

**MARION TOWNSHIP  
ZONING BOARD OF APPEALS**

Monday, September 14, 2020  
7:30 p.m.

**AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIENCE

INTRODUCTION OF MEMBERS

APPROVAL OF AGENDA September 14, 2020

CALL TO PUBLIC

APPROVAL OF MINUTES FOR: July 6, 2019 Regular Meeting

OLD BUSINESS:

- 1) ZBA Case #02-20 Richard Suhayda 806 Hurley Dr. Howell, MI 48843  
Seeking a variance for Section 8.04 E.1.a Minimum lot area, 8.04.E.3.a.1  
Front setback of 50 feet and 8.04.E.3.a.3 Rear setback of 25 feet.  
4710-35-301-041.
  
- 2) 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 and  
8.04.E.3.a.3 Rear setback of 25 feet. 4710-25-101-017.

NEW BUSINESS:

- 1) ZBA Case #04-20 Ted Baruzzini 3069 Combine Ct. Howell, MI 48843  
Seeking variance for Section 6.11.C.1 Flag lot per parent parcel, and  
6.20.C.1.c not more the 4 principle buildings on cul-de-sac.  
4710.28-200-040.
- 2) ZBA Case #05-20 Keith & Kelly O'Hara 4601 Sierra Dr. Howell, MI 48843  
Seeking variance for Section 8.01.F.2a minimum road frontage 150  
Feet. 4710-26-100-012
- 3) Review changes to the ZBA application

CALL TO PUBLIC:

ADJOURNMENT:

Submitted by: S. Longstreet

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

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**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**

**June 1, 2020 Regular Meeting:** 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, MI, 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.

### **Motion**

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.**

**APPLICATION TO ZONING BOARD OF APPEALS**

ZBA Case # 02-20  
Tax Code 4710-35-301-041  
Current Zoning ERS I  
Fee Paid \$400  
Date Received 6-4-2020  
Received by SA

Applicant Richard Suhayda  
Address 800 Hurley Dr. Howell, MI 48843  
Telephone (586) 212-6158  
(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

804 E 1A, 804 E 3A1  
804 E 3A3

- 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  
(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

6/4/2020  
Date

**Office Use Only**

Meeting Date JULY 6, 2020 Action Taken \_\_\_\_\_

Conditions (if applicable) \_\_\_\_\_

Signed \_\_\_\_\_



Lot of Record

**Section 5.05**

**Authorized Appeals**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any Township official or by the Planning Commission in administering or enforcing the provisions of the Zoning Ordinance.
  
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  - 1. Interpret the provisions of the Zoning Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Zoning Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Zoning Ordinance.
  - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. (See Section 7.04.)
  - 3. Classify a use that is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Zoning Ordinance is amended to permit it.
  - 4. Determine the parking space requirements of any use not specifically mentioned by classifying it with one of the groups listed in Article XIV by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Zoning Ordinance.

**C. Variances**

The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations and other similar requirements as specified in the ordinance. The existence of nonconforming structures or buildings on other lands, or in other districts, shall not create a precedent, or be the basis for a variance. To obtain a variance, the applicant shall submit sufficient information to enable the Board of Appeals to determine that a practical difficulty exists, if applicable, by explaining:

- 1. That the restrictions of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted use.
- 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.
- 3. That the request is due to the unique circumstances of the property.
- 4. That the alleged hardship has not been created by a property owner.



**5. The difficulty shall not be deemed solely economic.**

Following review and consideration of the above and in order to grant a variance, the Board of Appeals:

Shall find that the reasons set forth in the application and as explained above justify the granting of the variance and that it is the minimum variance that will make possible the reasonable use of the land, building or structure; and

Shall further find that the granting of the variance will be in harmony with the intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public interest.

The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the five preceding criteria. If any criteria does not apply, the Zoning Board of Appeals shall justify why it does not apply.

Use variances are strictly prohibited. A variance shall not permit the establishment, within any district, of any use, which is not permitted by right, special use permit or by a temporary land use.

- D. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (see Section 6.15.) Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the variance.
- E. **Approval Period**
- The decision of the Zoning Board of Appeals shall expire after one year unless a building permit for the construction is obtained and construction is started in accordance with the terms of the permit and the requirements of the Zoning Board of Appeals. The Zoning Board of Appeals may grant no more than one extension, for up to one year, provided the applicant demonstrates that they have been diligently working toward completion and the delay is due to conditions beyond their control.
- F. **Rehearing:** No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8) days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.
- G. **Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Board to be valid.

**Section 5.06**

**Appeal Procedures**

- A. **Notice of Appeal:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department, board, or bureau of the state or of the Township, by filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a land use permit (either a plot plan or site plan) in Section 4.03.D. shall be submitted. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the ruling of the Zoning

Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator's decision or the decision shall be final.

B. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, issued by the Zoning Board of Appeals or by a court of record.

C. **Hearing:** Upon receipt of a Notice of Appeal or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing and give notice as provided in section 103 of PA 110 of 2006, as amended.

Upon receipt of a Notice of Appeal seeking an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing.

If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

D. **Appearance:** At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

E. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Zoning Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on any matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance in the Zoning Ordinance.

F. **Fee:** A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township is the moving party.

G. **Performance Guarantee:** In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or similar instrument acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 4.06.

## Section 5.07

### Review By Circuit Court

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for Livingston County as provided for in PA 110 of 2006, as amended.

To Whom in May Concern:

This letter contains the reasoning behind our request for a variance located at 806 Hurley Dr. in the Log Cabin Subdivision EC 35 T2N R4E LOG CABIN PARK LOTS 52 SPLIT ON 02/03/2008 FROM 4710-35-301-011.

This request has been submitted in order for us to build an attached garage to be located on the north end of the property with the drive entrance facing Pleasant Lake Rd. There is not enough space from the existing building for current zoning property setbacks. In order to maintain proper structure and alignment with the existing house as well as "curbside appeal" we would need to encroach on Hurley Dr. with a remaining 22ft to the property line. On the Pleasant Lake Rd. side, per our requested dimensions there would remain about 21ft to the property line also encroaching on Pleasant Lake Rd.

The third side requires 30ft and will not be an issue in the event that we join parcels which we would do contingently upon receiving our variance. All standing structures were built and maintained on the properties before we purchased them. This is according to your web site estimated in the 1920's and per the county lot of records before the new zoning ordinance was adopted on March 14<sup>th</sup> 1996.

We have discussed these issues with our existing neighbors. We plan on putting together a brief letter with signatures of approval from them as well. We do plan to have this statement available at the time of the meeting in front of the board.

Thank you,

Mr. and Mrs. Richard Suhayda

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

Since the house was originally built before the current zoning ordinance was adopted it does not lie within proper set back to roadways. Therefore to maintain structural alignment with the current structure the "New requested Addition" would need to encroach on current zoning set back limits.

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.

Substantial justice = You have given other neighbors in the area approval for "further" encroachment than I am requesting to build the same size if not larger structures.

Lesser relaxation= I need a the minimum of 29 ft from panama rd and 34 ft from pleasant lake rd. Anything less than that I would not be able to build how I would like to.

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

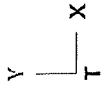
The house was originally built long before the current zoning ordinances were adopted.

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

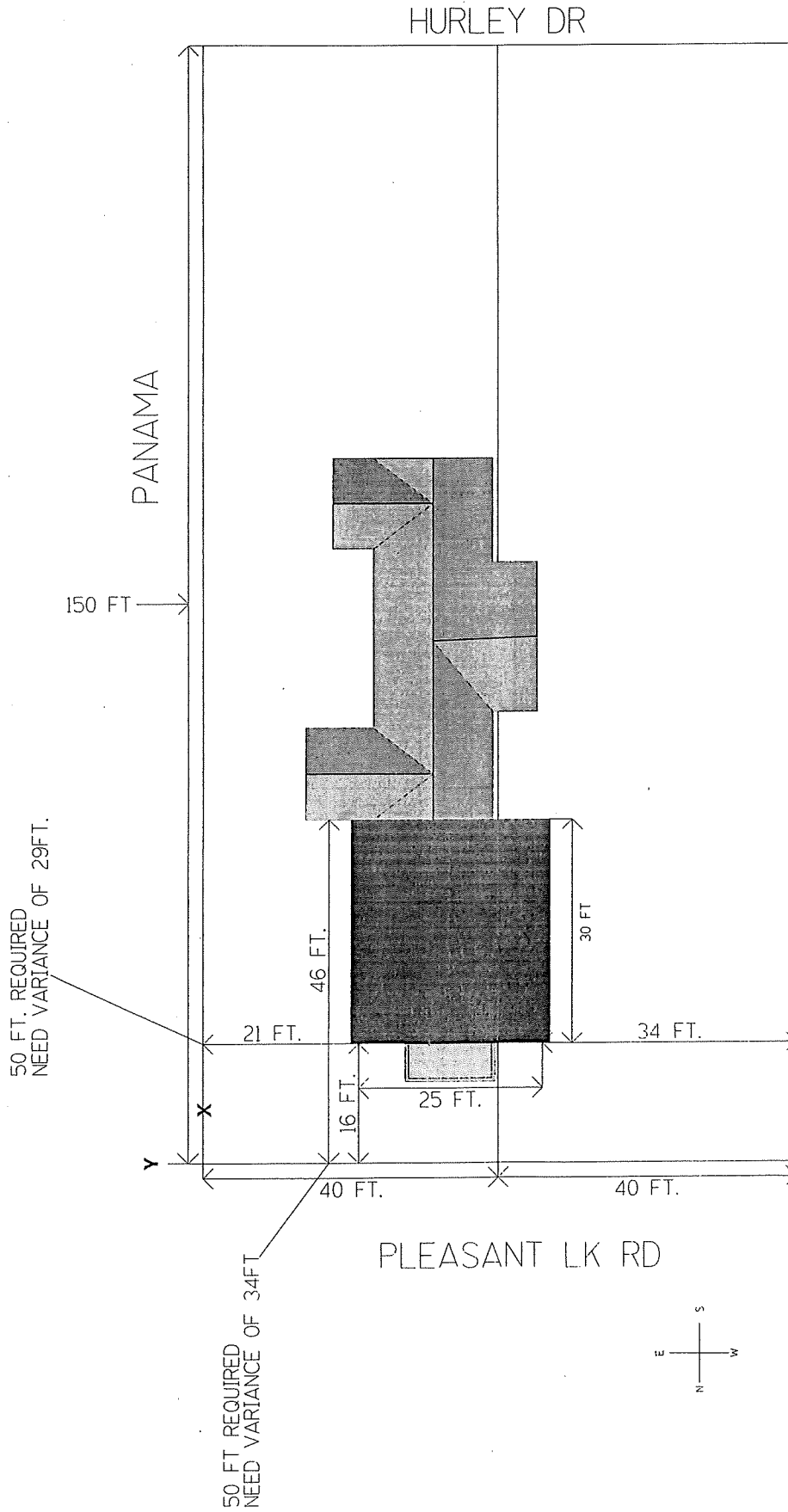
The property was as is in current condition when I purchased it.

5. The difficulty shall not be deemed solely economic.

I have no intention of selling the property after all upgrades and additional building is completed. Just want somewhere to park our cars and not have to walk through rain, snow, or mud to enter the house.



400.0000  
Inch





Grantor: SUHAYDA RICHARD E  
 BOZEK DANIEL  
 NANTAIS V & CELESKEY G &  
 CELESKEY JOSEPHINE

Property Address: 06 HURLEY DR  
 HOWELL MI 48843

Owner's Name/Address: SUHAYDA RICHARD E  
 06 HURLEY DR  
 HOWELL MI 48843

Map #: LCP  
 2021 Est TCV 113,534 TCV/TFA: 72.55  
 Land Value Estimates for Land Table 00037.LOG CABIN PARK

Class: RESIDENTIAL - IMP Zoning: ERS-1 Building Permit(s)  
 School: HOWELL PUBLIC SCHOOLS  
 P.R.E. 100% 12/21/2015

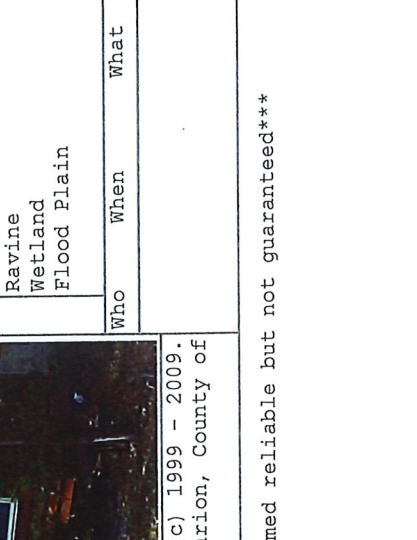
Max Description: EC 35 T2N R4E LOG CABIN PARK LOTS 52  
 SPLIT ON 02/03/2008 FROM  
 710-35-301-011;  
 Comments/Influences: REMOVED DETACHED GARAGE TO 35-301-042.  
 PARCEL WAS SPLIT FOR 2008 AND GARAGE IS  
 IN LOT #16.  
 \*\*02/03/08 VM  
 CORRECTIONS AND UPDATES TO PROPERTY  
 RECORD CARD DONE AS ADJUSTMENTS ONLY.  
 \*\*09/26/07 VM  
 Split/Comb. on 02/03/2008 completed /

Inst. Type	Sale Date	Sale Price	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WD	12/21/2015	109,000	FAMILY	2016R-000626	PTA	100.0
WD	04/11/2009	124,000	MULTIPLE PARCELS	2009R-008015		100.0
PTA	04/05/2005	0	ESTATE DISTRIBUTION			100.0

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
2021	10,000	46,800	56,800			50,858C
2020	10,000	48,700	58,700			50,858C
2019	10,000	48,600	58,600			49,910C
2018	10,000	55,300	65,300			48,741C

Who	When	What
X		Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain

Topography of Site



Who: X  
 Level: Rolling, Low, High  
 Landscaped, Swamp, Wooded, Pond, Waterfront, Ravine, Wetland, Flood Plain

Public Improvements:  
 X Dirt Road  
 Gravel Road  
 Paved Road  
 Storm Sewer  
 Sidewalk  
 Water  
 Sewer  
 Electric  
 Gas  
 Curb  
 Street Lights  
 Standard Utilities  
 Underground Utils.

Factors \*  
 Description: Frontage 40.00, Depth 150.00, Front 1.0000, Depth 1.0000, Rate 375, Adj. Reason 100  
 OFF WATER Value less than minimum value for this land table. Minimum used. 20,000  
 40 Actual Front Feet, 0.14 Total Acres Total Est. Land Value = 20,000

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

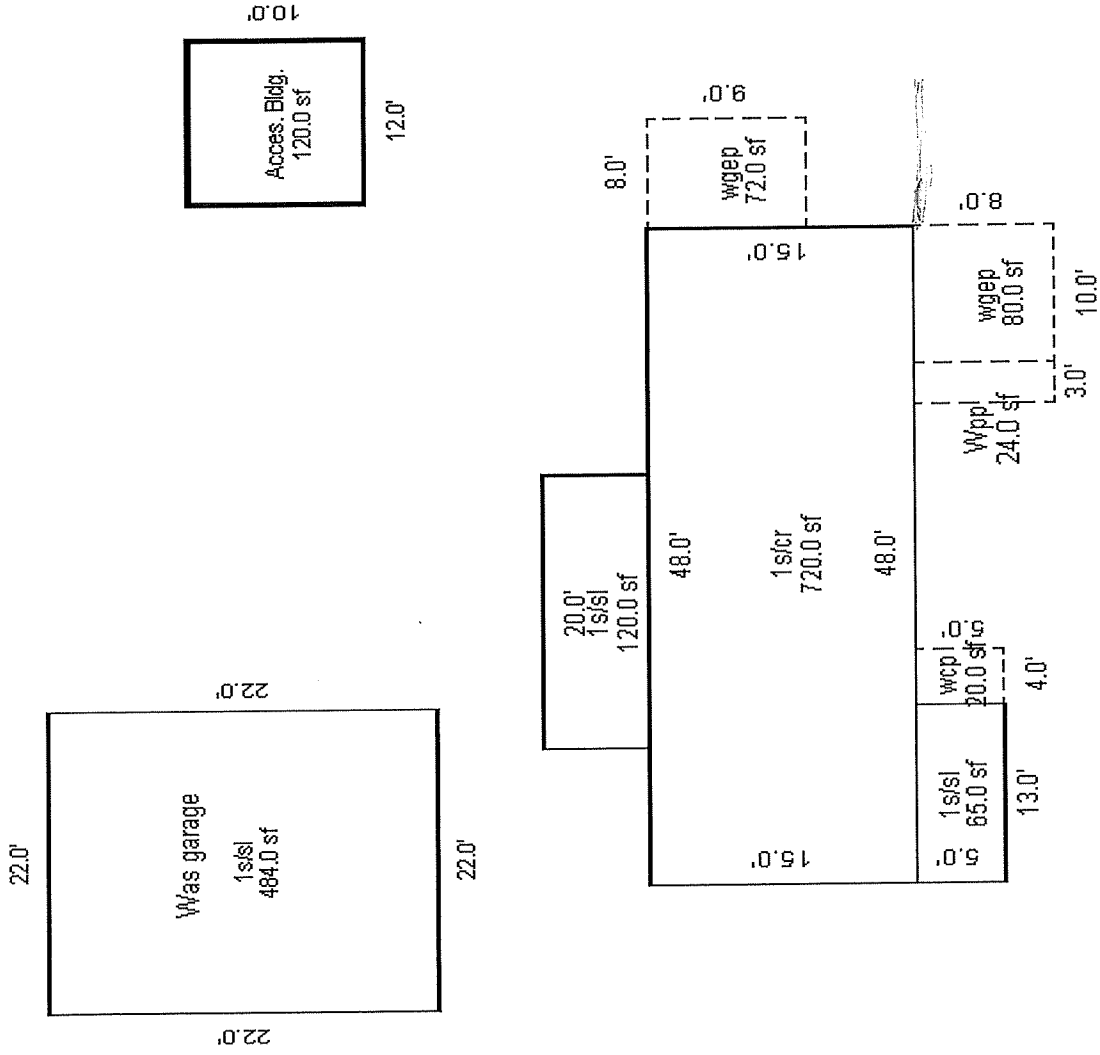
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Building Type		(3) Roof (cont.)			(11) Heating/Cooling			(15) Built-ins			(16) Porches/Decks		(17) Garage	
Single Family		Eavestrough			Gas			Appliance Allow.			Area		Year Built:	
Mobile Home		Insulation			Oil			Cook Top			Type		Car Capacity:	
Town Home		0 Front Overhang			Coal			Dishwasher			24 WPP			
Duplex		0 Other Overhang			Forced Air w/o Ducts			Garbage Disposal			20 WPP			
A-Frame		(4) Interior			Forced Air w/ Ducts			Bath Heater			72 Brzwy, FW			
Wood Frame		X Drywall			Forced Hot Water			Vent Fan			80 Brzwy, FW			
		Plaster			Electric Baseboard			Hot Tub						
		Paneled			Elec. Ceil. Radiant			Unvented Hood						
Building Style:		Trim & Decoration			Radiant (in-floor)			Vented Hood						
1 STORY		Ex X Ord			Electric Wall Heat			Intercom						
Yr Built		Min			Space Heater			Jacuzzi Tub						
1920		Size of Closets			Wall/Floor Furnace			Jaczuzi repl. Tub						
Condition: Average		Lg X Ord			Forced Heat & Cool			Oven						
		Small			Heat Pump			Microwave						
Room List		Doors			No Heating/Cooling			Standard Range						
Basement		Solid X H.C.			Central Air			Self Clean Range						
1st Floor					Wood Furnace			Sauna						
2nd Floor					(12) Electric			Trash Compactor						
Bedrooms					100 Amps Service			Central Vacuum						
(1) Exterior					No./Qual. of Fixtures			Security System						
X Wood/Shingle					Ex. X Ord. Min			Cost Est. for Res. Bldg: 1 Single Family 1 STORY			Cls CD		Blt 1920	
Aluminum/Vinyl					No. of Elec. Outlets			(11) Heating System: Forced Air w/ Ducts						
Brick					Many X Ave. Few			Ground Area = 1565 SF Floor Area = 1565 SF.						
Insulation					(13) Plumbing			Phy/Ab. Phy/Func/Econ/Comb. % Good=68/100/100/100/68						
(2) Windows					Average Fixture(s)			Building Areas						
Many					1 3 Fixture Bath			Stories						
X Avg.					2 Fixture Bath			Exterior						
Small					Softener, Auto			Siding						
Wood Sash					Solar Water Heat			1 Story						
Metal Sash					No Plumbing			1 Story						
Vinyl Sash					Extra Toilet			Siding						
Double Hung					Extra Sink			Siding						
Horiz. Slide					Separate Shower			Siding						
Casement					Ceramic Tile Floor			1 Story						
Double Glass					Ceramic Tile Wains			Total:			137,779		93,689	
Patio Doors					Ceramic Tub Alcove			Other Additions/Adjustments						
Storms & Screens					Vent Fan			Water/Sewer						
(3) Roof					(14) Water/Sewer			1000 Gal Septic						
X Gable					Public Water			Water Well, 200 Feet						
Hip					Public Sewer			Fireplaces						
Flat					Water Well			Interior 1 Story						
X Asphalt Shingle					1000 Gal Septic			Porches						
Chimney: Brick					2000 Gal Septic			WPP						
					Lump Sum Items:			WPP						
								Breezeways						
								Frame Wall						
								Frame Wall						
								Notes:						
								ECF (LOG CABIN OFF LAKE) 0.853 => TCV:						
								Totals:			2,763		1,879	
											3,070		2,088	
											161,255		109,653	
											93,534		93,534	

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







Sketch by Apex I/™

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

**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.: 4710-35-301-041  
 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:

Attached garage 25X30 small living space  
for laundry and loft

Address: 806 Hurley dr Lot No. \_\_\_\_\_ Subdivision \_\_\_\_\_

Lot Size: \_\_\_\_\_  Parcel in flood zone \_\_\_\_\_

Roof Pitch: 4/12 Min. 6" overhang on gable ends of roof?  Yes  No  
 Ground Floor Living Space: 100 sq FT Second Floor Living Space: 750 sq FT  
 Tri/Quad Level Sq. Ft. of two lowest levels: \_\_\_\_\_

Structure Dimension: 25 FT x 30 FT Structure Height: 25 FT  
 Current Zoning Classification: ERS 1

Location: On the North side of Hurley dr Street/Road  
 Between Pleasant Lk 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 hereby 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.

Richard Suhayda  
 Applicant Name (print)

[Signature]  
 Signature

806 Hurley Dr.  
 Address

(586) 212-6158  
 Phone

Applicant is:  Owner  Contractor  Renter  Other \_\_\_\_\_

**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**





# MARION MARCH 2019

01 29 1



50



# MARION MARCH 2019





# APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 03-20  
Tax Code 4710-25-10-017  
Current Zoning ERS-1  
Fee Paid 400  
Date Received 6-9-2020  
Received by DH

Applicant David & Karen Alfano  
Address 4084 Southwoods Drive  
Telephone 810 599-9008  
(Home) (Cell)

Applicant is (check one):  Owner  Purchaser  Representative

Purchaser or Representative needs a letter of permission from owner

**Nature of Request** (check applicable one)

- Variance Request (see below)
- Administrative Review (per Section 5.05 A)
- Interpretation of Ordinance (per Section 5.05 B 1, 2, 3 or 4)

1. Zoning Ordinance Section(s) 80423A2  
80423A3 REAR

- 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>July 6, 2020</u>	Action Taken _____
Conditions (if applicable)	
_____	
_____	
Signed _____	

## **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:

1. 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 2<sup>nd</sup> 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<sup>nd</sup> 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.

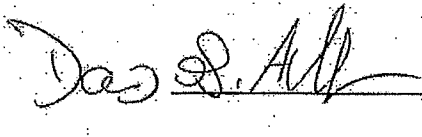
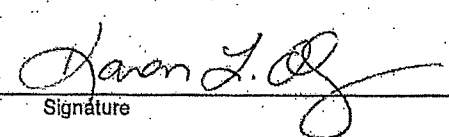
The township has created a non-existent cul-de-sac in the front of our property. This was put in place after the home was built and after the waterway inlet that was created on the side of the house. Once the inlet was created, the road stops in front of our home and the township created a phantom cul-de-sac 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.

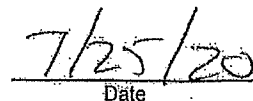
4. How the alleged hardship was not created by the property owner.

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.

   
Signature

  
Date



06/04/20

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:

**Variations 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**

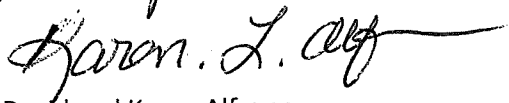
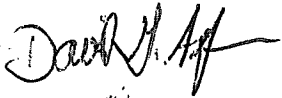
After our Land Use permit to build the 2.5 car garage was denied by Marion Township, we were informed we have a cul-de-sac running through the middle of our front lawn. When our home was built in 1968, Southwoods Drive was connected all the way through. Later, a canal was built on the south side of the 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

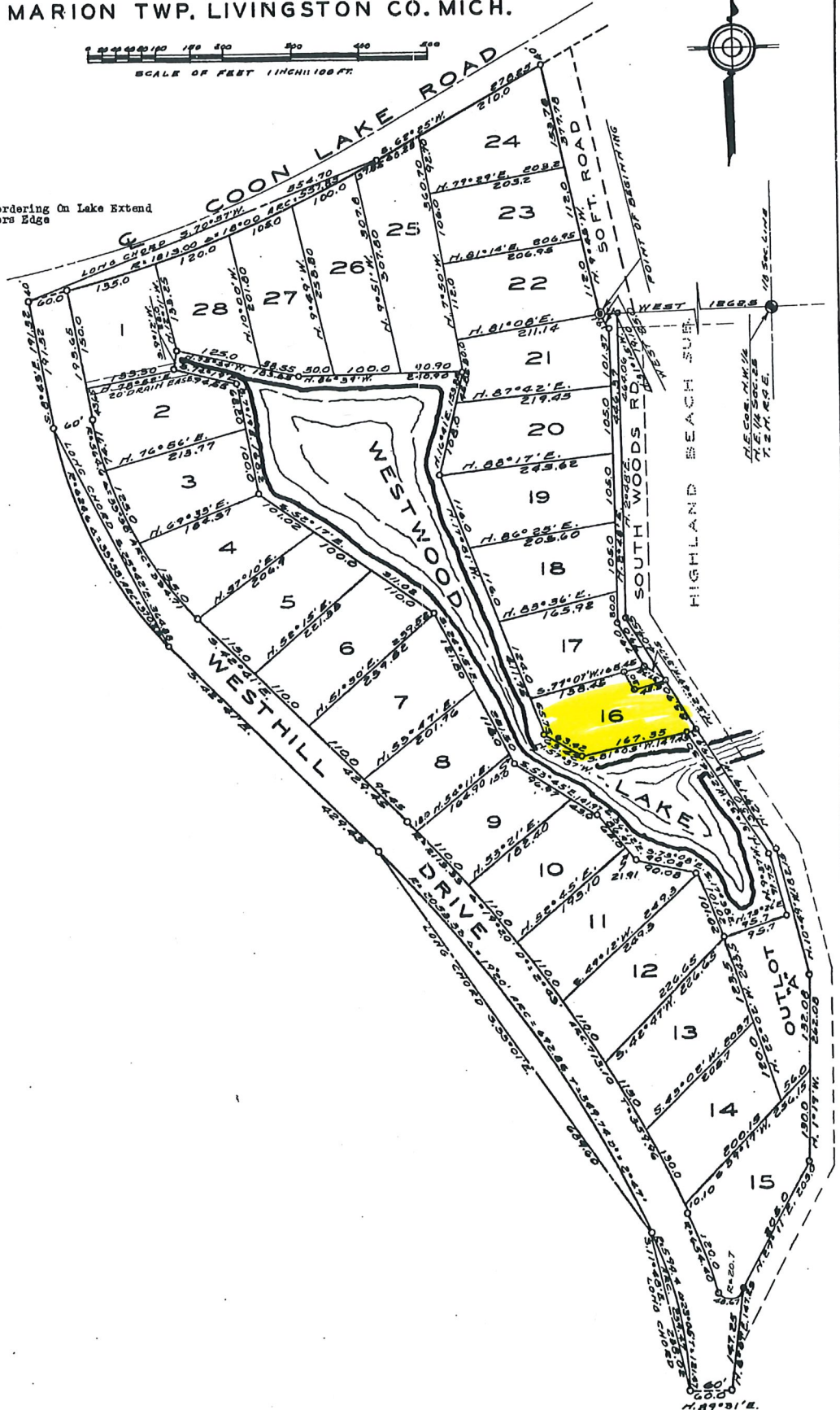


# "WEST SHORE ESTATES"

A SUBDIVISION OF PARTS OF THE E.1/2 OF THE S.W.1/4 OF SEC.24, & OF THE W.1/2 OF THE N.E.1/4 & OF THE E.1/2 OF THE N.W.1/4, OF SEC.25, OF T.2 N. R.4 E.  
MARION TWP. LIVINGSTON CO. MICH.



NOTE: All Lots Bordering On Lake Extend To The Waters Edge



# "WEST SHORE ESTATES"

A SUBDIVISION OF PARTS OF THE E. 1/2 OF THE S.W. 1/4 OF SEC. 24, & OF THE W. 1/2 OF THE N.E. 1/4 & OF THE E. 1/2 OF THE N.W. 1/4, OF SEC. 25, OF T. 2 N. R. 4 E.

MARION TWP. LIVINGSTON CO. MICH.

### DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "WEST SHORE ESTATES" A. subdivision of parts of the E. 1/2 of the S.W. 1/4, Sec. 24 & of the N.E. 1/4 & of the N.W. 1/4 of Sec. 25, T. 2 N. R. 4 E. Marion Twp. Livingston Co. Mich. is described as follows:

Beginning at a point West 1222.5 ft. from the N.E. cor. of the N.W. 1/4 of the N.E. 1/4, Sec. 25, T. 2 N. R. 4 E. Mich. Running thence N. 9° 45' W. 377.78 ft; thence S. 62° 25' W. 278.25 ft. to the P.C. of a curve of Radius 1213.0 ft. and Bearing of Long Chord of S. 70° 57' W. & Dist. of 554.70 ft. Thence along the Arc 557.85 ft. to a point, thence S. 28° 45' E. 191.35 ft. to the P.C. of a curve of Radius 624.60 ft. and I angle of 35° 53', thence along the Arc of said curve 370.22 ft; the Long Chord of said curve bearing S. 25° 42' E. 364.88 ft; thence S. 42° 41' E. 429.46 ft; to the P.C. of a curve of Radius 2025.55 ft. and I angle of 19° 20', thence along the Arc of said curve 692.88 ft; the Long Chord bearing S. 35° 01' E. 689.60 ft; to the P.C. of a curve of Radius 594.4 ft. and I angle of 25° 05', thence along the Arc of said curve 259.47 ft. the Long Chord bearing S. 11° 48' E. 238.08 ft; thence N. 29° 31' E. 60.9 ft; thence N. 6° 09' E. 147.25 ft; thence N. 27° 11' W. 205.0 ft; thence N. 1° 18' W. 228.08 ft; thence N. 10° 49' W. 122.15 ft; thence N. 2° 19' W. 404.55 ft. thence N. 2° 48' W. 464.06 ft; thence West 25.00 ft. to the Point of Beginning.

Containing Lots numbered 1 to 28 inclusive and OUTLOT "A" NOTE: All dimensions are given in feet and Decimals thereof. All curvilinear dimensions are Arc measurements

### APPROVAL BY COUNTY PLAT BOARD

This plat was approved on the 11th day of March 1926 by the Livingston County Plat Board

Clarence Blackburn (County Register of Deeds)  
John A. Hagan (County Clerk)  
Dorothea J. Greas (County Treasurer)  
Floyd W. Russell (County Drain Commissioner)

### APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 19th day of November 1926 by the Livingston County Board of Road Commissioners.

Norman S. Topping (Chairman)  
Fred Barry (Member)  
Warren H. Anderson (Member)

### CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Marion and is in compliance with section 19a at a meeting held March 3, 1926 and that the width of lots is in compliance with requirements of Section 30, Act 172, of 1922, as amended.

Dorothea J. Greas (Clerk)

### COUNTY TREASURER'S CERTIFICATE

Office of County Treasurer, Livingston County. I hereby certify that there are no tax liens or taxes held by the State on the lands described herein, and that there are no tax liens or taxes held by individuals on said lands, for the five years preceding the 19th day of November 1926 and that the taxes for said period of five years are all paid, as shown by the records of this office.

Dorothea J. Greas (County Treasurer)

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we, Jonathan M. Hoagland and Louise D. Hoagland, his wife, as vendors and the MADANS DEVELOPMENT COMPANY, a Michigan corporation by Harry Malynowsky, as President, and Mykola Stefkivsky, as Secretary, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "WEST SHORE ESTATES" A. subdivision of parts of the E. 1/2 of the S.W. 1/4, Sec. 24 & of the N.E. 1/4 & of the N.W. 1/4 of Sec. 25, T. 2 N. R. 4 E. Marion Twp. Livingston Co. Michigan and that the streets and alleys shown on said plat are hereby dedicated to the public, except South Woods Road which is dedicated to the Lot owners.

Signed and Sealed in the Presence of MADANS DEVELOPMENT COMPANY  
John Lotocky (Witness) Harry Malynowsky (President)  
Mykola Stefkivsky (Secretary)  
Miko Bilogiritsky (Witness) Jonathan M. Hoagland  
Louise D. Hoagland (L.S.)

### ACKNOWLEDGMENT

STATE of Michigan }  
County of Wayne }  
On this 12th day of NOVEMBER, A.D. 1926, before me, MIKE BILGIRITSKY, a Notary Public in and for said county appeared Harry Malynowsky and Mykola Stefkivsky to me personally known, who being each by me duly sworn did say that they are the President and Secretary respectively of the MADANS DEVELOPMENT COMPANY, a Michigan corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said HARRY MALYNOWSKY AND MYKOLA STEFKIVSKY, acknowledged said instrument to be the free act and deed of said corporation.

### ACKNOWLEDGMENT

STATE of Michigan }  
County of Livingston }  
On this Seventh day of November, A.D. 1926, before me, Robert W. Fritch, a Notary Public in and for said county appeared Jonathan M. Hoagland and Louise D. Hoagland, his wife to me personally known, who being each by me duly sworn did say that they are the persons who executed this instrument and that they acknowledged said instrument to be the free act and deed of said persons.

### SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 36 inches in length, or shorter bars of not less than one-half inch in diameter tapered over each other at least 6 inches with an over-all length of not less than 36 inches, encased in a concrete cylinder of at least 4 inches in diameter and 36 inches in depth have been placed at points marked thus (O) as thereon shown on all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and of the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

John C. Miller (Professional Engineer)

January 2, 1923  
January 10, 1923  
January 2, 1925

### COPY

Richard E. Lovett (Recorder of Deeds)  
West Shore Estates  
January 11, 1926 at 9:30 A.M. in Lib. 11 of plat  
on Page 677 of  
Clarence Blackburn (Recorder of Deeds)



810 599-9008

Za@mariontownship.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:

An attached garage added to the north side of the house

Address: 4084 Southwoods Drive of No. \_\_\_\_\_ Subdivision \_\_\_\_\_

Lot Size: .446 acres Parcel in flood zone \_\_\_\_\_

Roof Pitch: \_\_\_\_\_ Min. 6" overhang on gable ends of roof? Yes No

Ground Floor Living Space: \_\_\_\_\_ Second Floor Living Space: \_\_\_\_\_

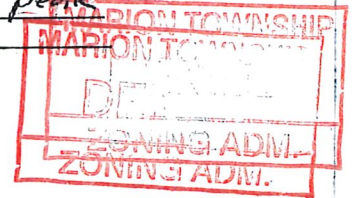
Tri/Quad Level Sq. Ft. of two lowest levels: \_\_\_\_\_

Structure Dimension: 29' x 26' wide Structure Height: 12 1/2' at the peak

Current Zoning Classification: \_\_\_\_\_

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 hereby certify that all use for which this application is made will conform with ordinances affecting Marion Township, Livingston County and the State of Michigan.

Maren Alfano
Applicant Name (print)

[Signature]
Signature

4084 Southwoods Drive
Address

810 599-9008
Phone

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



Proposed  
 Entrance.  
 27 FT Deep  
 26 FT Wide  
 Right-of-Way  
 107'

06-04-20

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,

Handwritten signature in blue ink, appearing to read "Dan and Mercedes LaFramboise".

Dan and Mercedes LaFramboise  
4058 Southwoods Drive



06/05/20



To Marion Township

We understand the Alfano 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,

A handwritten signature in blue ink, appearing to read "Daryl Soneral", written in a cursive style.

Daryl and Christine Soneral  
4085 Southwoods Drive

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
RANGSON, CHUMPOL	ALFANOS DAVID & KAREN	417,000	12/28/2018	WD	ARMS-LENGTH	2019R-000813	PTA	100.0
OTTO JOHN T & NANCY C	RANGSON, CHUMPOL	325,000	01/12/2016	WD	ESTATE SALE	2016R-002822	PTA	100.0
Property Address		Class: RESIDENTIAL - IMP		Zoning: ERS-1		Building Permit(s)		Status
4084 SOUTHWOODS DR		School: HOWELL		DECK		Date		FINISHED
Owner's Name/Address		P.R.E. 100% 12/28/2018		BUILDING REPAIRS		04/07/2016		2016-00348
ALFANOS DAVID & KAREN		MAP #: COONIK		2021 Est TCV 446,718 TCV/TFA: 197.75				
4084 SOUTHWOODS DR		2021 Est TCV 446,718 TCV/TFA: 197.75		Land Value Estimates for Land Table 25001.COON LAKE AREA				
HOWELL MI 48843-9407		X Improved		Vacant				
Tax Description		Public Improvements		Dirt Road		Gravel Road		Paved Road
SEC. 24/25 T2N, R4E, WEST SHORE ESTATES LOT 16		Storm Sewer		Sidewalk		Water		Sewer
Comments/Influences		Sewer		Electric		Gas		Curb
2020 ROLL: ADDED AS NEW 1 CAR GARAGE-LIV AREA, CONC PATIO, ( AS CCE/SHALLOW COV PATIO) & DECK. LBJ 200 SQ FT PORCH HAS PERGOLA TYPE ROOF (65% GOOD TO ACCOUNT FOR NOT FULL ROOF). 297 SQ FT CHGED TO SPACE HEAT. USED 60% GOOD FOR LIV/GAR AREA. SP HEAT AND GAR DOOR STILL THERE. LBJ		Street Lights		Standard Utilities		Underground Utils.		Topography of Site
FINISHED GARAGE LETTER SENT.		Level		Rolling		Low		High
		Landscaped		Swamp		Wooded		Pond
		Waterfront		Ravine		Wetland		Flood Plain
		Who		When		What		Year
		LOU		06/26/1996		DATA ENTER		2021
		68,100		155,300		223,400		2020
		68,100		160,000		228,100		2019
		68,100		147,300		215,400		2018
		68,100		112,000		180,100		
		Land Improvement Cost Estimates		Description		Frontage		Depth
		D/W/P: 4in Concrete		D/W/P: 4in Ren. Conc.		Total Estimated Land Improvements		True Cash Value =
		Rate		6.59		210		63
		8.30		415		94		94
		Rate %Adj.		825		100		Reason
		Total Est.		Land Value =		136,124		Value
		136,124		136,124				872
		3,238		4,110				3,238
		4,110						4,110
		Cash Value		Taxable Value				
		223,400S		224,792C				
		215,400S		215,400S				
		178,572C						

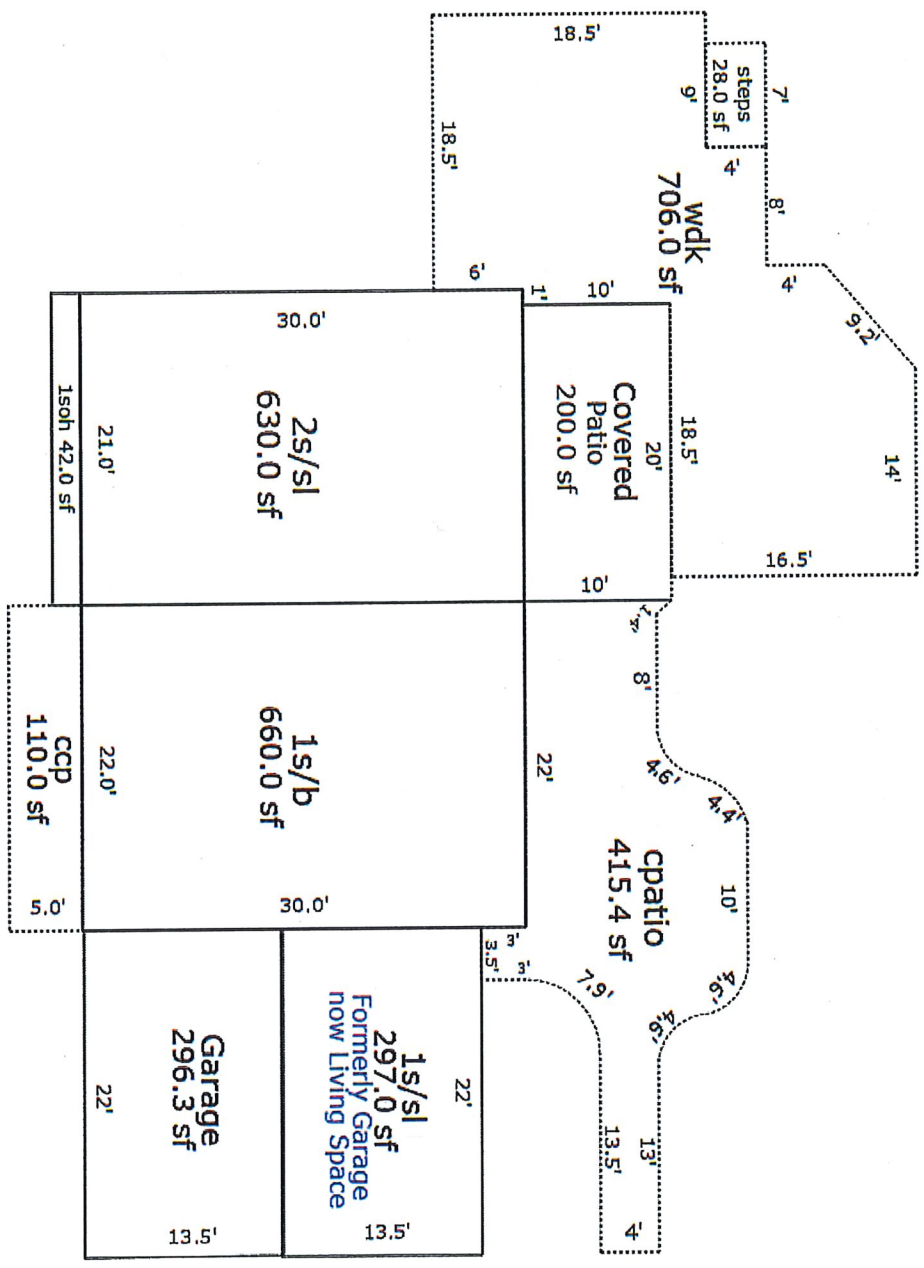


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Marion, County of Livingston, Michigan

\*\*\* 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 Mobile Home Town Home Duplex A-Frame	(3) Roof (cont.) Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X Gas Wood Oil Coal Elec. Steam	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	1 Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Ga	Area Type 110 CCP (1 Story) 200 CCP (1 Story) 734 Red Wood/Cedar	Year Built: 1968 Car Capacity: 1 Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished 2: Auto. Doors: 1 Mech. Doors: 0 Area: 296 & Good: 0 Storage Area: 0 No Conc. Floor: 0 Bsmt Garage: Carpport Area: Roof:
X Wood Frame	(4) Interior Drywall Plaster Paneled Wood T&G Trim & Decoration Ex X Ord Min Size of Closets Lg X Ord Small Ig X Ord Solid X H.C. Doors	Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling Central Air Wood Furnace	Cost Est. for Res. Bldg: 1 Single Family QUAD-LEVEL (11) Heating System: Forced Heat & Cool Ground Area = 1587 SF Floor Area = 2259 SF. (Tri-Level) Phy./Ab. Phy./Func./Econ/Comb. % Good=90/100/100/100/90 Building Areas Stories Exterior Foundation Size Cost New Depr. Cost 2 Story Siding Slab 630 7,821 7,039 1 Story Siding Basement 660 5,523 4,971 1 Story Siding Slab 297 2,237 2,013 1 Story Siding Overhang 42 4,557 4,101 Total: 307,969 265,933	Class: BC Effec. Age: 10 Floor Area: 2,259 Total Base New : 379,007 Total Depr Cost: 329,138 Estimated T.C.V: 298,528	472 7,821 7,039 1 5,523 4,971 1 2,237 2,013 1 4,557 4,101 1 9,473 8,526	
Room List Basement 1st Floor 2nd Floor Bedrooms	(5) Floors Kitchen: Other: (6) Ceilings X Drywall	(12) Electric 100 Amps Service	Other Additions/Adjustments Exterior Brick Veneer plumbing 3 Fixture Bath Separate Shower Water/Sewer 1000 Gal Septic Water Well, 200 Feet Porches CCP (1 Story) CCP (1 Story) Foundation: Shallow Garages Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 296 16,600 14,940 Common Wall: 1 Wall -2,520 -2,268 Door Opener 1 552 497 Built-Ins <<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>			
(1) Exterior X Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation Basement: 660 S.F. Crawl: 0 S.F. Slab: 927 S.F. Height to Joists: 0.0 (8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor	(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Walns Ceramic Tub Alcove Vent Fan				
X Insulation (2) Windows Many Avg. X Large Few Avg. Small	(9) Basement Finish Recreation SF Living SF Walkout Doors SF No Floor SF	(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic Jump Sum Items:				
X Gable Hip Flat X Asphalt Shingle Chimney: Brick	(10) Floor Support Joists: Unsupported Len: Ctr. Sup:					

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



Sketch by Apex Sketch

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



**APPLICATION TO ZONING BOARD OF APPEALS**

ZBA Case # 04-20  
Tax Code 470 28 200 040  
Current Zoning BR  
Fee Paid 400  
Date Received 8-6-20  
Received by SH

Applicant Ted Baruzzini

Address 3069 Combine Ct., Howell, MI 48843

Daytime Phone: 810-217-4188 Email: tbaruzzini@gmail.com

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(s)

6.11.C.1 - Only one (1) flag lot is allowed per parent parcel, in existence as of March 14, 1996 of four (4) acres or greater

6.20.C.1.c - Not more than (4) principal buildings shall have frontage on a cul-de-sac

- 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
- (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.**

TR Ted Baruzzini  
Signature

8/4/20  
Date

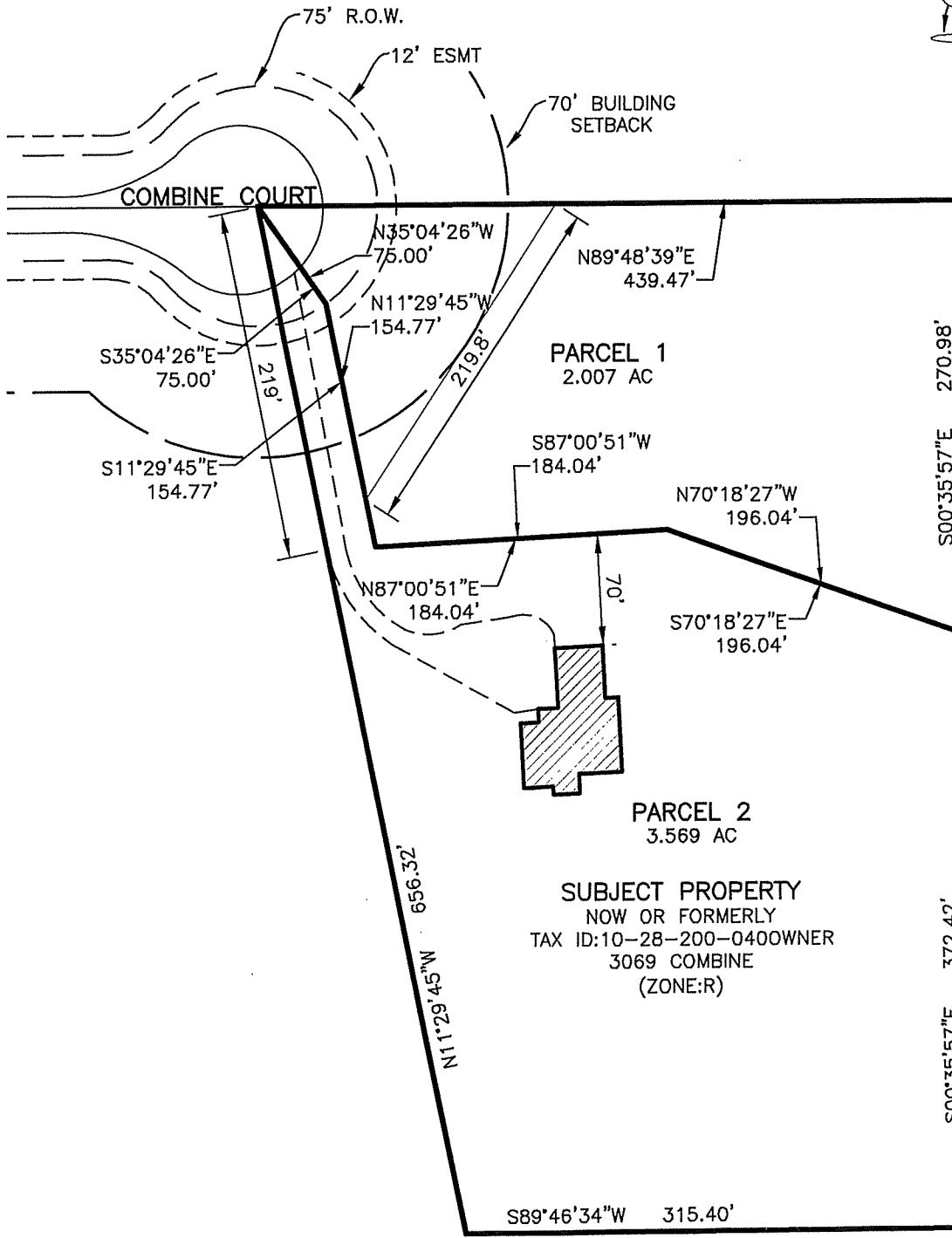
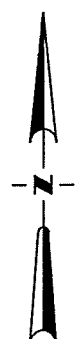
Documents can be submitted via email to za@mariontownship.com or the drop-box in the lobby  
(see last page of this application for additional information on submitting requests)

Office Use Only	
Meeting Date <u>9-14-2020</u>	Action Taken _____
Conditions (if applicable) _____	
Signed _____	

# SKETCH OF PROPOSED LAND DIVISION

(EXHIBIT)  
(3069 COMBINE CT)

NE COR.  
SEC. 28  
T2N-R4E  
I-07



E 1/4 COR.  
SEC. 28  
T2N-R4E  
I-08

Parcel Number: 4710-28-200-040

Jurisdiction: MARION TOWNSHIP

County: LIVINGSTON

Printed on

08/06/2020

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.
BARUZZINI THEODORE J & JI	BARUZZINI THEODORE J & JI	0	08/20/2018	WD	LIFE ESTATE/TRUST	2018R-023938	PTA	0.0

Property Address	Class: RESIDENTIAL - IMP	Zoning: RURAL	Building Permits	Date	Number	Status
3069 COMBINE CT	School: HOWELL PUBLIC SCHOOLS		NEW CONSTRUCTION	03/01/2000	94284	FINISHED
Owner's Name/Address	MAP #: 28					
BARUZZINI THEODORE J & JILL P	2021 Est TCV 439,827 TCV/FEA: 183.26					
3069 COMBINE CT	Improved	Vacant				
HOWELL MT 48843	Public					

Tax Description	Improvements	Land Value Estimates for Land Table OUTTW.SEC. 15 THROUGH 36 RES	* Factors *	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
SEC. 28, T2N-R4E, BEG E /14 COR, TH S89*46'34"W 315.40', TH N11*29'45"W 656.32', TH N89*48'39"E 439.47', TH S0*35'57"E 643.41' TO POB. PAR 19, 5.58 AC, SPLIT 8/98 ER 009.	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utills.			5.58	Total Acres	11,371	100		63,450
JULY 18 BOR REMOVED 2ND GARAGE AND PUT BSMT AT 90% COMPLETE. I MADE THE CHANGE FOR 2019 ROLL TOOK THE LOSS. LD#19-98, 20-98, 21-98, 3 PRVT RDS	Topography of Site								63,450
	Level Rolling								
	Low								
	High								
	Landscaped								
	Swamp								
	Wooded								
	Pond								
	Waterfront								
	Ravine								
	Wetland								
	Flood Plain								

Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
DK	11/28/2000	REAPPRAISE	2021	31,700	188,200	219,900			125,936C
			2020	31,700	170,300	202,000			125,936C
			2019	31,700	151,400	183,100			123,588C
			2018	29,700	134,000	163,700			120,692C

\*\*\* 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 Mobile Home Town Home Duplex A-Frame	Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X Gas Wood Oil Coal Elec. Stream	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	1 Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Ga	Area Type 104 CCP (1 Story)	Year Built: 1999 Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 924 % Good: 0 Storage Area: 0 No Conc. Floor: 0 Bsmnt Garage: Carpet Area: Roof:
X Wood Frame	(4) Interior Drywall Paneled Plaster Wood T&G	Forced Air w/o Ducts Forced Air w/ Ducts Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling Central Air Wood Furnace	Cost Est. for Res. Bldg: 1 Single Family (11) Heating System: Forced Heat & Cool Ground Area = 2400 SF Floor Area = 2400 SF. Phy./Ab. Phy./Func/Econ/Comb. % Good=82/100/100/100/82 Building Areas Exterior Siding Foundation Basement	Class: BC Effec. Age: 18 Floor Area: 2,400 Total Base New: 497,829 Total Depr Cost: 408,218 Estimated T.C.V.: 376,377	Size 2,400 Total: 401,672	Blt 1999
Building Style: 1 STORY	Trim & Decoration Ex X Ord Min	Size of Closets Ig X Ord Small				
Yr Built 1999	Remodeled 0	Condition: Good				
Room List	(5) Floors	(12) Electric 100 Amps Service				
Basement 1st Floor 2nd Floor Bedrooms	Kitchen: Other: Other:	No./Qual. of Fixtures Ex. X Ord. Min				
(1) Exterior Wood/Shingle X Aluminum/Vinyl Brick	(6) Ceilings X Drywall	No. of Elec. Outlets Many X Ave. Few				
X Insulation	(7) Excavation Basement: 2400 S.F. Crawl: 0 S.F. Slab: 0 S.F.	(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan				
(2) Windows Many Avg. Large X Avg. Small	(8) Basement Height to Joists: 0.0 Conc. Block Poured Conc. Stone Treated Wood Concrete Floor					
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish Recreation Living Walkout Doors No Floor SF					
(3) Roof Gable Hip Flat X Asphalt Shingle Chimney: Metal	(10) Floor Support Joists: Unsupported Len: Cntr. Sup: SF	(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:	Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1 Wall Fireplaces Interior 2 Story Notes: ECF (PRIVATE ROAD M&B NEIGHBORHOODS) 0.922 => TCV:	924 1 1 Totals: 497,829	42,412 -2,940 8,012 497,829	34,778 -2,411 6,570 408,218 376,377

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

**Baruzzini – 3069 Combine Ct – Variance Requests**

**Request for Variance to Zoning Ordinance Section 6.11.C.1 – Only one (1) flag lot is allowed per parent parcel, In existence as of March 14, 1996, of four (4) acres or greater.**

**Request for Variance to Zoning Ordinance Section 6.20.C.1.c – Not more than four (4) principal buildings shall have frontage on a cul-de-sac**

My name is Ted Baruzzini. I have been a taxpayer in Marion Township for the past 25 years and my entire family has been here since 1981. I am applying for two variances that would allow me to divide my parcel to create (2) parcels. Parcel 1 would become a conventional 2.007-acre parcel with approximately 220' of frontage on the existing cul-de-sac at the end of Combine Ct. My existing home would then be on parcel 2, a 3.569-acre flag lot which meets all required criteria for flag lots with the exception that the parent parcel did not come into existence until 1998.

In February of 2019 I was diagnosed with throat cancer and spent a year recovering from treatment only to then be diagnosed with Parkinson's. My priorities have changed to make sure that when my health takes a turn for the worst, my wife and I will be in a new home, suited more for my medical condition, requiring less maintenance and a smaller yard to mow etc. A primary benefit to us and another reason that we are asking for these variances is that we would then be building right next door. Allowing us to manage the new construction from our existing home and make moving much easier on us. Being able to maintain the relationships with our neighbors that have been built over the last 20 years is important to us as well and we have discussed with them the potential land division and none take issue with it.

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

I feel that Ordinance 6.11.C.1 unreasonably prevents us from using the property for a permitted use. Obviously, since the ordinance was adopted on March 14, 1996, that is the reason that all parent parcels had to be in existence at that time. So, I would assume that if the ordinance were adopted at a later date then the date referenced in 6.11.C.1 would change to reflect that. I'm guessing that it wasn't the township's intent to eliminate the future development of all flag lots split from parent parcels after March 14, 1996. Also, the original parent parcel was divided in a way that there should have been (1) flag lot allowed for each street. Especially, our street which has the largest parcels on it and can easily accommodate a flag lot.

As for Ordinance Section 6.20.C.1.c; Our new home would be only the 4<sup>th</sup> principal bldg. having frontage on the cul-de-sac. Our neighbors to the West have no intentions of selling or building at present. Their parcel is currently being used as a horse pasture. Also, should they elect to build or sell in the future, their parcel has approximately 360' of frontage on Combine Ct. in addition to the frontage on the cul-de-sac which is minimal. Furthermore, if their 6.81 acre parcel was used for a home site, the builder would certainly want to place a driveway to the West of the pond which would access the frontage on the road and not the cul-de-sac.

**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.**

Granting these variances would help my family tremendously by allowing us to move forward with our plans which I have described previously. Any lesser relaxation than that requested would not give any relief to us. We would then be forced to search for a new parcel which defeats the entire point of asking for these variances.

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

We request these variances because the characteristics of our property make it so the only way it could be divided is to create the Flag Lot..

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

When I built the home in 2000, I set things up (Located my existing home and driveway) to be able to divide my parcel this way after 10 years had passed and a split became available, but decided not to pursue it as I was happy living there on my 5.57 acres.

**5. The difficulty shall not be deemed solely economic.**

I feel as though this letter demonstrates that this proposed split is not solely for economic reasons. There will be expenses required to re-route existing gas, electric and cable to my existing home so as not to travel across the proposed new parcel #1. This will cost approximately \$10k - \$15k. Also, taking 2 acres from my existing home will make the home worth approximately \$20k less when it gets sold. Add to that another \$3k for a survey, the \$400 application fee for this variance request and a 2nd tax bill for at least a year or until my current home sells.

I feel as though I have provided enough reasons for the variances requested and thank the ZBA for taking all of them into consideration before making their decision on whether to grant them. I invite you all to pay a visit to the property (It's extremely close to the township hall) I could put out some flags to delineate parcel 1 from parcel 2 and I think you would all see that the proposed division has been well thought out and seems very appropriate.

Respectfully,

Ted Baruzzini

A handwritten signature in black ink, appearing to read 'Ted Baruzzini', with a large, stylized flourish at the end.

Livingston County Health Department-Environmental Health Division

2300 E. Grand River, Howell, Michigan 48843-7579

Fax (517) 546-9853 • Phone (517) 546-9858

HOMEOWNER INFORMATION SHEET FOR WATER SUPPLY AND/OR SEWAGE DISPOSAL FACILITIES

The following sketch represents the location of the on-site sewage disposal system and/or water well supply for the dwelling located at

Address Combine Ct parcel # 19 Township Marion Section No. 28

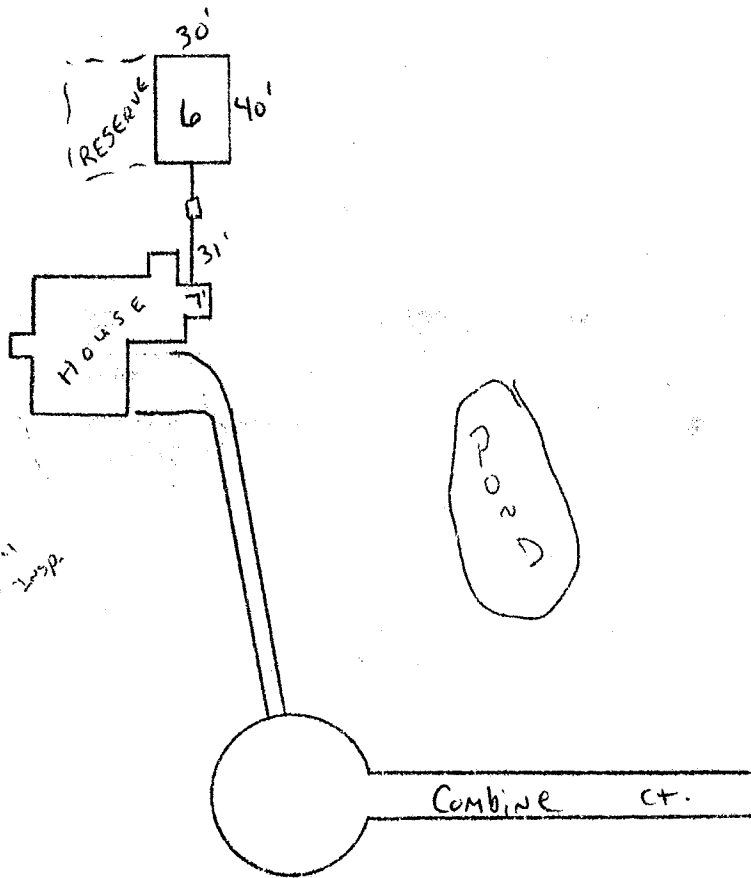
City Howell State Michigan Zip 48843

Septic Tank Size 1500 Gallons

Dimensions of System 30' x 40'

Absorption Bed/Trench 1200 ft<sup>2</sup>

No. of Lines 6



Well Driller Jon Roberts

Sewage Disposal Contractor Wagner

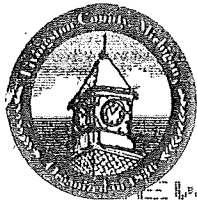
Water Supply Approved 11-14-00 Date

Sewage Disposal Facilities Approved Mary Beth 5-18-00 Date

Inspecting Sanitarian [Signature]

Please read the attached information regarding maintenance and care of the on-site sewage disposal facilities. The on-site sewage disposal system was inspected and approved in accordance with the Livingston County Sanitary Code. The water supply system was approved after reviewing the well log submitted by the well driller and receiving acceptable water quality analysis. If you did not receive a copy of your well log from the driller, please contact the Environmental Health Division of the Livingston County Health Department.

Since many interrelating factors contribute to the failure of a sewage disposal system and/or changes in water quality, approval cannot be considered as a guarantee by the Environmental Health Division that successful operation or quality of drinking water is assured. On-site sewage disposal systems under the best of installation conditions and practices are in no way the equivalent of municipal sewer collection and treatment facilities.



Livingston County Health Department  
 Environmental Health Division • Fax (517) 546-9853 • Phone (517) 546-9858  
 2300 East Grand River Ave. • Howell, Michigan 48843-7579

SEWAGE DISPOSAL PERMIT

PERMIT NUMBER: 00-0146 NS  
 OWNERSHIP: MARION  
 PROPERTY ADDRESS: COMBINE CT.  
 HOWELL, MI 48843  
 SITUATED BETWEEN: MAYBERRY AND CEDAR PT.  
 SUBDIVISION:  
 SETBACK: +/- 5.58  
 NUMBER OF BEDROOMS: 3

TAX ID#: 4710-28-200-0  
 SECTION #: 28

LOT #:  
 PARCEL #: 19  
 SCALED PLOT INCLUDED:

OWNER: BARUZZINI, TED  
 ADDRESS: 5564 LANGE  
 CITY, STATE, ZIP: HOWELL, MI 48843  
 PHONE: 517/548-0166

CONTRACTOR:  
 ADDRESS:  
 CITY, STATE, ZIP:  
 PHONE: / -

REVISED

ENVIRONMENTAL SANITARIAN: *Jim A. [Signature]* DATE: 5-8-00

-----THIS PERMIT EXPIRES TWO YEARS FROM DATE OF ISSUANCE-----

MUNICIPAL WELL: NO PRIVATE WELL: YES  
 RESIDENTIAL OR COMMERCIAL PROPERTY: R

INFO DESCRIPTION COMMENTS

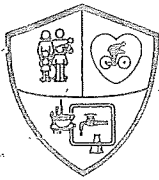
- 0 --SOIL ID # S27,359
- 0 --TANK SIZE 1500 GAL.
- 0 --ABSORP BED 1200 SQ. FT.
- 0 --ELEVATION OF NO DEEPER THAN
- 0 --STONE BED 18 INCHES
- 0 --%CUTDOWN REQ 100%
- 0 --DEPTH/CUTDOWN 18" MAX

ADDITIONAL REQMTS: LOCATE SYSTEM IN AREA OF SOIL BORING #1 SOIL EVALUATION DATED 5-8-00. 100% CUTDOWN INTO LOAMY SAND NO DEEPER THAN 18 INCHES BELOW GRADE. LAY STONE AND TILE. MIN. COVER 12".  
 \*\*INSTALL TANK FILTER.  
 REQUIRED INSPECTIONS: 1.) CUTDOWN 2.) FINAL

- 1) Cutdown OK CWR 5-17-00
- 2) Final OK CWR 5-18-00

APPROVAL: *Mary [Signature]* ENVIRONMENTAL SANITARIAN DATE: 5-18-00

MARION  
 DIS  
 3009  
 COMBINE CT  
 00-0146 NS



Livingston County Health Department  
 Environmental Health Division • Fax (517) 546-9853 • Phone (517) 546-9858  
 2300 East Grand River Ave • Howell, Michigan 48843-7579

*MARLON*

WATER SUPPLY PERMIT

PLAT NUMBER: 00-0146 NW  
 TOWNSHIP: MARION  
 PROPERTY ADDRESS: COMBINE CT.  
 HOWELL, MI 48843  
 LOCATED BETWEEN: MAYBERRY AND CEDAR PT.  
 SUBDIVISION:  
 ACREAGE: +/- 5.58  
 NO. OF BEDROOMS: 3

TAX ID#: 4710-28-200-0  
 SECTION #: 28

LOT #:  
 PARCEL #: 19  
 SCALED PLOT INCLUDED:

OWNER: BARIJZZINI, TED  
 ADDRESS: 5564 LANGE  
 CITY, STATE, ZIP: HOWELL, MI 48843  
 PHONE: 517/548-0166

CONTRACTOR:  
 ADDRESS:  
 CITY, STATE, ZIP:  
 PHONE: / -

*dit*

ENVIRONMENTAL SANITARIAN: *[Signature]* DATE: *2-10-00*

-----THIS PERMIT EXPIRES TWO YEARS FROM DATE OF ISSUANCE-----

MUNICIPAL WELL: NO PRIVATE WELL: YES  
 RESIDENTIAL OR COMMERCIAL PROPERTY: R

INFO DESCRIPTION COMMENTS

SPECIAL REQMTS: ALL WELLS MUST BE GROUTED ENTIRE LENGTH OF CASING AS PER  
 RULE 134A AND 135 OF PART 127 AS AMENDED. FINAL WATER SUPPLY  
 APPROVAL CONTINGENT UPON SUBMITTAL OF ACCEPTABLE: 1. BACT  
 ANALYSIS 2. PARTIAL CHEM/NITRATE ANALYSIS 3. WELL LOG AND  
 4. WELL DRILLING NOTIFICATION. WELL SHALL BE DRILLED BY A  
 LICENSED MI WELL DRILLER TO A DEPTH THAT WILL PENETRATE A  
 MIN. OF A 10 FT. PROTECTIVE CLAY BARRIER OR TO A MIN. DEPTH  
 OF 100 FT. IF ADEQUATE CLAY PROTECTION IS NOT ENCOUNTERED.

*OK GWG 6-14-00*

MUNICIPAL APPROVAL: *[Signature]* DATE: *11-12-00*  
 ENVIRONMENTAL SANITARIAN

*3009 COMBINE CT. 00-0146NW*

Hi Neighbors,

I have spoken with Bryan and Marsha but felt it appropriate to write this letter to everyone on our street.

I am in the process of trying to divide my parcel in two. After a conversation with the Zoning Administrator Dave Hamann, it has been determined that I will need to get (2) variances in order to do so. Therefore, I am writing this letter to describe the potential split and find out if any of you take issue. Included is the original survey of our street and a sketch of my proposed split.

As you can see from the accompanying sketch, my existing home would sit on parcel #2 which would become a flag lot. There is a zoning ordinance 6.11.C.1 that states "Only one (1) flag lot is allowed per parent parcel, in existence as of March 14, 1996 of four (4) acres or greater" This Ordinance was adopted on that date and so of course couldn't address parcels that came into existence after that date. Our parcels came into existence in 1998 so that would be the first variance.

The second ordinance 6.20.C.1.c states, "Not more than (4) principal buildings shall have frontage on a cul-de-sac" My new home would be the fourth. However, Marsha & Bill's parcel that includes the pond has a small amount of frontage on the cul-de-sac and if I were to build my new place it would preclude anyone building on that parcel from putting a driveway on the cul-de-sac. They would have to use road frontage which would only make sense to use anyway due to the location of the pond. I've already discussed this with Marsha. Dave Hamann is not positive that this would require a variance but thought I should apply for it in order to cover all bases.

If you take no issue with these variances being granted, I ask you to sign this document and return it to me by next week so that I can include it with my application to the ZBA. If you have any questions or need clarification, feel free to give me a call or stop by.

Thanks,

Ted & Jill

Ted & Jill 7/25/20

Signature

Date

Jill Holmes

7/25/20



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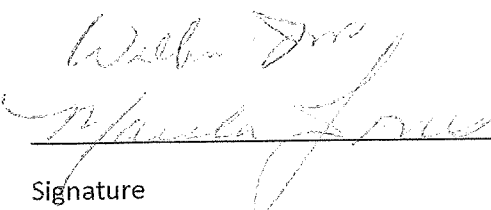
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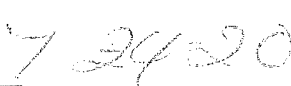
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Ted & Jill

  
\_\_\_\_\_  
Signature

  
Date

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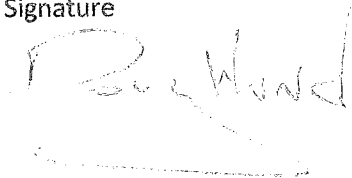
Ted & Jill



8/3/20

Signature

Date



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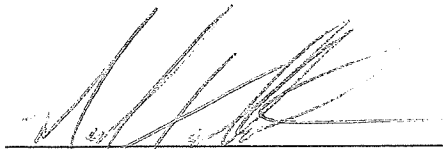
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Thanks,

Ted & Jill

 7-23-20 Michael Kollath

Signature

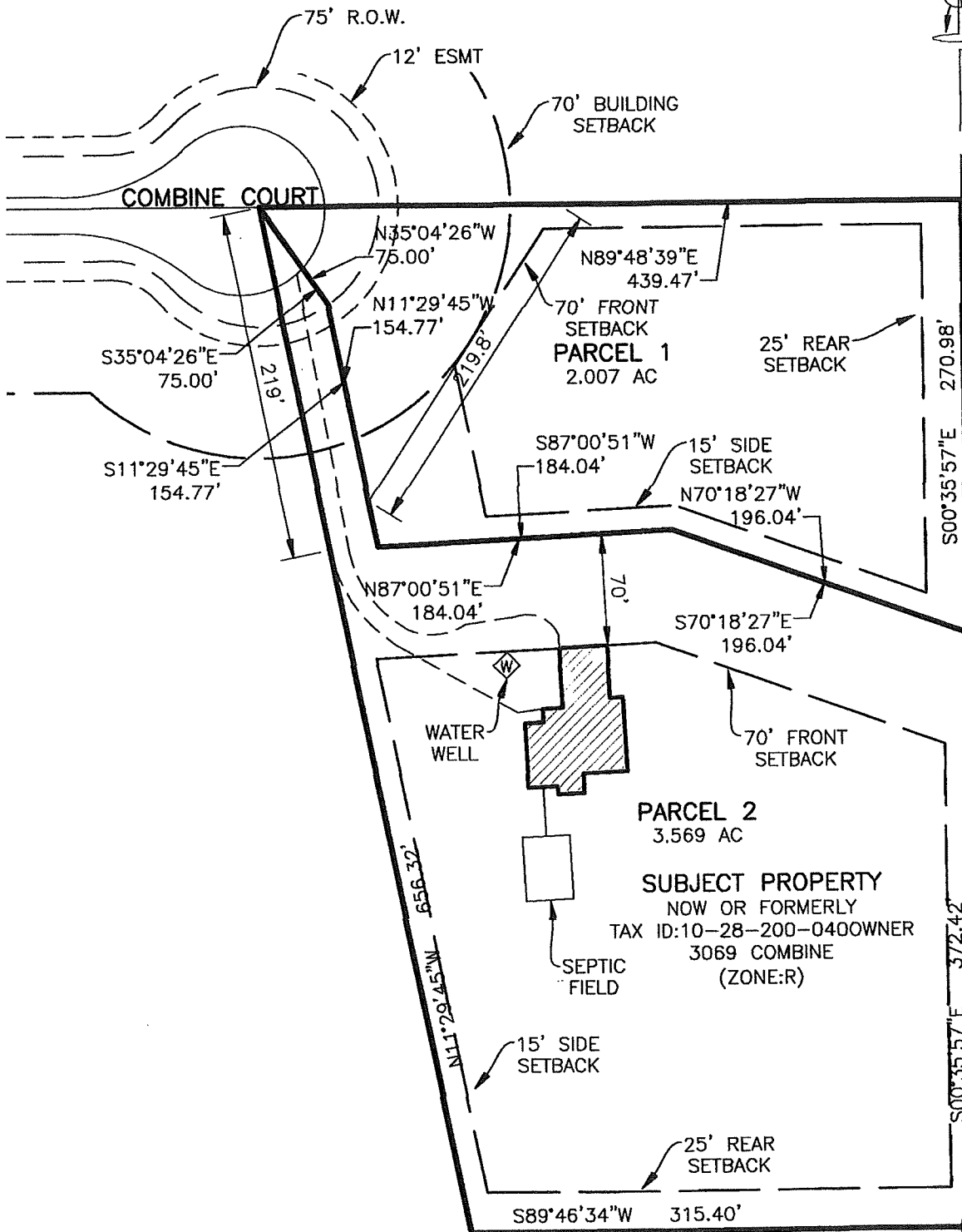
Date

Jill A. Kollath 7-23-20 Lisa A. Kollath

# SKETCH OF PROPOSED LAND DIVISION

(EXHIBIT)  
(3069 COMBINE CT)

NE COR.  
SEC. 28  
T2N-R4E  
I-07



E 1/4 COR.  
SEC. 28  
T2N-R4E  
I-08

**APPLICATION TO ZONING BOARD OF APPEALS**

ZBA Case # 05-20  
Tax Code 4710-26-700-012  
Current Zoning RR  
Fee Paid 400  
Date Received 8-25-2020  
Received by DH

Applicant KEITH + KELLY O'HARA  
Address CORNER OF SUNDANCE MEADOWS + SUNDANCE CROSSING  
Telephone KEITH 517-518-0988 KELLY 517-304-3145  
(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

~~ARTICLE VII - SCHEDULE OF REGULATION~~  
8.01.F.2a - 59 FOOT VARIANCE

- 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.**

*Kelly O'Hara*  
Signature Kelly O'Hara

8-24-2020  
Date

<b>Office Use Only</b>	
Meeting Date <u>9-14-2020</u>	Action Taken _____
Conditions (if applicable) _____	
Signed _____	



## Section 5.05

### Authorized Appeals

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any Township official or by the Planning Commission in administering or enforcing the provisions of the Zoning Ordinance.
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  - 1. Interpret the provisions of the Zoning Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Zoning Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Zoning Ordinance.
  - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. (See Section 7.04.)
  - 3. Classify a use that is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Zoning Ordinance is amended to permit it.
  - 4. Determine the parking space requirements of any use not specifically mentioned by classifying it with one of the groups listed in Article XIV by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Zoning Ordinance.

### C. Variances

The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations and other similar requirements as specified in the ordinance. The existence of nonconforming structures or buildings on other lands, or in other districts, shall not create a precedent, or be the basis for a variance. To obtain a variance, the applicant shall submit sufficient information to enable the Board of Appeals to determine that a practical difficulty exists, if applicable, by explaining:

- 1. That the restrictions of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted use.
- 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.
- 3. That the request is due to the unique circumstances of the property.
- 4. That the alleged hardship has not been created by a property owner.

5. The difficulty shall not be deemed solely economic.

Following review and consideration of the above and in order to grant a variance, the Board of Appeals:

Shall find that the reasons set forth in the application and as explained above justify the granting of the variance and that it is the minimum variance that will make possible the reasonable use of the land, building or structure; and

Shall further find that the granting of the variance will be in harmony with the intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public interest.

The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the five preceding criteria. If any criteria does not apply, the Zoning Board of Appeals shall justify why it does not apply.

Use variances are strictly prohibited. A variance shall not permit the establishment, within any district, of any use, which is not permitted by right, special use permit or by a temporary land use.

- D. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (see Section 6.15.) Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the variance.

E. **Approval Period**

The decision of the Zoning Board of Appeals shall expire after one year unless a building permit for the construction is obtained and construction is started in accordance with the terms of the permit and the requirements of the Zoning Board of Appeals. The Zoning Board of Appeals may grant no more than one extension, for up to one year, provided the applicant demonstrates that they have been diligently working toward completion and the delay is due to conditions beyond their control.

- F. **Rehearing:** No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8) days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

- G. **Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Board to be valid.

**Section 5.06**

**Appeal Procedures**

- A. **Notice of Appeal:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department, board, or bureau of the state or of the Township, by filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a land use permit (either a plot plan or site plan) in Section 4.03.D. shall be submitted. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the ruling of the Zoning

Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator's decision or the decision shall be final.

- B. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, issued by the Zoning Board of Appeals or by a court of record.
- C. **Hearing:** Upon receipt of a Notice of Appeal or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing and give notice as provided in section 103 of PA 110 of 2006, as amended.

Upon receipt of a Notice of Appeal seeking an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing.

If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- D. **Appearance:** At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
- E. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Zoning Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on any matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance in the Zoning Ordinance.
- F. **Fee:** A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township is the moving party.
- G. **Performance Guarantee:** In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or similar instrument acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 4.06.

## Section 5.07

### Review By Circuit Court

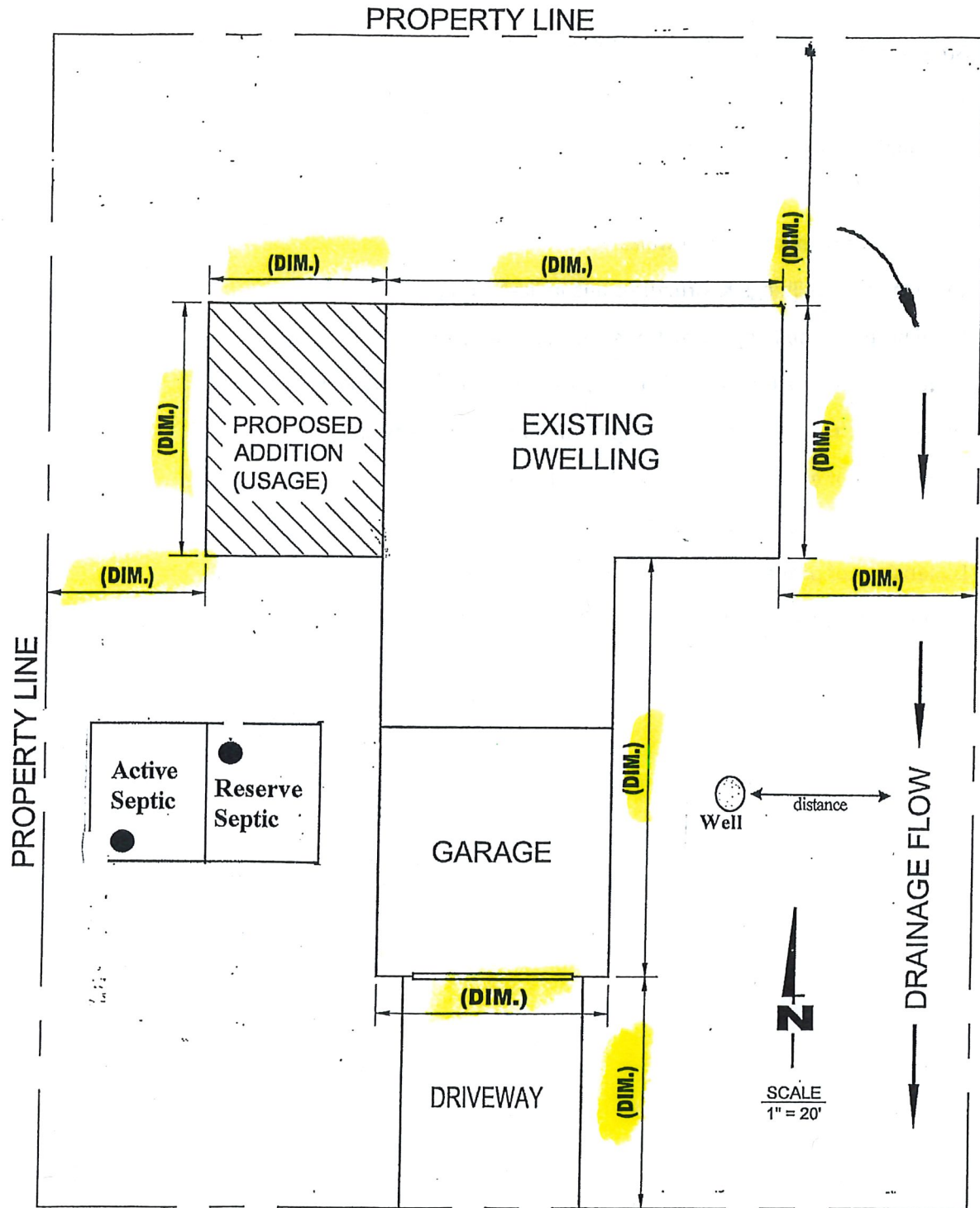
The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for Livingston County as provided for in PA 110 of 2006, as amended.

**Zoning Board of Appeals meetings are generally held on the first Monday of the month; please refer to the township's meeting schedule for dates at [www.mariontownship.com](http://www.mariontownship.com)**

- **Submit ten copies of all materials you want the Zoning Board of Appeals to review with the exception of the application**
- **Provide plot plan (example attached); ensure that all items on checklist are included**
- **Applicant must include signed document addressing 5.05 C items 1 through 5 (sample attached)**
- **Submit package three weeks prior to the meeting you choose to attend**
- **Provide well & septic documents from the Livingston County Environmental Health showing the location of well/septic field and reserve area**
- **The residential application fee is \$400.00; all other applications are \$1,000.00**
- **If the applicant is representing the owner, the owner must provide a signed letter of permission**
- **If applicable, mark or stake the area on your parcel where you are requesting a variance; place the orange ZBA sign (provided by the township) so the ZBA members can easily identify your property at least one week prior to the meeting**



RESIDENTIAL ADDITION PLOT PLAN EXAMPLE



YOUR NAME  
STREET ADDRESS  
CITY, STATE ZIP

STREET NAME



## Plot Plan Checklist

- Street name(s) *SUBSTANCE CROSSING of SUBSTANCE RIDGE*
- N/A* Street address
- Drawing scale (optional) *SURVEY*
- North arrow
- Location of driveway and sidewalks
- N/A* Label existing buildings & structures and indicate usage
- N/A* Label proposed buildings/structures and indicate usage
- N/A* Dimensions from existing buildings and structures to property lines
- N/A* Dimensions from proposed buildings/structures to property lines
- N/A* Dimensions of existing buildings and structures
- N/A* Dimensions of proposed buildings/structures
- Dimensions of property lines.
- N/A* Location of well and septic

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 ROAD FRONTAGE OF THE PROPERTY DOES NOT MEET THE REQUIREMENTS SET FORTH IN THE SITE DEVELOPMENT STANDARDS FOR A RURAL RESIDENCE. THE FRONTAGE IS CURRENTLY AT 61% OF THE REQUIRED DISTANCE. THE PROPOSED DRIVEWAY ENTRANCE IS AT THE NORTH STUB ROAD OF SUNDANCE CROSSING.*
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 VARIANCE REQUESTED TO ALLOW FOR A DRIVEWAY IS ALL THAT IS SOUGHT. I DO NOT THINK THAT ANY LESSER RELAXATION WOULD ALLOW FOR THE INSTALLATION OF THE DRIVEWAY.*
3. How the unique circumstances of the property create the need for a variance. *THE PROPERTY IS TO BE SOLD AS A SINGLE FAMILY DWELLING. THE REQUIREMENT IS TO HAVE 150' OF FRONTAGE. THE PROPERTY CURRENTLY HAS 91'.*
4. How the alleged hardship was not created by the property owner *THIS IS THE SECOND SALE OF THE PROPERTY AFTER NEIGHBORHOOD DEVELOPMENT HAD STARTED AND THERE NEVER HAS BEEN A RESTRICTION TO THE SALES REQUIRING A CUL-DE-SAC BE ATTACHED TO THE STUB.*
5. The difficulty shall not be deemed solely economic. *ECONOMICS DOES NOT COME INTO PLAY. A CUL-DE-SAC ALONE TAKES UP 0.4 OF AN ACRE. A TRANSFORMER BOX ALSO RESIDES ON THE SITE AND WILL REQUIRE A LONGER ROAD TO MAINTAIN EASEMENTS. THE ADDITION OF THE ROAD MODIFICATIONS WOULD NOT BE RESPECTIVE OF THE ADJACENT NEIGHBORS' VIEW AND WILL TAKE AWAY FROM THE CHARACTER OF THE LAND.*

Signature

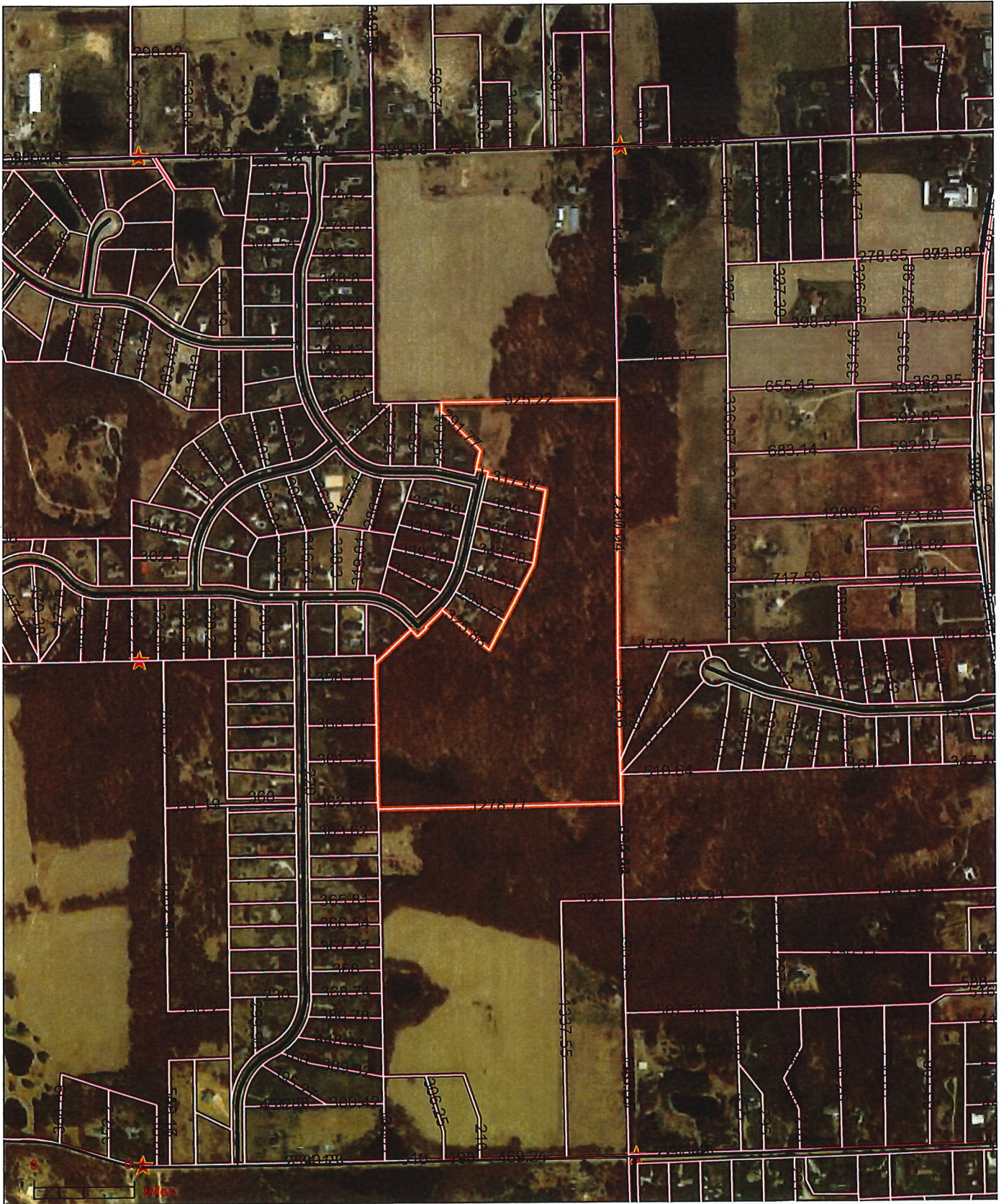
Date

*Kelly O'Hara*  
*Kelly O'Hara*

8-24-2020



# MARION MARCH 2019



# CERTIFIED LAND SURVEY

## LINE TABLE

00 = LINE IDENTIFIER

1	N46°40'18"E	262.08'
2	S43°19'42"E	47.38'
3	N46°40'18"E	66.00'
4	N43°19'42"W	7.50'
5	N46°40'18"E	92.77'
6	S49°59'38"E	325.88'
7	N76°58'14"W	317.47'
8	N13°01'46"E	25.09'
9	N76°58'14"W	66.00'
10	N13°01'46"E	97.77'
11	N45°26'11"W	291.77'
12	N00°49'40"E	45.02'

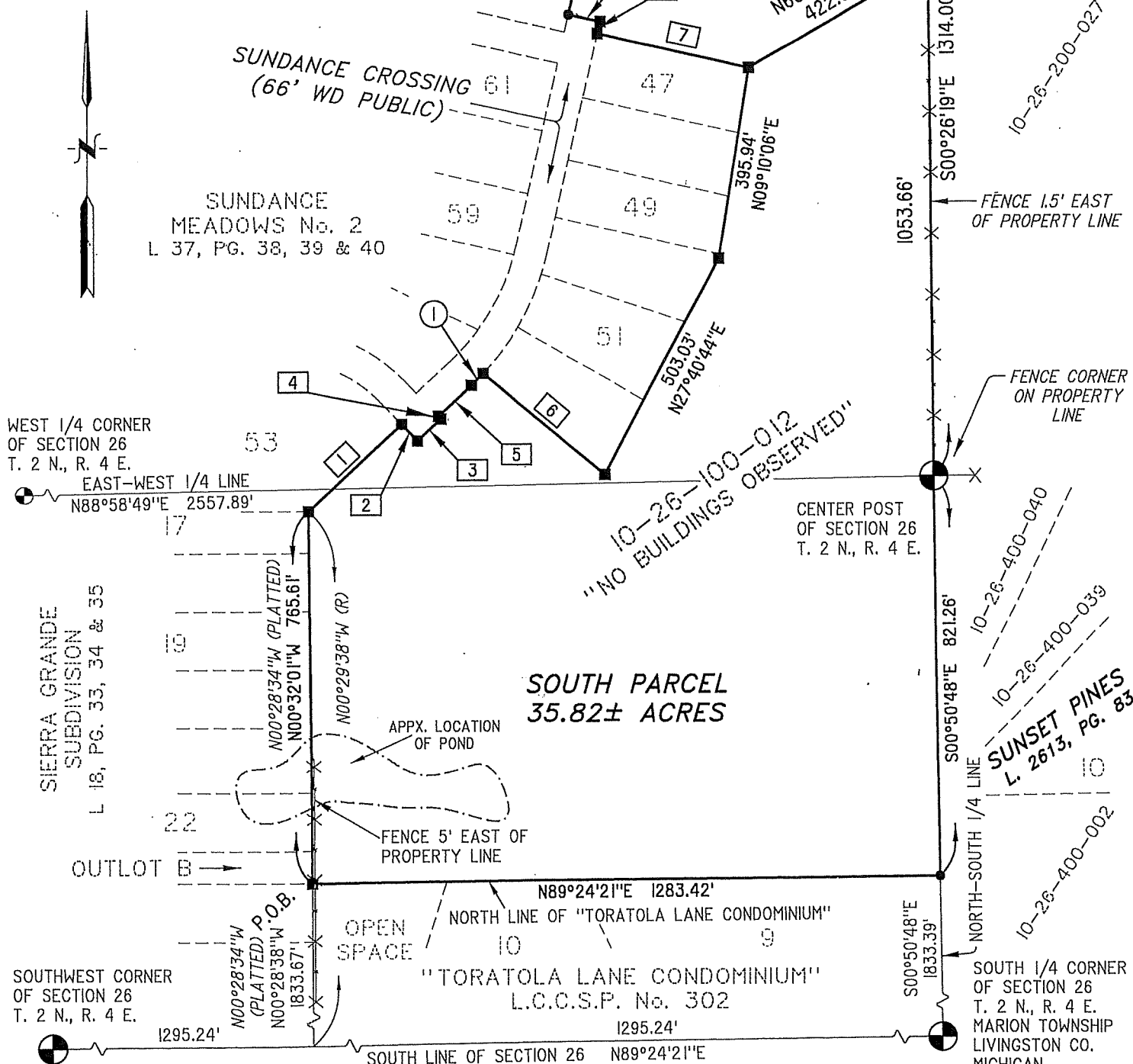
## CURVE TABLE

00 = CURVE IDENTIFIER

① L=34.56'  
R=547.70'  
Δ=03°36'56"  
CHORD:  
N44°51'50"E  
34.56'

10-26-100-002

NORTH 1/4 CORNER  
OF SECTION 26  
T. 2 N., R. 4 E.



WEST 1/4 CORNER  
OF SECTION 26  
T. 2 N., R. 4 E.

EAST-WEST 1/4 LINE  
N88°58'49"E 2557.89'

SIERRA GRANDE  
SUBDIVISION  
L 18, PG. 33, 34 & 35

SOUTHWEST CORNER  
OF SECTION 26  
T. 2 N., R. 4 E.

**SOUTH PARCEL  
35.82± ACRES**

CENTER POST  
OF SECTION 26  
T. 2 N., R. 4 E.

"TORATOLA LANE CONDOMINIUM"  
L.C.C.S.P. No. 302

SOUTH 1/4 CORNER  
OF SECTION 26  
T. 2 N., R. 4 E.  
MARION TOWNSHIP  
LIVINGSTON CO.  
MICHIGAN

○ = SET 1/2" x 18" IRON ROD WITH

## LEGEND

L = LIBER PG = PAGE







