

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – MAY 13, 2013**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on May 13, 2013, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, David Cypher, Mark Meisel, Anne Linder, and Jeffrey Young

Guests: Jason and Jill Linton, Joe Trollman

MINUTES OF MARCH 4, 2013, ZONING BOARD OF APPEALS MEETING

Cypher moved that the minutes of the March 4, 2013, Zoning Board of Appeals Meeting be approved as presented. (Linder 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 April 28, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on April 24, 2013, at 9:00 A.M.

VARIANCE REQUEST

- #1 Jason and Jill Linton, RE: Request for a 1-Foot West Side Yard Setback Variance and an 8-Foot East Side Yard Setback Variance in Order to Build a New House and Attached Garage on 10582 White Lake Road, (TAX CODE # 4704-09-201-003). The Existing House will be Demolished and the Proposed New House Would be Built in the Existing Footprint.

Jill Linton requested a 1-foot west side yard setback variance and an 8-foot east side yard setback variance in order to build a new house and attached garage. She stated that the existing house will be demolished and the proposed new house would be built in the same footprint with minimal changes. She continued this will minimize the disruption of moving the well, the septic, and trees. She stated that they contacted both neighbors on the east side and on the west side and they both are in support of the variances being granted.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Young stated he walked the property today. Meisel stated that this parcel of property was originally platted as Outlot A of McClatcheys Runyan Lake Highlands. He continued that at some point, a long time ago, the property was split, which yields this approximately 60 foot width property. He stated that usually when something is designated as an outlot the property is generally dedicated for a particular purpose, such as a park. He continued that there is no dedication on the plat for this parcel of property. He added that it looks like it was originally intended to be developed, so there are no issues with conflicts with the plat. Meisel stated that it is his opinion that the proposal the applicant is offering is reasonable since they are taking advantage of what exists today: they have an adjacent neighbor that is closer to the water to the south; a neighbor that is farther from the water to the north; if they move anything they will disrupt something, whether it is the well or sewer infrastructure; and the property has a manhole for servicing on it. Mr. Linton responded that if they move the proposed structure forward, they would

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 2 – MAY 13, 2013**

have to move the entire septic system and if they move towards the lake, they would have to take out the well. Meisel stated that this situation has existed over the years in multiple configurations, utilizing prior Zoning Ordinances that were in effect at the time the development was made. He continued the question is what does the Board do about the nonconforming side setbacks. He stated that in this case the Board can take advantage of 26.01 Non-Conforming Lots of Record: A.1(Single Lot of Record – Single Family Dwelling) and A.2 (Single Lot of Record – Yard Variances) and 26.03B Non-Conforming Structures - (Reconstruction of a Non-Conforming Structure). Meisel stated he thinks the intent of the Ordinance for side yard setbacks is to ensure we are adhering to health and safety standards, such as separation for fire and ingress/egress. He continued that by maintaining the existing footprint the applicants are retaining the access and proximity of separations that everybody has, which is far in excess of what we see on a lot of the lots around this lake and some of the other lakes. In response to Carnes' question, Meisel answered that he is referring to the separation between building sidewalls. Meisel stated that we received letters in support of the variances by the adjacent neighbors. Meisel continued he struggles to see why the Board would object to this request. Cypher stated that he agrees and that if the Board were working off of sight lines, the Board could almost allow the applicant to build a bit closer to the lake. He continued that the neighbor to the east, that is closer to White Lake Road, did not build there for any great intent of viewing the lake. Cypher stated there are no health and safety issues and that there is access all around the house. Linder stated she has no objections to the variance request.

PUBLIC COMMENT

None. Written correspondence in favor of the variance request was received from Rick and Pat Coscia. Written correspondence in favor of the variance request was received from and Doug and Cindy Smith.

MOTION

Meisel moved to grant the request of Jason and Jill Linton, located at 10582 White Lake Road, tax code 4704-09-201-003, for a 1 foot west side yard setback variance and an 8 foot east side yard setback variance in order to build a new house and attached garage for the following findings of fact: Unreasonable Burden: The current structure was built when a prior zoning ordinance was in effect, using the setbacks required at that time. The adjacent homes have been built in consideration of each other, with varying setbacks from the water's edge to keep significant separations from each other, thus eliminating side yard proximity to each other. The appellants are requesting to retain their existing dwelling footprint, thus maintaining the established buffers from the adjacent dwellings. This configuration meets the intent of Section 26.01.A.1 & 2, and 26.03.B. Substantial Justice: Updating the home will improve visual harmony with the adjacent neighbors. The ZBA received letters in support of the variance requests, with no objections, from both adjacent neighbors, demonstrating the request is compatible and harmonious with adjacent land uses and neighbors. The existing well and sewer service infrastructure is being retained. Minimum Variance Required: It is the opinion of the ZBA the variances being granted represents the minimum variance required to result in reasonable coexistence with the adjacent neighbors, and to result in reasonable conformance with the intent of the current Zoning Ordinance. Extraordinary Circumstances: The lot as it currently exists was split from platted Out Lot A previously, is 60 feet wide, and complies with the minimum

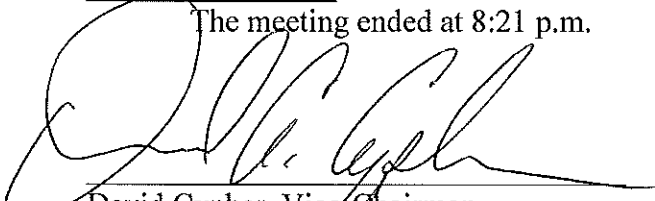
**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 3 – MAY 13, 2013**

lot width for LK-1. However, this results in a maximum structure width of 40 feet when the current setback requirements are complied with. The proposed structure will maintain a significant setback from the water's edge to maintain side yard compatibility with the neighbor to the south, at the expense of having minimal visibility of the lake. The current structure was built at a time when the current Tyrone Township Zoning Ordinance was not in effect, therefore its location is what it is and the circumstance is arguably not self-created by the current owner or the former owner in the context that the former owner and arguably the current owner purchased the property with improvements that were built to the standards of the prior Zoning Ordinance in effect at that time. The adjacent homes have been built in consideration of each other, with varying setbacks from the water's edge to keep significant separations from each other, thus eliminating side yard proximity to each other. The appellants are requesting to retain their existing dwelling footprint, thus maintaining the established buffers from the adjacent dwellings. This configuration meets the intent of Section 26.01.A.1 & 2, and 26.03.B. Health and Safety: Granting this variance does not alter the health and safety of the immediate area which is being maintained by front/rear yard setback differences by the appellant's and the adjacent neighbor's homes. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.02 (Schedule of Regulations)]. (Young seconded.) Roll call vote: Linder, yes; Cypher, yes; Young, yes; Carnes, yes; Meisel, yes. The motion carried.

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, June 3, 2013 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:21 p.m.



David Cypher, 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