



ZONING BOARD OF APPEALS MEETING MINUTES

JUNE 12, 2017

CALL TO ORDER

Chairman Carnes called the Zoning Board of Appeals Meeting to order on June 12th, 2017 at 7:05 PM, at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Carnes, Young, LoVasco, and Trollman

Absent: Commissioner Meisel

Guests: John Hodgkins, Zoning & Planning Administrator Ross Nicholson, and Zoning & Planning Asst. Admin. Joe Frey

APPROVAL OF THE FEBRUARY 13th, 2016 MINUTES

Motioned by LoVasco, 2nd by Young. Motion Carried

APPROVAL OF THE AGENDA

Motioned by LoVasco, 2nd by Young. Motion Carried

NEW BUSINESS

ZBA No. 01-06122017

READING OF PUBLIC NOTICE

Zoning & Planning Administrator Nicholson read aloud the public notice for tonight's meeting, which was published May 28th, 2017 with the Tri-County Times and posted at the Tyrone Township Hall.

VARIANCE REQUEST

1. A variance request by John Hodgkins for a 10-foot south side yard setback variance in order to build a proposed new garage, located at 11529 Whitaker Rd, TAX CODE # 4704-06-100-044. The existing garage will be removed.

John Hodgkins requested that he be granted a variance to construct a new garage to replace a deteriorating, nonconforming structure. The current nonconforming structure takes up about 280 sq. ft. The proposed building will take up only 100 sq. ft. and will fit in harmoniously with the neighborhood. The extraordinary circumstances of the property does not allow for the garage to be placed in another location due to a utility pole.



BOARD QUESTION AND COMMENTS

Board commented that the application was very well written and answered the set questions from the board.

ORAL & WRITTEN COMMENTS

1. Letter written by Bert & Nancy Toth, neighbors of John Hodgkins. Wrote in support of the building of a new garage.

CONSIDERATION OF ACTION

Board members discussed the request and the approval of the variance request.

Motion to Approve: Plans support unreasonable burden due to Utility Pole, Neighbors approve the construction, design plans and old shed deconstruction meets substantial justice, the extraordinary circumstances are met, the applicant is asking for the minimum.

Motion to approve ZBA No. 01-06122017, LoVasco, 2nd Young

Roll Call: **Yays:** Trollman, Carnes, Young, LoVasco **Nays:** None **Absent:** Meisel

Decision is Attached

MISCELLANEOUS BUSINESS

1. **Election of Officers**
2. **Review of Changes to ZBA By-Laws**

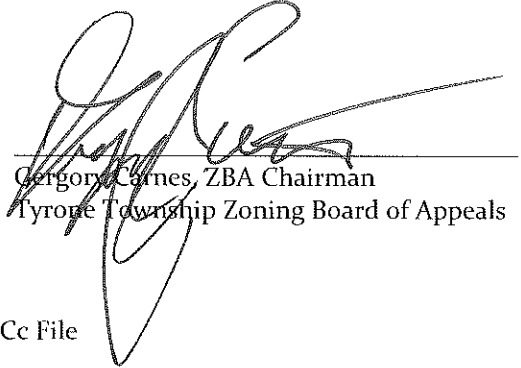
Motion to table Miscellaneous Business 1 & 2 by LoVasco, 2nd Trollman.

Commissioners Comment: LoVasco wanted to comment that he appreciated Lori Thielen's 19 years of service with the Township. Commissioner Carnes agreed.



ADJOURNMENT

Motion to Adjourn at 7:28 PM by Carnes, 2nd LoVasco



Gregory Carnes, ZBA Chairman
Tyrone Township Zoning Board of Appeals



Joe R. Frey, Zoning & Planning Administrator
Assistant

Cc File

Tyrone Township Clerk

Tyrone Township Zoning Administrator

Tyrone Township Zoning Board of Appeals Commissioners



TYRONE TOWNSHIP ZONING BOARD OF APPEALS DECISION
(TAX CODE: 4704-05-100-0044)

Decision: John A. Hodgkins
11529 Whitaker Rd.
Fenton, MI 48430

At a meeting of the Tyrone Township Zoning Board of Appeals held June 12, 2017 the following action was taken:

Commissioner Don LoVasco moved to grant variance request, ZBA No. 01-06122017, by John Hodgkins for a 10-foot south side yard setback variance in order to build a proposed new garage, located at 11529 Whitaker Rd., (TAX CODE: 4704-05-100-0044), for the following findings of fact:

Unreasonable Burden: Plans support the unreasonable burden due to the utility poles location and the buried utility cables; the neighbors agree with the removal of the deteriorating structure and the construction of a new garage.

Substantial Justice: Based on design, the old garage/shed will be removed, the trees on the lot will be left, easier access to allow vehicles to be parked indoors.

Extraordinary Circumstances: Based on the address being changed from Lobdel Road to Whitaker Road, 9-11 Emergency services created a smaller yard.

Minimum Variance Required: The request meets the minimum variance requirements.

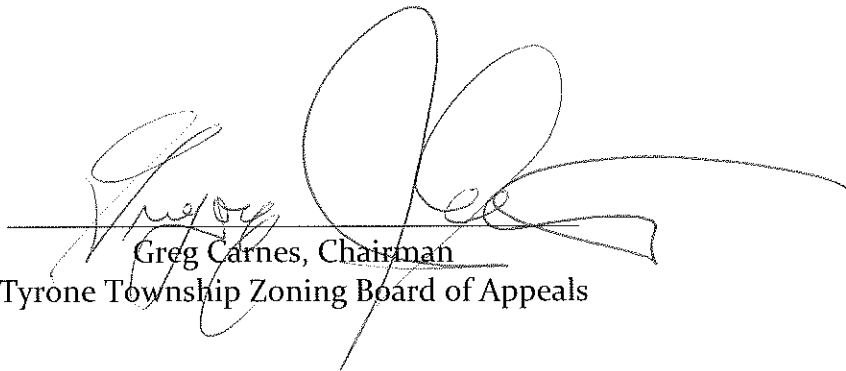
Health, Safety, and Environmental Concerns: No health and safety concerns, other than the unsightly and deteriorating current structure. The proposed structure will be a major improvement to the property.

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)].

Motion to approve ZBA No. 01-06122017 by LoVasco, 2nd Young

Roll Call: **Yays:** Trollman, Carnes, Young, LoVasco **Nays:** None **Absent:** Meisel





Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals

SECTION 28.07 APPROVAL PERIOD

Exceptions, variances, and boundary and setback determinations shall be vested in the affected property, and shall pass with title to such property. No time limit shall be made a part of such determination. Where the determination of the Zoning Board of Appeals provides for the issuance of a land use permit, such permit shall be obtained within six (6) months of ZBA approval. If no permit is obtained within the six (6) month period, the approval shall become void and of no effect.