MARION TOWNSHIP ZONING BOARD OF APPEALS

Monday, August 10, 2020 7:30 p.m.

AGENDA

CALL TO ORDER		
PLEDGE OF ALLEGIENCE		
INTRODUCTION OF MEN	BERS	
APPROVAL OF AGENDA	August 10, 2020	
CALL TO PUBLIC		
APPROVAL OF MINUTES	FOR: July 6, 2019 Regular Meeting	
OLD BUSINESS:		
1) ZBA Case #03-20	David & Karen Alfanos 4084 Southwoods Drive Howell, MI 48843 Seeking a variance for Section 8.04.E.3.a.2 side yard setback 10 feet 8.04.E.3.a.3 Rear setback of 25 feet. 4710-25-101-017	t and
1) Review changes t	the ZBA application	
CALL TO PUBLIC:		
ADJOURNMENT:		

Approved:		

MARION TOWNSHIP ZONING BOARD OF APPEALS REGULAR MEETING JULY 6, 2020

MEMBERS PRESENT: Larry Fillinger (remotely), 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 7:32 p.m.

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

APPROVAL OF AGENDA

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

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

<u>June 1, 2020 Regular Meeting</u>: Linda Manson-Dempsey motioned to approve the minutes as presented. Diane Bockhausen seconded. **Motion carried**.

OLD BUSINESS: None

NEW BUSINESS

ZBA Case #03-20—David & Karen Alfanos, 4084 Southwoods Dr., Howell, Ml, Tax Code #4710-25-101-017; Seeking variance for Section 8.04 E3 a 2—Side Yard Setback of 10 feet and Section 8.04 E3 a3—Rear Setback of 25 feet

Mr. and Mrs. Alfanos were present to ask for variances to build an attached garage to their existing home. In addition to the side yard setback request, they are requesting a rear yard setback variance because of a cul-de-sac that was created when the canal was put in.

Dan Lowe said that a variance giving them only a one-foot setback is a problem; he would be more comfortable if the setback was at least five feet. Larry Grunn asked if they would be willing to reduce the size of the garage. It was also suggested that if they could push the garage back, it would eliminate the need for the rear setback variance and the side yard variance could be closer to five feet. The ZBA members also encouraged the applicants to locate the survey markers. Mr. and Mrs. Alfanos agreed, and said they would look at other options to move the proposed garage back.

Call to the Public

Letters of support were received from Dan & Mercedes LaFramboise, 4058 Southwoods Dr. (who own the vacant lot to the north); Dave & Mary Schultz, 4071 Southwoods Dr.; and Daryl & Christine Soneral, 4085 Southwoods Dr.

<u>Motion</u>

Linda Manson-Dempsey motioned to table ZBA Case #03-20 until the August 10, 2020 ZBA meeting, provided the applicants have located the survey markers and have a revised plan for the garage. Larry Grunn seconded. Roll call vote: Bockhausen, Lowe, Manson-Dempsey, Grunn, Fillinger—all yes. **Motion carried 5-0**.

ZBA Case #02-20—Richard Suhayda, 806 Hurley Dr., Howell, MI, Tax Code #4710-35-301-041; Seeking variance for Section 8.04 E1 a—Minimum Lot Area, Section 8.04 E3 a1—Front Setback of 50 feet, and Section 8.04 E3 a3—Rear Setback of 25 feet

The applicant, Richard Suhayda, was present to ask for variances to construct an attached garage on the north side of his property. The current structure does not meet the setback requirements. Mr. Suhayda said if the variances are granted, he will combine his two parcels to give him 12,000 square feet. The current zoning requires 18,000 square feet. Mr. Suhayda's lot has frontage on three roads: Pleasant Lake, Hurley, and Park. The applicant provided a statement supporting his request signed by David Bozek, 778 Hurley; Daniel Bozek, 778 Hurley; Hunter Robertson, 771 Hurley; Fabio & Staci Giske, 777 Hurley; and Roger Pashak, 825 Hurley.

Dan Lowe said the applicant needs to provide a drawing of what he intends to do before a decision can be made. Linda Manson-Dempsey agreed that more information is necessary. The ZBA members encouraged Mr. Suhayda to either locate the irons on the corners of his lot or get a survey.

Linda Manson-Dempsey motioned to table ZBA Case #02-20 until the next meeting so the owner can either locate the survey irons or obtain a survey, and to discuss combining the lots with the assessor. Diane Bockhausen seconded. Roll call vote: Bockhausen, Lowe, Manson-Dempsey, Grunn, Fillinger—all yes. **Motion carried 5-0**.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:43 pm. Diane Bockhausen seconded. Motion carried.

Updated Variance Request for the Zoning Board of Appeals

Based on our board of appeal meeting in July, we are revising our request for 2 variances. We are going to keep our request for a 2.5' variance for the Cul de Sac and are going to change our variance request for the North side lot from a 9' variance to a 5' variance.

Due to the garage being attached to our house and our need to enclose the existing second car garage, we are not able to move the garage back any further so the 5' north side variance is needed.

The applicant shall submit sufficient information to enable the Board of Appeals to determine that a practical difficulty exists, if applicable, by explaining:

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

The 2 ordinances are preventing us from building a 2 car attached garage. We currently park 2 cars in the driveway because we currently only have a 1 car attached garage. If we build the garage in an area where we would not need a variance, the garage would no longer be attached, it would be too close to our septic field and it would not allow us to enclose the current 2nd car garage that the township indicates is living space. So the ordinances are restricting us from adding a 2 car attached garage.

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 approval of the 2 variances would allow us to build the 2 car attached garage and it would allow us to enclose the existing 2^{nd} car garage to make it an adequate living space in our home.

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

The township has created a non-existent cul—de-sac in the front of our property. This was put in place after the home was built and after the waterway inlet that was created on the side of the house. Once the inlet was created, the road stops in front of our home and the township created a phantom cul-de-sac on our front lawn. When we purchased the home, we did not know this existed. Also, the township is now including our second car garage as living space in our home even though there is a garage door in this area so we would like to dry-wall this so it looks like living space from the outside instead of a garage.

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

We did not create a cul-de-sac in the front of the home nor did we put a wall to separate the 2 car garage

5. The difficulty shall not be deemed solely economic.

We are solely interested in building the garage because we need the garage space. We have 3 cars, lots of lawn maintenance equipment, paddle boat, kayaks etc. and need the additional garage space. We are not interested in adding the 2 car garage for economic reasons.

APPLICATION TO ZONING BOARD OF APPEALS

Applica	ant <u>David É</u> K	ZBA Case # Tax Code Current Zoning Fee Paid Date Received Received by	03-20 4710-25-101-017 ERS-1 400 6-9-2020 by
Addres Teleph		Southwo 810 S	10ds Drive 1599-9008 (Cell)
Applicant is (d		□ Purchaser	□ Representative
	aser or Representative need		·
	e of Request (check applied		
1.	Variance Request (Administrative Rev Interpretation of O Zoning Ordinance Section	iew (per Section rdinance (per Se	ction 5.05 B 1, 2, 3 or 4)
2.	Letter stating reason requ	est should be gra	anted (per Section 5.05 C)
3.	Requirement per Section 4	4.03 D	
4.	Required Livingston Count	ty Health Departi	ment evaluation
	Offic	e Use Only	
Meeting Date _	JULY 6,2020	Action	Taken
Conditions (if a	ipplicable)		·
Signed			

Letter for Zoning Board of Appeals

4084 Southwoods Drive, Howell MI 48843 Parcel 4710-25-101-017 West Shores Estates Lot #16

To Whom it May Concern:

Variances for building a 2.5 car garage ordinance sections 804E3A2 and 804EA3

We would like to build a 2.5 car attached garage onto our home. The garage will be attached to the North side of the house and will be approximately 27' wide x 26' deep. In order to build the attached garage we will need a variance for the zoning ordinance sections 804E3A2 and 804E3A3. We are requesting a variance of 2.5' (east side of lot) from the (cul de sac) and 9' on (north) side of the property (vacant property owned by the homeowner on the other side of the lot Mr and Mrs LaFramboise 4058 Southwoods Drive).

When we purchased the home in December of 2018, the previous owners had built a wall to separate the two car garage and they partially finished the second garage stall (there is still a garage door attached to it and the furnace does not heat this area). Marion Township is now including this area as living space in the home and we are being taxed on the second garage stall as being living space. So we only have a 1 car garage. In order to meet the needs of our family, we would like to add on a 2.5 car garage. Our previous home had a 3.5 car garage and our daughter just moved back home so we now have 3 cars and only a 1 car garage.

Cul de sac

After our Land Use permit to build the 2.5 car garage was denied by Marion Township, we were informed we have a cul-de-sac running through the middle of our front lawn. When our home was built in 1968, Southwoods Drive was connected all the way through. Later, a canal was built on the south side of the home and Southwoods ends in front of our home and it ends at a boat launch (which is a private launch for our street only). The cul-de sac is not a proper cul-de-sac because there is no turn around. Since we have a lot of record and our lot was created before the zoning was put in place, we would like to request a 2.5' variance from the cul-de-sac. Our proposed garage will be 22.5' from the end of the cul-de-sac instead of the required 25'.

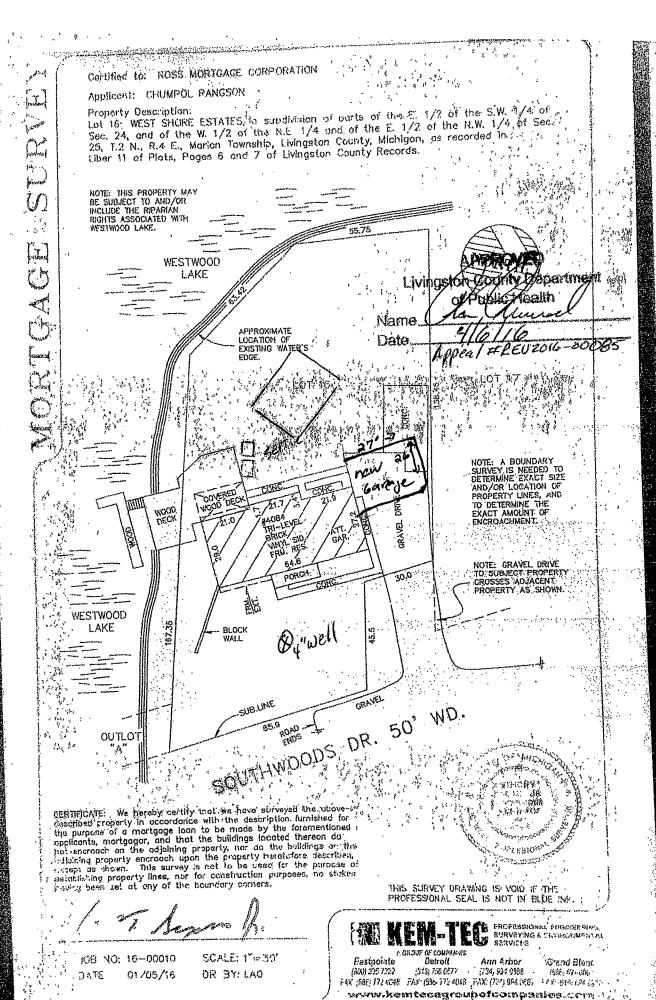
Vacant lot

Based on the shape of our lot, the front of the garage will be 1' from the side lot (North side) and the back of the garage will be 10' from the side lot (North side). So we are asking for a variance of 9' to accommodate the front of the garage from the side (north) because the front of the garage will be 1'

away from the lot line and not the required 10". The lot on the north side of the home is vacant with no home or structure on it. The lot does not perk. Previous owners owned 50% of the side lot but they sold it to the LaFramboise, the homeowner on the other side of the lot in 2016. The LaFramboise's are not interested in selling us the lot or any portion of the lot.

Respectfully submitted,

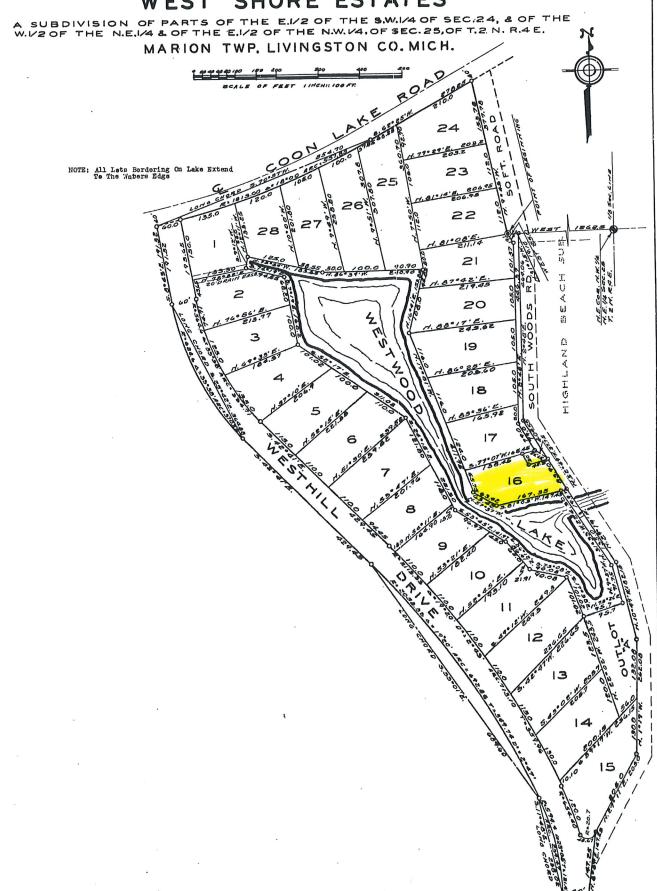
David and Karen Alfanos



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E. 14

"WEST SHORE ESTATES"



"WEST SHORE ESTATES"

A SUBDIVISION OF PARTS OF THE E.I/2 OF THE S.W.I/4 OF SEC.24, & OF THE W./2 OF THE N.E.I/4 & OF THE E.I/2 OF THE N.W./4, OF SEC. 25, OF T.2 N. R.4 E.

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		as Problem and Hykola, Stofkinsky
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		dedicated to the Lot owners.
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Containing Lots numbered 1 to 22 inclusive and Decimals	· 	Mykola Statki waky te me persencity keems, who being each by me duty sworn did say that they are the
NOTE: All dimensions are given in feet and Decimals thereof. All curvilinear dimensions are are		Freshent and Secretary respectively of the MADAIS
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APPROVAL BY COUNTY PLAT BOARD		that said instrument was signed and sected in describ to both the said with the said of th
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Warren H. Andersen (Mondow)		
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Dorothy Holden Clad.		cylinder at least 4 inches in diameter and 36 inches in depth here been placed at points marked thus (O) as thereon shown at all angles in the boundaries of the lend platted, at
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**Doze (Line 1) (Greez County Tracerus)

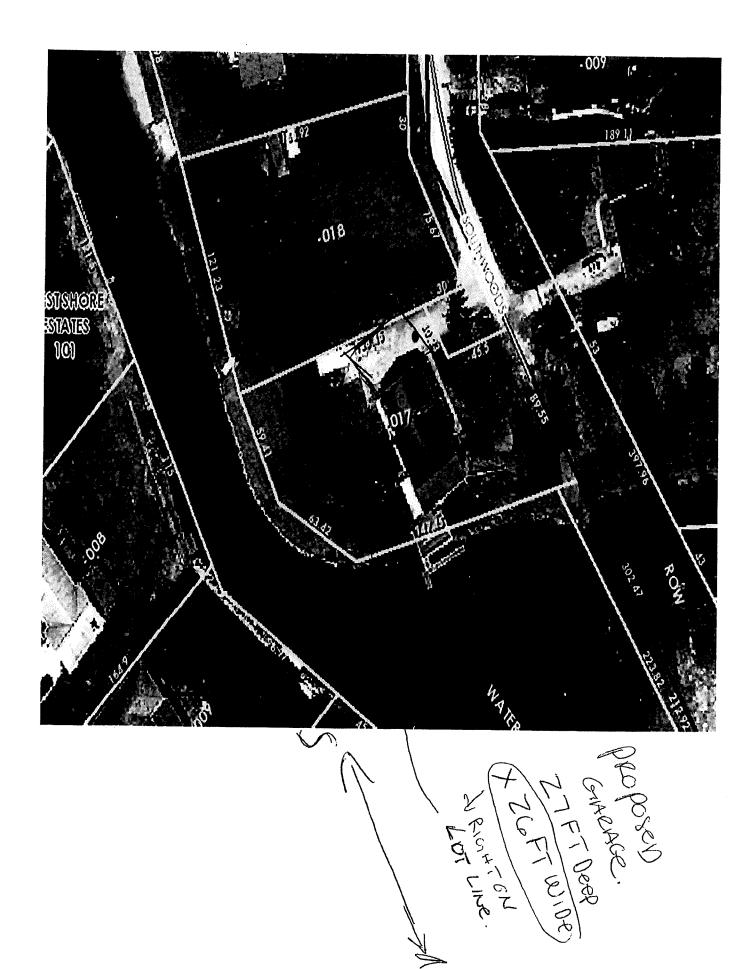
**Doze (Line 1) (Greez County Tracerus) OmesAAL ON e. F

810599-9008 Za@maniantannship.com

MARION TOWNSHIP LAND USE PERMIT APPLICATION 2877 W. COON LAKE ROAD, HOWELL, MI 48843 Phone: (517) 546-1588 Fax: (517) 546-6622

TOWNSHIP OF MARION, COUNTY OF LIVINGSTON	PERMIT NO
Tax Code No.: 4710 - 25-101 - 017 Land Division Date: Water District: Sewer District: Individual Septic: Individual Well: Available REUs:	DATE: FEE: REINSPECT FEE: (if applicable)
The undersigned makes application for a land use permit to construct:	11 11 20 11 6212
AN attached garage glodled to the	north Side of the Touse
Address: 4084 Southwoods Dave of No Subdivision	
Lot Size: HHG acizes Parcel in flood zone	
Roof Pitch: Min. 6" overhang on gable end Ground Floor Living Space: Second Floor Living Tri/Quad Level Sq. Ft. of two lowest levels:	ls of roof?
Structure Dimension: 27 × 26 wise Structure Height: / E	2 /2 at the peak planton
Location: On the side of Street/Road Between and	ZONINGALIN
Plot Plan Attached? Z Yes No (see attached requirements	3)
CONSTRUCTION MUST BE STARTED WITHIN SIX (6) MOI OUTSIDE CONSTRUCTION MUST BE COMPLETED WITHIN DATE OF THIS PERMIT. (Sec. 4.03, C-2) Thereby certify that all use for which this application is made will conform will be constructed with the state of Michigan.	NTHS OR PERMIT IS VOID. IN TWO (2) YEARS OF ISSUE
Applicant Name (print) Applicant Name (print) Signature Address Phone	£011 310 599-9008
INSPECTIONS: 1. Zoning Inspection Approved:	Date:

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



To: Marion Township

The Alfanos Family at 4084 Southwoods Drive has asked our permission to build a 2.5 car attached garage on the north side of their lot and they are requesting the township to approve 2 variances. We understand they are requesting a variance on the north side of the garage, which borders on the lot that we own. They are requesting the township to approve a 9' variance and an additional variance for the cul-de-sac.

We have no issues with the building of this structure. They have asked us to purchase all or part of the lot that we own on the north side of their lot but we are not interested in selling this property.

We hope you approve the variances so they can build the garage they are looking to build.

Sincerely,

Dan and Mercedes LaFramboise

4058 Southwoods Drive

06/05/20

To Marion Township

We understand the Alfanos Family at 4084 Southwoods Drive is interested in adding on a 2.5 car attached garage on the north side of their house and have applied for a couple of variances. We have no issues with them building this garage and would like to see the township approve this. Sincerely,

Dave and Mary Schultz 4071 Southwoods Drive

06/07/20

To Marion Township

The Alfanos Family at 4084 Southwoods Drive have approached us about allowing them to build a 2.5 car attached garage on the north side of their property, which would need 2 variances to be approved by the township. We would like to acknowledge our approval of this project and hope the township will approve the variances for them and allow them to build the attached garage.

Sincerely,

Daryl and Christine Soneral 4085 Southwoods Drive

Parcel
Number:
4710-25-101-017

Jurisdiction: MARION TOWNSHIP

County: LIVINGSTON

Printed on

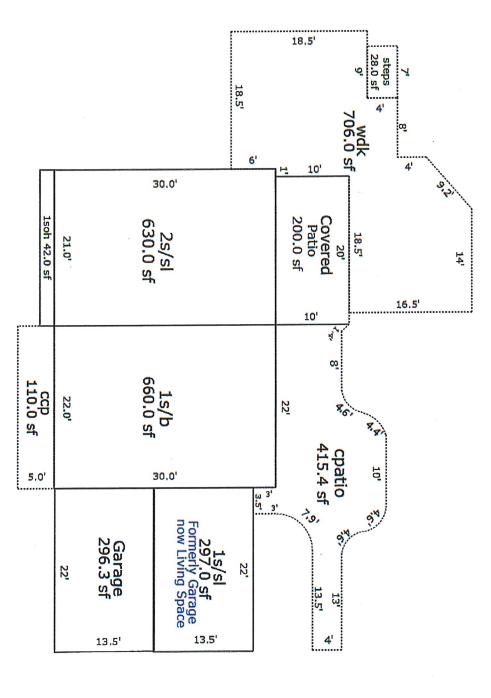
06/09/2020

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Date NA/30/2019 2016R-002822 NA/30/2019 2016R-002822 NA/30/2019 2014/30/2016 NA/30/2016	Page PTA PTA	Building A Value 155,300				Estimates Estimated Land		Table * Fac				Permit		S-LENGTH	O Hi
	Le =	Assessed Board of Value Review 223,400				True	825 100 Total Est.	OON LAKE AREA							

^{***} Information herein deemed reliable but not guaranteed***

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culations	Built-Ins	Common warr: I warr		BC Exterio		ndati	(1	CCP (1 Story)	Porches		1000 Gal Septic	Water/Sewer	sparate s	3 Fixture Bath	Brick Veneer	Exterior	ditions/A	1	Sidi	1 Story Siding	21.41	tories Exte	g Areas	ny/Func/E	Ground Area = 1587 SF	ESC. FOR SUST		Security System	Trash Compactor	Sauna	Self Clean Range	Standard Range	Microwave	Oven	Jacuzzi repl.Tub	Tachasi Pub	Vented Hood	Unvented Hood	Hot Tub	Vent Fan		Garbage Disposal	Dishwasher	1 Appliance Allow.	(T) BULLCHIS
too long. See Valuati		<u> </u>	ı	r: Siding Foundation: 42		W				et.							djustments	t	Overhang	Slab	# C F P C F	r Foundation		õ	Floor Area	om. Horcey Heat & Cool . Brog. r offiche remitry	3 (3.5.2.3.5)		ated :	Total Dept Cost: 329.138	D 10 00 00 00 00 00 00 00 00 00 00 00 00	Aye:	BC.		Direct-Vented Ga	MOOD STOVE	Raised Hearth	בדפדפה ע פרכדא	υH	й	\vdash	().	2nd/Same Stack	ാ ല	(דיין די ה'טדמרפיס
Valuation printout for o	۲	ے د <u>ـ</u>	296	Inch (Unfinished		200	200	110		1	⊢		Н	┙	4.7	21			42	297	n (020 0210 0210	1.	100/100/90	SF. (Tri-Level)	KO#U-FEARF	רוזא ה – ד פוניפוד		;	.138 X 0.907											/34 Ken Moon/cenar	200 CCP (L Story)	(1	Area Type	(10) FOICHES/DECKS
complete p	0	л л л л	_3 500	1)		-1,102	5,510	3,181		9,473	4,557		2,237	5,523	1,061	1001		307,969				COSC NEW	20				מים שט	KOOL:		פאוווויר	7	No Conc.	Storaç	% Good:	Area: 296		Auto.	Finished o:	Founda	Stone	Brick			Year B	(F)
pricing. >>>>	,i.	107	14,94U	s		-705	3,526 *	2,863		8,526	4,101		2,013	4,971	, 000	7 030		265,933		*		nabt. cost					1068		rt Area:	Gat and	Caraca	nc. Floor: 0	Storage Area: 0	a: 0		Doors: 0	••		Foundation: 42 Inch	٠ _		ior: Siding	Class: BC	Built: 1968	1

^{***} Information herein deemed reliable but not guaranteed***



Sketch by Apex Sketch

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