

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

Monday, December 6, 2021
7:30 p.m.

**The Township Zoning Board of Appeals will meet in person
December 6, 2021 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

December 6, 2021

APPROVAL OF MINUTES FOR:

October 4, 2021 Regular Meeting

CALL TO PUBLIC

UNFINISHED BUSINESS:

ZBA Case #05-20 Keith & Kelly O'Hara 4601 Sierra Dr. Howell, MI 48843

is asking for an extension to August 2020 variance which was

Seeking variance for Section 8.01.F.2a minimum road frontage 150
Feet. 4710-26-100-012

NEW BUSINESS:

1) ZBA Case #02-21 Joseph Hamway 2865 Rubbins

Seeking variance for Section 8.04.E.3.a2 side yard setback
4710-27-301-013.

SPECIAL ORDERS:

Annual election of officers

CALL TO PUBLIC:

ADJOURNMENT:

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

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; Fillingner—yes. **Motion carried 3-2.**

ADJOURNMENT

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

November 15, 2021

Mr. Larry Fillinger
Chairman of the ZBA – Marion Township
2877 W. Coon Lake Rd.
Howell, MI 48843

Subject: ZBA Case #05-20 Extension

Dear Mr. Fillinger,

It is with much regret that I am asking you for an extension to the ZBA Case #05-20. We are sorry for our negligence in not filing for the split of our property in the time allotted for this proceeding.

Unfortunately, there were some personal family matters that weighed in on the decisions to finish the filing process. The road commission was contacted early in the process and had approved the area for the line of site requirement.

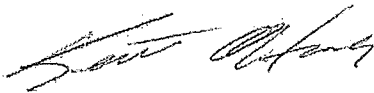
We have all of our paperwork in order and are available to submit to the township immediately upon your approval.

We apologize for any inconveniences this may have caused with you and your board members and we are prepared to render any additional fees that may be required for the extension.

At your earliest convenience, please let us know what you require from us so that we may move forward.

Thank you.

Respectfully,



Keith O'Hara.

RECEIVED

NOV 15 2021

APPLICATION TO ZONING BOARD OF APPEALS

MARION TOWNSHIP

ZBA Case # 02-21
 Tax Code 4710-27-301-013
 Current Zoning ERS1
 Fee Paid 400
 Date Received 11-15-2021
 Received by SH

Applicant JOSEPH HAMWAY
 Address 2865 RUBBINS HOWELL MI 48843
 Telephone CELL-248-568-4640 248-948-0113
 (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

ERS-1 8.04.E 3 a 2. 10 FOOT
ASKING 7 FOOT 4 INCHES

- 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]
 Signature

Nov. 12, 2021
 Date

Office Use Only	
Meeting Date <u>12-6-2021</u>	Action Taken _____
Conditions (if applicable) _____	
Signed _____	

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 LOCATION OF THE REFRIGERATOR AT THE SAME DISTANCE FROM LOT AS THE EXISTING ALLOWS TO USE MY DRIVEWAY FOR SIDE ENTRY. IF NOT APPROVED FOR A VARIANCE IT WOULD REQUIRE A NEW DRIVE AND EFFECT LOCATION OF WELL + OTHER ISSUES.

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 ZONING ORDINANCE WAS PUT IN PLACE AFTER THE STRUCTURES WERE CONSTRUCTED AND DID NOT CONTEMPLATE MY WIDTH OF LOT.

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

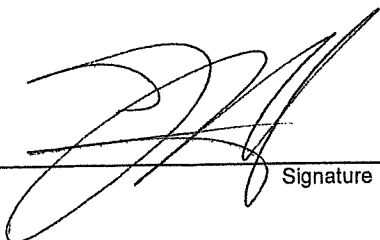
MY LOT WAS CREATED PRIOR TO THE ZONING ORDINANCE WAS PUT ON. IT DID NOT CONTEMPLATE FOR ONLY A 60 FOOT WIDTH.

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

THE GARAGE WAS CONSTRUCTED PRIOR TO 1978 WITH 3 DIFFERENT FLOOR ELEVATIONS.

5. The difficulty shall not be deemed solely economic.

MY EXISTING DRIVEWAY ONLY ALLOWS FOR SIDE ENTRY AND THE ONLY PRACTICAL WAY TO ACCESS WOULD REQUIRE THIS VARIANCE.



Signature

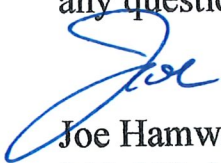
11/15/21

Date

Joe Hamway
2865 Rubbins
Howell, MI. 48843

I am a full time resident at 2865 Rubbins and the house has been owned by my family since the mid 1970's.

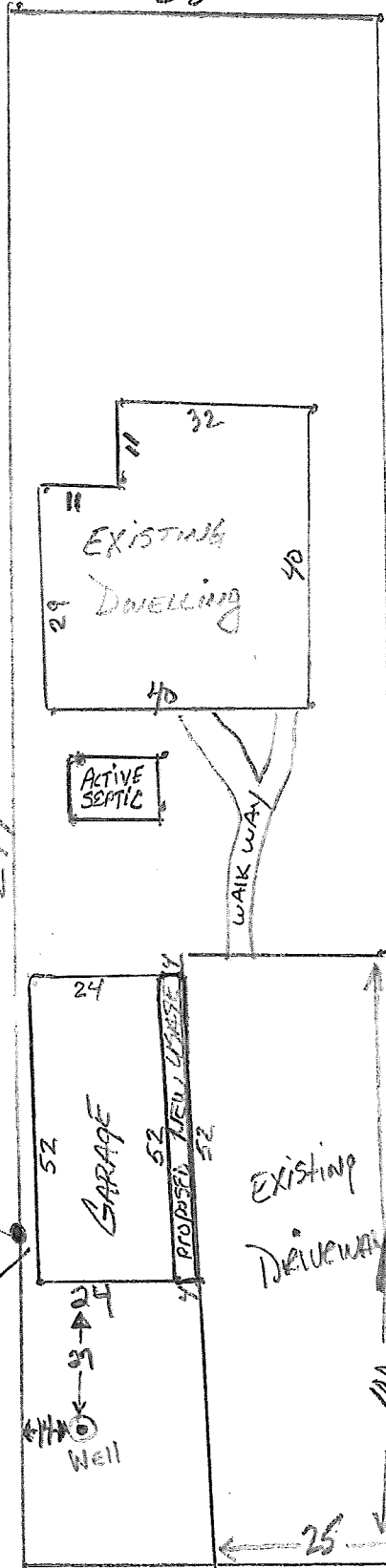
I am asking for permission to demo my exiting garage and rebuild it in the same location with a 4 foot expansion toward the center of my property. It currently resides 2 feet 8 inches from the property line and I am asking for a variance from the 10 foot side yard set back. There are several examples of what I am requesting with neighbors along Rubbins Road, including my adjoining neighbor. The lots on Rubbins are 60 feet wide and with this variance the property can be best utilized due to the minimal width. The relaxation of the 10 foot side yard set back gives the proper turn radius for side entry vehicles. The garage was constructed prior to 1974 and with the location of my driveway, it gives the most efficient use of the area and does not negatively affect the neighbors. Feel free to call me with any question on my cell.



Joe Hamway
248-568-4640

TRIANGLE LAKE

60



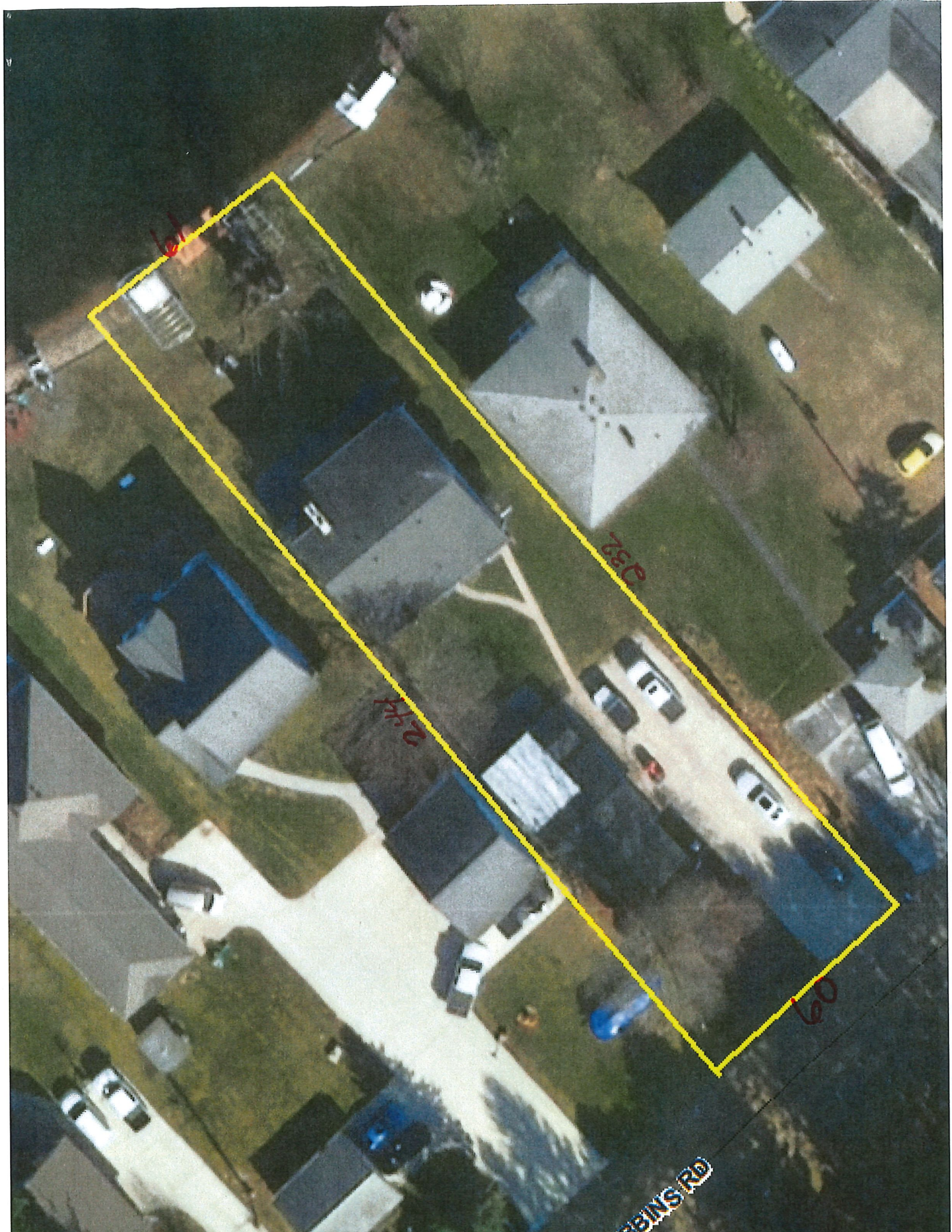
BENCHMARK
SET NAIL w/TAG
TOWER POLE

2 FT BENCH

DRAINAGE FLOW

JOSEPH HAMWAY
2865 RUBBINS
HOWELL ME 48843
248-568-4640

60
RUBBINS ROAD



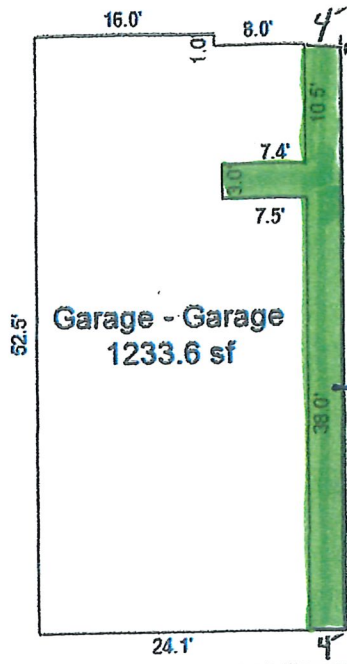
WEBBINS RD

232

244

60

Image/Sketch for Parcel: 4710-27-301-013



Proposed New
Usage

MARION TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC NOTICE

Marion Township Zoning Board of Appeals will hold a Public Hearing on Monday, December 06, 2021 at 7:30 p.m. The meeting will be held at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, MI 48843, (517) 546-1588. The purpose of the meeting is for regular business and to hear a request for the following appeal, interpretation and/or variance.

ZBA Case #02-21 – Tax Code 4710-27-301-013

Applicant: Joseph Hamway
Property Address: 2865 Rubbins
Howell, MI 48843

Request: The applicant is seeking a variance for Section 8.04.E.3.a.2 side yard minimum setback of 10 feet in ERS1.

Submittals can be viewed online at www.mariontownship.com under agendas/minutes, click on link to Zoning Board of Appeals. The meeting will also be online using GoToMeetings. The link to the meeting will be on the website.

Marion Township will provide necessary, reasonable auxiliary aids and services to individuals with disabilities. Anyone requiring auxiliary aids and services should contact the Marion Township Clerk no later than 5:00 p.m., Wednesday, November 24, 2021.

Those unable to attend the public hearing are invited to submit written comments to the attention of the Zoning Board of Appeals Chair, Marion Township Hall, 2877 W. Coon Lake Road, Howell, MI 48843 by 5:00 p.m. on Wednesday, December 1, 2021.

DAN LOWE, SECRETARY
ZONING BOARD OF APPEALS

MARION TOWNSHIP LAND USE PERMIT APPLICATION

2877 W. COON LAKE ROAD, HOWELL, MI 48843

Phone: (517) 546-1588 Fax: (517) 546-6622

Email: za@mariontownship.com or info@mariontownship.com

Documents can be submitted via email or the drop-box in the lobby

TOWNSHIP OF MARION, COUNTY OF LIVINGSTON

PERMIT NO. _____

Tax Code No.: 47-10²⁷-301-013
Land Div.: _____
Water District: _____
Sewer District: _____
Individual Septic: _____
Individual Well: _____
Available REUs: _____

DATE: _____

FEE: _____

REINSPECT FEE: _____
(if applicable)

AMENDED: _____
(if applicable)

The undersigned makes application for a land use permit to construct:

I want to Demo My existing garage and rebuild on same location with
A 4 foot expansion towards center of my lot.

Address: 2865 RUBBINS Lot No. 45 Subdivision McCLATCHEYS AND GEHRINGER

Lot Size: 0.328 Parcel in flood zone _____

Roof Pitch: 4/12 Min. 6" overhang on gable ends of roof? Yes No

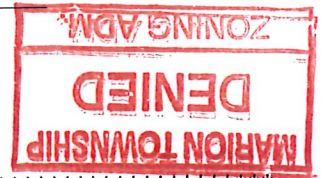
Ground Floor Living Space: 1520 Second Floor Living Space: 1280

Tri/Quad Level Sq. Ft. of two lowest levels: _____

Structure Dimension: 28 X 52 Structure Height: _____

Current Zoning Classification: ERS-1

Location: On the _____ side of _____ Street/Road
Between _____ and _____



Plot Plan Attached? Yes No (see attached requirements)

CONSTRUCTION MUST BE STARTED WITHIN SIX (6) MONTHS OR PERMIT IS VOID. OUTSIDE CONSTRUCTION MUST BE COMPLETED
WITHIN TWO (2) YEARS OF ISSUE DATE OF THIS PERMIT. (Sec. 4.03, C-2)

I certify that all uses for which this application is made will conform with ordinances affecting Marion Township, Livingston County and the State of Michigan. By signing this application, permission is granted for an official representative of Marion Township to do onsite inspections.

JOSEPH HAMWAY
Applicant Name (print)

[Signature]
Signature

2865 RUBBINS HOWELL
Address

248-568-4640
Phone

JHAMWAY@SIGNATUREASSOCIATES.COM
Email Address

Applicant is: Owner Contractor Renter

INSPECTIONS:

1. Zoning Inspection Approved: _____ Date: _____

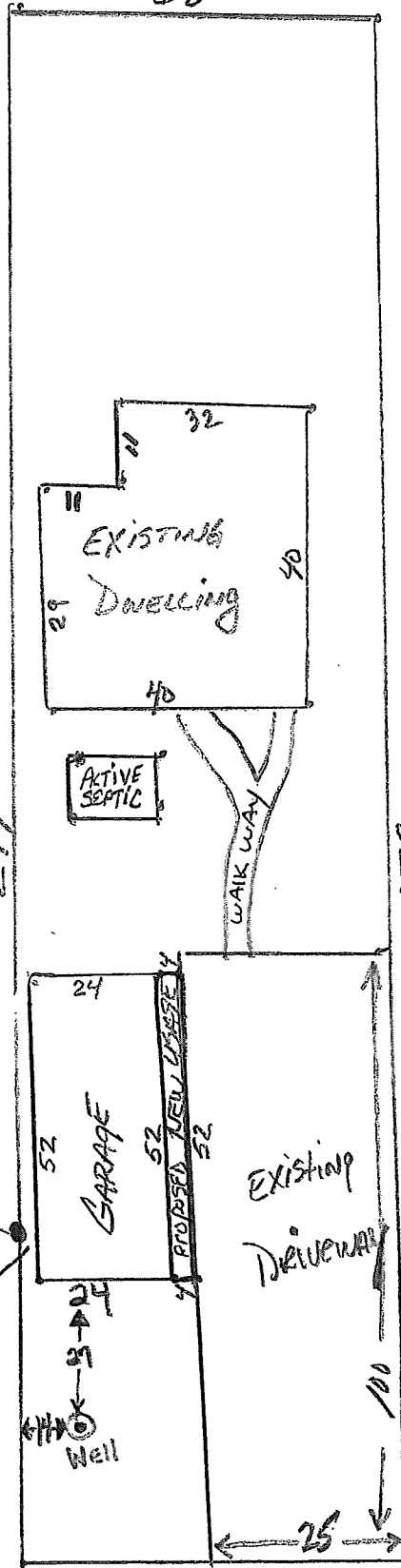
2. Foundation Inspection by: _____ Date: _____

** 3. Certification of Zoning Compliance Issued, Date: _____

**** THIS IS A LAND USE PERMIT ONLY. BUILDING PERMITS AND OTHER NECESSARY PERMITS MUST BE OBTAINED FROM LIVINGSTON COUNTY**

TRIANGLE LAKE

60



BENCHMARK
SET NAIL W/TAG
POWER POLE

2 FT 8 INCH

24
24
Well

DRAINAGE FLOW

JOSEPH HAMWAY
2865 RUBBINS
HOWELL ME 48813
248-568-4640

60
RUBBINS ROAD