

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – FEBRUARY 13, 2017**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on February 13, 2017, 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: Geri Myers, Jeanne Quinlan, Erica Peabody, Terry Peabody, Tom MacDonald, Patrick Maynard, and Ron Hessling

MINUTES OF NOVEMBER 14, 2016, ZONING BOARD OF APPEALS MEETING

Young moved that the minutes of the November 14, 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 January 29, 2017 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on January 25, 2017, at 9:00 A.M.

VARIANCE REQUEST

- #1 Erica Peabody: RE: Request for a 3-foot east and a 4-foot 2-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, stated revisions were done to the plans originally submitted at the November 14, 2016 Zoning Board of Appeals meeting. He continued the applicant is looking to get approval for the side yard setbacks, for sight line of the neighbor to the east, and revisit the height of the proposed structure. He stated his view is to keep the main body of the proposed house centered on the property, but there is a 4-foot 2- inch bump-out on one side and a 3-foot bump-out on the other side. He continued they could shift the house 6-inches for the bump-outs, but then the main body of the house will not be centered on the property. Mr. Hessling stated they moved the proposed house back off the water an additional 16 feet from where it originally was. He continued there is a proposed deck that is sticking out 12 feet from there that will have a glass railing and be less obstructive for the view. He stated the edge of the proposed deck will be 79 feet from the water and the proposed house will be 91 feet from the water. He added the house to the east sits so far back off the water that the proposal before affected its sight line. He stated the proposed house is set close to the road and far enough away that it does not affect the view that much.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Carnes' question, Mr. Hessling answered that right now if one side is a 7-foot setback to the property line and the other side is 5-feet 10-inches to the property line, he could make both sides 6-feet 4-inches to each side property line and move the

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 2 – FEBRUARY 13, 2017**

entire proposed house over. He continued he cannot change the bump-outs. Meisel stated the applicant is willing to float the foundation to make the bump-outs on each side of the proposed house the same distance to the property lines, which would make the main body of the house slightly off-centered on the property. In response to Meisel's question, Mr. Hessling replied that he was unclear as to what kind of elevation drawing the Board was looking for. At this time, Mr. Hessling approached the Board and a brief discussion about elevations from the lake perspective and the road perspective took place. Meisel stated the height of the proposed house from road level is a concern. He continued the previous house that used to be there was an established 2-story house with rooflines and elevations that were consistent with that area of the neighborhood, and it has been that way for decades. He continued the burden is on the applicant to preserve sight lines. He added that the house, with the concern for having a blocked view, is closer to the road because that is the existing area that was developed for what the topography was in that particular area before the road height starts to decline. Meisel stated the challenge is trying to assess what the sight line impact is because there will be one. He continued when the Dockins came in for their variance, they made modifications to their design in consideration of the future home that was going to be built on this property. Mr. Hessling responded that they made changes to the drawing by making the proposed house narrower and by shrinking down the size of the garage to make more room near the road. Meisel stated the Board is not here to suggest that this is not a good plan or that the work that is going to be done here and the improvement to the neighborhood is not appreciated because it is a big investment, a lot of work and a great upgrade. He continued the Board needs to figure out how to make sure they maintain compatibility with the neighborhood because you cannot remove a 1200-square foot 2-story cottage and replace it with a 4200-square foot proposed house in its place without having significant impact. Mr. Hessling stated that it is a 2800-square foot house, not a 4200-square foot proposed house. Meisel responded that the applicant is not counting the ground floor. Mr. Hessling answered that the ground floor is the basement. Meisel stated they are going to respectfully disagree on this. He continued the problem he has right now is that the applicant cannot show what the elevation is that is going to result in the impact to the adjacent neighbors, so how do they make an assessment as to if this is acceptable and offer the applicant some leniency? Mr. Hessling stated he will answer that very directly because to him, with all the experiences in this room with building, you know that elevation comes across at the exact same height. Meisel stated that basically what the applicant is proposing is to block the entire western view from the home to the immediate east, that has a complete western view now. Mr. Hessling responded there is still ample view of the lake. Meisel stated there is a letter from the Fire Chief stating he will not approve this unless there is 15 feet between the Dockins house (on the left or west) and the proposed house. He continued the 15-foot distance to the Quinlan house (on the right or east) is less of a concern for the upper structure. Meisel stated the requirements for submitted drawings is that adjacent structures must be shown and the dimensions to them, to establish setbacks, must be shown. Mr. Hessling responded that the Board has the dimensions for the adjacent structure because the Board gave approval for the adjacent structure. Meisel stated it is not the job of the Board to create drawings for the applicant or put dimensions down, because the Board is not responsible to do so. He continued if the Board were to make a dimensional error, the Board would be responsible for it and that is not what the Board is here to do. He added the Board is here to take the dimensions provided by the applicant

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 3 – FEBRUARY 13, 2017**

and make a decision based on that. Mr. Hessling stated he is almost positive the Dockins structure is 9 feet from the property line. Meisel confirmed that the Dockins structure is 9 feet from the property line, so the applicant needs to be at least 6 feet from the property line. Mr. Hessling added that they moved the proposed structure back from the lake an additional 16 feet from what they originally proposed. Meisel stated the concern is getting to the lake side of the Dockins house and this proposed house in case of fire. He continued the property was height restricted and had the same issues and concerns back in 2007, when Mary Carney came before the Board to get a variance. Mr. Hessling stated they could move the proposed structure back towards the street a few more feet, but he does not like how close the house to the east is to the street. Meisel stated originally this area was developed as cottages and now people are in the process of converting cottages to homes and it creates a challenge because some people are happy using cottages from the 1940's-1950's but they are surrounded by people that have very nice homes and every time people try to upgrade, it creates a challenge for all the older structures. Mr. Hessling responded that the Dockins house and this proposed house helps the value for the surrounding area. Ms. Peabody stated she purchased a house that has been abandoned the last 10 years and just leveling it is a value to the area. Mr. Hessling stated they have made some very good adjustments to this property. He continued that he has never heard of measuring the height of a structure from the walkout, and with all his experience in building and in all the townships he has built in, it is always measured from median grade level which is usually the first floor. Meisel stated the proposed structure is 10 feet higher than what the Zoning Ordinance allows, without fire department approval; it does not matter how you measure it, the proposed structure is 40 feet in height; you have a letter from the fire department that says if you do a full fire suppression system, he is ok with the height; but the problem is with the sight lines. Mr. Hessling stated the proposed deck will mostly be glass and it will be 10 feet off the ground. Meisel stated this proposed structure will be the same height as the Dockins structure, but the Dockins structure will have cutouts on the top floor. Mr. Hessling stated the upper part of the proposed house will mostly be 17 feet to the Quinlan house and at the narrowest part it would be 15 feet 4 inches. Meisel showed and submitted pictures showing estimated sight lines. In response to LoVasco's question, Meisel responded that the required fire suppression system needs to be placed on the plan, so as it goes to the Livingston County Building Department or anywhere else, it is understood that a full fire suppression system is required by the City of Fenton Fire Department. Young stated he is ok with what has been presented but is curious to see what the neighbors have to say. LoVasco and Trollman both stated they are interested to hear the neighbor's opinion on the proposed plans for this property.

PUBLIC COMMENT

Geri Myers, 10480 Runyan Lake Point, stated a concern on how far the proposed deck will come out and if the deck is covered and a concern for the height of the proposed structure. Jeanne Quinlan, 10474 Runyan Lake Point, voiced concerns for the height of the proposed structure, the distance the proposed structure will be from the property line, and sight line/view preservation. Tom MacDonald (Trustee on the Point), 10463 Runyan Lake Point, stated concerns with traffic and parking. Written correspondence was received prior to tonight's meeting from: Runyan Lake Point Property Owners Association dated January 30, 2017 and from The City of Fenton Fire Department dated February 9, 2017.

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 4 – FEBRUARY 13, 2017**

MOTION

LoVasco moved to grant the variance request by Erica Peabody for a total side yard setback (inclusive of both sides) of 7-feet 2-inches to be distributed to result in a west side yard separation between structures of not less than 15-feet, located at 10470 Runyan Lake Point, (TAX CODE # 4704-09-204-048), 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 resulted in several areas around Runyan Lake being transitioned from cottages to year-round 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-round 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. Topography significantly limits home placement options. **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 minimal impact to sight lines. Concerns were expressed by adjacent neighbors but the applicant has compromised to result in what they believe is reasonable compatibility with the adjacent neighbors. **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 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-round 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-round 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. Topography significantly limits home placement options. **Health and Safety:** The applicant has agreed to install a full home fire suppression system as required by the Fire Chief to reduce potential fire jumps to adjacent structures. Granting this variance does not otherwise adversely impact public safety or create a public nuisance. The proposed garage location does not adversely affect traffic sight distance. The granting of these variances is conditional upon the following: 1) The foundation is to be located to result in a minimum side yard separation of 15-feet between the subject home and the home to the immediate west (Dockins) at the requirement of the Fire Chief; 2) Applicant must install a full home fire suppression system as required by the Fire Chief; 3) Applicant agrees to abide by traffic and construction concerns as set forth in the letter from the RLPPOA dated January 30, 2017. [Ref. Tyrone Township Zoning Ordinance No. 36 –Sections 20.01 (Schedule of Regulations)]. (Young seconded.) Roll call vote: Trollman, yes; Young, yes; Lo Vasco, yes; Meisel, yes; Carnes, yes. The motion carried.

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 5 – FEBRUARY 13, 2017**

MISCELLANEOUS

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

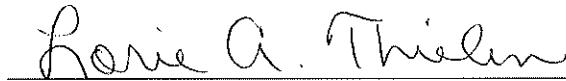
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, March 13, 2017 at 7:00 p.m.

ADJOURNMENT

The meeting ended at 8:39 p.m.



Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals



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