

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – PAGE 1 – AUGUST 4, 2014**

**CALL TO ORDER**

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on August 4, 2014, at 7:50 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Gregory Carnes, Mark Meisel, Jeff Young, and Don LoVasco  
Absent: Laurie Radcliff  
Guests: None

**READING OF THE PUBLIC NOTICE**

Meisel moved to waive the reading of the public notice since nobody is here to listen to it. This was a tabled appeal that did not need to be re-published in the **TRI-COUNTY TIMES**, because alternate hearing dates were set during the prior meeting.

**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).

The applicant, Rodene Cassidy, was not present at tonight's meeting.

**COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS**

Carnes stated that he visited the Cassidy property and the applicant had the property staked out fairly well. He explained that he wanted to take measurements of how far other houses in the immediate area were from the lot lines. He continued that he measured two houses to the east that were 20 plus feet to the property line and one house to the west, and all three properties were in conformance with the Zoning Ordinance. Meisel stated that he too took measurements between the adjacent houses and found no inconsistencies. Carnes stated that the Board does not want to set a precedent by creating a non-conforming lot. Young stated that the applicant needs to find a different design/layout that will fit the lot without needing a variance. Carnes stated that the applicant has 41 feet in which to build a house. Meisel stated that with the proposed plan, the applicant has 15 additional feet towards the road and 5 additional feet towards the water in which to build. Meisel stated that the company "Field to Finish" does not exist as a land surveying company but it does now exist as a legal entity with the state of Michigan. He continued that Ed Anderson is a legally licensed land surveyor in the state of Michigan, but does that make the survey that is on "Field to Finish" letterhead and surveyed by Ed Anderson, who is not an employee or owner as best we can tell, legal? He stated that this is for somebody else to determine. A lengthy discussion regarding the survey and LARA took place at this time. Meisel stated that we were given a survey with a stamped, legally certified land surveyor on it and the burden then goes to the survey company to determine if it is legal or not. Meisel continued that unreasonable burden and extraordinary circumstance have not been determined. Carnes stated that he cannot find an unreasonable burden or an extraordinary circumstance. Meisel stated that all the

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adjacent properties appear to fully comply with the 10-foot side yard setback requirement in the LK-1 zoning district, there are no topography issues, no access issues, and there is not an issue with the percent utilization of the property. Meisel questioned why this one property owner deserves to have a variance that none of the neighbors have or require. Carnes stated that circumstances shall not be created by the owner or the Board (requirement that variances being requested cannot be self-created). Meisel stated that if this variance were to be granted, it would create a non-conforming parcel that would be totally self-created by the applicant. He continued that the lot is 65 feet wide and has plenty of room in which to locate a house without requiring a variance. Carnes stated that there are a lot of homes that are 45 feet wide. Meisel stated that aseptic hardship does not apply because they are in the Livingston Regional Sewer District and that they will have a well that could be placed almost anywhere on the property. Meisel stated that the substantial justice is supposed to be some sort of benefit to the adjacent neighbors, the neighborhood and the owner itself. He continued that granting this variance would diminish their net value or worth because it would allow a non-conforming house to be built. Carnes stated that granting a variance would actually harm the surrounding neighbors.

**PUBLIC COMMENT**

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

**MOTION**

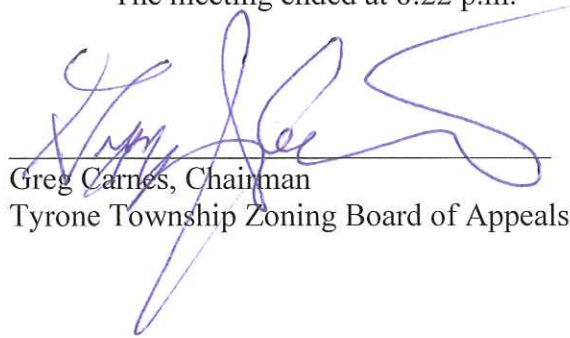
LoVasco moved to deny the variance request of Rodene J. Cassidy for a 3-foot east side yard setback variance and a 3-foot west side yard setback variance in order to build a new 93-foot by 47-foot wide house and attached garage on vacant property located on White Lake Road, west of Carmer Road, (TAX CODE # 4704-10-102-026), because the Board was unable to establish Unreasonable Burden and Extraordinary Circumstances, two of the 5 criteria necessary to grant a variance request. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Table of Schedule of Regulations)]. (Young seconded.) Roll call vote: Meisel, yes; Lo Vasco, yes; Young, yes; Carnes, yes. The motion carried.

**MISCELLANEOUS**

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, September 8, 2014 at 7:30 p.m.

**ADJOURNMENT**

The meeting ended at 8:22 p.m.

  
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Greg Carnes, Chairman  
Tyrone Township Zoning Board of Appeals

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Lorie A. Thielen

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

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