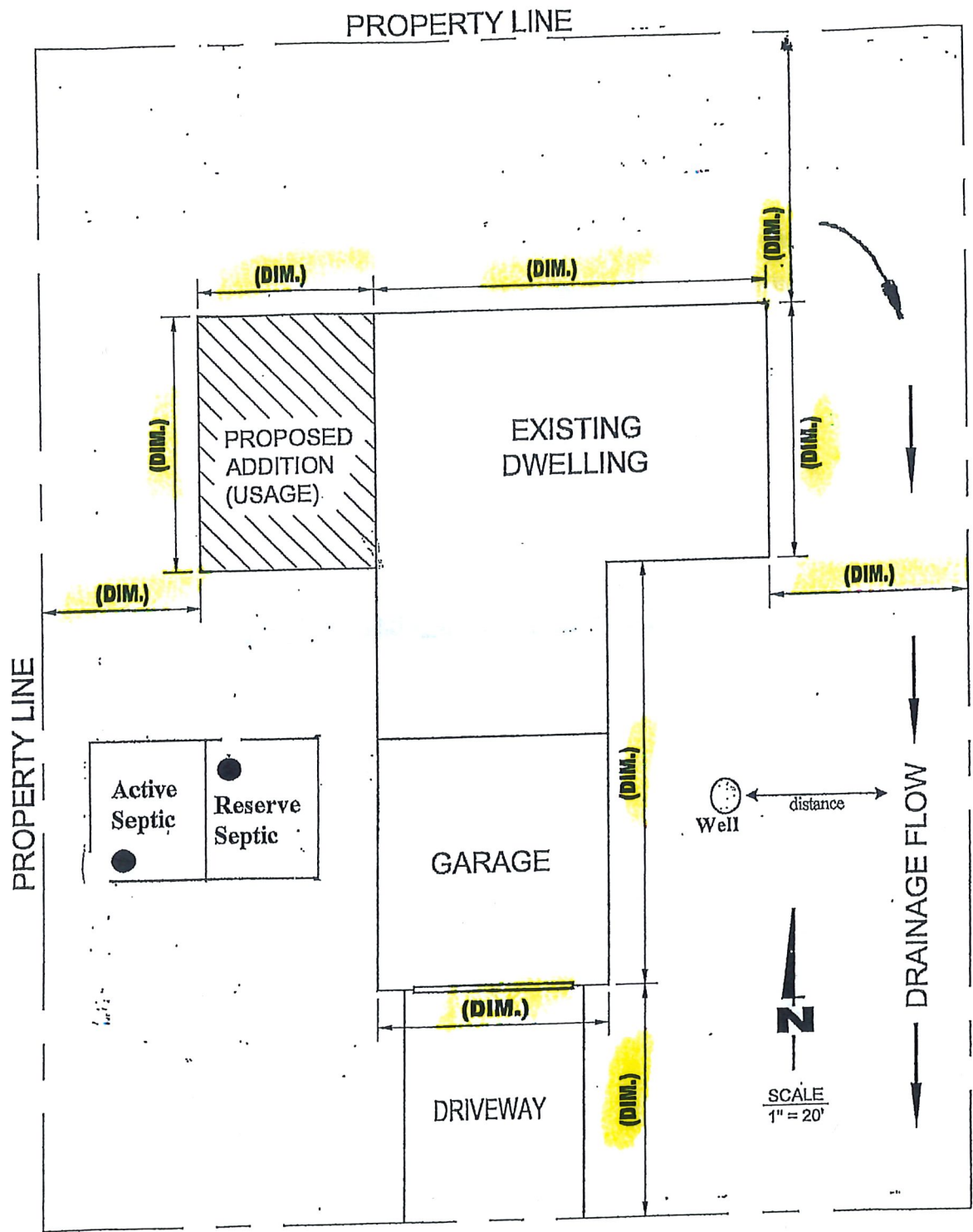
Review By Circuit Court

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for Livingston County as provided for in PA 110 of 2006, as amended.

Zoning Board of Appeals meetings are generally held on the first Monday of the month; please refer to the township's meeting schedule for dates at www.mariontownship.com

- **Submit ten copies of all materials you want the Zoning Board of Appeals to review with the exception of the application**
- **Provide plot plan (example attached); ensure that all items on checklist are included**
- **Applicant must include signed document addressing 5.05 C items 1 through 5 (sample attached)**
- **Submit package three weeks prior to the meeting you choose to attend**
- **Provide well & septic documents from the Livingston County Environmental Health showing the location of well/septic field and reserve area**
- **The residential application fee is \$400.00; all other applications are \$1,000.00**
- **If the applicant is representing the owner, the owner must provide a signed letter of permission**
- **If applicable, mark or stake the area on your parcel where you are requesting a variance; place the orange ZBA sign (provided by the township) so the ZBA members can easily identify your property at least one week prior to the meeting**

RESIDENTIAL ADDITION PLOT PLAN EXAMPLE



YOUR NAME
STREET ADDRESS
CITY, STATE ZIP

STREET NAME

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 municipal water & sewage
- Confirmation of lot lines with survey or location of irons

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 30'-foot setback on the rear yard property line prevents the option of installing a pool in the backyard, because the existing building envelope is too small, & we would not be able to have a pool without a variance.

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.

The variance would allow us to have a pool. There are no other obstructions on the property. We are seeking 5'-foot variance over the existing building envelope line. It will create an aesthetic beauty & will not impede on neighbors' ^{adjacent} sides. With Variance, it brings setback to 25' ft. (Standard for Marion Township)

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

The Existing building envelope is too small to build a pool within this current area. With the existing ordinance it would leave a too small of a space to build a swimming pool. (We are seeking 5' variance. The 5'-ft. variance would allow us to build a pool.)

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

Our Lot was built & purchased in December 28th 2020. This was the existing Floor plan of our home to accommodate the current building envelope. The topography of area was already

5. The difficulty shall not be deemed solely economic. In existence, we did not create difficulty

The HOA has given their permission & consent to build a pool because we have no other homeowners behind us. The pool build would still be within property lines. This is not deemed by solely economics because we have planned & have budgeted for the expenses required to file a variance to build a pool. This difficulty was expected.

John L. Martin &
Mary R. Martin
Signature

10/13/22
Date

Dear Members of the Zoning Board of Appeals:

We, John and Mary Martin, request a 5'-foot variance for the backyard of our single-family home, located at 446 Trestle Drive, Howell, Michigan 48843, on Lot #144. (Marion Oaks subdivision). We are writing to ask for a variance to our property setback because it is too small and does not provide adequate room to build an in-ground swimming pool in this area. Because of the zoning regulations in place at the moment, we cannot construct a swimming pool within the confines of the room available in our existing building envelope. (There is not enough space for a swimming pool in this area). We kindly ask that our current building envelope be extended to include space beyond the building envelope line. Therefore, this practical obstacle does exist, and the limits of the present building envelope prevent us, the owners, from using part of the remaining unused area that is still located within our property.

Because of the unusual circumstances presented by the irregularity of the already existing diagonally shaped building envelope setback, a request for a variance has been given in this letter. The difficulties we are experiencing with our property present a one-of-a-kind challenge.

If this variance were to be granted to us, we would be able to put our property to good use and construct a swimming pool for physical therapy rehabilitation purposes on a modest expansion of the property that lies outside the boundaries of the existing building envelope. My husband, John Martin, is a United States Air Force veteran who suffered injuries in his legs and feet. If we are granted permission for this pool variance, it will assist my husband, John, with the rehabilitation water therapy activities he will need to do in the future.

I want to suggest to the board that they consider that the proposed variance to build a swimming pool would not have any adverse effects on either of the neighboring adjacent sides. Furthermore, it will not alter the fundamental nature of our property in any way. The rear property will be made more aesthetically pleasing and beautiful with the addition of the pool, which will be designed to have a compact shape and simple lines. The location of the planned pool would be in an area of the backyard that is currently underutilized. Additionally, the current Homeowners' Association HOA has provided us with a letter of consent, noting that there are not any houses located directly behind our property.

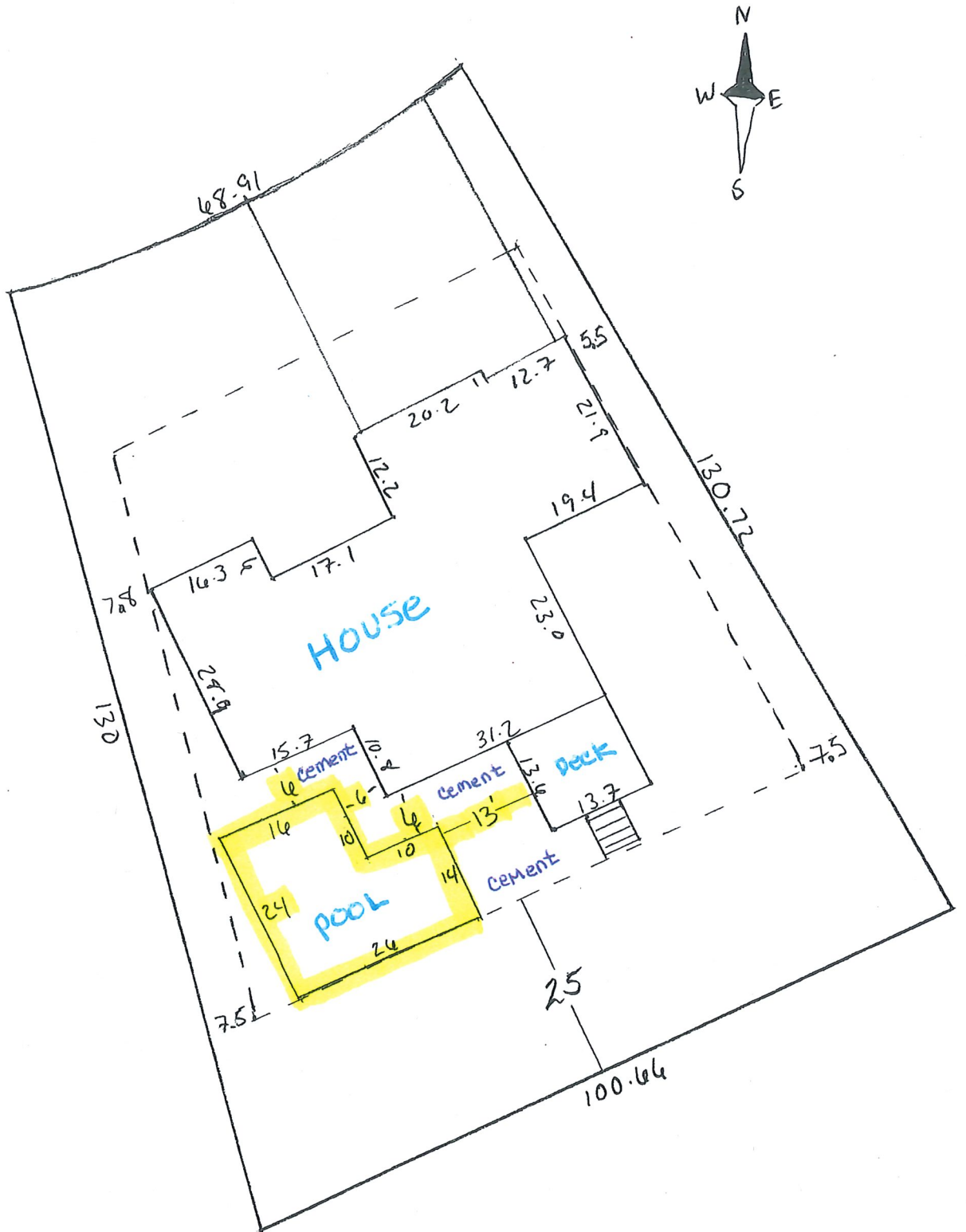
In conclusion, the location we selected for the possible construction of our brand-new pool was determined with consideration given to the well-being of our neighbors. This should not be construed as an impassable barrier in any way. Because of the nature of the property, our struggles were not the result of anything we did.

The requested 5'-foot variance is the bare minimum required to remedy the situation. For example, the 5'-foot variance would bring our setback to 25" feet (which is the standard across Marion Township). A 16 x 24 ft. with a 10 x 14 ft. L-shape attached to it.

We think we meet the criteria for exceptional circumstances necessary for a variance, and we respectfully request that the zoning board members grant us one. We want to thank the board for taking the time and concern into account.

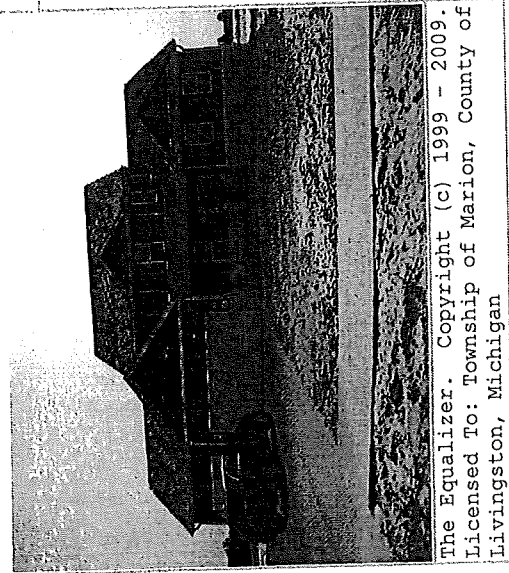
Thank you,

John and Mary Martin



Roman's Pool Supplies & Service, INC	John & Mary Martini
910 E. Grand River Howell, MI. 48843	446 TRESTLE DR. Howell, MI 48843
Tim Kuch	734 673 7861 734 664 6010
License #252000032 EXP 5/31/23	Scale 1" = 20'











Grantor		Grantee		Sale Price		Sale Date		Inst. Type		Terms of Sale		Liber & Page		Verified By		Prct. Trans.											
CAPITAL CONSTRUCTION GROU		MARTIN JOHN LEO & MARY		393,075		12/23/2020		WD		03-ARM'S LENGTH		2021R-001061		PROPERTY TRANSFER		100.0											
THE HIGHLANDS OF MARION O		CAPITAL CONSTRUCTION GROU		0		09/10/2020		QC		33-TO BE DETERMINED		2020R-031949		NOT VERIFIED		0.0											
Property Address				Class: RESIDENTIAL CONDO				Zoning: SUBUR				Building Permit(s)				Status											
446 TRESTLE DR				School: HOWELL PUBLIC SCHOOLS				HOME				07/30/2020				2020-01500				FINISHED							
Owner's Name/Address				P.R.E. 100% 12/30/2020				MAP #:																			
MARTIN JOHN LEO & MARY				2023 Est TCV 506,868 TCV/TFA: 251.17																							
446 TRESTLE DR				Land Value Estimates for Land Table 12302.THE HIGHLANDS @ MARION OAKS																							
HOWELL MI 48843-5808				* Factors *																							
Tax Description				Description				Frontage				Depth				Rate %Adj. Reason				Value							
MARION OAKS: THE HIGHLANDS: UNIT 144:				Dirt Road				0.00				Total Acres				Total Est. Land Value =				85,000							
SPLIT FROM 12-300-007 INTO 302-001				Gravel Road																85,000							
THROUGH 301-150 ON 12/31/2019				Paved Road																85,000							
Comments/Influences				Storm Sewer																							
Split/Comb. on 01/02/2020 completed				Water																							
01/02/2020 CHARLIE PUD CREATED ;				Sewer																							
Parent Parcel(s): 4710-12-302-001;				Electric																							
Child Parcel(s): 4710-12-302-002,				Gas																							
4710-12-302-003, 4710-12-302-004,				Curb																							
4710-12-302-005, 4710-12-302-006,				Street Lights																							
4710-12-302-007, 4710-12-302-008;				Standard Utilities																							
				Underground Utils.																							
				Topography of																							
				Site																							
				Level																							
				Rolling																							
				Low																							
				High																							
				Landscaped																							
				Swamp																							
				Wooded																							
				Pond																							
				Waterfront																							
				Ravine																							
				Wetland																							
				Flood Plain																							
Who				When				What				Assessed Value				Board of Tribunal/				Taxable Value							
KH				11/24/2020				INSPECTION				42,500				210,900				253,400				208,149C			
KH				09/24/2020				INSPECTION				42,500				207,200				249,700				208,149C			
												42,500				159,000				201,500				201,500S			
												32,500				0				32,500				1,489C			

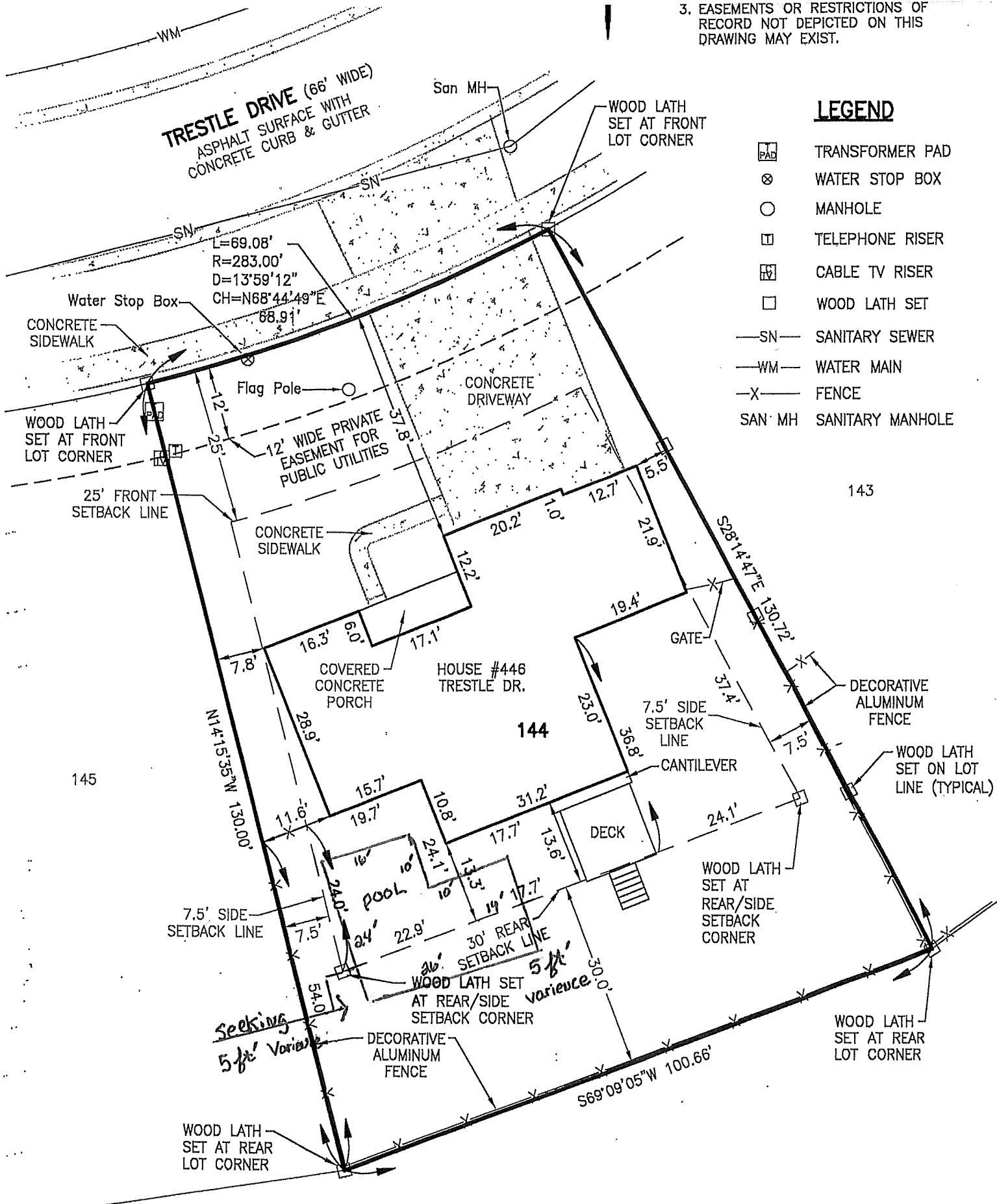


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 Licensed To: Township of Marion, County of Livingston, Michigan
 *** Information herein deemed reliable but not guaranteed***

3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

LEGEND


-  TRANSFORMER PAD
-  WATER STOP BOX
-  MANHOLE
-  TELEPHONE RISER
-  CABLE TV RISER
-  WOOD LATH SET
-  SANITARY SEWER
-  WATER MAIN
-  FENCE
-  SANITARY MANHOLE



DESCRIPTION:
 UNIT 144, "THE HIGHLANDS OF MARION OAKS",
 LIVINGSTON COUNTY CONDOMINIUM SUBDIVISION
 PLAN NO. 426, AS RECORDED IN LIVINGSTON
 COUNTY RECORDS, BEING PART OF THE
 SOUTHWEST 1/4 OF SECTION 12, T2N-R4E,
 MARION TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

BEBOSS
 Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI, 48843
 517.546.4836 FAX 517.548.1670





BOSS ENGINEERING

ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

3121 E. Grand River
Howell, MI 48843
517 546-4836

John & Mary Martin
446 Trestle Drive
Howell, MI 48843

Invoice number 137626
Date 10/01/2022

Project **22-329 MARTIN, JOHN & MARY/SW12/MARION**

For Professional Services Rendered Through September 30, 2022.

Property Address: 446 Trestle Drive Howell, MI

Professional services as follows: Field and office time to complete a boundary retracement survey for unit 144 in "The Highlands of Marion Oaks". The project will be conducted as described in the email proposal to John Martin on August 19, 2022, and amended on August 20, 2022. We will also stake the back building envelope line per my conversation with the c client on September, 2022.

Email invoice to: jlmart1967@yahoo.com

** WE ACCEPT VISA, DISCOVER AND MASTERCARD**

Description	Contract Amount	Prior Billed	Current Billed
Boundary Survey	1,225.00	0.00	1,225.00
Additional Services	0.00	0.00	0.00
Total	1,225.00	0.00	1,225.00

Invoice total	1,225.00
Prepayment applied	-500.00
Amount due this invoice	725.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
137626	10/01/2022	725.00	725.00				
	Total	725.00	725.00	0.00	0.00	0.00	0.00

NET DUE 10 DAYS

Section 5.05

Authorized Appeals

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any Township official or by the Planning Commission in administering or enforcing the provisions of the Zoning Ordinance.
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
1. Interpret the provisions of the Zoning Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Zoning Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Zoning Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. (See Section 7.04.)
 3. Classify a use that is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Zoning Ordinance is amended to permit it.
 4. Determine the parking space requirements of any use not specifically mentioned by classifying it with one of the groups listed in Article XIV by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Zoning Ordinance.

C. Variances

The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations and other similar requirements as specified in the ordinance. The existence of nonconforming structures or buildings on other lands, or in other districts, shall not create a precedent, or be the basis for a variance. To obtain a variance, the applicant shall submit sufficient information to enable the Board of Appeals to determine that a practical difficulty exists, if applicable, by explaining:

1. That the restrictions of the Township Zoning Ordinance would unreasonably 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 substantial relief to the owner of the property.
3. That the request is due to the unique circumstances of the property.
4. That the alleged hardship has not been created by a property owner.

Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator's decision or the decision shall be final.

B. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, issued by the Zoning Board of Appeals or by a court of record.

C. **Hearing:** Upon receipt of a Notice of Appeal or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing and give notice as provided in section 103 of PA 110 of 2006, as amended.

Upon receipt of a Notice of Appeal seeking an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing.

If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

D. **Appearance:** At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

E. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Zoning Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on any matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance in the Zoning Ordinance.

F. **Fee:** A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township is the moving party.

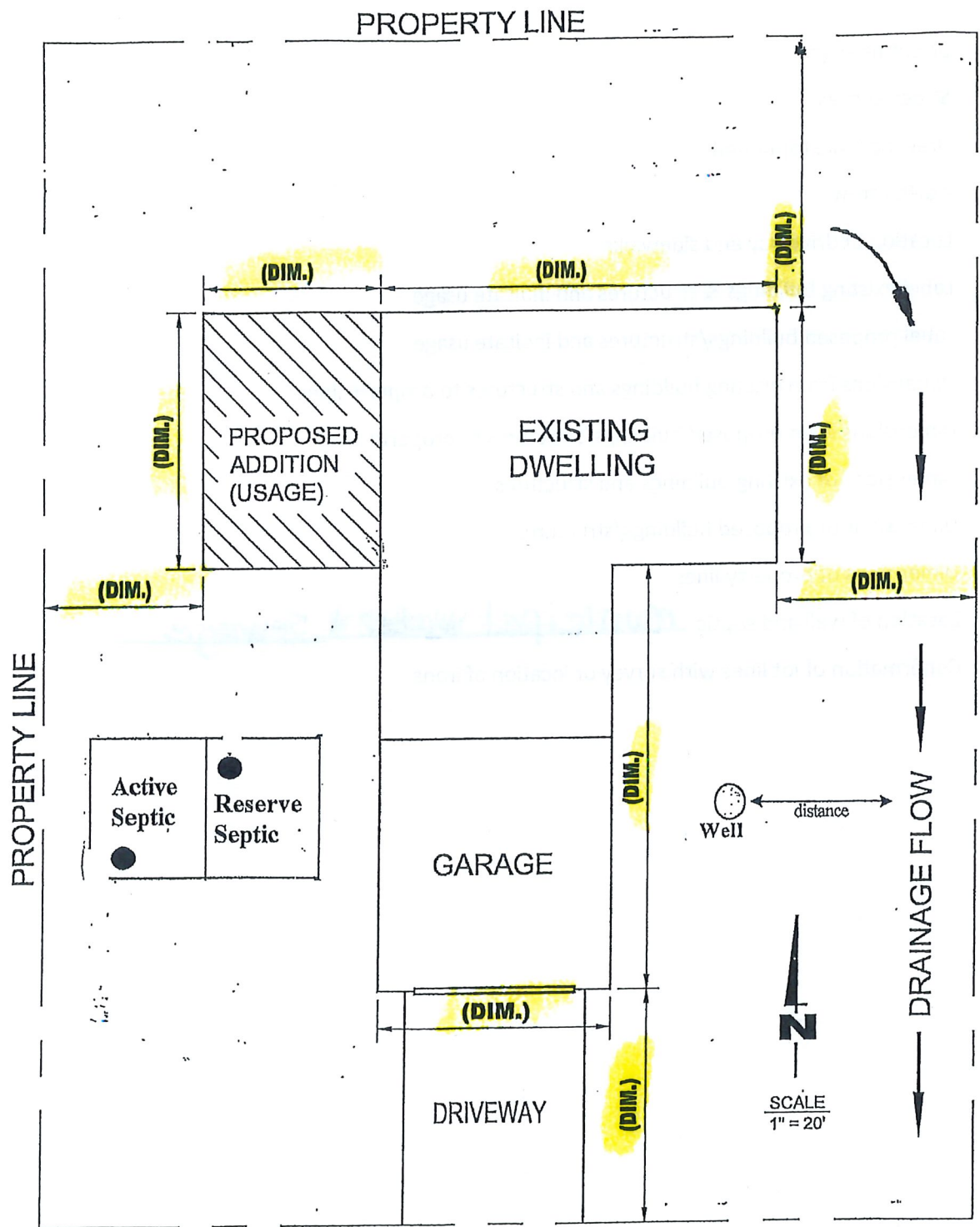
G. **Performance Guarantee:** In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or similar instrument acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 4.06.

Section 5.07

Review By Circuit Court

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for Livingston County as provided for in PA 110 of 2006, as amended.

RESIDENTIAL ADDITION PLOT PLAN EXAMPLE



YOUR NAME
STREET ADDRESS
CITY, STATE ZIP

STREET NAME

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 30'-foot setback on the rear yard property line prevents the option of installing a pool in the backyard, because the existing building envelope is Too Small, & we would Not be able to have a pool without a Variance.

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.

The variance would allow us to have a pool. There are no other obstructions on the property. We are seeking 5'-foot variance over the existing building envelope line. It will create an aesthetic beauty & will not impede on neighbors' ^{at} adjacent sides. With Variance, it brings setback to 25' ft. (Standard for Marion Township)

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

The Existing building envelope is too small to build a pool within this current area. With the existing ordinance it would leave a too small of a space to build a swimming pool. ^(We are seeking 5' variance) The 5'-ft. Variance would allow us to build a pool.

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

Our Lot was built & purchased in December 28th 2020. This was the existing Floor plan of our home to accommodate the current building envelope. The topography of area was already in existence.

5. The difficulty shall not be deemed solely economic. In existence, we did not create difficulty.

The HOA has given their permission & consent to build a pool because we have no other homeowners behind us. The pool build would still be within property lines. This is not deemed by solely economics because we have planned & have budgeted for the expenses required to file a Variance to build a pool. This difficulty was expected.

John L. Martin &
Signature
Mary R. Martin

10/13/22
Date