

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

Monday, February 4, 2019
7:30 p.m.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIENCE

INTRODUCTION OF MEMBERS

APPROVAL OF AGENDA FOR: *February 4, 2019*

APPROVAL OF MINUTES FOR: *January 7, 2019 Regular Meeting*

CALL TO THE PUBLIC:

NEW BUSINESS:

- 1) ZBA Case #01-19 – Janet Godfrey 3157 Pingree Rd. Howell Mi 48843
4710-19-100-046 Section 6.19A.2*

OLD BUSINESS:

- 1) Review Zoning Board of Appeals Rules and Procedures

CALL TO THE PUBLIC:

ADJOURNMENT:

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
ZONING BOARD OF APPEALS
JANUARY 7, 2019**

MEMBERS PRESENT: Larry Fillinger, Dan Rossbach, Linda Manson-Dempsey, Larry Grunn, and Ed Galubensky (alternate)

MEMBERS ABSENT: Dan Lowe

OTHERS PRESENT: Dave Hamann, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

INTRODUCTION OF MEMBERS

The board members introduced themselves.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

December 3, 2018 Regular Meeting: Dan Rossbach motioned to approve the minutes as presented. Linda Manson-Dempsey seconded. **Motion carried.**

CALL TO THE PUBLIC

Tim Ryan, 459 E. Davis Rd., said he wanted to respond to statements that were made at the December ZBA meeting. His response is attached to these minutes.

OLD BUSINESS

None.

NEW BUSINESS

Annual Meeting/Election of Officers

Dan Rossbach motioned to appoint Dan Lowe as secretary. Larry Grunn seconded. Roll call vote: Galubensky, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

Dan Rossbach motioned to appoint Linda Manson-Dempsey as vice chair. Ed Galubensky seconded. Roll call vote: Galubensky, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

Linda Manson-Dempsey motioned to appoint Larry Fillinger as chairman. Larry Grunn seconded. Roll call vote: Galubensky, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

Review/Revise Bylaws

Larry Fillinger suggested that the board members review the document and bring back any revisions to the next ZBA meeting. As an example, he felt that Section 3.4 was inaccurate and should be modified.

CALL TO THE PUBLIC

Dave Hamann updated the board members on the Witkowski case that was postponed at the last ZBA meeting. He also said a meeting is scheduled with the planner, attorney, and a couple of board members to discuss the action taken by the ZBA at the last meeting on the interpretation of landscape operation.

Wendy & Greg Busick, 4746 Hawthorne, asked Mr. Hamann if they could talk with him briefly after the meeting about some questions they have.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 7:45 pm. Larry Grunn seconded. **Motion carried.**

IN YOUR MINUTES FROM ZBA MEETING DEC 3 18
YOU HAVE STATEMENTS FROM SALLY WITT IN PARTICULAR
THAT REFERENCE ME. I WANT THE RECORD OF
THAT MEETING TO BE SET STRAIGHT.

I NEVER HARASSED EDDIE OR COMPLAINED EXCEPT
FOR A SINGLE INCIDENT WHERE HE HAD A VERY
LARGE FIRE WHICH I NOTIFIED THE F/D ABOUT. IN
THE INTEREST OF REASONABLENESS I DECLINED TO HAVE
IT EXTINGUISHED, INSTEAD I ASKED IF THEY MIGHT
STOP BY AND ADVISE OF BETTER PRACTICE FOR
A BUSINESS (AS OPPOSED TO BURNING TRASH)
SUBSEQUENTLY EDDIE AND I HAD A SEEMING ACCORD
I DID NOT CIRCULATE A PETITION ABOUT EDDIE
OR ANYONE ELSE.

REGARDING THE LAWYER MR ADREV'S IMPLICATION
THAT SOMEHOW MY COMPLAINT IS WITHOUT MERIT, I
WOULD LIKE TO SAY THAT WE MOVED TO MARION TWP
FOR THE RURAL CHARACTER AND IT SEEMS THAT
HEAVY COMMERCIAL INTERESTS HAVE MOVED HERE TOO.

IN CONCLUSION:

WHILE EDDIES MAY HAVE BEEN A LEGAL NON-CONFORMING
USE IT APPEARS THAT THE NEWEST ITERATION IS SUBSTANTIAL
LARGER THAN EDDIES AND ITS ENTIRE CHARACTER IS
DRAMATICALLY DIFFERENT. # IS DE 5/6/7 DAYS A WEEK.

IF YOU HAVE ANY QUESTIONS OF ME, I WOULD BE
PLEASED TO OFFER ANSWERS. THE MATERIALS I SUBMITTED
TO THE ZBA MEETING ON 12/3/18 WERE FOR THOUSANDS OF

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 01-19
Tax Code 4710-19-100-46
Current Zoning R.R.
Fee Paid 400
Date Received ~~1-15-19~~ 1-15-19
Received by DH

Applicant Cheyenne Pistole
Address 3157 Pingree Rd, Howell MI 48843
Telephone 517-672-1927 same
(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 6.19 A.2
2. Letter stating reason request should be granted (per Section 5.05 C)
3. Requirement per Section 4.03 D
4. Required Livingston County Health Department evaluation

Office Use Only	
Meeting Date <u>2-4-19</u>	Action Taken _____
Conditions (if applicable) _____ _____	
Signed _____	

3157 Pingree Road

Howell, MI 48843

Parcel #: 4710-19-100-046

Homeowner: Janet L. Godfrey

Prepared by: Cheyanne Pistole

January 14, 2019

Marion Township

2877 West Coon Lake Road

Howell, MI 48843

To Whom This Concerns,

Please let this letter serve as a variance request for ordinance Section 6.19 A.2, which states the following: No more than one (1) driveway shall be allowed per parcel.

The homeowner is requesting that she be allowed to add an additional entrance/exit to her existing driveway. See attached drawing for proposed placement.

The homeowner is asking for a variance for the following reasons:

1. As the driveway exists now, with the curved design, there is no space for any delivery vehicles, any service vehicles, or emergencies vehicles to turn around safely, without driving onto the grass. For example, the lawn care company hired to maintain this parcel, must park their truck and trailer on the side of Pingree Road because there is no clear distance to turn the trailer around. If they were to back out of the driveway, without turning on to the grass, the driver of the vehicle would not have a safe view to execute the turn safely into Pingree Road. However, parking on the side of a 55 M.P.H. road isn't safe either. In 2018, fire department services were needed at this parcel. After services were performed, the firetruck was unable to safely turn around. The fireman had to back out of the driveway, again, never getting a clear view of the traffic on Pingree Road.
 - a. In reference to Section 6.11 C which states: All driveways shall include a turn around area sufficient in size to accommodate local fire emergency vehicles. The event

mentioned above clearly shows the existing driveway does not accommodate local fire emergency vehicles. By accepting this variance, the homeowner would be able to be compliant with Section 6.11 C and provide a safe area for both the responders and herself.

2. A police officer was called to the parcel in 2018 and parked in front of the home, on the driveway. As he was parked there, two family members of the homeowner stopped by and had to park their vehicles directly behind him. He made the homeowner aware that he needed to leave and to have the two family members move their vehicles. To ensure his quick exit, both members moved their vehicles on to the grass, so the police officer could, once again, back out his car on to Pingree road.
3. During the winter months, the homeowner has the driveway plowed when there is snow fall. However, in the event an emergency vehicle was requested at this parcel, it is likely a problem could arise, whether it came from getting stuck while trying to turn around in the snow or unable to properly see as they were exiting the driveway.
4. Several services vehicles are unable to enter the driveway, due to not being able to turn around. Others do enter the driveway but use the grass to turn around.
 - a. The drain field and reserve are in the front of the home. This is the same (and only) spot vehicles can turn around. The homeowner is concerned that if this continues, damage could be done to both the drain field and the reserve. The home was built in 1996, so the use of the reserve could be needed in the near future. This has the potential for a public safety hazard to occur.
5. The homeowner and both representatives of the homeowner, all of which reside in Marion Township, have witnessed several parcels that have two exits/entrances. It is our impression, that some of these, were installed after this ordinance was put in to place. It is also our impression that most of these homes would have had the same safety concerns as mentioned throughout.
6. In reference to Section 6.19 A.5, which states: No driveway shall serve more than one (1) dwelling. A dwelling is described per the zoning ordinance as follows: Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. There are two dwellings located at the parcel which share one driveway. Again, by approving this variance, the homeowner would be able to be compliant with the current ordinance while focusing this request for variance on the safety of others.
7. In interpreting Section 6.19 A.2, which states the following: No more than one (1) driveway shall be allowed per parcel, it is not clear that having two exits/entrances would change the existing driveway from one to two as the proposed driveway is continuous. Regardless of the interpretation, it is believed that the proposed driveway is necessary.

Section 5.05 C 1-5

1. That the restrictions of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted use.

Addressed above.

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.

Addressed above.

3. That the requested is due to the unique circumstances of the property.

Addressed above.

4. That the alleged hardship has not been created by a property owner.

The homeowner purchased this property in 2017. The driveway issue was created when the driveway was installed by the developer.

5. The difficulty shall not be deemed solely economic.

This request is not an economic issue, but a safety issue.

The homeowner is concerned for the safety of people who are visiting her home, as well as her own. The homeowner is asking for a second exit/entrance to be allowed on this parcel to ensure the safety of any person visiting the parcel.

Attached you will find the following: A proposed drawing from Action Asphalt, a picture of where the proposed second entrance/exit will be placed, a google earth image of the parcel showing what is currently there, a document assigning Cheyanne Pistole and Kenneth Godfrey as representatives for the homeowner, a drawing submitted to the Livingston County Department of Public Health, and the contact information for the hired landscape company and representative from Action Asphalt for your reference.

We are now awaiting approval from the Livingston County Road Commission for the placement of the second exit/entrance. Once approved, we will send over those documents as well.

We ask that you grant this request for variance based on the safety of members of this township, county, and state.

Respectfully,



Cheyenne Pistole- Representative

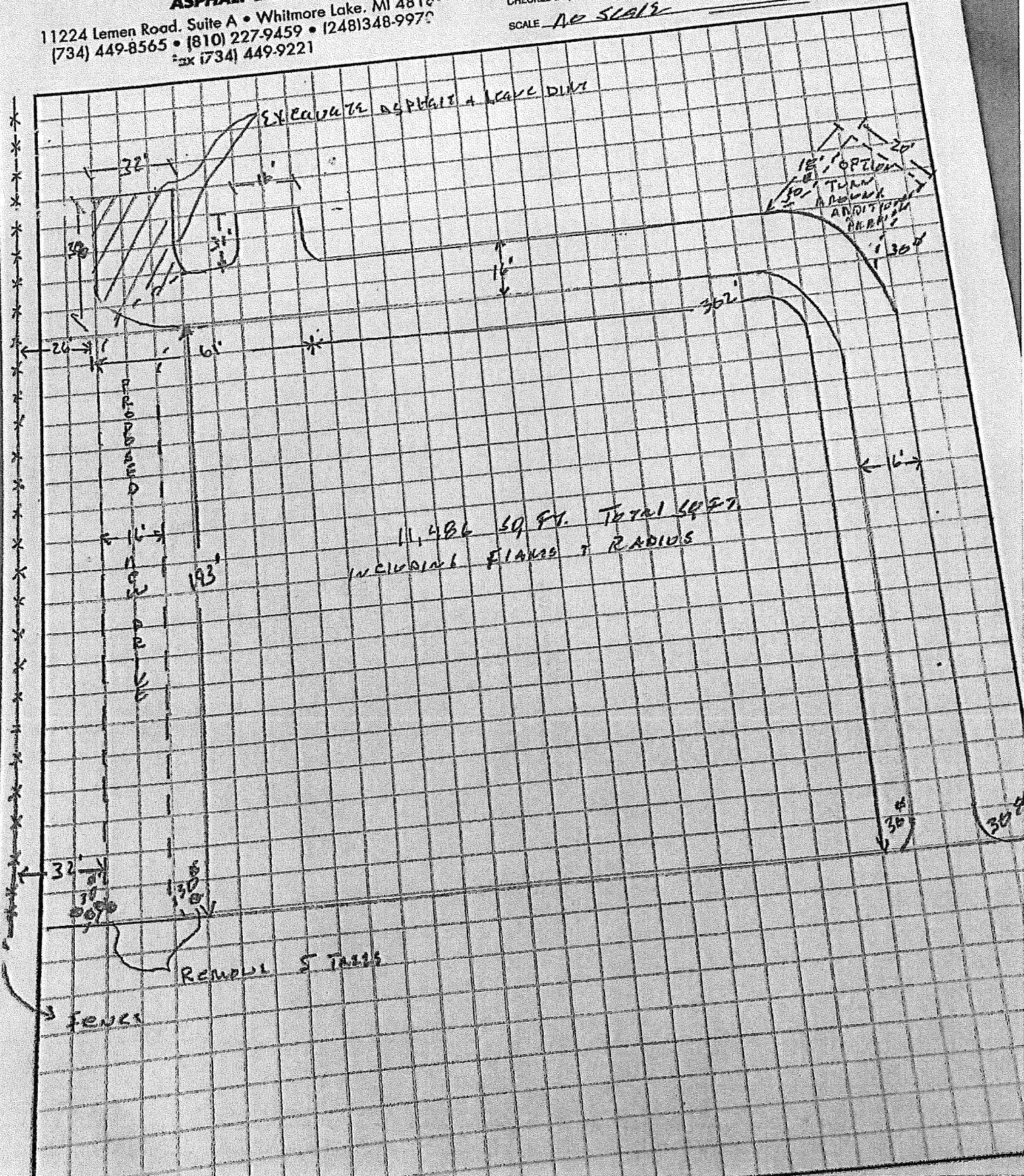




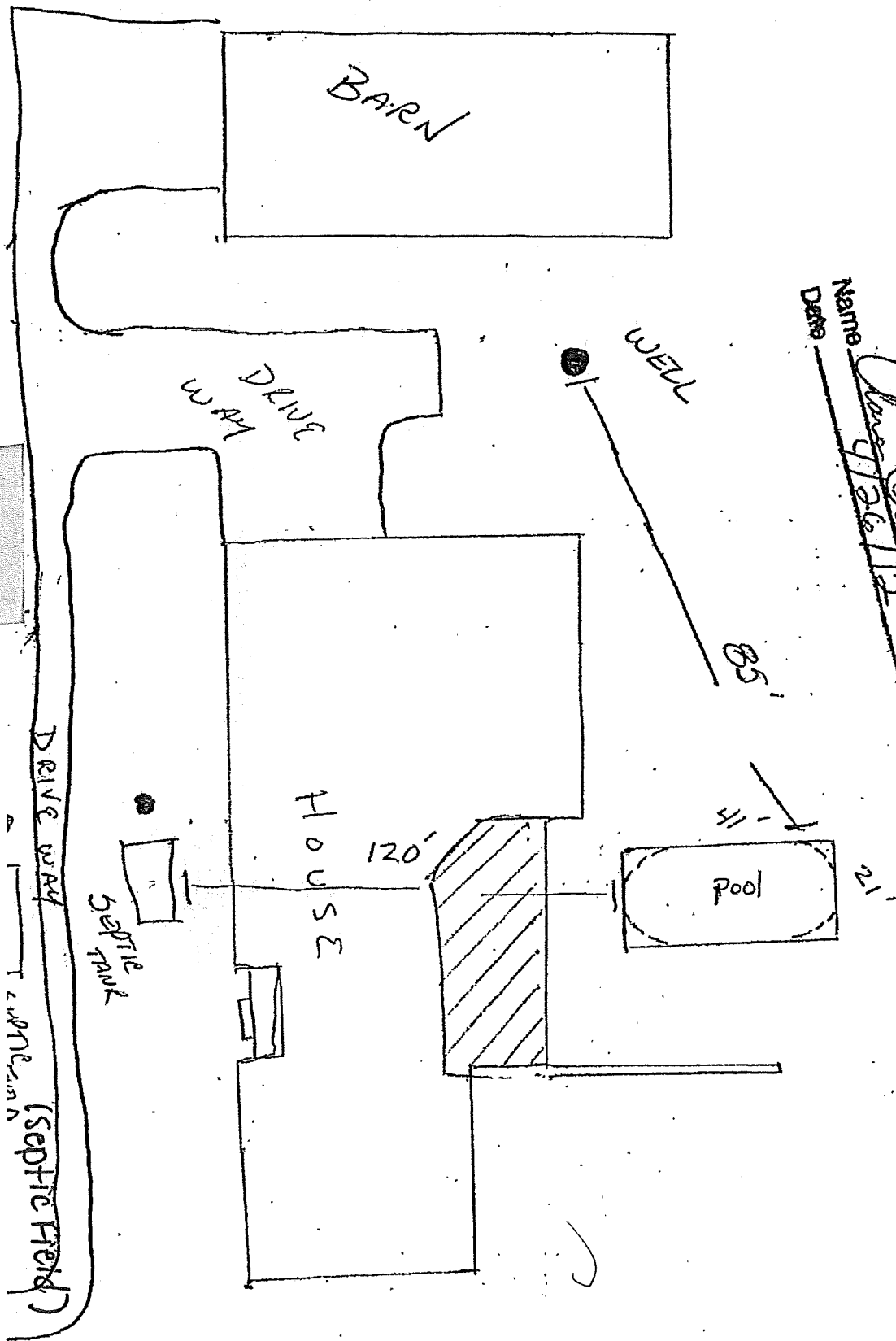
ACTION ASPHALT LLC

11224 Lemen Road, Suite A • Whitmore Lake, MI 48188
 (734) 449-8565 • (810) 227-9459 • (248) 348-9970
 FAX (734) 449-9221

JOB: JANET WOODFORD
 SHEET NO. 3157 PINKAGE
 CALCULATED BY DAN LEE DATE 12-21-15
 CHECKED BY _____ DATE _____
 SCALE NO SCALE



APPROVED
Livingston County Department
of Public Health
Name Janet G. [Signature]
Date Jan 26, 1972



Sharpe's Outdoor Services

Dustin- 517-404-6919

Action Asphalt

Dan- 517-861-6742

January 14, 2019

3157 Pingree Road

Howell, MI 48843

Parcel #: 4710-19-100-046

I, Janet L. Godfrey, legal owner of parcel 4710-19-100-046, assign Cheyanne Pistole and Kenneth Godfrey to represent me for my request for variance dated 1-14-2019.

Cheyenne Pistole- 194 Fairhill Way, Howell, MI 48843 PH: 517-672-1927

Kenneth Godfrey- 5150 West Coon Lake Road, Howell, MI 48843 PH: 517-605-3355

If you have any questions, please feel free to contact me at 313-727-7564.

Thank you,



Janet L Godfrey



**LIVINGSTON COUNTY ROAD COMMISSION
LAND SPLIT / SIGHT DISTANCE REVIEW**

** NOTE: THIS IS NOT A
DRIVEWAY PERMIT. **

Review Number 1912-001

Property Owner and Applicant Information

Owner: Janet Godfrey
 Street Address: 3157 Pingree
 City, State, ZIP: Howell, MI 48843
 Day Phone: (313) 727-7564
 Applicant: Cheyenne Pistole
 Company:
 Address: 194 Fairhill Way
 City, State: Howell MI, 48843
 Applicant Phone: (517) 672-1927

Location

Township: Marion
 Development:
 Approach Type: Residential
 Speed Limit (if posted): 45
 Speed Factors (if any): Unposted, Gravel Road
 Roadway On: Pingree Road
 Side of Street: East

Field Measurements

Location of existing property corners from nearest crossroad: and feet North of Coon Lake

Parcel	Property/ Easement Corners	Access Point(s)	Sight Distance Req. Std Min	Sight Distance Measured	Sight Distance Comply	Clear Vision Comply	Neighbor Consent Required	Approve
1		2143	500	500 North 500 South	Yes	No	No	No

Comments:

A second single residential driveway approach could be permitted at this location. Before a driveway permit will be issued, a clear vision area must be established. Tree removal is required to established clear vision. A driveway residential driveway approach application will be required.

Inspection Date: 1/21/2019

Inspector:

Sonny Newton
 Sonny Newton

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.
GODFREY KENNETH & DEBORAH	GODFREY JANET I	370,000	05/02/2017	WD	FAMILY	2017R-014199	PTA	0.0
Property Address		Class: RESIDENTIAL - IMP		Zoning: RURAL	Building Permit(s)	Date	Number	Status
3157 PINGREE RD		School: HOWELL		NEW CONSTRUCTION		06/05/2018	2018-01235	100% COMPL
Owner's Name/Address		P.R.E. 100% 05/03/2017		POOL	ACC BIDG	04/26/2012	2012-00582	FINISHED
GODFREY JANET I 3157 PINGREE RD HOWELL MI 48843		MAP #: 19		NEW CONSTRUCTION		10/01/1997	81544	FINISHED
Tax Description		2019 Est TCV Tentative		NEW CONSTRUCTION		09/01/1995	70138	FINISHED
SEC. 19, T2N-R4E, COM N 1/4 COR, TH S0*17'18"W 445.34' TO POB, TH CONT S0*17'18"W 444.18', TH N89*46'12"W 399.26', TH N0&37'10"E 150', TH N89*46'12"W 583.7' TO C/L PINGREE, TH N0*37'10"E ALG C/L 294.119', TH S89*46'12"E 980.39' TO POB. PAR 1, 8 AC. SPLIT 12/99 FR 027.		X		Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb		Land Value Estimates for Land Table OUTTW.SEC. 15 THROUGH 36 RES		
Comments/Influences		X		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb		* Factors *		
ADDED VALUE OF DECK AROUND POOL. WILL TAKE FINAL PHOTOS WHEN IN ABEA. ABOVE GROUND POOL IS CONSIDERED PERSONAL		X		Street Lights Standard Utilities Underground Utils.		Description Frontage Depth Front Depth Rate %Adj. Reason RESIDENTIAL 8.00 Total Acres 9,417 100 Total Est. Land Value = 75,333		
Topography of Site		X		Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain		Land Improvement Cost Estimates Description Frontage Depth Front Depth Rate %Adj. Reason D/W/P: 4in Ren. Conc. 410 83 Retaining Wall: Brick, 12 in. 410 83 Wood Frame 31.40 160 74 Total Estimated Land Improvements True Cash Value = 20,325		
Who		When		What		Year		
REW		04/06/1998		REAPPRAISE		2019		
		2018		Tentative		35,800		
		2017		38,500		163,400		
		2016		32,500		163,600		
				Tentative		206,200		
				Tentative		201,900		
				Tentative		196,100		
				Tentative		161,936C		
				Tentative		158,606C		
				Tentative		157,192C		

The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Marion, County of Livingston, Michigan

*** Information herein deemed reliable but not guaranteed***

Building Type	(3) Roof (cont.)	(11) Heating/Cooling	(15) Built-ins	(15) Fireplaces	(16) Porches/Decks	(17) Garage
X Single Family Town Home Duplex A-Frame	X Eavestrough X Insulation 1 Front Overhang 1 Other Overhang	X Gas Wood Oil Coal Elec. Steam Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Cell. Radiant Radiant (In-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling	1 Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl. Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Calculator Raised Hearth Wood Stove 1 Direct-Vented Ga	Area Type 157 CCP (1 Story) 70 CCP (1 Story) 364 Treated Wood 420 Red Wood/Cedar	Year Built: 1996 Car Capacity: 2.5 Class: B Exterior: Brick Brick Ven.: 0 Stone Ven.: 0 Common Wall: 2 Wall Foundation: 42 Inch Finished ? Auto. Doors: 1 Mech. Doors: 0 Area: 648 & Good: 0 Storage Area: 0 No Conc. Floor: 0 Bsmnt Garage: Carport Area: Roof:
X Wood Frame	X Drywall Paneled Plaster Wood T&G	Central Air Wood Furnace	Cost Est. for Res. Bldg: 1 Single Family (11) Heating System: Forced Heat & Cool Ground Area = 2527 SF Floor Area = 2527 SF. Phy./Ab. Phy./Func/Econ/Comb. % Good=78/100/100/100/78 Building Areas Stories Exterior Foundation 1 Story Brick Basement	Size 2,527 Total:	Cost New 406,405 Total:	Depr. Cost 316,969 Total:
(1) Exterior Wood/Shingle Aluminum/Vinyl Brick	X Drywall X Cathedra	No./Qual. of Fixtures Ex. X Ord. Min No. of Elec. Outlets Many X Ave. Few	Other: Kitchen: Other:	Other Additions/Adjustments Basement, Outside Entrance, Below Grade Plumbing 3 Fixture Bath 2 Fixture Bath Vent Fan Water/Sewer 1000 Gal Septic Water Well, 200 Feet Porches CCP (1 Story) CCP (1 Story) Deck Treated Wood Red Wood/Cedar Garages	8,525 5,683 1,070 4,987 10,076 4,960 2,352 5,529 7,644	6,649 4,433 835 3,890 7,859 3,869 1,835 4,313 7,109
X Insulation	(7) Excavation Basement: 2527 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0	(12) Electric 100 Amps Service	Class: B-10 Effec. Age: 22 Floor Area: 2,527 Total Base New: 503,512 Total Depr Cost: 393,860 Estimated T.C.V: 302,091	1	3,472	2,708
(2) Windows Many Avg. X Large Avg. Few Small	(8) Basement 12 Conc. Block Poured Conc. Stone Treated Wood Concrete Floor	(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove 3 Vent Fan		1	406,405	316,969
X Many Avg. X Large Avg. Few Small	(9) Basement Finish Recreation SF Living SF Walkout Doors SF No Floor SF	(14) Water/Sewer Public Water Public Sewer Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:		1	406,405	316,969
X Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(10) Floor Support Joists: Unsupported Len: Cntr. Sup:	(15) Water/Sewer Public Water Public Sewer Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:		1	406,405	316,969
(3) Roof Gable Hip Flat X Asphalt Shingle	(10) Floor Support Joists: Unsupported Len: Cntr. Sup:	(14) Water/Sewer Public Water Public Sewer Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:		1	406,405	316,969
Chimney:				1	406,405	316,969

*** Information herein deemed reliable but not guaranteed***

<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>

Building Type	Farm Implement (Equipmen	Stables		
Year Built	1995	1997		
Class/Construction	D,Pole	D,Pole		
Quality/Exterior	Average	Low Cost		
# of Walls, Perimeter	4 Wall, 180	4 Wall, 78		
Height	18	16		
Heating System	No Heating/Cooling	No Heating/Cooling		
Length/Width/Area	60 x 30 = 1800	30 x 24 = 720		
Cost New	\$ 31,986	\$ 14,775		
Phy./Func./Econ. %Good	56/100/100 56.0	59/100/100 59.0		
Depreciated Cost	\$ 17,912	\$ 8,717		
+ Unit-In-Place Items	\$ 0	\$ 0		
Description, Size X Rate X %Good = Cost				
Itemized ->				
Unit-In-Place ->				
Items ->				
E.C.F.	X 1.00	X 1.00		
% Good	56	59		
Est. True Cash Value	\$ 17,912	\$ 8,717		
Comments:				
Total Estimated True Cash Value of Agricultural Improvements / This Card: 26629 / All Cards: 26629				

*** Information herein deemed reliable but not guaranteed***

