

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – APRIL 2, 2012**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on April 2, 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: William Wood, Mike Wood, Mike Cunningham, Denis Husse, Jeff Forsyth, and Rob Busby

MINUTES OF MARCH 5, 2012, ZONING BOARD OF APPEALS MEETING

Cypher moved that the minutes of the March 5, 2012, Zoning Board of Appeals Meeting be approved as presented. (Wardin 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 March 18, 2012, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on March 14, 2012, at 9:00 A.M.

SECRETARY NOTE:

A discussion took place regarding some of the issues that needed to be addressed and some recommendations that were made for the gas station addition. A revised drawing was submitted addressing most of the issues. The Zoning Board decided that they only needed to be concerned with the two variance requests before them this evening and all the other issues and concerns were to be addressed by the Planning Commission.

At this time Meisel stated for the record that as the Planning Commission representative to the Zoning Board of Appeals, he can participate in the discussion and vote on this because it has not been heard by the Planning Commission and no decision by the Planning Commission has been made. The new statutory requirement that if a decision is rendered by the P.C., the P.C. representative must be excluded from the process, does not apply in this case. This has been reviewed by the P. C. sub-committee only.

VARIANCE REQUEST

- #1 William Wood (Woody's Towing Inc.), RE: Request for a 61-Foot Setback Variance from the Center Road Right-of-Way and a 34-Square Foot Size Variance to Allow a 98-Square Foot Sign, Located at 9485 Center Road, (TAX CODE # 4704-17-400-006)

William Wood (Woody's Towing Inc.) requested a 61-foot setback variance from the Center Road right-of-way and a 34-square foot size variance to allow a 98-square foot sign. He stated that he had been to a Planning Commission sub-committee meeting on August 9, 2011 and also on February 2, 2012. He continued that he has not formally been to the Planning Commission yet. Mr. Wood stated his plan is set up for the used car lot to be out in the front on the road right-of-way. He continued if the road ever changed, he

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would just get rid of the used car lot. Mr. Wood stated he has a letter from the used car lot stating that cars would not be there for sale, they are only using the office for legal purposes in order to have Mr. White's license for the state.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Carnes stated there are two variance requests and they should be discussed separately. Meisel stated that Mr. Wood is here as a proactive request for a variance. He continued that Mr. Wood could apply for a variance if a hardship exists that would restrict or inhibit his ability to utilize his property. Meisel stated the variances being requested are necessary for Mr. Wood to reasonably use his property for the intended purpose that he has set forth. Meisel continued that even though there will not be any cars on the site, the state statute requires "x" number of parking spaces be set aside and specifically allocated for the used car lot. Cypher stated this has nothing to do with the variance requests before the ZBA. He continued that the Board is only here to make a determination on the 2 variances being requested: the road set back variance and the variance for a larger sign. Mr. Wood stated that this will go back to the PC, and he did not want to spend endless money only to find out that he could not get his variance requests. Cypher questioned if this does not pass the PC, would it not possibly come back to the ZBA for a variance on the parking spaces. Meisel responded that an effort has been made to address all the possible issues or non-conforming situations and work out all the elements or issues that are of concern to the PC that would prevent site plan review, seek variances in advance, and then proceed to the PC. Meisel added that the intent is for the applicant to come to the ZBA only once and then have the applicant proceed to the PC. Cypher stated it is extremely important that the Board try to make the facility as successful as possible. He continued he doesn't know how else, other than a sign like this, to alert people on the expressway of the facility's location. Cypher stated that north bound you might be able to catch a glimpse of the sign, but south bound you would not be able to see it. Gonzalez stated you cannot see the sign because it is so low due to the topography. Gonzalez continued that the sign needs to be higher. Meisel stated that there is a height restriction if it is visible from the expressway and another height restriction if it is not visible from the expressway. Wardin stated that there is no indication as to where the pole is in relation to the bottom of the sign, only that the sign is 13 feet high and 85 inches wide (on the sign drawing showing Marathon on the top and pricing). Wardin continued that the revised plan calls for the sign to be 85 inches wide by 24 inches, by 10 feet tall. He stated the note and the drawing do not match and we need to know what the height of the sign will be. Mr. Forsyth responded that the total height of the pole would be 24 feet high and the bottom of the sign would be 13-14 feet from the ground. Carnes stated that if a height variance is needed it could not be decided at tonight's meeting and it would have to come to the ZBA at an upcoming meeting. Mr. Wood stated he thought the height of the sign was 20 feet. Meisel stated that the drawing needs to be corrected and the total size of the sign needs to be dictated on the drawing. Cypher stated that this does not affect the variance request and the Planning Commission would need to address this issue. Meisel continued that the area of the sign is an issue because if it is not visible from the expressway, maybe the sign does not need to be so large. The Board agreed that from south bound it would be impossible to see the proposed sign, but going north, with a back lit sign, the proposed sign would be visible. Mike Wood stated they would be relying on the MDOT exit signs to help direct traffic to the facility. In response to Meisel's question,

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William Wood responded that the height of the sign was not discussed at either of the sub-committee meetings. In response to Wardin's question, Mr. Wood answered that one area is for the price for gas and the other is for the changeable message part of the sign. In response to Cypher's question, Mr. Wood answered that the sign would be a two sided LED sign. Meisel stated the LED sign would have better luminescence and less off casting. Cypher stated that a 61-foot setback will probably be the largest setback the Board has ever granted, but he does not see how else to go around it. He continued he is shocked at the amount of space needed for the staging/stacking area. Cypher stated that this facility will have more area than any station on Owen Road. Cypher added that a lot of time and knowledge went into the site plan to fit everything in and he doesn't see any other way to change the front setback. Meisel stated that the location of the building would be a self-created hardship. Meisel stated the following needs to be looked at: 1) if it is reasonable use of the property for them to operate a gas station on this site, 2) where else would you locate the canopy and the pumps for better ingress/egress and mobility on the site, and 3) to consider the party store at Runyan Lake Road, whether conforming or non-conforming, it would be the only competitor in Tyrone Township. Meisel continued if this request were denied, would it give Runyan Lake a competitive advantage or this applicant a competitive disadvantage, by not allowing them to have a canopy. In response to Cypher's question, Mr. Wood answered that the canopy is a requirement of Marathon for environmental purposes. Mr. Wood stated he has the permit from the State of Michigan allowing them to put the fuel in. Meisel stated that the canopy will not interfere with the visibility from Old US-23 and he does not think it will interfere with the visibility from Center Road. Wardin stated he does not look at it as 39 feet, but 58 feet, because of the 17 foot bump in the right-of-way that on any other property would not be there. Gonzalez agreed with Cypher that a lot of thought went into planning this site. Meisel stated it is a huge plus to have community development along the US-23 corridor.

PUBLIC COMMENT

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

MOTION

Wardin moved to grant the variance request of William Wood, Woody's Towing Inc., located at 9485 Center Road, Tax Code 4704-17-400-006, for a 34 square foot size variance to allow for a 98 square foot fuel station sign based on the following findings of fact: Unreasonable Burden: The location of the subject property is such that views from north bound US 23 are limited at best. No visibility is available to southbound drivers. A sign of the area requested will allow better visibility for the intended customers without unreasonably affecting the near neighbors. Substantial Justice: The immediate area is zoned commercial and industrial. A larger sign will provided convenience of access and provide for the need of the particular services and facilities in the area. No adverse impact to the adjacent neighbors has been identified, and no negative comments have been received from the public. Minimum Variance Required: It is the opinion of the ZBA that the variance being requested and granted represents the minimum variance required to result in reasonable use of the property. Extraordinary Circumstances: The location of the subject property is such that views from north bound US 23 are limited at best. No visibility if available for southbound drivers. A sign of the area requested will allow better visibility to the intended customers without unreasonably affecting the near

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neighbors. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. This variance is being granted condition upon correction of the sign notation on the provided 3/27/2012 site plan to match the variance being granted this evening. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Table of Schedule of Regulations), Section 27.02 (Permitted Business Signs) and 27.1 (Summary of Sign Dimensional Standards and Regulations)]. (Cypher seconded.) Roll call vote: Gonzalez, yes; Wardin, yes; Cypher, yes; Carnes, yes; Meisel, yes. The motion carried.

Cypher moved to grant the variance request of William Wood, Woody's Towing Inc., located at 9485 Center Road, tax code 4704-17-400-006, for a 61 foot setback variance from the Center Road right-of-way to construct a canopy for the sheltering of fuel pumps based on the following findings of fact: Unreasonable Burden: The proposed canopy is necessary to provide the customer with both a shelter from the elements and proper lighting. Without this structure the business would be at a competitive disadvantage since a canopy has become an integral part of this type of business and also serves to reduce environmental runoff as a result of spilled fuel. Substantial Justice: The two most notable businesses adjacent to the proposed canopy are TRW and Tyrone Hills Golf Course. The applicant and these businesses have coexisted for over 20 years without incident. The addition of the canopy will not disturb these businesses. The addition of fuel services is likely to attract additional business for the golf course while providing TRW and other area employees, along with local residents, the additional fuel services they want. The addition of the canopy is likely to also add a more pleasing aesthetic appeal to the property. No negative comments have been received from the public. 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 configuration and location of the subject property, the location of the existing building, the site topography, and configuration of the right-of-way limit the location and placement options available for the canopy. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. The canopy enhances public safety by limiting environmental runoff, and accommodates fire suppression equipment. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Table of Schedule of Regulations), Section 27.02 (Permitted Business Signs) and 27.1 (Summary of Sign Dimensional Standards and Regulations)]. (David Wardin seconded.) Roll call vote: Meisel, yes; Carnes, yes; Gonzalez, yes; Cypher, yes; Wardin, yes. The motion carried.

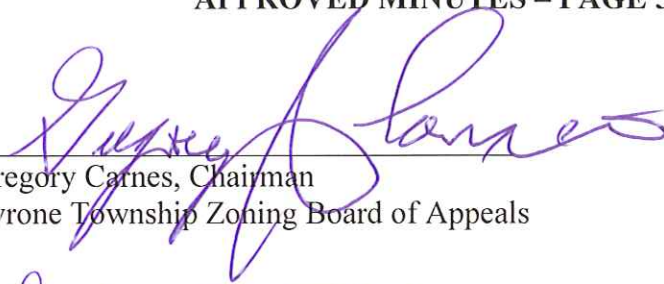
MISCELLANEOUS BUSINESS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, May 14, 2012 at 7:30 p.m.

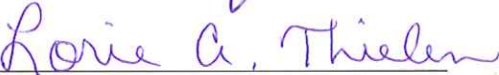
ADJOURNMENT

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