

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – AUGUST 1, 2005**

CALL TO ORDER

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on August 1, 2005, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Carroll Strange, Greg Carnes, Mildred Roe, David Cypher and Mark Meisel

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Randy Miller, Mike and Pat Suckley

MINUTES OF JULY 11, 2005, ZONING BOARD OF APPEALS MEETING

Roe moved that the minutes of the July 11, 2005, Zoning Board of Appeals Meeting be approved as presented. (Cypher seconded). The motion carried.

READING OF THE PUBLIC NOTICE

The Zoning Board of Appeals Recording Secretary read aloud the public notice for tonight's meeting, which was published in the July 24, 2005, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on July 29, 2005, at 9:00 A.M.

VARIANCE REQUEST

#1 Randy Miller, Representing Property Owners Michael and Patricia Suckley, RE: Request for a 17-Foot Front Yard Setback Variance for Construction of a New House, Located at 12305 Lavender West, Southwyck Hills Unit 19, (TAX CODE # 4704-02-401-019)

Randy Miller, representing property owners Michael and Patricia Suckley, requested a 17-foot front yard setback variance for construction of a new house. He stated that the southwest corner of the proposed building would have a 43-foot front yard setback and need a 7-foot variance, while the southeast corner of the proposed building would have a 33-foot front yard setback and need a 17-foot variance. He continued that the proposed structure would be a 2,350-foot walkout ranch with a 3-car garage, which is slightly above the minimum requirement for the subdivision. He stated that there is a discrepancy between what is shown as buildable area on the master print and what is actually suitable for building. He continued that there is a large ravine which runs behind the buildable area and encroaches on the build site, such that the proposed building cannot be moved rearward any more. He also stated that with the required deed restriction of a side load garage, the garage end of the proposed building must be moved forward an additional 10 feet to allow driveway access to the garage. He continued that a variance for a front load garage is not feasible because the elevation from the proposed structure to the road would result in a drive too steep to be functional.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Strange stated this is a challenging lot. In response to Strange's question, Mr.

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Miller answered that the deed restriction for a side load garage is the only requirement by the development. He continued that the development has an architect that must approve the site plans and that he was referred to the ZBA to get a front yard setback variance. In response to Strange's question, Mr. Miller answered that the painted stakes on the property represent the building corners and that the other stakes were for the setback. In response to Meisel's question, Mr. Miller answered that in regards to the garage they were going to land balance the area and not increase the height of the garage base. Meisel stated that the incline is like many others in the area and that he could not determine how much of a burden it is. He continued that the fact that the garage must have side load entry forces the driveway as proposed and cannot get away from the needed setbacks. Strange stated a front load garage would reduce the problem and would not require the driveway to go back so far. Mr. Miller responded that there is a 6 to 7-foot rise over 50 feet. Cypher stated that the 3-car garage could be reduced to a 2-car garage and be in compliance, or reduce the width of the garage by 12 feet. Carnes stated that typically the third stall would be for lawn equipment and recreational vehicles. Mr. Miller responded that there is a change in elevation in the garage and that is a workshop area. In response to Meisel's question, Mr. Miller answered that the forward section has already been moved to the back and that reducing the garage to a 2-car garage would not reduce it much. In response to Cypher's question, Mr. Miller answered that the "L-shaped" area could not be moved to the rear of the garage because it would hang over the edge of the incline. In response to Cypher's question, Mr. Miller answered that the garage size is 36 feet (12-12-12 for each bay). In response to Strange's question, Mrs. Suckley answered that the deed restriction only specifies a side load garage and no other requirements. Mr. Miller stated that moving the garage to the other side would not work because they would be driving over the septic field which is not acceptable. In response to Strange's question, Mr. Miller responded no other concessions for the lot were given by the developer and that there really is no developer per say. Mrs. Suckley stated that, prior to purchasing the property, the realtor had a builder staked out a building envelope and assured them that a house could be built within the building envelope. Cypher stated that the Zoning Ordinance requires 50 feet from water's edge. Cypher stated that the submitted plat shows 80 feet from the back of the proposed house to the centerline of the creek, which is well over the required amount and questioned the reasoning behind so much space. Strange stated this is probably designated wetland area. In response to Cypher's question, Mr. Suckley answered that they have observed the creek for over a year and have not seen it expand over the banks. In response to Cypher's question, Mr. Miller answered that the centerline of the creek is the rear property line. In response to Cypher's question, Mr. Miller answered that the large dashed lines, on the submitted drawing, represents the building envelope. Tyrone Township Zoning Administrator George Van Hecke and the Board reviewed the recorded plat map. Van Hecke stated that there is a difference between the property line to the water's edge and the setback. In response to Meisel's question, Strange answered that the front yard is always the roadside. Strange stated maintaining 50 feet to the water's edge would be a hardship because it forces the house forward on the property. Roe stated that the topography of the property would be a hardship. Strange stated that there are definite

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hardships on this property: the topography, the preservation of mature trees on the back of the property, and maintaining 50 feet to the water's edge. He continued maintaining the integrity of the residence in this development and the value of this proposed structure would necessitate a 3-car garage. Strange stated there are no other hazards. Meisel stated that the building envelope is somewhat restricted by the location of the septic field.

PUBLIC COMMENT

None. No written correspondence was received prior to tonight's meeting.

MOTION

Meisel moved to grant the request by Michael and Patricia Suckley for a 17-foot front yard setback variance for construction of a new house, located at 12305 Lavender West, Southwyck Hills Unit 19, (TAX CODE # 4704-02-401-019) based on meeting the following criteria: 1) Unreasonable burden has been established by the topographical issues, the wetlands, and the mature trees at the back of the property. There are also restrictions by the subdivision development that require a side load garage. The applicant has made layout changes to reduce the variance needed and the house cannot be moved to the east or to the west to reduce the variance request, due to the topography and the septic field location. 2) Granting this variance will result in providing substantial justice and stay consistent with the surrounding neighborhood because the proposed house cannot be reduced in size due to subdivision development size requirements. 3) Granting the minimum variance possible has been established by the changes in the proposed house layout and location on the lot. 4) The extraordinary circumstance of the topography was not created by the property owner. 5) The house is located near the end of a cul-de-sac, therefore not creating any safety or health issues. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)]. (Roe seconded.) Roll call vote: Roe, yes; Meisel, yes; Carnes, yes; Cypher, yes; Strange, yes. The motion carried.

MISCELLANEOUS BUSINESS

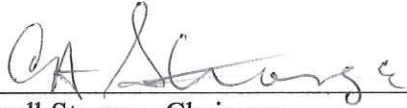
Strange read Resolution #050801 – Recognizing the Contributions of Mildred Roe, which was adopted August 2, 2005. The following summarizes the resolution: Mildred Roe was appointed to serve on the Tyrone Township Zoning Board of Appeals in September of 1981 - and served numerous term appointments, served as secretary for the ZBA, served as Tyrone Township Representative to the Hartland Senior Advisory Council from July 1994 to present, served on the Township Beautification Committee and donated time and effort on Beautification Projects, served on the committee to make Parshallville a historical district, and an active member of the Tyrone Township Historical Society. She has always served Tyrone Township with professionalism, dedication, courteousness, and a "warm welcoming smile".

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, September 12, 2005 at 7:30 p.m.

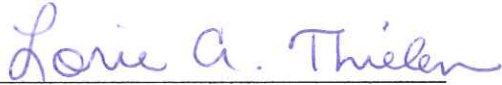
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ADJOURNMENT

The meeting ended at 8:47 p.m.



Carroll Strange, Chairman
Tyrone Township Zoning Board of Appeals



Lorie A. Thielen, Recording Secretary
Tyrone Township Zoning Board of Appeals

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Tyrone Township Clerk
Tyrone Township Zoning Administrator
Tyrone Township Zoning Board of Appeals Commissioners