

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – OCTOBER 10, 2016**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on October 10, 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: James & Amanda Colling, and James & Carol Colling

MINUTES OF JULY 11, 2016, ZONING BOARD OF APPEALS MEETING

Young moved that the minutes of the July 11, 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 September 25, 2016 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on September 21, 2016, at 9:00 A.M.

VARIANCE REQUEST

#1 James Colling: RE: Request for a front yard location variance in order to build a proposed new 30-foot by 50-foot accessory structure to the front/side of the existing house, located at 6455 Bullard Road, (TAX CODE # 4704-34-300-022).

James Colling requested a front yard location variance in order to build a proposed new 30-foot by 50-foot accessory structure to the front/side of the existing house. He stated it is believed that this is the original house on the easement before any splits were made and that the house was built in the 1960's. He continued the easement comes up the side of the property and the property faces towards the east, which is Bullard Road. He stated to put the proposed barn in what is considered the back yard or side yard would interfere with the walk-out or the septic field. He continued that if you look at the layout of the property, he believes it was originally facing towards Bullard Road and he would be putting the accessory structure in the rear yard, being that the front door does face Bullard Road. Amanda Colling stated she tried to verify this with Livingston County, but they do not record splits prior to 2014. She continued they are the only house on the easement that does face east and all the other houses put in after their house face north.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Meisel's question, Ms. Collings answered that Livingston County does not have anything on file and that when she tried to get a map of the septic field she was told that because of when it was built, they did not require any formal drawing of where the septic field and tank are. Meisel responded that in the 1970's that is probably true, unfortunately. Ms. Collings stated that on the Tyrone Township website it says splits are not recorded prior to 2004. Meisel responded there should be a record of the land division. Carnes stated there is a very good chance this was the original house and this was not a shared drive originally, but then the property was split. Carnes stated that in the applicant's opinion, this is the only place the proposed barn really fits well. Ms. Colling

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 2 – OCTOBER 10, 2016**

stated the side property line is only 20 feet from the front door and the back of the property is maybe 50 feet to the back of the house. Mr. Collings stated it is more like 50 to 60 feet from the front of the house to the front property line and off the back of the house, where all the pine trees are, towards the back there it is probably 100 feet. Meisel stated when the land division occurred it would have had to comply with all the setback requirements: side yards of 30 feet, rear yard of greater than 75 feet, and a front yard of 50 feet from the edge of the easement for the shared private driveway. Carnes stated there is nothing on the drawing to give him a grasp of the scale. Mr. Collings stated he used a scale and the dimensions should be pretty close. Meisel stated it is the driveway that provides access to the home that establishes the front yard. He continued when the land division occurred all the properties were reconfigured. Carnes stated the 80-foot measurement, on the submitted drawing, from the road to the edge of the barn is a little short. Meisel responded that the 80-foot measurement is not the right dimension to be concerned about. He continued the front yard setback requirement that still has to be enforced must be 50 feet from the edge of the shared private driveway right-of-way. Meisel stated the shared private driveway easement should be 66 feet and there is probably 16 feet of it that is used, possibly 20 feet if there are 2-foot load bearing shoulders. He continued that it does not appear to have load bearing shoulders in this area. Meisel stated that wherever the edge of the right-of-way is, the proposed barn must be 50 feet setback from that. Meisel stated the property is zoned FR and is 2.1 acres. He continued that according to Zoning Ordinance No. 36 Section 20.02.BB - The required front yard setback in the FR and RE Districts indicated in the Schedule of Regulations shall be enforced on all state highways, county section line and county quarter-section line roads. The front yard setback in the FR and RE Districts may be reduced to not less than fifty (50) feet from the easement or right-of-way for a shared driveway or private or public access street other than a state highway, county section line or quarter-section line roads. He stated the problem is that the regulations say it must be located in the side or rear yard; then you go through the notes to the appropriate acreage to see what applies; and for a front yard location the Ordinance specifies the proposed accessory building location may be reduced to not less than fifty (50) feet from the easement or right-of-way for a shared driveway. Meisel stated they must determine if the edge of the road is on the property line. He continued they need to know either the centerline of the easement or the edge of the south side of the easement. Meisel stated the proposed accessory building must be 50 feet from the edge of the easement. Carnes stated it must be 83 feet from the centerline of the road and 116 feet from the north side easement. Meisel stated he sees what the challenge is and that the applicant needs to make sure the proposed accessory building is 50 feet or more from the edge of the south side easement. He continued that they need to know if the edge of the road represents the property line or where it is relative to the property line. He added the applicant needs to get an accurate dimension for the drawing to have on file and that it does not need to be done by a professional. Mr. Colling stated he can make sure to place the proposed structure 50 feet from the edge of the easement. He continued that he cannot move it to the other portion of the yard because of the sloping hill and the 30 plus year old mature trees. Meisel stated the applicant has a septic field that definitely restricts the property. Mr. Collings stated there is a split rail fence that goes around the neighboring property along the front of the road/north side easement. Ms. Colling stated the neighbor behind them put in the easement and should be able to tell them where the easement is located. Mr. Colling stated the neighbor made it sound like

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 3 – OCTOBER 10, 2016**

the edge of the easement is all the way up to the fence line or what would be the property line, give or take a foot or two in case the fence is slightly off. He continued the proposed structure would need to be 116 feet away from the fence (66 feet for the road plus the 50 feet needed in the Ordinance). Carnes states the easement most likely is where the fence is located, so the applicant must locate the proposed structure 116 feet from the fence line. Carnes stated this should not be a problem because the applicant has room to move the proposed structure back. In response to Meisel's question, Mr. Colling answered he spoke to three of their four neighbors and have written correspondence from them. In response to Trollman's question, Mr. Colling answered that the shed will be removed. Ms. Colling stated they have 20 blue spruce trees on order. In response to Meisel's question, Mr. Colling answered that the blue spruce trees will go along the edge of the easement, across the front yard.

PUBLIC COMMENT

None. Written correspondence from Robert Duke Sr., 6475 Bullard Road, Angela Zacharias, 6479 Bullard Road, and James Wooster, 6445 Bullard Road, stating no objection to the variance request was received prior to tonight's meeting.

MOTION

LoVasco moved to grant the variance request by James Colling for a front yard location variance in order to build a proposed new 30-foot by 50-foot accessory structure to the front/side of the existing house, located at 6455 Bullard Road, (TAX CODE # 4704-34-300-022), for the following findings of fact: Unreasonable Burden: The lot as configured has the septic field, septic tank, and well located in what is now the rear yard. Prior to an undated land division, this yard was previously a side yard. The applicant is therefore requesting an accessory structure in what was previously the rear yard, but is now the front yard after the land division. This location is the only reasonable location for placement when also considering the preservation of existing mature trees which will be used to shield the accessory structure from the neighbor to the west. Substantial Justice: The applicant will remove an existing shed, enhancing the visual appeal of the property. Further, existing mature pine trees will be retained to screen the accessory structure from the west, and approximately 20 blue spruce trees will be planted to screen the accessory structure from the shared private driveway. Three of the four adjacent neighbors were contacted and offered their support in writing. The fourth did not object, rather they were unable to be contacted. The three contacted did include the neighbor to the west. 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 as configured has the septic field, septic tank, and well located in what is now the rear yard. Prior to an undated land division, this yard was previously a side yard. The applicant is therefore requesting an accessory structure in what was previously the rear yard, but is now the front yard after the land division. This location is the only reasonable location for placement when also considering the preservation of existing mature trees which will be used to shield the accessory structure from the neighbor to the west. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. The granting of this variance is conditional on the location of the front of the accessory structure (north side) being set back not less than 50 feet from the established edge of the shared private

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 4 – OCTOBER 10, 2016**

driveway easement to comply with the front yard setback in the FR district. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 21.02.B.2.c (Accessory Buildings and Structures Provisions – FR and RE districts Accessory Buildings and Structures)]. (Young seconded.) Roll call vote: Young, yes; Meisel, yes; LoVasco, yes; Trollman, yes; Carnes, yes. The motion carried.

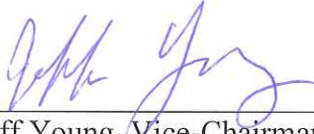
MISCELLANEOUS

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, November 14, 2016 at 7:00 p.m.

ADJOURNMENT

The meeting ended at 8:08 p.m.



Jeff Young, Vice-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