

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – FEBRUARY 5, 2007**

CALL TO ORDER

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on February 5, 2007, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Carroll Strange, Greg Carnes, David Cypher, Claudette Moyski, and Mark Meisel

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Steve and Beth Krause, Bob Tarzwell

MINUTES OF NOVEMBER 13, 2006, ZONING BOARD OF APPEALS MEETING

Carnes moved that the minutes of the November 13, 2006, Zoning Board of Appeals Meeting be approved as presented. (Meisel 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 January 21, 2007, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on January 17, 2007, at 9:00 A.M.

VARIANCE REQUEST

- #1 Steve and Beth Krause, RE: Request for a Front Yard Location Variance in Order to Build a New Proposed Accessory Structure in Front of the New Proposed House, Located on Vacant Property Off of Foley Road, ¼ Mile West of Denton Hill Road, (TAX CODE # 4704-14-400-028).

Steve Krause requested a front yard location variance in order to build a new proposed accessory structure in front of the new proposed house. He stated that the house location was chosen because it was the nicest spot in which to locate the house and it also allowed for a walk-out basement. He continued the proposed barn location was chosen because it was a large natural pasture. He added that the location served a number of purposes for them: 1) that it was already a cleared pasture, 2) south of the site the property is quite rolling and would be harder to locate a pasture and a barn and 3) the barn location would screen out the backside of the Peabody warehouse and the surrounding stored items. He stated the north side of the barn would have no doors or windows and the south side would have the largest opening and cover for summer sun. He continued that a well currently exists in this area and locating the barn in this area would allow him to utilize the well for his 4H animals. He stated the barn would not be seen from Foley Road and would only be able to be seen from the rear of the Peabody property. He continued it is by far the best location for a barn on this parcel and they are planning on raising some large animals. He stated that if he is required to locate the barn farther south than the house, the many property owners to the south, off Center Road, would see the barn and could also have an odor problem from time to time. He continued that the proposed barn location would be

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the best location for him and his neighbors. He added that if the site had been developed as 15 lots, there would have been 15 houses and maybe 15 accessory structures. He showed the Board an aerial view of the property. He stated that if the rural atmosphere is important to the community then his combining 15 parcels back to the original 54 acre parcel and placing only one house and one barn on the parcel would be preferable.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Cypher's question, Mr. Krause answered that he intends to start the construction of the proposed house and the proposed barn within three months of each other. In response to Cypher's question, Mr. Krause responded that he would probably start the barn first but he would pull the permits at the same time. In response to Cypher's question, Mr. Krause answered the existing well would be used only for the barn. He continued that the Livingston County Health Department told him this was a viable well, but it should be tested. Mr. Krause stated that he has combined the 15-parcels back to one 54-acre parcel. Mr. Krause added that if it wasn't for the road frontage requirement, he would not need a variance. In response to Strange's question, Mr. Krause answered that he would need 466 feet of road frontage and that he has 352 feet of road frontage. In response to Carnes' question, Mr. Krause answered that he would not be developing anything else on this 54-acre parcel. In response to Moyski's question, Mr. Krause answered that the proposed house and the proposed barn would be on the same side of the road. At this time, Mr. Krause approached the Board to show where the new proposed road would be located and also show the existing gravel road. Mr. Krause stated that he would flatten the existing cul-de-sac to make a football field. Strange stated the intent of the Zoning Ordinance did not take into account a situation like this. He continued that the way this parcel was cut out and if there was another 100 feet of road frontage, the applicant would not have to be before the Board with a variance request. He stated that a 54-acre farm parcel had the ability in the past to construct a barn where they wanted and a variance request was not necessary. Strange continued the recombining of 15-parcels back to a single 54-acre parcel would be preferable and he would like to see if it would be possible to accommodate this request. Cypher stated he agreed with Strange because the proposed barn would not be in line with the 352 feet coming straight back. He continued that as you drive down Foley Road you would not see the proposed barn and it would be hidden by the existing Peabody structures. Cypher stated that if the parcel were to be split in the future, the township would not allow the barn to be split off by itself from the house without having to tear the barn down. He stated granting a variance for this request would not establish a long term noncompliance because it would not be seen by anybody. Meisel stated the technical frontage does not represent in any proportion the real frontage. He continued the applicant is given 352 feet of frontage when in actuality there is over 1200 feet of frontage farther back, which is a huge impact that clearly was not intended. In response to Cypher's question, Tyrone Township Zoning Administrator George Van Hecke answered that the property is zoned FR. Meisel stated that for this variance to be granted the Board would have to agree that this situation meets the intent of Zoning Ordinance No. 36 – Section 21.02G (Accessory Structure Provisions – Front Yard

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Accessory Structures – Accessory structures may be allowed in front yards in FR and RE Districts only on parcels of twenty (20) or more acres in area with at least four hundred sixty six (466) feet of road frontage). Strange stated that extraordinary circumstances and unreasonable burden are present due to the configuration of the property. In response to Strange’s question, Mr. Krause answered there is approximately 785 feet from the proposed barn location to Foley Road. Carnes stated the parcel is over 1,330 feet wide, which is technically the road frontage.

PUBLIC COMMENT

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

MOTION

Moyski moved to grant the request by Steve and Beth Krause for a front yard location variance in order to build a new proposed accessory structure in front of the new proposed house, located on vacant property off Foley Road, ¼ mile west of Denton Hill Road, (Tax Code # 4704-14-400-028), based on the following findings of fact: The shape of the property presents an unreasonable burden to the property owner because the actual width of the parcel is not represented by the road frontage measurement. Although the property has only 351 feet of actual road frontage, the width of the property facing Foley Road is more than 1300 feet, which meets the intent of the Zoning Ordinance (the ordinance requires 466 feet). The parcel itself otherwise complies with FR Zoning, having 54 acres of area (ordinance requires 20 acres). There is substantial justice to adjoining property owners because the property configured as proposed by the petitioner is less dense than the previous subdivision development proposal and reduces the need for services such as sewer/septic, electrical, well/water, and fire protection. The proposed location of the barn also minimizes the risk of contamination to ponds and a detention area located about the parcel. The essential character of the neighborhood has been preserved since smaller lots have been combined into one large parcel, compatible with adjacent property owners.

Only the minimum variance required is being granted to otherwise comply with Zoning Ordinance Section 21.02G (Accessory Structure Provisions – Front Yard Accessory Structures).

The Extraordinary circumstance is the shape of the parcel and its nearness to Foley Road. There are no health, safety, or nuisance issues created. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 21.02B (Accessory Structure Provisions – Number and Yard Locations) and 21.02G (Accessory Structure Provisions – Front Yard Accessory Structures)]. (Cypher seconded.) Roll call vote: Carnes, yes; Moyski, yes; Cypher, yes; Meisel, yes; Strange, yes. The motion carried.

MISCELLANEOUS BUSINESS


The ZBA By-Laws were reviewed and stands as presented and dated February 5, 2007.

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The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, March 5, 2007 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:43 p.m.



Greg Carnes, Vice-Chairman
Tyrone Township Zoning Board of Appeals



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

c File

Tyrone Township Clerk

Tyrone Township Zoning Administrator

Tyrone Township Zoning Board of Appeals Commissioners