

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – MARCH 5, 2012**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on March 5, 2012, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, David Cypher, Mark Meisel,
Dave Wardin, and Cam Gonzalez
Guests: Robert and Janet Baydl

MINUTES OF OCTOBER 3, 2011, ZONING BOARD OF APPEALS MEETING

Cypher moved that the minutes of the October 3, 2011, Zoning Board of Appeals Meeting be approved as presented. (Gonzalez 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 February 19, 2012, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on September 14, 2012, at 9:00 A.M.

VARIANCE REQUEST

#1 Robert Baydl, RE: Request for a 9-Foot Front Yard Setback Variance in Order to Build a New House and Attached Garage on Vacant Property, Located at 13443 White Lake Road, (TAX CODE # 4704-13-101-014)

Robert Baydl requested a 9-foot front yard setback variance in order to build a new house and attached garage on vacant property. He stated the location of the proposed house would be at the edge of the cliff, which goes down 40 feet to the lake. He continued that the builder will take about a foot off the foundation and use it to level the area. He added that he needs to dig down another 9 feet for the proposed basement. He stated moving the proposed house forward 9 feet would allow him to have a basement. He continued that he would need to add some fill and also find a way to stop the erosion. He stated only the proposed garage would be 9 feet forward of the building envelope, but the proposed house would still be located within the building envelope. He continued that if he didn't have the problem with the septic system he would move the proposed house 18 feet to the left and take it out of the area with the topographical issues. He stated two perk tests were done, but they had to go down 9 feet to get into the perk. He stated he moved the septic system to the other side of the property, 10 feet from the existing easement.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Carnes stated that the neighbor's septic area is adjacent to the proposed septic field of Mr. Baydl's. Mr. Baydl stated that his other neighbor has his septic system on the lake side and the well in the front. In response to Cypher's question, Mr. Baydl answered that the 20 foot easement was in case a tile were needed to be put in for water drainage from White Lake Road. Mr. Baydl stated his neighbors do not have any concerns with the location of his proposed house and garage. Wardin stated the dimensions of the garage are not the same on the two submitted drawings. Mr. Baydl responded that one of the drawings, option 2, was done five years ago. He added that the correct drawing shows the

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previous proposed house location in pink and with the variance request in yellow. In response to Wardin's question, Mr. Baydl answered that the proposed garage would be 24 feet deep by 30 feet wide. Meisel stated that based on the way the road is shaped, the location of existing foliage, and the location of the adjacent homes he does not have an issue with the setback. He continued that there is plenty of driveway access space and there are no visual detractions there or utilization issues. Cypher agreed. Meisel stated that the only way to utilize the property is to move everything forward because the drop-off is so significant. Wardin questioned if the house to the west is 41 feet from the road. Meisel responded that an exact measurement is not given. Wardin stated it appears as you go west the houses keep moving farther from the road. Mr. Baydl responded that it may look that way but the road curves. Gonzalez stated that he is all for encouraging people to build in the Township and does not see any reason not to grant this variance request.

PUBLIC COMMENT

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

MOTION

Gonzalez moved to grant the variance request by Robert Baydl for a 9-Foot Front Yard setback variance in order to build a new house and attached garage on vacant property, located at 13443 White Lake Road, (TAX CODE # 4704-13-101-014), based on the following findings of fact: Unreasonable Burden: The property topography prohibits use of the northern (lakeside) most ½ of the lot due to a steep decline. This also limits the available location of the septic system, and the location approved by the Livingston County Health Department. Substantial Justice: The requested building location affords reasonable use of the property and does not create any undesired sight line issues. No adverse impact to the adjacent neighbors has been identified and no negative comments have been received. Minimum Variance Required: It is the opinion of the ZBA the variance being requested and granted represents the minimum variance required to result in reasonable use of the property. Extraordinary Circumstances: The property topography prohibits use of the northern (lakeside) most ½ of the lot due to a steep decline. This also limits the available location of the septic system, and the location approved by the LCHD. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. Granting this variance also reduces the environmental impact by avoiding extreme alteration of the existing topography on the north side of the property. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations) and Section 21.02 (Accessory Structure Provisions)]. (Cypher seconded.) Roll call vote: Wardin, yes; Meisel, yes; Gonzalez, yes; Carnes, yes; Cypher, yes. The motion carried.

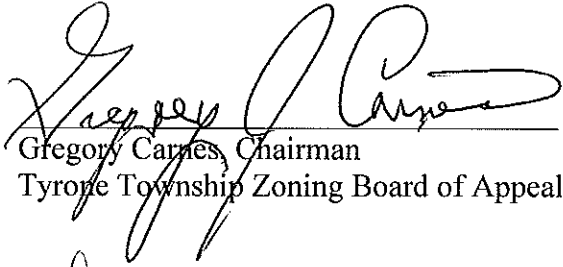
MISCELLANEOUS BUSINESS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, April 2, 2012 at 7:30 p.m.

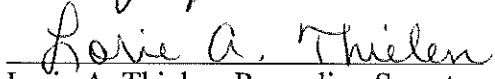
ADJOURNMENT

The meeting ended at 8:28 p.m.

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Gregory Carnes, 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