

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – AUGUST 6, 2007**

CALL TO ORDER

Vice Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on August 6, 2007, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Greg Carnes, Mark Meisel, Debi Smulsky, and Maureen Leaske

Absent: Claudette Moyski and David Cypher

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Chris Macklin, Richard Osburn, and Chris Mathews

MINUTES OF JUNE 4, 2007, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the June 4, 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 July 22, 2007, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on July 19, 2007, at 9:00 A.M.

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.

Carnes explained that, due to a four-member Board at tonight's meeting, each applicant has the right to table his request until the next meeting at which a five-member Board is present or to proceed with tonight's meeting. If a tie vote occurs, a decision would be made at the next meeting at which a five-member Board is present. At this time, neither applicant offered to withdraw his variance request.

VARIANCE REQUEST

- #1 Coyote Preserve, LLC, RE: Request for a 3-year extension of the variances granted on October 4, 1999 and extended on October 6, 2003: placement of the existing 3 by 2-foot directional sign located at 9485 Center Road, (TAX CODE # 4704-17-400-006), and placement of a 3 by 2-foot directional sign located at the northwest intersection of Old US-23 and White Lake Road, (TAX CODE # 4704-04-400-011)

Richard Osburn, representing Coyote Preserve LLC, requested an extension of the variances previously granted for an existing 3 by 2-foot directional sign located at 9485 Center Road, (TAX CODE # 4704-17-400-006), and placement of a 3 by 2-foot directional sign located at the northwest intersection of Old US-23 and White Lake Road, (TAX CODE # 4704-04-400-011). He stated he would like to get an extension for more than 3 years, but he would accept whatever the Board would be willing to grant. He continued that the signs are basically directional signs for traffic getting off the expressway to keep them headed in the right direction. He stated he has written permission from the

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property owner at 9485 Center Road to keep the existing sign on the property. He continued that he does not have permission to locate a sign at the northwest intersection of Old US-23 and White Lake Road, because he has not been able to contact the new property owner. He stated he plans to pursue getting written permission from them and would then locate the 3 by 2-foot directional sign there, once given proper permission. He added that this proposed sign location is on the opposite corner of the sign location that was previously granted.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Carnes question, Mr. Osburn responded that if he does not get permission to locate the proposed directional sign at the northwest intersection of Old US-23 and White Lake Road, he probably would not try to get permission to locate it at one of the other corners at that intersection. He stated that the directional sign located at 9485 Center Road is more important to them. Meisel stated that the letter from Bill Wood to allow placement of the directional sign at 9485 Center Road is not dated. He continued that the letter is good but it needs to be signed and dated by Mr. Wood for our records. Mr. Osburn agreed to obtain a dated letter from Mr. Wood. In response to Carnes question, Mr. Osburn responded that he would like to keep the signs for more than three years. Meisel stated that the policy as of late has been to grant a maximum of three years for sign variances, in order to keep track of where they are and who has them. Meisel stated that Carnes is probably the only Board member to have background knowledge prior to the original variance being granted. Carnes stated he approved the variance back in 1999. He continued the thought was people were getting off the freeway and driving all over, (because of the way Nimphie Road and Lee Road were cut up with the new Lee Road extension/easement), and people were getting lost. He added that this was prior to having the big entrance sign. Carnes stated that there is a big entrance sign now which makes it a little easier to find. He continued if you are coming north and you know you need to get off at Center Road, the sign will direct you. Carnes stated the sign at White Lake Road is not as much of a benefit as the sign at Center Road. He continued the directional sign on Center Road keeps people on Old US-23 and they do not go back on Linden Road and wonder how to get there. Leaske stated that the proposed directional sign at White Lake Road would have to be pending written permission from the property owner.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant a 3 year extension of the variances previously granted on 10/4/99 and 10/6/03 for placement of two signs, located at 9485 Center Road (aka Old US-23 and Center Road) and Old US-23 and White Lake Road to the Coyote Preserve LLC as a result of the following findings of fact: Unreasonable Burden: The requested variance meets the intent of the ordinance. The signs are buffered from adjacent residential areas and the sign location is more than 2,000 feet from other billboard signs. The sign locations may not be 1,320 feet from the US-23 right of way, however it meets the intent

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of the ordinance because they are not able to be viewed from US-23 and therefore do not provided a distraction to passing vehicles. Substantial Justice: The signs help direct traffic to the intended location and therefore help avoid turn-arounds and the resulting undesired and unnecessary errant traffic in the immediate area to the benefit of the public at large. Minimum variance required: The minimum required is being requested and granted. Extraordinary Circumstances: The land that the signs are upon fronts old 23 not US-23 and presents no distraction to highway traffic because the signs cannot be viewed from US-23. The land owners have granted the applicant permission to place the signs on their property, the purpose for the signs being to minimize errant traffic in the immediate area. Health & Safety: Granting this variance 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. The current signs do not obstruct sight distances or obstruct vision at the intersections.

This variance is being granted conditional upon receiving approval from the White Lake Road location property owner and receiving a dated copy of the property permission from Mr. Bill Woods. If permission is not received from the White Lake Road property, that sign location is not approved, however the Center Road sign is approved upon receipt of the dated permission statement. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 27.1 (Summary of Sign Dimensional Standards and Regulations), 27.01 (Outdoor Advertising and Sign Regulations – Definitions) and 27.03.A-1 (Off-premise Signs)]. (Commissioner Leaske seconded.) Roll call vote: Smulsky, yes; Meisel, yes; Leaske, yes; Carnes, yes. The motion carried.

VARIANCE REQUEST

- #2 Chris and Laura Mathews, RE: Request for an 8-foot front yard setback variance in order to build a proposed garage addition to the existing house with attached garage, located at 8030 Ore Knob Drive, (TAX CODE # 4704-30-103-015)

Chris Macklin, designer and representative for Chris and Laura Mathews, requested an 8-foot front yard setback variance in order to build a proposed garage addition to the existing house with attached garage. He stated that Chris and Laura Mathews have lived in the house for a little over a year and now wish to remodel for additional space. He continued that there would not be a 2nd story added, but there would be 22 feet added to the front of the garage to allow for a modest 2-car garage and more storage space. He added that the remodel would add curb appeal to the existing house because the existing character of the house would change, but not the overall height of the house. He stated that the pitch of the roof would change slightly. He continued that the unreasonable burden would be: they are unable to go off to the side lot lines because they are at the setbacks already, a side-load garage towards the front entrance would need a variance larger than what they are currently asking for, going off the rear towards the lake would be a substantial addition to the house and would have to be a 2-tier garage, and there is a septic field out there with the tank directly centered in the back. He stated that the front is the only place to add on with a minimal variance request. He continued the

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substantial justice is that there would be no impact in and out of the neighborhood, the house sits back on the cul-de-sac, and the other houses in the area are already closer to the street than this one. He added that in the last 10-15 years, people who have remodeled their homes have basically gone towards a 3-car garage. He continued there are no extraordinary circumstances because the house is set back about 120 feet from the road. He stated there are no health and safety issues. He added the garage of the neighbor to the south is already forward. He stated that this variance request would not be a burden to this neighbor because there is a large existing tree and row of arborvitaes that shield both homes from each other. He continued that the neighbor to the north is far enough away that this variance request would not affect them. He added that they have been to the Lake Shannon Architectural Committee for approval and they have been approved pending approval of the variance request from the Tyrone Township Zoning Board of Appeals.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Meisel's question, Mr. Macklin clarified the location of the septic system and field: it is located in the back towards the lake side, the tanks are centered off the 252 mark (on the submitted drawing), and the field runs diagonally. Meisel asked the Board for clarification of a variance request for an existing structure that is already nonconforming, as it does not meet the side yard setback requirements for the zoning district, and they are proposing to increase the nonconformity, he believes under policy the Board must grant them a continuance of that variance. Tyrone Township Zoning Administrator George Van Hecke responded that the side yard setbacks are 10 feet for Lake Shannon and that the setbacks were grandfathered in. Carnes stated that their drive is almost a hammer-head to the cul-de-sac and the house is quite a ways back. Leaske stated that this variance request would have a positive impact to the neighborhood.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant an 8 foot front yard setback variance for Chris and Laura Mathews in order to build a proposed garage addition to the existing house located at 8030 Ore Knob Drive, (Tax Code # 4704-30-103-015), as a result of the following findings of fact: Unreasonable Burden: The lot as established historically by the Lake Shannon area developer is configured such that it does not comply with our current zoning ordinance with respect to lot width for this district, having only 60 feet versus the required 130 feet. This established configuration is further prejudiced as a result of its location, where a peninsula exists at the waterfront and a T-turn around for Ore Knob Drive is located in front of the applicant's property, resulting in significantly less lot depth than adjacent parcel 253 and significantly less road frontage than adjacent parcels 251 and 250. Substantial Justice: Granting this request allows the owner/applicant to further improve their property and protect their personal property while having no negative impact to the adjacent properties, does not alter the essential character of the neighborhood, and allows the property to be more harmonious with adjacent properties with multiple vehicle garages. Sight lines to the water are not obstructed as a result of this request. Being able to store

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vehicles and watercraft inside the proposed garage addition would enhance the visual appeal of the immediate area and may contribute to theft deterrence. Minimum variance required: The reasonable minimum variance required is being requested and granted. Extraordinary Circumstances: As previously stated, the lot as established historically by the Lake Shannon area developer is configured such that it does not comply with our current zoning ordinance with respect to lot width for this district, having only 60 feet versus the required 130 feet. This established configuration is further prejudiced as a result of its location, where a peninsula exists at the waterfront and a T-turn around for Ore Knob Drive is located in front of the applicant's property, resulting in significantly less lot depth than adjacent parcel 253 and significantly less road frontage than adjacent parcels 251 and 250. This property is set back 120' from the common street line and the proposed improvements would therefore have no adverse visual impact to the immediate area and would further have no adverse impact to sight distances along the road. Health & Safety: The ability to store vehicles and watercraft indoors versus outside may deter potential criminal activity in the immediate area. There are no adverse impacts to the health and safety of the immediate area. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)]. (Commissioner Leaske seconded.) Roll call vote: Leaske, yes; Carnes, yes; Smulsky, yes; Meisel, yes. The motion carried.

MISCELLANEOUS BUSINESS

Meisel stated that he would abstain from participating in the Hicks variance request at the September meeting because he has a conflict of interest, per our bylaws, as a result of being the adjacent property owner. He further stated he would not attend the meeting if a full ZBA Board could be convened without his attendance. However, he stated he would attend and participate in any other ZBA business if a full ZBA Board could not be established without his participation. His logic was this would allow a full 5 member Board to decide the Hicks request and eliminate any possibility of a tie vote.

The Board discussed the possible need for an additional board member, since we have only had a four-member Board for the last two meetings.


The Board discussed making sure the entire variance application is filled out, or at least reasonably attempted, or the applicant will have to wait until the next meeting to be heard after it is properly filled out. This was specific to the 5 criteria needing to be met to grant a variance per our Ordinance. The ZBA is willing to assist in establishing these criteria in cases where clarification benefits the applicant and the Township, but it is the responsibility of the applicant to state a valid case, inclusive of the 5 criteria, in their attempt to justify the granting of a variance.

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, September 10, 2007 at 7:30 p.m.


ADJOURNMENT

The meeting ended at 8:59 p.m.

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Greg Carnes, Vice-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