

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – PAGE 1 – NOVEMBER 14, 2016**

**CALL TO ORDER**

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on November 14, 2016, at 7:04 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Mark Meisel, Jeff Young, Don LoVasco, and Joe Trollman  
Absent: Greg Carnes  
Guests: Geri Myers, Jeanne Quinlan, Clay & Maria Dockins, Erica Peabody, Terry Peabody, Greg & Tara Dunfield, and Ron Hessling

**MINUTES OF OCTOBER 10, 2016, ZONING BOARD OF APPEALS MEETING**

Meisel moved that the minutes of the October 10, 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 October 30, 2016 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on October 26, 2016, at 9:00 A.M.

**VARIANCE REQUEST**

#1 Erica Peabody: RE: Request for a 4-foot 6-inch east and a 4-foot 6-inch west side yard setback variance in order to build a proposed new house and attached garage, located at 10470 Runyan Lake Point, (TAX CODE # 4704-09-204-048). The entire existing structure will be removed and the request must be compliance with all Schedule of Regulation requirements, inclusive of setbacks, height, and sight lines.

Ron Hessling, representing property owner Erica Peabody, requested a 4-foot 6-inch east and a 4-foot 6-inch west side yard setback variance in order to build a proposed new house and attached garage. He stated the request is to keep most of the same footprint of the existing structure, but due to the narrowness of the property, the height and the stairs, the right side of the foundation has to cantilever out 2-feet to help accommodate the height of the structure. He continued the left side is cantilevered for design purposes for the bedrooms, dining room, and stairs. He stated the first-floor deck is below street level and that the second floor of the house is at street level. He continued the second story, where it comes off the master suite, has a 6-foot deck that is flush with the building structure. He stated they are proposing to move the proposed house back off the lake more than what the submitted drawing shows, so that the proposed new deck will not be any closer to the lake than what already exists. He continued he is proposing to shift the proposed building back 12 feet from where the current building exists right now. He stated it needs to fit with the driveway up front, so it is not too close. He continued the proposed structure meets all the parameters regarding restrictions off the lake, but needs variances for side yard setbacks. He stated if you are looking at the existing structure right now, it is beyond 50 feet off the lake, and more like 70 feet off the lake. He concluded the new proposed plans and bringing the structure back

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from the lake will help the view for the neighbor to the east and not affect the neighbor to the west.

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

In response to Meisel's question, Mr. Hessling answered that the proposed deck will be 10 feet in the air. Meisel stated the submitted drawing shows a wood deck. Mr. Hessling responded that it is an existing wood deck that is at ground level. Meisel stated the Zoning Ordinance requirement is that a deck cannot be more than 12 inches off grade within 50 feet of the water. He added the biggest element that comes into play is sight line preservation. In response to Meisel's question, Mr. Hessling answered that the view of the neighbor to the east is blocked by the height of the current structure and the existing roofline. In response to Meisel's question, Mr. Hessling responded the proposed structure will be 1-story higher than the existing structure. Meisel stated a concern for the height of the structure because the plans suggest it is in excess of 40 feet. He continued the Zoning Ordinance allows a maximum building height of 30 feet. Mr. Hessling responded the 30 feet requirement is based on the existing ground grade. Meisel stated the following issue: the structure starts on fire, the fire department arrives and a garage is there, they cannot lay the ladder flat and extend it out 100 feet to get to the lake side of the house, how are they going to fight the fire?; so they will have to run hoses almost 200 feet from the pumper truck, there are structures on either side about 7 ½ feet apart, encumbered by sidewalks, if there is an engulfed structure there the hoses could literally be in the fire, when they reach the lake side of the house and have a 47 foot roof to try to access and try to put the fire out; the problem is with the closeness of the neighboring houses the fire will most likely jump and the neighboring houses would probably go, because there is no way to fight the fire or access in-between homes. In response to Meisel's question, Mr. Hessling answered that he did no contact the City of Fenton Fire Chief and discuss the requirements for firefighting. Meisel stated the challenge is general access to the proposed structure. He suggested the applicant have the fire department review the submitted plans for a complete assessment and suggestions and/or guidelines. Meisel stated he would like to see a letter of approval from the fire chief. Mr. Hessling responded that on any of his projects, the height has always been based on the ground grade from the street and not from the lower level of a lot. Meisel stated if the lower level walkout was 1-story it would not be an issue because it would be relatively typical, but this lower level walkout appears to be almost 15 feet higher than the existing structure. He stated in prior discussions for previous appeal requests for this property, there were significant concerns regarding sight lines and retaining visibility to the lake. He continued the adjacent neighbor to the west (Dockins) came in with a design that effectively cut the front of the house down so people could still see and maintain sight lines. He added this appeal will be further to the east and be greater in height. Meisel stated the existing structure height is 30 feet and the proposed structure height is 47 feet. Mr. Hessling responded at 25 feet it is flush with the road plus the next floor. He added that from the lower level walkout to the top of the roof it is 38 feet in height. At this time, Mr. Hessling approached the Board to look at and compare several drawings, and verify various measurements. Meisel stated there is an existing structure on the lot that has sight lines and sight views which are historic for the neighbor to the east and the Board does not want to put something up that blocks sight views because you now devalue the property to the west significantly.

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Meisel stated that the Zoning Ordinance states site lines to the water must be preserved within reason. He stated there are site line concerns because the proposed depth and height of the proposed new structure would significantly impact the water views of the neighbor to the immediate east (Quinlan). He continued that this potential concern was also discussed during the ZBA review of the Dockins's appeal on July 11, 2016. He stated Mr. Dockins made changes and provided architectural features to minimize impact to the water views of the existing home on the Peabody property, as well as in consideration of potential impacts the Rappleeye home at the time, now Quinlan. LoVasco stated he would like to see an assessment from the fire chief. Mr. Hessling stated he is all for moving the proposed house back as far as possible, as long as they can preserve some kind of parking space. Meisel stated there are blockages of views to the east but they all built their homes without variances and in compliance with the Zoning Ordinance. He continued the area along Spring Street has been in flux for a number of years as people upgrade cottages into single family homes. He added the lots aren't big enough, the topography comes into play, and there has been a constant challenge of trying to figure out how to upgrade the homes and peacefully co-exist. Meisel stated this property has been talked about since 2007. He continued he has a concern with losing the view of the sunset and getting approval for the plans by the fire department. At this time, Meisel showed Mr. Hessling what was previously granted for this property. He stated an elevation view from the point of view of the front of the home immediately to the east would be helpful. Meisel continued that it is easier to build up, closer to the road, because you do not block anybody's view of the water. Mr. Hessling stated it is not realistic to look over a house and think that is their view. Meisel disagreed and stated air rights is an issue. He continued the following additional information is needed in order to make a decision on this appeal: a revised drawing showing a structure moved farther back on the property that is less impactful to the water views; a new elevation drawing; and a letter of approval from the City of Fenton Fire Chief (approving the side yard setback variances being requested, accepting the depth and height of the proposed structure, and addressing egress concerns with the south facing portion of the structure as currently proposed).

**PUBLIC COMMENT**

Jeanne Quinlan, 10474 Runyan Lake Point, voiced concerns for sight line/view preservation. Geri Myers, 10480 Runyan Lake Point, stated the following concerns: losing her view of the lake from the bottom and top floors of her home, drainage issues, and septic issues. Teri Peabody, 10513 Runyan Lake Point, stated concerns with the granting of this variance. No written correspondence was received prior to tonight's meeting.

**MOTION**

Don LoVasco moved to table the request by Erica Peabody for a 4-foot 6-inch east and a 4-foot 6-inch west side yard setback variance in order to build a proposed new house and attached garage, located at 10470 Runyan Lake Point, (TAX CODE # 4704-09-204-048), to allow the applicant time to get the following additional information: letter of recommendation from the fire chief; updated drawing showing the house moved back and dimensioned; and a new elevation drawing. [Ref. Tyrone Township Zoning Ordinance No. 36 –Sections 20.01 (Schedule of Regulations)]. (Trollman seconded.) The motion carried by voice vote.

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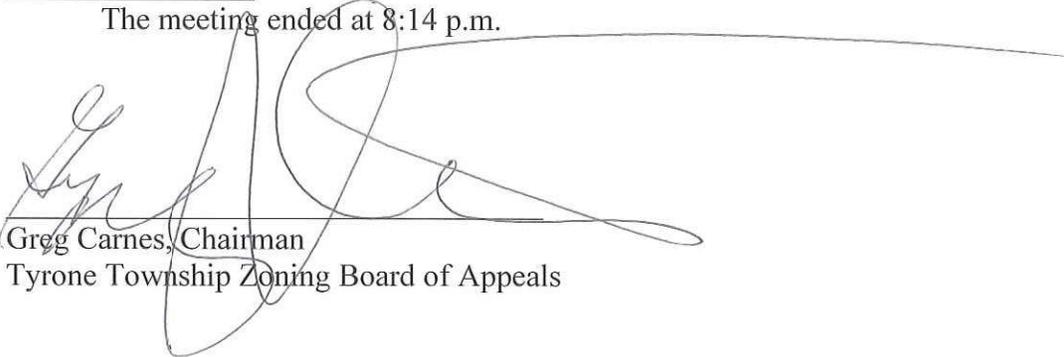
**MISCELLANEOUS**

The By-Laws will be discussed in more detail at the next meeting.

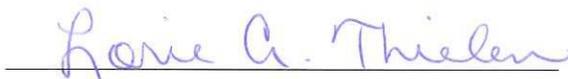
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, December 12, 2016 at 7:00 p.m.

**ADJOURNMENT**

The meeting ended at 8:14 p.m.

A large, stylized handwritten signature in black ink, which appears to be 'Greg Carnes', is written over a horizontal line. The signature is very fluid and extends far to the right.

Greg Carnes, Chairman  
Tyrone Township Zoning Board of Appeals

A handwritten signature in blue ink that reads 'Lorie A. Thielen' is written over a horizontal line.

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