

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – JUNE 13, 2016**

CALL TO ORDER

Vice-Chairman Jeff Young called the Zoning Board of Appeals Meeting to order on June 13, 2016, at 7:00 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Jeff Young, Don LoVasco, Joe Trollman, and Jon Ward
Late: Commissioner Greg Carnes
Guests: Mark Krueger, Susan Gill, Chris & Jennifer Eden, Chuck Hagon, and Larry Shoemaker

MINUTES OF FEBRUARY 1, 2016, ZONING BOARD OF APPEALS MEETING

LoVasco moved that the minutes of the February 1, 2016, Zoning Board of Appeals Meeting be approved as presented. (Trollman 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 May 29, 2016 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on May 25, 2016, at 9:00 A.M.

VARIANCE REQUEST

#1 Susan Gill, RE: Request for a 5-foot south side yard setback variance in order to build a proposed new house and attached garage, located on vacant property on Parkwood Drive, Lot #196 Lake Shannon #6, (TAX CODE # 4704-30-201-018).

Susan Gill requested a 5-foot south side yard setback variance in order to build a proposed new house and attached garage on vacant property on Parkwood Drive. She stated she is restricted due to the location of suitable soils for an engineered field and also by the locations of neighboring wells. She stated she will comply with the Livingston County Health Department requirements. She stated she has a signed letter from the neighbors to each side of her and the neighbors across the street stating they have no objections to her variance request. She continued that the house to the north is only about 8 feet from the property line and the house to the south is about 25 feet from the property line. She added that granting her variance request would allow for a much more balanced position between the two neighboring houses. She stated she has a letter from the Lake Shannon Architectural Committee and they have no objections to her submitted plans.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Young stated the building envelope is similar to what the neighbors have. In response to Ward's question, Ms. Gill answered that the engineered field needs to go in the north corner of the property, so to do that and get the driveway around without going into the field area, they must move the proposed house over. She continued the driveway already has an s-shape to get around that area (see site plan drawing). In response to Ward's question, Ms. Gill answered that the drain field needs to be in the proposed location due to the required distance it needs to be from the location of the well of the neighbor to the north. Young stated Ms. Gill submitted a drawing showing that 8 out of the 11 neighboring houses do not comply with the 20-foot side yard setback requirement and 7 of the 11 neighboring houses comply with 10-foot setbacks but are less than 15 feet.

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PUBLIC COMMENT

None. Written correspondence was received from: Frank Mancuso and Traci Banjanin, 7421 Parkwood Drive, stating no objection to the variance request. A petition signed by: Ken Russ, 7433 Parkwood; Jason Church, 7448 Parkwood; Frank Mancuso, 7421 Parkwood; and Paul Hughes, 7428 Parkwood all having no objection to the variance request. Correspondence received from the Lake Shannon Architectural Control Committee having no objections to the variance request.

MOTION

LoVasco moved to grant the request by Susan Gill for a 5-foot south side yard setback variance in order to build a proposed new house and attached garage, located on vacant property on Parkwood Drive, Lot #196 Lake Shannon #6, (TAX CODE # 4704-30-201-018), based on the following: Unreasonable Burden and Substantial Justice: The applicant is restricted by the location of the two neighboring wells and the location of suitable soils on the property and the variance will allow positioning the home to comply with the Livingston County Health Department rules. Minimum Variance Required: It is the opinion of the ZBA that the variance being granted represents the minimum variance required to result in reasonable use of the property. The home will be centered between the two neighboring homes. The Lake Shannon Architectural Control Committee will approve, if it is in compliance with their bylaws. Extraordinary Circumstances: The applicant proposes a home location consistent with those adjacent homes with respect to front and rear yard setbacks. The variance requested does not impact sight lines of the neighbors to either side and the neighbors are for it. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)]. (Trollman seconded.) Roll call vote: Lo Vasco, yes; Trollman, yes; Ward, yes; Young, yes. The motion carried.

VARIANCE REQUEST

- #2 Mark A. Krueger, RE: Request for a 10-foot north side yard setback variance in order to build a proposed new house and attached garage, located on vacant property on Palmer's Way Drive, (TAX CODE # 4704-08-101-037).

Mark Krueger requested a 10-foot north side yard setback variance in order to build a proposed new house and attached garage. He stated the main reason for the variance request is to keep his new proposed house from getting hit with golf balls. He explained that the variance will allow him to rotate his proposed house in such a manner that the majority of windows will be shielded by the garage and roof structure. He continued that he will have a covered patio that will not have walls. He stated without the variance the residence will be placed in line with the front of the adjoining neighbor's property and give the appearance of the side of the house fronting to the street. He continued that the variance will allow him to position the proposed house properly on the cul-de-sac and provide substantial justice. He added that window breakage and the cost to repair broken windows are an unreasonable burden. Mr. Krueger stated the variance he is requesting effects a small part of the golf course hole #4 that has brush and trees in front of it. He continued the proposed house will not really encroach on the golf course because it sits up high, but it does encroach on the hill that leads

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down to the golf course. He added he is only asking 6% of the property line to be effected by the variance request. He stated the parcel has special circumstances because it is a 5-sided parcel. He continued there will be a house to one side, the street on one side, and the other 3 sides of the property will be surrounded by the golf course. He added that he spoke with his only neighbor who did not have any objections to his variance request and that he gave a copy of his request to the golf course and they did not give back a reply.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to LoVasco's question, Mr. Krueger answered that he is sure his homeowners insurance will go up but he has not looked into it. In response to Carnes' question, Mr. Krueger approached the Board to review the submitted drawing in regards to the windows and the roof height. Mr. Krueger stated the roof will be 17 feet high on the living room and approximately 24 feet high in the back where it is 2-story. In response to Young's question, Mr. Krueger answered that the variance will allow the house to face the road properly, otherwise it would look like the side of the house facing the road. In response to LoVasco's question, Mr. Krueger answered that he only has one neighbor to his south. Carnes stated this is a tough one because there are no variances in the development. Mr. Krueger responded that no one else borders the golf course and that his proposed structure will be 20 feet from the golf course property. Carnes stated the house would be better aesthetically if the proposed house were turned to match the cul-de-sac. Carnes stated it is just the roof and not the entire proposed structure that needs the variance, but still needs to determine what would be the unreasonable burden. Mr. Krueger responded that the majority of the windows would be in the strike zone for errant golf balls and it would also be a possible security issue. Young stated the Board must determine an unreasonable burden and that financial costs would not be an unreasonable burden. In response to LoVasco's question, Mr. Krueger answered that it would not help to enhance the berm. Mr. Krueger stated the variance would not inconvenience his neighbor or the golf course. He continued that he could have asked for a variance on the side of his neighbor, but he did not want to encroach on the neighbor's property. Mr. Krueger added that there is only one other house on the golf course and all the other houses are in the woods. LoVasco stated a concern with tying up the sheriff's department manpower to write up police reports for broken windows for insurance claims. Mr. Krueger stated he travels with his job and if a window is broken while he is out of town, it would be a safety issue for him. In response to Carnes' question, Mr. Krueger answered there are wetlands to the northwest. Carnes stated being 20 feet from the property line is considerable and turning the house would be the thing to do aesthetically. LoVasco stated the pie shaped lot is an unreasonable burden. Carnes stated the applicant has virtually no rear yard.

PUBLIC COMMENT

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

MOTION

LoVasco moved to grant the request by Mark A. Krueger for a 10-foot north side yard setback variance in order to build a proposed new house and attached garage, located on vacant property on Palmer's Way Drive, (TAX CODE # 4704-08-101-037), based on the following: Unreasonable Burden: The pie shaped lot causes the side yard lines to

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come into play as the rear yard because it narrows down so much. Substantial Justice: The variance allows for a natural positioning of the home on the property and aesthetically it will look better turned because of the cul-de-sac and it will also fit the pie shaped lot better; the variance will allow for natural positioning of the house on the property and it will be in line with the neighbors. Minimum Variance Required: It is the opinion of the ZBA that the variance being granted represents the minimum variance required to result in reasonable use of the property. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)]. (Carnes seconded.) Roll call vote: Trollman, yes; Carnes, yes; Ward, yes; Lo Vasco, yes; Young, no. The motion carried.

VARIANCE REQUEST

- #3 Chris and Jennifer Eden, RE: Request for a front yard location variance in order to locate a proposed new 40-foot by 64-foot detached accessory structure in front of the existing house, located at 10048 Carmer Road, (TAX CODE # 4704-10-300-037).

Chris Eden requested a front yard location variance in order to locate a proposed new 40-foot by 64-foot pole barn forward and to the side of the existing house. He stated that placing the proposed detached building, in complying with the Zoning Ordinance, would require a large cost for land grading and access driveway, and would force the building to be far enough from the house that theft would be a concern. He continued you would not see the proposed structure from Carmer Road in the proposed location. He stated building the proposed structure behind the house would make the structure more visible from Hartland Road. He continued the property is irregular in shape and poses the following obstacles: much of the property is wooded (see property photo), a portion of the property is deemed wetlands (see elevation photo), there are power lines running through the property (see utilities drawing), most of the rear lot is designated as MoC soil type and stays wet, the majority of the year, due to drainage of the surrounding area (see soil map), and there is an existing driveway that would lead to the proposed site for the detached accessory building. Mr. Eden stated he does not want to have his proposed pole barn too far from his house. He continued he is trying to stay away from sewer lines and a well. He added the proposed pole barn will have steel siding and will match the color of the existing house. He stated there are no safety hazards or nuisances.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Carnes' question, Mr. Eden answered that the neighbor across from him, on Hartland Road, is on a hill and the water will run across Hartland Road and into the wetland area behind his house. In response to Carnes' question, Mr. Eden answered that the water comes from the natural springs on the neighbor's property. In response to LoVasco's question, Mr. Eden answered that the proposed pole barn will be 40-feet by 64-feet or 2,560-square feet in size. In response to LoVasco's question, Mr. Eden responded that the house is approximately 2,600-square feet. In response to Carnes' question, Mr. Eden answered that the property is 11+ acres and is zoned FR. LoVasco stated it will be well hidden. Carnes stated there are topography and drainage issues on the property. Young stated there are no hazard or nuisance issues. He continued extraordinary

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circumstances are shown with the drainage issues and standing water. He added they meet the minimum variance requirement. Carnes stated the unreasonable burden and substantial justice would be the topography and drainage issues, there is not good access to the rear yard, and the buildable part of the property is too close to Hartland Road.

PUBLIC COMMENT

Larry Shoemaker, 10064 Carmer Road, stated he has no issues with the variance request. Charles Hagon, 10048 Hartland Road, stated he does not have an issue with the variance request. No written correspondence was received prior to tonight's meeting.

MOTION

LoVasco moved to grant the request by Chris and Jennifer Eden for a front yard location variance in order to locate a proposed new 40-foot by 64-foot detached accessory structure in front of the existing house, located at 10048 Carmer Road, (TAX CODE # 4704-10-300-037) based on the following: Unreasonable Burden and Substantial Justice: The topography of the property; the drainage issues; there isn't good access to the rear yard; and when you get to the topography that is buildable, it is too close to Hartland Road. Extraordinary Circumstances: Much of the property is wooded, there is a wetland area, and drainage problem resulting in standing water on the property the majority of the year. Minimum Variance Required: It is the opinion of the ZBA that the variance being granted represents the minimum variance required to result in reasonable use of the property. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 21.02.B (Accessory Buildings and Structures Provisions – FR and RE Districts Accessory Buildings and Structures)]. (Trollman seconded.) Roll call vote: Ward, yes; Young, yes, Trollman, yes; Carnes, yes; Lo Vasco, yes; The motion carried.

VARIANCE REQUEST

- #4 Paul Sahr, RE: Request for a 40-foot front yard setback variance in order to build a proposed new house and attached garage on vacant property, located on Hartland Road, about a half mile south of Center Road, (TAX CODE # 4704-21-200-047).

Paul Sahr withdrew his appeal prior to tonight's meeting. He is looking at other options to build within the Zoning Ordinances. He was given a partial refund.


MISCELLANEOUS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, July 11, 2016 at 7:00 p.m.

ADJOURNMENT

The meeting ended at 8:13 p.m.

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Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals



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