

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 2, 2024**

MEMBERS PRESENT: Larry Fillinger, Linda Manson-Dempsey, Jim Witkowski, Larry Grunn, and Jean Root (alternate)

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

The agenda was amended to include 2025 officer election under Special Orders. Linda Manson-Dempsey motioned to approve the agenda as amended. Larry Fillinger seconded. **Motion carried.**

APPROVAL OF MINUTES

August 12, 2024 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried.** (Root and Witkowski abstained.)

CALL TO THE PUBLIC

No response.

NEW BUSINESS

ZBA Case #03-24 Victor & Lynne Lewandowski, 4154 Rurik, Tax Code #4710-25-201-025, seeking variances to Section 6.04 E—pool in front yard and 8.04 E 3 a—front-yard setback

The applicants were present to request two variances for installation of an inground pool. They have young grandchildren and have concerns about them swimming in the lake due to weed control chemicals, snapping turtles, snakes, muck, etc.

Jean Root asked whether the pool will be chlorine or salt water; the applicant said salt water. She said they need to be cautious and have the proper equipment to drain the pool when necessary and would like them to submit details on how that will be handled if the variances are granted.

Larry Fillinger asked what type of fence would go around the pool; the applicants said a four foot decorative metal fence so there is no obstruction of the view.

Call to the Public

Bill Deierlein, 4180 Rurik, said although he doesn't object to this proposal, he has some concerns about drainage and chemicals. He said he feels like those questions have been answered.

Motion

Linda Manson-Dempsey motioned for ZBA Case #03-24 Victor & Lynne Lewadowski, 4154 Rurik, Tax Code #4710-25-201-025, to relax Section 6.04 E to allow installation of an inground pool 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 would unreasonably prevent the owner from installing an inground pool, which is a permitted use.*
2. **That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property.** *A lesser relaxation of the ordinance would not give substantial relief.*
3. **That the request is due to the unique circumstances of the property.** *The unique circumstance of the front yard being the water side justifies the variance; a pool would not be installed on the "street" side.*
4. **That the alleged hardship has not been created by a property owner.** *The hardship was not created by the owner.*
5. **That the difficulty shall not be deemed solely economic.** *There is no economic benefit to the owner.*

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

Motion

Linda Manson-Dempsey motioned for ZBA Case #03-24 Victor & Lynne Lewadowski, 4154 Rurik, Tax Code #4710-25-201-025, to grant a 20-foot variance from the front-yard setback, 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 would unreasonably prevent the owner from installing an inground pool, which is a permitted use.*
2. **That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property.** *A lesser relaxation of the ordinance would not give substantial relief.*
3. **That the request is due to the unique circumstances of the property.** *This is the only place on this lot that the pool could go.*
4. **That the alleged hardship has not been created by a property owner.** *The hardship was not created by the owner.*
5. **That the difficulty shall not be deemed solely economic.** *There is no economic benefit to the owner.*

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

These variances are granted for the plot plan depicting “pool position #2 and with the condition that the property owner will submit a site plan with details on the drainage system.

UNFINISHED BUSINESS

None.

SPECIAL ORDERS

Linda Manson-Dempsey motioned to nominate Larry Fillinger as 2025 ZBA chairman. Jean Root seconded. Roll call vote: Witkowski—no; Manson-Dempsey—yes; Grunn—yes; Fillinger—yes; Root—yes. **Motion carried 4-1.**

Larry Fillinger motioned to nominate Linda Manson-Dempsey as the 2025 ZBA vice chairman. Jean Root seconded. Roll call vote: Witkowski, Manson-Dempsey, Grunn, Fillinger, Root—all yes. **Motion carried 5-0.**

Larry Fillinger motioned to nominate Diane Bockhausen as the 2025 ZBA secretary. Jim Witkowski seconded. Roll call vote: Root, Fillinger, Grunn, Manson-Dempsey, Witkowski—all yes. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Larry Grunn motioned to adjourn at 8:17 pm. Jean Root seconded. **Motion carried.**