

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – JULY 7, 2014**

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Gregory Carnes, Mark Meisel, Jeff Young, Don LoVasco and Laurie Radcliff
Guests: Rodene Cassidy, Jeff and Liz Ladd

MINUTES OF May 12, 2014, ZONING BOARD OF APPEALS MEETING

Young moved that the minutes of the May 12, 2014, Zoning Board of Appeals Meeting be approved as presented. (LoVasco 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 June 22, 2014 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on June 19, 2014, at 9:00 A.M.

VARIANCE REQUEST

#1 Rodene J. Cassidy, RE: Request for a 3-Foot East Side Yard Setback Variance and a 3-Foot West Side Yard Setback Variance in Order to Build a New 93-Foot by 47-Foot Wide House and Attached Garage on Vacant Property Located on White Lake Road, West of Carmer Road, (TAX CODE # 4704-10-102-026).

Rodene Cassidy requested a 3-foot east side yard setback variance and a 3-foot west side yard setback variance in order to build a new 93-foot by 47-foot wide house and attached garage on vacant property on White Lake Road. She stated that the property is 65 feet wide at the road and at the water, but only 63 feet wide in the middle. She continued that she would like her bedroom on the first floor and that her proposed house plan would be 47 feet wide, so she would need a 2-foot variance on each side. She explained that she is asking for 3 feet on each side for a buffer, in case the measurements are off a bit. She stated that if she doesn't get a variance, 2 feet would somehow have to be taken off the bedrooms because they are on located on both sides of the house. She continued that the house is actually 47-foot by 53-foot and the other 40 feet is for the garage, which is needed to store two cars, a boat and other yard accessories.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel stated that that the dimensional differences the applicant mentioned are because the properties are at an angle both at the road and at the water, opposing angles so you connect the triangles and get the two feet there. He clarified that just the proposed home itself is shown at 47 feet wide plus it shows two 7-foot side setbacks, which equals 61 feet, but the dimensioned drawing shows 63 feet. Ms. Cassidy answered that she really only needs two 2-foot side setbacks so the 7 feet shown should be 8 feet, plus the 47-foot wide proposed house which would then equal 63 feet. She again stated that she is asking for two 3-foot side yard setback variances in case the measurements are off an inch or two, she would like to have a 1-foot buffer on each side. In response to Young's question, Ms.

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Cassidy answered that the property was surveyed and the corners were marked by “Field to Finish”. She continued that a copy of the certified survey is being sent to the Township Hall tomorrow, July 8th. Meisel clarified that the drawing showing houses not within the property lines is a GIS drawing and that GIS is a satellite view superimposed at an angle, so the views are always at an angle. In response to Carnes’ question, Meisel answered that in almost all cases they are skewed especially the east and west property lines because of the satellite location. Meisel stated that there could be a problem with the survey because according to the Department of Licensing and Regulatory Affairs (LARA), Field to Finish’s land surveying license has been terminated with the state. In response to Young’s question, Ms. Cassidy answered that the survey was done last year. A lengthy discussion regarding LARA and if the survey by Field to Finish is legitimate, took place at this time. Meisel stated that he is having a hard time determining an unreasonable burden or extraordinary circumstances for this parcel. He continued that looking at the plat of the area and the existing houses around this property; he cannot find anything unique to this property, compared to the neighbors, which would be an unreasonable burden or extraordinary circumstance, two of the 5 criteria needed in order to grant a variance. Meisel stated this is platted property, lot 5, which has not been subdivided or split; there are no topography issues; there are no other houses adjacent that are non-conforming; and there is a reasonable lot width of 65 feet, some properties on Runyan Lake are only 35 feet wide. In response to Radcliff’s question, Meisel replied that lot 7 is 65 feet wide, lot 6 is 65 feet wide, lot 5 is 65 feet wide, lot 4 is 65 feet wide, lot 3 is 65 feet wide, lot 2 is 67.8 feet wide. He added that they are all uniform both at the water and at the road. Radcliff stated that it appears the neighbor’s driveway, on both sides of this property, are on the lot line of this property. Meisel stated it would be lucky if there was 20 feet between the houses there. Carnes stated that is what he is trying to determine, what is the precedence established here; all these houses look like they are not 10 feet off the property line. Meisel stated it is possible that back in the 1980’s, LK-1 Zoning had a 7-foot side yard setback requirement. He continued that based on the age of these houses, a lot of them could have 7-foot side yard setbacks. Meisel stated this could give some options for unreasonable burden and extraordinary circumstance, if the surrounding houses were built to a different standard. He continued that the rear yard setback is good. In response to Radcliff’s question, Ms. Cassidy answered that the proposed house would be slightly closer to White Lake Road than the adjacent neighbors. In response to Radcliff’s question, Carnes answered that a 4-car garage is allowed if attached. Carnes stated he would like to know what the typical side yard setback is in this area right now. Meisel replied that the only way to get that information would be to go and measure the distance between the existing houses, without a detailed survey. Meisel stated this is a typical platted subdivision dispute, when you go from the 1930’s to the 1940’s, to the 1950’s, to the 1960’s, to the 1970’s, to the 2000’s, where all of a sudden you go from historical families and them not really caring where the property line is, to where someone sells and someone moves in and now the property line becomes an issue. Meisel stated that the Board might need additional information in order to make a decision because they don’t have formal dimensions or the Board makes assumptions: 1) that the setbacks are 10 feet like they should be and what is the unreasonable burden and/or extraordinary circumstance to grant a variance or 2) we believe, based on the age of the houses, the established side yard setbacks are 7 feet, as best we know them to be, a request is being made that is consistent with the character of the neighborhood, which is a platted

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subdivision from the 1970's and we vote on it. Carnes stated he would like to know the distances between the houses in this area and that more information is needed in order to decide this variance request. Young also stated he would like to see dimensions on this and know the distance between the current houses on each side of this property. Meisel stated that the Board needs the dimensioned survey, which is required to show the dimensions for the lot of record, as well as the setbacks to adjacent properties. Carnes stated the Board cannot grant a variance based on the information presented tonight. Carnes continued that several Board members will go out and take measurements to determine the existing side yard separation between the existing homes in the immediate area within the same plat. Meisel stated that the applicant needs to provide a legal survey that is properly licensed and sealed. Carnes stated the Board will meet on August 4, 2014, to allow the applicant time to provide a survey to the Board. He added that should the applicant not be ready by August 4th, the Board would then meet on September 8th, 2014.

PUBLIC COMMENT

Jeff Ladd, 11040 White Lake Road, stated concerns on where the actual property line is located. He continued he is concerned with emergency vehicle access to the water. No written correspondence was received prior to tonight's meeting.

MOTION

Young moved to table the variance request of Rodene J. Cassidy for a 3-foot east side yard setback variance and a 3-foot west side yard setback variance in order to build a new 93-foot by 47-foot wide house and attached garage on vacant property located on White Lake Road, west of Carner Road, (TAX CODE # 4704-10-102-026), to allow the Board to gather dimensional information and to allow the applicant time to provide an updated survey. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Table of Schedule of Regulations)]. (LoVasco seconded.) The motion carried by voice vote.

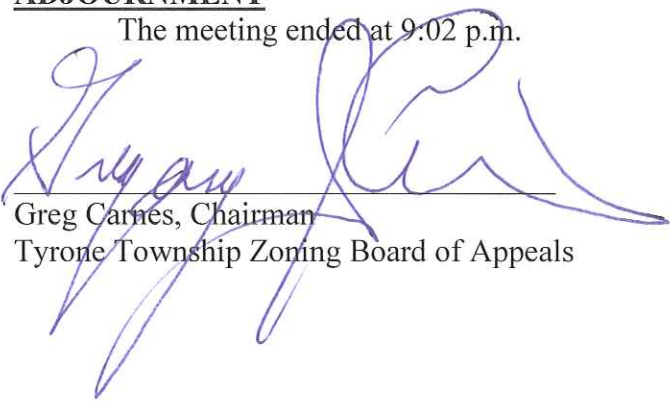
MISCELLANEOUS

Election of Vice Chairperson. Commissioner Don LoVasco nominated Commissioner Jeff Young as Vice-Chairperson. Commissioner Mark Meisel seconded. The motion carried by voice vote.

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, August 4, 2014 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 9:02 p.m.



Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals

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Lorie A. Thielen

Lorie A. Thielen, Recording Secretary
Tyrene Township Zoning Board of Appeals

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Tyrene Township Clerk
Tyrene Township Zoning Administrator
Tyrene Township Zoning Board of Appeals Commissioners