

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – PAGE 1 – JULY 11, 2016**

**CALL TO ORDER**

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on July 11, 2016, at 7:00 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Gregory Carnes, Mark Meisel, Jeff Young, Don LoVasco, and Joe Trollman

Guests: Jeanne Quinlan, Dennis & Judy Uniatowski, G. Myers, Maria Dockind, Greg & Tara Dunfield, and Chris Macklin

**MINUTES OF JUNE 13, 2016, ZONING BOARD OF APPEALS MEETING**

Young moved that the minutes of the June 13, 2016, 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 26, 2016 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on June 23, 2016, at 9:00 A.M.

**VARIANCE REQUEST**

#1 Judy and Dennis Uniatowski: RE: Request for an 18-foot rear yard setback variance in order to build a proposed new deck off the rear porch, located at 11002 Runyan Lake Point, (TAX CODE # 4704-10-100-028).

Dennis Uniatowski requested an 18-foot rear yard setback variance in order to build a proposed new deck off the rear porch. He stated he is constructing a deck off the rear porch that will be a distance of 32 feet from the lake. He continued that the proposed new deck will be 22 feet wide. He stated they would not be able to construct a deck without a variance being granted. He added that the neighbor to the west has less rear yard setback than what he is requesting and that his deck would not be out of line from the surrounding neighbors.

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

In response to Carnes' question, Mr. Uniatowski answered that the proposed deck will be 29-inches off the ground. In response to Carnes' question, Mr. Uniatowski responded that the existing porch is 13 feet from the property line to the west and 12 feet from the property line to the east. Carnes stated the proposed deck would blend in well with the neighbors. Meisel stated this request is no different from what the adjacent neighbors have. He continued that this is a well-established area and homes have been in existence for 15 years or more. Meisel stated the Zoning Ordinance has changed for this area since cottages were originally developed. In response to LoVasco's question, Mr. Uniatowski answered that he spoke to the neighbors on each side of him and they had no objections to the variance he is requesting. Meisel stated the required setback is from the established edge of the water and not the property line. LoVasco stated the proposed deck would blend in well with the neighbors.

**PUBLIC COMMENT**

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

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**MOTION**

Don LoVasco moved to grant the request by Judy and Dennis Uniatowski for an 18-foot rear yard setback variance in order to build a proposed new deck off the rear porch, located at 11002 Runyan Lake Point, (TAX CODE # 4704-10-100-028), for the following findings of fact: Unreasonable Burden and Extraordinary Circumstances: The lot dimensions were established as part of the Plat of Runyan Lake Point in 1932, which was platted before the current Zoning Ordinance took effect. Historical development as a cottage community has also resulting in several areas around Runyan Lake being transitioned from cottages to year around homes, often resulting in one or more additions to the prior cottages. These developed areas have their own established character, inclusive of proximity to the water. The variance being requested simply results in the applicant having the same lakeside amenities as the adjacent neighbors on both sides, with substantially similar setback to the water. Further, Zoning Ordinance Sections 20.02.Z states, “For all Lots with yard spaces adjacent to a lake, pond, stream, drainage-way, wetland of any size or river, no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the established edge of the water. The only exceptions to this provision shall be for those accessory structures specifically permitted in Section 21.02.D.” Section 21.02.A.2.d states the same requirements but utilizes a different reference. The setback for most building requirements is from a lot line. In this case the setback required is from the “established edge of the water”. The proposed rear deck will have no adverse impact to sight lines, traverse, or negatively impact the wildlife of Runyan Lake. Substantial Justice: The variance being requested will result in substantially equal setback from the water as that existing for the adjacent neighbors. There is no impact to sight lines. The proposed rear deck will be harmonious with the homes in the immediate area. No objections to the variance request were received. 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. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – 20.01 (Schedule of Regulations), 20.02Z (Footnotes to Schedule of Regulations) and 21.02A.2.d (Water or Wetland Frontage)]. (Commissioner Jeff Young seconded.) Roll call vote: Young, yes; Carnes, yes; Trollman, yes; Meisel, yes; Lo Vasco, yes. The motion carried.

**VARIANCE REQUEST**

#2 Clay and Maria Dockins: RE: Request for a 1-foot east side yard setback for a proposed new deck, a 3-foot 6-inch west side yard setback variance for the proposed deck stairs, and a 13-foot 6-inch sight line variance for the new house and attached deck. Also, a 2-foot 6-inch front yard setback variance and a 4-foot west side yard setback variance for a proposed new attached garage, located at 10466 Runyan Lake Point, (TAX CODE # 4704-09-204-047).

Chris Macklin, of Chris Macklin Design, representing the applicant requested a 1-foot east side yard setback for a proposed new deck, a 3-foot 6-inch west side yard setback variance for the proposed deck stairs, and a 13-foot 6-inch sight line variance for the new house and attached deck. He also requested a 2-foot 6-inch front yard setback variance and a 4-foot west

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side yard setback variance for a proposed new attached garage. He stated this will be a 2-story home with a walk-out. He continued that in order to build a safe and equitable home on this narrow and steeply graded lot, variances are needed. Mr. Macklin stated the proposed garage will be a 2-car attached garage. He continued that they are tearing down the existing structure and building new. He stated the width of the property at the road is 42 feet and on the lake side the width is 39, which gives little space to build within. He continued that the proposed principle structure will only be 20 feet wide and they are requesting a 5-foot east side yard setback variance for the proposed deck. He added they also need a 13-foot 6-inch sight line variance for the proposed new house and attached deck. He stated that the grade changes from the street to the water by approximately 30 feet. Mr. Macklin continued that in order to have access from the main level deck to the walkout grade, they need a 3-foot 6-inch west side yard setback variance for proposed stairs. He stated they want to maintain as much free space around the proposed new house and attached garage as possible both for safe access and to help control water run-off. He continued that there are several lots on Runyan Lake Point that have similar circumstances as this lot. He stated the current location and condition of the lot and existing residence has safety issues regarding access and parking. He concluded that by building new they will greatly improve these conditions and concerns for the family, the neighbors, and public services.

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

Meisel stated the grade drops about 20% to 25%. He added that the parking will be up top and the house will be down below. In response to Meisel's question, Mr. Macklin answered that they are building new and bringing stairs into the proposed home for safety reasons. He added they are mindful of the site lines. In response to Meisel's question, Mr. Macklin responded that the proposed new house location will allow them room to put in a sidewalk to the main entry. In response to Meisel's question, Mr. Macklin answered that there will be a minor retaining wall that is not at the edge of the lot line. He stated that the house to the east, 10470 Runyan Lake Point (Mary Carney), just sold and the existing house will be torn down and rebuilt. Meisel stated these are platted lots. He continued the houses to the east are a bit newer to the area and that this lot and area is part of the cottage community, which is an older area. Mr. Macklin stated this is not suitable for standard construction and that soil borings were done. He continued that the proposed new house will be on pilings and that the grade will be manipulated for drainage. In response to Meisel's question, Mr. Macklin answered that the proposed garage will be 24 feet wide, the east side garage wall will be flush with the house, the west side garage wall will be 4 feet out from the house, and the 18-foot-wide garage door will be centered with 3 feet of garage to each side (which will allow room to get out of vehicles). Carnes stated the existing house is close to 24 feet wide. Meisel stated the existing garage is 26 feet wide. Carnes stated the proposed new house and attached garage is an improvement to the existing non-conformity with a reduction in house width by 4 feet and a reduction in the garage width by 2 feet. He added that a variance is needed for steps on the lakeside, and the deck needs a 13-foot 6-inch variance. Meisel stated the lots are narrow and short and more congested in this area. In response to Meisel's question, Mr. Macklin responded that the site line variance request is for a 1<sup>st</sup>-story covered porch. Meisel stated the site lines are reasonably maintained. Meisel stated the deck and staircase could obstruct views but not substantially, only about 10%. Meisel continued the garages are close to the road for some properties in this area due to the depth

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of the lots and the grade change (higher) as you approach Runyan Lake Point. Mr. Macklin stated the lot is very narrow, the width of the property at the road is 42 feet and on the lake side the width is 39, giving little space to build within. In response to Meisel's question, Mr. Macklin answered that the current house setback to the east is 8 feet and the setback to the west is 5 feet. Meisel stated the variances will have minimal impact to the neighbors. In response to LoVasco's question, Mr. Macklin answered that the existing concrete steps are going away.

At this time, a very lengthy discussion took place with the Board and the residents having concerns about the variances being granted. Together they looked at the submitted drawings and went over all the dimensions of the proposed new house/garage/deck. The residents did not have a problem with the stairs to the deck on the west side of the property.

**PUBLIC COMMENT**

No written correspondence was received prior to tonight's meeting. G. Myers, 10480 Runyan Lake Point; Jeanne Quinlan, 10474 Runyan Lake Point; and Dennis Dunfield, 10513 Runyan Lake Point, voiced concerns about site lines being blocked, erosion and drainage concerns, and the effects to the lake. Meisel stated these concerns will be addressed by the drainage and soil erosion permits required from the Livingston County Drain Commission. Raymond Marcus, 10462 Runyan Lake Point, had no objections to the variances being requested.

**MOTION**

Meisel moved to grant the request by Clay and Maria Dockins for a 1-foot east side yard setback for a proposed new deck, a 3-foot 6-inch west side yard setback variance for the proposed deck stairs, and a 13-foot 6-inch sight line variance for the new house and attached deck. Also, a 2-foot 6-inch front yard setback variance and a 4-foot west side yard setback variance for a proposed new attached garage, located at 10466 Runyan Lake Point, (TAX CODE # 4704-09-204-047), for the following findings of fact: Unreasonable Burden: The lot dimensions were established as part of the Plat of Runyan Lake Point in 1932, which was platted before the current Zoning Ordinance took effect. Historical development as a cottage community has also resulting in several areas around Runyan Lake being transitioned from cottages to year around homes, often resulting in one or more additions to the prior cottages. These developed areas have their own established character, inclusive of proximity to the water. The subject property is in an area currently undergoing further transition from cottages to year around homes despite the often small and narrow lots platted in the immediate area. The variances being requested will result in the applicant having amenities similar to those of other homes in the immediate area. The garage variances being requested will result in similar amenities as surrounding properties. Garage placement in this area is difficult due to a significant drop in elevation from the area available for a garage down to the residence area of the property. Substantial Justice: The variances being requested will result in substantially similar setbacks from the adjacent neighbors as is typical in the immediate area. There is no impact to sight lines. The proposed rear deck will be harmonious with the homes in the immediate area. No objections to the variance request were received. The proposed home will be narrower than the existing home, thereby reducing an existing nonconformity. Minimum Variance

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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 dimensions were established as part of the Plat of Runyan Lake Point in 1932, which was platted before the current Zoning Ordinance took effect. Historical development as a cottage community has also resulting in several areas around Runyan Lake being transitioned from cottages to year around homes, often resulting in one or more additions to the prior cottages. These developed areas have their own established character, inclusive of proximity to the water. The subject property is in an area currently undergoing further transition from cottages to year around homes despite the often small and narrow lots platted in the immediate area. The variances being requested will result in the applicant having amenities similar to those of other homes in the immediate area. The garage variances being requested will result in similar amenities as surrounding properties. Garage placement in this area is difficult due to a significant drop in elevation from the area available for a garage down to the residence area of the property. Topography limits garage access by a vehicle to the proposed location. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. The proposed garage location does not adversely affect traffic sight distance. The requested setback variance still positions the garage further from the road than others in the immediate area. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations), 20.02X (Footnotes to Schedule of Regulations), and 21.02.D (Accessory Building and Structures Provisions – LK-1 District Accessory Buildings and Structures)]. (Commissioner Joe Trollman seconded.) Roll call vote: Trollman, yes; LoVasco, yes; Young, yes; Meisel, yes; Carnes, yes. The motion carried.

**MISCELLANEOUS**

The Board reviewed the letter from Marc Raymond, 10414 Spring Street, Fenton, Michigan 48430, Tax Code # 4704-09-204-036, requesting a 6-month extension on the variance he was granted on February 1, 2016.

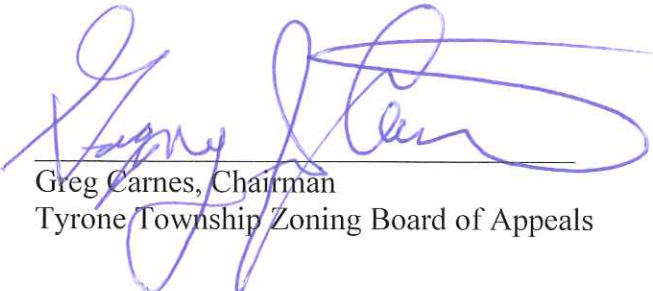
Young moved to grant Marc Raymond a 6-month extension on the variance he was granted on February 1, 2016. The extension will expire February 1, 2017. (Trollman seconded.) The motion carried by voice vote.

The By-Laws will be discussed in more detail at the next meeting. The By-Laws were briefly discussed at tonight's meeting.

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, August 8, 2016 at 7:00 p.m.

**ADJOURNMENT**

The meeting ended at 8:58 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