

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 5, 2020**

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

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

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

September 14, 2020 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as amended. Diane Bockhausen seconded. **Motion carried.**

NEW BUSINESS

ZBA Case #06-20—Nicolas Deyo, 2720 Clivedon, Howell, MI, Tax Code #4710-27-103-001; seeking a variance for Section 8.01 F 3 c—Rear Setback

Dave Sementilli from Artistic Pools was present, along with the property owner, to request a 15' variance on the rear setback, to allow for installation of an inground pool. It was recommended that the property owner locate the stakes or get a survey to be sure where the rear lot line is, as it's unclear whether the tree line is on Mr. Deyo's property.

Call to the Public

Ann Stewart, 2873 Clivedon, said she was curious where the fence line was going? Mr. Sementilli said they would keep the fence as close to the property line as possible, but still on their property. The HOA would like shrubs between the fence and the property line.

Paul Chabot, 2737 Clivedon, said he feels the property line should be determined to protect both the township and the property owner. It's not clear whether the trees are on Mr. Deyo's lot.

Motion

Dan Lowe motioned for ZBA Case #06-20— Nicolas Deyo, 2720 Clivedon, Howell, MI, Tax Code #4710-27-103-001, to grant a variance to the rear yard setback with a minimum of 10' from the water's edge to the property line, subject to the zoning administrator verifying the property line with a survey provided by the property owner or location of the markers, referencing the drawing showing the pool is 6' from the deck and 10' from the house, as submitted. The ZBA granted this 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. *Due to topography, the pool can't be in the northeast corner; the only reasonable area is the rear yard.*
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. *Due to the topography of the lot, the rear yard is the only place a pool could be placed.*
3. That the request is due to the unique circumstances of the property. *The lot has challenging topography and the rear yard is the only place that is flat enough.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the owner; the hardship is the topography.*
5. That the difficulty shall not be deemed solely economic. *The property owner has exhausted all other possible locations and none are feasible.*

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

OLD BUSINESS

Review Changes to ZBA Application: The ZBA members approved of the modifications to the application; an item will be added to the checklist that the property owner will locate the survey markers or provide a survey.

CALL TO THE PUBLIC

Dave Hamann said that the Planning Commission would like to have a joint meeting with the ZBA to discuss expectations. The ZBA members agreed that the meeting could be held one hour prior to the next PC meeting, on Tuesday, October 27 at 6:30 pm. Mr. Hamann said he would invite the ZBA alternates, and have John Enos put something together.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:51 pm. Diane Bockhausen seconded. **Motion carried.**