

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – JUNE 4, 2007**

CALL TO ORDER

Vice Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on June 4, 2007, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Greg Carnes, David Cypher, Mark Meisel, and Maureen Leaske

Absent: Claudette Moyski

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Erin Posuniak – Tyrone Woods, Robert Simmons, and Mona Wilson

MINUTES OF MAY 7, 2007, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the May 7, 2007, Zoning Board of Appeals Meeting be approved as presented. (Cypher seconded). The motion carried.

MINUTES OF MAY 14, 2007, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the May 14, 2007, Zoning Board of Appeals Meeting be approved as presented. (Leaske 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 May 20, 2007, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on May 17, 2007, at 9:00 A.M.

Commissioner Mark Meisel noted that there is only a four-member Board for tonight's meeting but clarified for the record this constitutes a quorum and is a valid meeting.

VARIANCE REQUEST

- #1 Robert R. Simmons, RE: Request for a 10-Foot Setback Variance from Water's Edge, in Order to Build a Proposed New 16 by 32-Foot Carport in Front of the Existing House, located at 12259 Denton View Drive, (TAX CODE # 4704-11-100-030)

Robert Simmons stated that Mona Wilson will speak on his behalf because she is more familiar with the situation. Ms. Wilson requested a 10-foot setback variance from water's edge, in order to build a proposed new 16 by 32-foot carport in front of his existing house. She stated that on June 7, 2004 they came before the Zoning Board of Appeals for a 30-foot front yard setback variance for an addition to the existing house and a 6-foot front yard setback variance for an addition to the existing carport. She continued that they never completed the approved additions and they are now ready to begin construction. She stated there is an existing pond on the property and a 10 foot variance is needed from the water's edge in order to build a new 16 by 32-foot carport, which would also be a bigger grand entrance into the existing house. She explained that they decided against the addition to the house and are only asking for a variance for the carport. Mr. Simmons stated that only the corner post of the carport would be 40 feet from the water and that the entire structure does

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not need a variance.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

At this time, Mr. Simmons approached the Board to discuss and clarify the location of the addition on the overall site plan and in relation to the actual survey. Leaske showed an aerial view of his property. In response to Leaske's question, Ms. Wilson answered that the proposed carport would be in the middle section of the property. Carnes stated that he remembered the request and actually did some work on one of their projects. Carnes stated that this is a very secluded area. In response to Leaske's question, Mr. Simmons answered that this is a private pond and there are no wetlands. Carnes stated that the only time you can see the area is in the winter from Hartland Road. In response to Meisel's question, Mr. Simmons answered that the entire pond is on his property. He continued that if the water level is extremely high, some of the water could possibly go on the neighbor's property to the south (Tax Code: 4704-11-100-028). In response to Carnes' question, Mr. Simmons answered that he has approximately 13.52 acres.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant the request of Robert Simmons for a 10-foot setback variance from water's edge, in order to build a proposed new 16 by 32-foot carport in front of his existing house, located at 12259 Denton View Drive, (TAX CODE # 4704-11-100-030), based upon the following findings of fact: 1) Unreasonable Burden: The variance request meets the original intent of the zoning ordinance which was to prevent blockage of views by adjacent residences (sight lines). The owner/applicant owns the entire pond thereby eliminating potential sight line concerns of adjacent properties. 2) Substantial Justice: Allows the owner/applicant to further improve their property and protect their personal property while having no negative impact to the adjacent land uses, and further does not alter the essential character of the neighborhood. 3) Minimum variance required: The reasonable minimum variance required is being requested. Only one corner of the carport will encroach into the required setback, thus there is minimized entrance into the required setback. 4) Extraordinary Circumstances: The pond was existing. The intent of the Zoning Ordinance with respect to setback requirements from the water feature was intended to minimize any impact to adjacent property owners with respect to sight lines. Because the entire pond resides on the owner/applicant's property this potential concern is mitigated. A variation of this request was previously granted during the June 7, 2004, ZBA meeting and therefore similar treatment should be considered in the absence of contradictory facts. 5) Health & Safety: A carport may offer improved safety to the owner/applicant by minimizing their direct exposure to inclement weather. The health and safety of the surrounding residents is unaffected. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations) and 20.02Z (Footnotes to Schedule of Regulations)]. (Cypher seconded.) Roll call vote: Cypher, yes; Meisel, yes; Carnes, yes; Leaske, yes. The motion carried.

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VARIANCE REQUEST

- #2 Tyrone Woods, LLC, RE: Request for a 4 by 4-Foot Off Premise Directional Sign or Allow the Existing 2 by 3-Foot Directional Sign to Remain at 9485 Center Road (Woody's), (TAX CODE # 4704-17-400-006) for 5 Years.

Erin Posuniak, representing Tyrone Woods, LLC, requested a 4 by 4-foot off premise directional sign or allow the existing 2 by 3-foot off-premise directional sign to remain at 9485 Center Road (Woody's), for 5 years.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Meisel's question, Ms. Posuniak clarified that they are only asking for a variance for one off-premise sign located at 9485 Center Road, because they were unable to get permission from the property owner at 9610 Hogan Road to place a second off-premise sign. In response to Carnes' question, Ms. Posuniak answered that they would like to increase the sign size from a 2 by 3-foot sign to a 4 by 4-foot sign and allow the sign location for 5 years. Carnes stated that 5 years is a long time to allow an off-premise directional sign. Ms. Posuniak responded that she would be willing to accept a shorter duration than 5 years for the off-premise directional sign. Meisel stated a concern to comply with Zoning Ordinance Section 27.06.D (Clear Vision Zone), which addresses sight lines and visibility. He continued the proposed sign would only be 14 inches from the ground level to the bottom of the sign and then a 4 by 4-foot sign. In response to Meisel's question, Ms. Posuniak answered that the sign would be in the same located as the current 2 by 3-foot off-premise directional sign, but would be willing to relocate the new proposed sign if a variance were to be granted. She continued that there are a lot of temporary signs cluttering the area. Meisel stated that this is a commercial area in nature and there are a lot of trucks that come in and out of TRW, so we do not want to create a problem there. Meisel continued that the current location is fine for a 2 by 3-foot directional sign, but was not sure about the proposed 4 by 4-foot off-premise directional sign for visibility reasons. Meisel stated a concern for meeting Zoning Ordinance 27.06.D, where the minimum clear vision area shall be maintained between a height of two (2) feet and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public or private road right-of-way lines or at a commercial driveway or private road. Carnes stated a motion could be made to make sure the sign complies with the Livingston County Road Commission, (LCRC) standards. Meisel stated the request does meet the written intent of the Ordinance, the sign is buffered from adjacent residential areas and the sign location is more than 2,000 feet from other billboard signs. He continued that the sign location may not be 1,320 feet from the US-23 right of way, however it meets the intent of the ordinance because it is not able to be viewed from US-23 and therefore does not provided a distraction to passing vehicles. Meisel stated the request might need sight distance approval from the LCRC. Carnes agreed that the LCRC should approve this request for sight distance. Tyrone Township Zoning Administrator George Van Hecke stated the proposed sign could be 6 feet in height maximum without a variance. In response to Van Hecke's question, Ms. Posuniak answered the proposed 4 by 4-foot sign would be a v-shaped, 2-sided sign with a maximum 2-foot distance at one end. Ms. Posuniak continued that the existing sign is hard to see and only visible from one direction, but the new

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proposed sign would be seen from two directions. In response to Meisel's question, Ms. Posuniak answered that the proposed new sign would be at a 45-degree angle to the corner of Old US-23 and Center Road. Leaske stated that the proposed sign could be located farther back on the property. Van Hecke stated the proposed sign could be located 25 feet back from the corner and out of the road right-of-way. Meisel stated this would meet the LCRC requirements. Van Hecke continued that the proposed sign could be moved as far back as the small hill. Meisel stated the proposed sign can not block the existing TRW sign. Cypher stated the motion should require that the sign be reviewed and approved by the LCRC.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant the request of Tyrone Woods, LLC, for a 4 by 4-foot off premise directional sign to remain at 9485 Center Road, (Woody's property), (TAX CODE # 4704-17-400-006), for a period of 3 years based upon the following findings of fact: 1) Unreasonable Burden: The location of the off-premise sign meets the intent of the ordinance. The sign is buffered from adjacent residential areas and the sign location is more than 2,000 feet from other billboard signs. The sign location may not be 1,320 feet from the US-23 right of way, however it meets the intent of the ordinance because it is not able to be viewed from US-23 and therefore does not provided a distraction to passing vehicles. 2) Substantial Justice: The sign helps direct traffic to the intended location. It avoids turn-arounds and resulting undesired and unnecessary traffic in the immediate area. 3) Minimum variance required: The minimum required is being requested. 4) Extraordinary Circumstances: The land that the sign sits upon fronts Old-23 not US-23 and presents no distraction to highway traffic because the sign cannot be viewed from US-23. The land owner has granted the applicant permission to place the sign on his property, the purpose for the sign being to minimize errant traffic in the immediate area. 5) Health & Safety: Reduces errant traffic resulting from missing the intended route, which often results in dangerous turn-arounds by vehicles including backing out of private driveways or driving through the commercial establishments in the immediate area.

This variance is being granted conditional upon receiving approval from the Livingston County Road Commission (LCRC) to meet the compliance requirement for Zoning Ordinance Section 27.06.D (Clear Vision Zone - sight lines and visibility).

Alternatives: If the LCRC does not approve the submitted sign design and location, the applicant may increase the height of the sign up to a maximum of 6 feet to satisfy the LCRC sight distance requirements. If this still does not meet the requirements of the LCRC, the applicant may 1) Retain the current 2 by 3-foot sign for up to 3 years, or 2) Request an additional variance from the ZBA for increased sign height to allow for improved sight distance views. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 27.03A-1 (Off-Premise Signs) and 27.01 (Definitions)]. (Leaske seconded.) Roll call vote: Leaske, yes; Meisel, yes; Cypher, yes; Carnes, yes. The motion carried.

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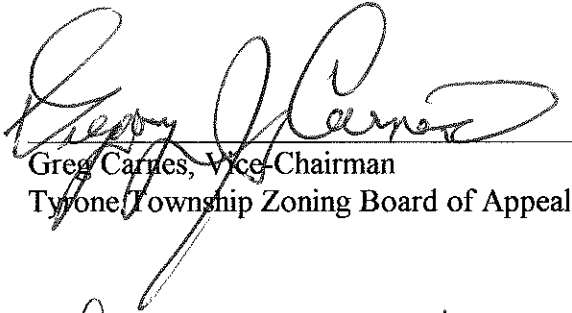
MISCELLANEOUS BUSINESS

Tyrone Township Zoning Administrator George Van Hecke addressed the Board regarding property off of White Lake Road, to see if a variance is needed for a proposed accessory structure. He stated the mailing address is White Lake Road. After some discussion, it was determined that the possible applicant would not need a variance for the 24 by 22-foot accessory structure.

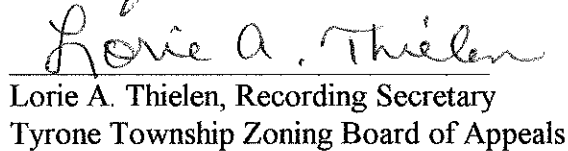
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, July 9, 2007 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:47 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