

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – FEBRUARY 3, 2014**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on February 3, 2014, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, Mark Meisel, Joe Trollman, Ryan Rudzis, and Laurie Radcliffe
Guests: Jim Huck and Don LoVasco

MINUTES OF JUNE 3, 2013, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the June 3, 2013, Zoning Board of Appeals Meeting be approved as presented. (Rudzis 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 January 19, 2014 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on January 15, 2014, at 9:00 A.M.

VARIANCE REQUEST

- #1 Jim and Linda Huck, RE: Request for a 20-Foot East Side Yard Setback Variance In Order to Build a 32-Foot by 20-Foot Addition to the Existing House, Located at 8495 Starwood Drive, (TAX CODE # 4704-30-403-012).

Jim Huck requested a 20-foot east side yard setback variance in order to build a 32-foot by 20-foot addition to the existing house. He stated that this is a corner lot and that both sides fronting the road need to meet the front yard setback requirement of 50 feet. He continued that there are other corner lot properties in his neighborhood that are well within the 50 foot requirement and he feels that this is an unreasonable burden. He stated that with the proposed addition to the east, it would still be 30 feet from the side yard property line, which is 10 feet more than a conventional side yard setback for property not on a corner lot. He added that the property to the north, by two houses, is considerably closer and measures 60 to 61 feet to the centerline of Linden Road. He continued that his house is currently 100 feet to the centerline of Linden Road and will be 80 feet to the centerline of Linden Road with the proposed addition. He stated this corner lot situation is common in the area and that he enclosed several corner lot property GIS overview photos for the Board to review. He continued that there will not be any visibility or safety issues or concerns for people turning onto their street because there are a lot of trees there presently and with the proposed addition there would still be 80 feet to see around the corner. He stated that he chose the east side for the proposed addition because: 1) they are not allowed to have a separate outbuilding in their association, and 2) he has utilities and a septic field on the west side of the property and windows for two bedrooms on the north and east side that is not attached to the garage. He stated that this is the logical place for the addition.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Carnes stated that the layout shows the addition a little bit past the retaining wall

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driveway and on the elevation it looks like it is even with the retaining wall. In response to Carnes' question, Mr. Huck answered that he is not exactly sure where the addition will be because the retaining wall has an arc to it. Mr. Huck continued that it would probably be even with the radius closest to the road. Carnes stated that he would lean towards the elevation being correct and not the layout. Meisel agreed. In response to Radcliff's question, Mr. Huck answered that the proposed addition is for an office and a recreation area and that there would be access to the proposed area through the garage. In response to Rudzis' question, Mr. Huck answered that he will have to remove approximately 16 pine trees, 6 that are already dead. Mr. Huck continued that he is going to relocate several trees and keep as many trees as possible as a natural barrier to the road. In response to Rudzis' question, Mr. Huck answered that many of the trees are above the roof and that they are tall white pines. In response to Carnes' question, Mr. Huck answered that he is relocating a dogwood tree and would like to keep some semi-privacy between the house and Linden Road. In response to Meisel's question, Mr. Huck answered that he has approval for the proposed addition from the Lake Shannon Architectural Committee. Meisel stated that corner lot configuration history is effectively establishing setbacks on all road frontages so that there is adequate room for buffering, road right-of-way issues, any issues related to traffic or errant cars, and more importantly clear vision. He noted the property frontage is on Linden Road, which is not the busy section of Linden Road but it is busy, so the comments about trees are important because as you get closer to Linden Road having something other than the house to stop a car would be desirable. Meisel continued the property to the north side on Parkwood has much more significant issues if a car came off the road than this property and the distance there is half of what this property is now. He stated that this property has a bit more protection and that the clear vision issue: the ingress/egress out of Starwood onto Linden Road and out of Linden Road onto Starwood, is not too bad for visibility and he does not think the clear vision element is there. Meisel stated that the 50 foot setback required from road frontages is great to have but in this case where they are burdened on two sides, it is right to review and a reason to alter that requirement and try to accommodate the applicant that has other restriction such as topography and the location of the septic field. He continued that in regards to the character of the area, this would not be an unusual situation to allow, providing some amount of variance to the corner lot setbacks but being careful to not allow too little so that it creates other problems. Meisel stated that from a Planning Commission point of view, there are no issues with this request. In response to Radcliff's question, Meisel answered that as long as the applicant does not encroach into the road right-of-way or into the 10-foot utility easement, the Livingston County Road Commission should not have an issue. Meisel stated that there is adequate space there on Linden road and that he does not see Linden Road going to four lanes anytime soon. In response to Carnes' question, Meisel answered that as long as the applicant has reasonable setback distance from the utility easement and there is reasonable access to it off of the road right-of-way from Linden Road, there should not be any issues. In response to Mr. Huck's question, Meisel answered that utilities are usually located in the center of the easement and that planting anything in the easement area is subject to removal. He continued that if the applicant were to consider planting in the easement he should contact Miss Dig first, and that it would be best to only plant surface type plants or grasses to prevent causing damage to possible existing utilities. In response to Rudzis' question, Mr. Huck answered that they cannot have fences in their area but he will have shrubs for a natural barrier. In response

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to Radcliff's question, Mr. Huck answered that he did not consider locating the proposed addition off the back of the house because of the two bedrooms that have windows on that side and because of the way the roofline falls, it would start to destroy the architectural integrity of the building. In response to Carnes' question, Mr. Huck answered that he did not consider going behind the garage because of the two bedrooms and the bathroom located in the northeast corner.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant the request of Jim and Linda Huck for a 20 foot east yard side setback variance to build a 32 x 20 foot addition onto the existing home located at 8945 Starwood Drive, tax code 4704-30-403-012, for the following findings of fact: Unreasonable Burden: The subject property is subject to two front yard setbacks as a result of being a corner lot, having frontage on both Linden Road and Starwood Drive. The intent and purpose of this regulation is to ensure adequate setbacks, clear vision, and buffering from roads. The proposed addition will have a larger setback from Linden Road than that of similar homes in the immediate area having corner lots. Substantial Justice: The proposed addition will have a larger setback from Linden Road than that of similar homes in the immediate area having corner lots. There remains adequate buffering from Linden Road, and clear vision exists so as to not adversely affect traffic. The proposed addition is compatible and harmonious with existing homes in the immediate area, and access to the utility easement is preserved. No comments in opposition were received, and additional trees will be added to replace those removed to retain existing buffering from Linden Road. 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 subject property is subject to two front yard setbacks as a result of being a corner lot, having frontage on both Linden Road and Starwood Drive. The intent and purpose of this regulation is to ensure adequate setbacks, clear vision, and buffering from roads. The proposed addition will have a larger setback from Linden Road than that of similar homes in the immediate area having corner lots. The property is also restricted from development to the west due to the presence of the home's septic field. Use of the rear yard is inhibited due to required ingress/egress windows for the existing bedrooms. Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area. There remains adequate setback from the road right of way, and existing trees will provide some protection from errant vehicles. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Table of Schedule of Regulations), 20.02C (Footnotes to Schedule of Regulations), 21.25 (Residential Design Standards), and 21.39 (Clear Vision Area)]. (Radcliffe seconded.) Roll call vote: Radcliffe, yes; Trollman, yes; Rudzis, yes; Meisel, yes; Carnes, yes. The motion carried.

MISCELLANEOUS

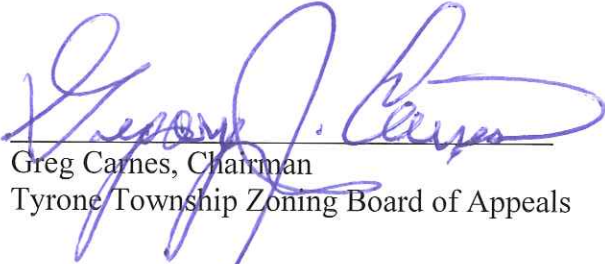
Election of Chairman and Vice-Chairman: Greg Carnes was elected as chairman and Ryan Rudzis was elected as vice-chairman.

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The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, March 3, 2014 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:44 p.m.



Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals



Lorie A. Thielen

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