

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR ELECTRONIC MEETING
SEPTEMBER 14, 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 7:31 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. Diane Bockhausen seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

July 6, 2020 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried.**

OLD BUSINESS

ZBA Case #02-20—Richard Suhayda, 806 Hurley Dr., Howell, MI, Tax Code #4710-35-301-041; seeking a variance for Section 8.04 E 1 a—Minimum Lot Area, Section 8.04 E 3 a 1—Front Setback, and Section 8.04 E 3 a 3—Rear Setback

Richard Suhayda was present with additional information for his variance request. He submitted a new drawing and he was able to find the irons with a metal detector. Dan Lowe and Larry Grunn said the drawing was much better. Mr. Suhayda is requesting a front and rear setback variance to construct a 25' x 30' garage with a bonus room. If the variances are granted, his intention is to combine his lots.

Call to the Public

No response.

Motion

Linda Manson-Dempsey motioned for ZBA Case #02-20—Richard Suhayda, 806 Hurley Dr., Howell, MI, Tax Code #4710-35-301-041, to grant a 29' variance on the east side of the property, a 34' variance on the north side, and the two lots will be combined to be closer to meeting the minimum lot size requirement, for construction of a garage. 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. *The parcel is in an old plat and was created prior to the ordinance.*
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. *A variance would allow the owner to build the garage they want.*
3. That the request is due to the unique circumstances of the property. *The house was built long before the current zoning ordinances were adopted.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the owner.*
5. That the difficulty shall not be deemed solely economic. *There is no monetary benefit.*

Larry Grunn seconded. Roll call vote: Bockhausen, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes. **Motion carried 5-0.**

ZBA Case #03-20—David & Karen Alfanos, 4084 Southwoods Dr., Howell, MI, Tax Code #4710-25-101-017; seeking a variance for Section 8.04 E 3 a 2—Side Yard Setback, and Section 8.04 E 3 a 3—Rear Setback

David & Karen Alfanos were present to revise their previous variance request; they would like a 2.5' variance for the cul-de-sac and a 5' variance on the north side of the property. They have reduced the size of the garage to 22' wide x 26' deep. Dan Lowe asked if they found the property stakes; the answer was no. Mr. Lowe said his opinion is that they need to have a survey done before a variance can be granted, for their protection, as well as the townships. It was suggested that they contact Jack Smith at Garlock & Smith.

Call to the Public

No response.

Motion

Linda Manson-Dempsey motioned for ZBA Case #03-20—David & Karen Alfanos, 4084 Southwoods Dr., Howell, MI, Tax Code #4710-25-101-017, to grant a 5' side yard variance to Section 8.04 E 3 a 2, and a 2.5' variance to Section 8.04 E 3 a 3, subject to verification of the property lines with a registered survey of the north boundary line. 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. *The variances would allow the property owners to build a two-car garage.*
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. *Approval of the variances allows them to build the two-car garage and increase the living space of the home.*
3. That the request is due to the unique circumstances of the property. *The property is in an old plat. There is also a non-existent cul-de-sac on the front of the property.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the property owners.*

5. That the difficulty shall not be deemed solely economic. *The difficulty is not based on economics, and will require the owners to invest a substantial amount to improve the property.*

Dan Lowe seconded. Roll call vote: Bockhausen, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes. **Motion carried 5-0.**

NEW BUSINESS

ZBA Case #04-20—Ted Baruzzini, 3069 Combine Ct., Howell, MI, Tax Code #4710-28-200-040; seeking a variance for Section 6.11 C 1—Flat Lot Per Parent Parcel, and Section 6.20 C 1 c—No More Than 4 Principal Buildings on Cul-De-Sac

Ted Baruzzini was present to request two variances so that he can split his property; he wants to create a 3.5 acre flag lot and a 2 acre lot on the cul-de-sac for a new house. When the parent parcel was split, three private roads were created, and one flag lot on New Holland. Mr. Baruzzini feels that each of the private roads should be allowed one flag lot.

Call to the Public

No response.

Motion

Linda Manson-Dempsey motioned for ZBA Case #04-20—Ted Baruzzini, 3069 Combine Ct., Howell, MI, Tax Code #4710-28-200-040, to grant a variance to Section 6.11 C 1—Flag Lot Per Parent Parcel, and Section 6.20 C 1 c—No More Than 4 Principal Buildings on Cul-De-Sac. 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. *The parent parcel was split into three separate dead-end private roads. Only one flag lot was approved for one of the private roads. Each private road should have had a flag lot available.*
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 health reasons, the property owner would like to build a new home on the cul-de-sac that would require less maintenance.*
3. That the request is due to the unique circumstances of the property. *The parent parcel was split into three separate dead-end private roads. Only one flag lot was approved for one of the private roads. Each private road should have had a flag lot available.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by the owner.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not based on economics.*

Diane Bockhausen seconded. Roll call vote: Lowe, Grunn, Manson-Dempsey, Bockhausen, Fillinger—all yes. **Motion carried 5-0.**

ZBA Case #05-20—Keith & Kelly O'Hara, 4601 Sierra Dr., Howell, MI, Tax Code #4710-26-100-012; seeking a variance for Section 8.01 F 2 a –Minimum Road Frontage

Keith & Kelly O'Hara were present to request a variance of 59' to the frontage requirement so they can split their property into two parcels. Dan Lowe said he talked with the original developer and it was to continue on as another phase of the development, but was not completed.

Call to the Public

Bruce Bay, 4375 Sundance Crossing, said he is concerned about the property values, and feels a 7-acre parcel is inconsistent with other parcels in the subdivision. He is concerned about someone using the property for horses or motorcycles. The Sundance Meadows HOA maintains the roads, and these lots would not be included in the HOA. He suggested requiring a potential buyer to come to the township with their intentions.

James Kutt, 4361 Sundance Crossing, said he lives adjacent to this parcel and he has many of the same concerns.

Patrick Duval, 4383 Sundance Crossing, said he also has the same concerns, and is particularly concerned about use of the roads.

Greg Durbin, 4389 Sundance Crossing, was present on behalf of the HOA, who has similar concerns. He said these lots should be included in the HOA and have to abide by the deed restrictions to maintain continuity.

Motion

Linda Manson-Dempsey motioned for ZBA Case #05-20—Keith & Kelly O'Hara, 4601 Sierra Dr., Howell, MI, Tax Code #4710-26-100-012, to grant a 59' variance to Section 8.01 F 2, allowing one lot to have 91' frontage. 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. *The access where they want the driveway was planned for another phase of the subdivision.*
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. *A lesser relaxation would not allow for the parcel to be used as intended.*
3. That the request is due to the unique circumstances of the property. *The request is unique due to the next phase not being completed as planned.*
4. That the alleged hardship has not been created by a property owner. *The hardship was not created by this property owner.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not based on economics.*

Diane Bockhausen seconded. Roll call vote: Lowe, Grunn, Manson-Dempsey, Bockhausen, Fillinger—all yes.
Motion carried 5-0.

REVIEW CHANGES TO ZBA APPLICATION

The variance application was passed out to the ZBA members for review and comment at the next meeting.

CALL TO THE PUBLIC

Dave Hamann told the ZBA members there is a meeting scheduled for Monday, October 5; if unable to attend, let him know.

ADJOURNMENT

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