

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – SEPTEMBER 14, 2015**

CALL TO ORDER

Vice-Chairman Jeff Young called the Zoning Board of Appeals Meeting to order on September 14, 2015, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Mark Meisel, Jeff Young, Don LoVasco, Joe Trollman, and Jon Ward

Guests: Corey Floyd

MINUTES OF AUGUST 3, 2015, ZONING BOARD OF APPEALS MEETING

LoVasco moved that the minutes of the August 3, 2015, Zoning Board of Appeals Meeting be approved as presented. (Meisel 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 August 30, 2015 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on August 26, 2015, at 9:00 A.M.

VARIANCE REQUEST

- #1 Joseph and Corey Floyd, RE: Request to build a proposed new garage in front of the existing house, located at 8065 Hogan Road, (TAX CODE # 4704-07-300-010).

Corey Floyd requested to build a proposed new garage in front of the existing house. She stated that Livingston County Building Department (LGBD) does not want them to build a garage on the east side of the house because the property next to them on the east is wetlands. She continued that the LCBD is concerned with water run-off, erosion, and what else could possibly get into the wetlands. She stated she wanted to put the proposed garage on the east side of the house, but their septic field runs along the back of the house and then up the east side of the property. She continued that there is a 20-foot rear yard setback and a setback from the septic field, so there is not enough area left for them to locate the proposed garage in the back behind the house. She stated she would like the Board to allow them to locate the garage in the driveway, and that they would meet all the other setback requirements in this location. She continued that the LCBD was concerned about the direction the water runs on their property because the property leans towards the east. She stated the water runs straight down the existing driveway. She added that she thinks this is the reason the septic field, which was originally planned to be located in the front of the house, was moved to the rear of the house. Ms. Floyd stated the property configuration is a hardship to them. She continued they need a garage for their cars and storage for other equipment. She stated the proposed garage would not block the house, it would not encroach into the setback on the east side, and it would be 10 feet in front of the house. She continued they cannot rip out the septic field and that there is no other place to locate the septic field on the property.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to LoVasco's question, Ms. Floyd answered that they will be putting

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in a concrete slab for the garage and the driveway will remain gravel and dirt. She continued the main concern is having the pad poured and the footings in before the weather gets too cold. Meisel showed the Board an aerial view of the area (exhibit A). A lengthy discussion ensued while looking at the aerial picture of the area. Meisel stated the applicant's neighbor has two accessory structures that are closer to the road. He continued the neighbor is encumbered by the big pond, but both the accessory structures are well within the setback. He stated, with preference of being in harmony with the adjacent neighbors, the applicant's proposed location for the accessory building is less of a setback than the nearest adjacent neighbor. Meisel continued the neighbor, 8033 Hogan Road, needed variances to build it as it is. He stated the applicant has 1.3 acres in a 2 acre minimum area. He added there are the following constraints: lot size, wetlands to the east, mature trees, lack of depth, septic field location in back, and drainage to the front. Meisel stated the proposed structure location would be screened by mature trees, so if someone were to move in, they would not be bothered by it. Ms. Floyd stated there was a house next to them on the west that was control burned. Meisel stated that looking at exhibit A: the home to the south at 8033 Hogan Road has two accessory structures closer to Hogan Road than the applicant is requesting; the nearest home to the east also has a setback equal to or less than that being requested; and to the south Tyrone Woods, while not zoned the same, also has setbacks similar or less than that being requested by the applicant.

PUBLIC COMMENT

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

MOTION

LoVasco moved to grant the variance request of Joseph and Corey Floyd to build a proposed new garage in front of the existing house, located at 8065 Hogan Road, (TAX CODE # 4704-07-300-010), for the following findings of fact: Unreasonable Burden: The lot is constrained by wetlands to the east, lack of depth in the rear, and limited depth in the front. The septic field prevents location in the western rear and side. Livingston County is directing the applicant to not build on the east or septic areas. The home to the south at 8033 Hogan Road has two accessory structures closer to Hogan Road than the applicant is requesting. The nearest home the east also has a setback equal to or less than that being requested. To the south Tyrone Woods, while not zoned the same, also has setbacks similar or less than that being requested by the applicant. The variance requested does not negatively impact neighbors and is well screened by mature trees. Substantial Justice: The proposed building envelope will reasonably blend with the adjacent neighbor to the south and will have a larger setback. No objections were received for the requested variances. The developed parcel will therefore be compatible and harmonious with adjacent land uses and neighbors. The garage will house vehicles, yard maintenance equipment, tools, etc., resulting in a more aesthetically pleasing property with theft deterrence. 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 lot is constrained by wetlands to the east, lack of depth in the rear, and limited depth in the front. The septic field prevents location in the western rear and side. Livingston County is directing the owner to not build on the east or septic areas. The home to the south at 8033 Hogan Road has two accessory structures closer to Hogan Road than the applicant is requesting. The nearest home the east also has a setback

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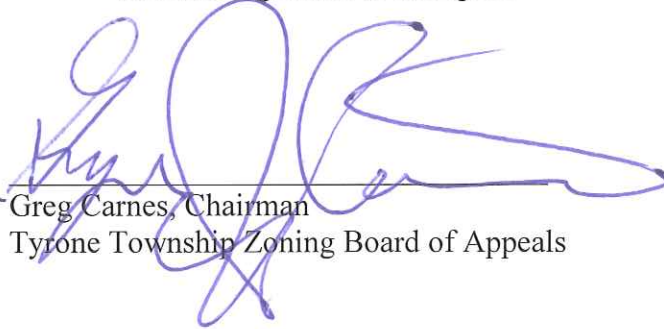
equal to or less than that being requested. To the south Tyrone Woods, while not zoned the same, also has setbacks similar or less than that being requested by the applicant. The variance requested does not negatively impact neighbors and is well screened by mature trees. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 21.02B (Accessory Buildings and Structures Provisions – FR and RE Districts Accessory Buildings and Structures); see Section 21.02B.2.b.iii]. (Trollman seconded.) Roll call vote: Young, yes; Trollman, yes; Lo Vasco, yes; Ward, yes; Meisel, yes. The motion carried.

MISCELLANEOUS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, October 5, 2015 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:12 p.m.



Greg 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