

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 6, 2024**

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

MEMBERS ABSENT: None

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT

The Zoning Board of Appeals members introduced themselves.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

November 13, 2023 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Diane Bockhausen seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

NEW BUSINESS

ZBA Case #01-24 Nikolaos & Amanda Cole, 3623 Black Eagle Drive, Tax Code #4710-22-101-010, seeking a variance to Section 6.07 1 Maximum Accessory Structure Size

David Bittner, attorney for the applicant, was present. He said the applicant is asking for a 1040 square foot variance to build an accessory structure; all setbacks can be met and the HOA has approved. Linda Manson-Dempsey and Diane Bockhausen said they visited the site, but were unable to see where the building is proposed. Dan Lowe said he feels it would be hard to justify this size building based on the criteria that needs to be met, with the exception of #5. Diane Bockhausen said that the attorney's responses to the five questions address the location of the building, but that's not what the variance request is for. The applicant said that he has a boat, trailer, several vehicles, and this size building would allow him to store them inside, not in the driveway.

Larry Fillinger said the ordinance would allow a 40' x 34 building and 40' x 60' is too large for this lot, and would the applicant consider reducing the size?

Motion

Linda Manson-Dempsey motioned for ZBA Case #01-24 Nikolaos & Amanda Cole, 3623 Black Eagle Drive, Tax Code #4710-22-101-010, to deny the request for a 40' x 60' accessory structure, 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 township restrictions aren't preventing the applicant from building an 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.** *There are no restrictions to building an accessory structure that's the size allowed in the ordinance.*
3. **That the request is due to the unique circumstances of the property.** *The size of the building allowed would fit despite the topography of the property.*
4. **That the alleged hardship has not been created by a property owner.** *There is no hardship in this case.*
5. **That the difficulty shall not be deemed solely economic.** *There are no known financial benefits.*

Diane Bockhausen seconded. Roll call vote: Manson-Dempsey—yes; Lowe—yes; Fillinger—no; Grunn—yes; Bockhausen—yes. **Motion to deny the request carried 4-1.**

UNFINISHED BUSINESS

None.

SPECIAL ORDERS

None.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:15 pm. Larry Grunn seconded. **Motion carried.**