

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 12, 2024**

MEMBERS PRESENT: Larry Fillinger, Linda Manson-Dempsey, Dan Lowe, Diane Bockhausen, and Larry Grunn

MEMBERS ABSENT: None

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT

The Zoning Board of Appeals members introduced themselves.

APPROVAL OF AGENDA

Larry Grunn motioned to approve the agenda. Diane Bockhausen seconded. **Motion carried.**

APPROVAL OF MINUTES

May 6, 2024 Regular Meeting: Diane Bockhausen motioned to approve the minutes as presented. Linda Manson-Dempsey seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

NEW BUSINESS

ZBA Case #02-24 Scott Hiltunen and Sherrie Borchardt, 3389 Sesame Drive, Tax Code #4710-21-100-031, seeking a variance to Section 6.07 3 Accessory Structure in Front Yard

Scott Hiltunen said they would like to build a 30' x 40' barn for storage. It will not be used for any type of business. There is a hill behind the house that would prevent the barn from being built there. The house was built 24 years ago and was placed toward the back of the lot so they could have a walkout basement; they didn't know that they would want a future accessory building.

Diane Bockhausen asked Mr. Hiltunen to go through the five conditions that need to be met. Mr. Hiltunen said the proposed location of the barn would be away from the road and the septic and would allow easy access.

Ronald Thompson, 3388 Sesame Drive, said he supports the request. Linda Manson-Dempsey said the situation was self-created because of where they built the house. Dan Lowe said he doesn't see a problem with granting the variance. The property owner owns a 3.37-acre parcel adjacent that could be

combined with the parcel that the house is on and it would be over 5 acres. This would allow them to place the accessory building in the front yard. Mr. Hiltunen asked if movable structures are allowed; Dave Hamann said two would be allowed, and they have to be less than 200 square feet. Mr. Hiltunen asked about placing an agricultural building on the vacant land; Dave Hamann said he would have to meet all of the requirements for an ag building (only used for ag purposes, no personal storage, etc.)

Mr. Hiltunen provided two letters of support from neighbors.

Motion

Linda Manson-Dempsey motioned for ZBA Case #02-24 Scott Hiltunen and Sherrie Borchardt, 3389 Sesame Drive, Tax Code #4710-21-100-031, to deny the request for a 30' x 40' accessory structure in the front yard, considering the following criteria:

1. **That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use.** *The township restrictions don't unreasonably prevent the applicant from building an accessory structure; they chose where to place the house on the property*
2. **That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property.** *Did not address this condition.*
3. **That the request is due to the unique circumstances of the property.** *There are no unique circumstances of the property.*
4. **That the alleged hardship has not been created by a property owner.** *The owner created the hardship by placing the house in the back of the lot.*
5. **That the difficulty shall not be deemed solely economic.** *The applicant owns a vacant adjacent lot that they could combine to achieve their goal, but they don't want to do that for economic reasons.*

Diane Bockhausen seconded. Roll call vote: Manson-Dempsey—yes; Lowe—no; Fillinger—yes; Grunn—no; Bockhausen—yes. **Motion to deny the request carried 3-2.**

UNFINISHED BUSINESS

None.

SPECIAL ORDERS

None.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Diane Bockhausen motioned to adjourn at 8:07 pm. Linda Manson-Dempsey seconded. **Motion carried.**