



TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
August 13, 2018

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on August 13, 2018 at 7:09 PM, at the Tyrone Township Hall.

ROLL CALL

Present: Chairman Carnes, Commissioners Mark Meisel, Don LoVasco, Joe Trollman and Jon Ward.

Guests: Zoning & Planning Assistant Karie Carter

APPROVAL OF THE MAY 14, 2018 MINUTES

Motioned by LoVasco, supported by Trollman. Motion Carried.

NEW BUSINESS

APPEAL NO. 1: Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01

READING OF PUBLIC NOTICE

Zoning & Planning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published Sunday, July 29th, 2018, in the Tri-County Times and posted at the Tyrone Township Hall in compliance with the Open Meeting Act.

VARIANCE REQUEST

1. A request by Matthew and Kelly Fray for a 7.6-foot north side yard setback variance and a 3.6-foot south side yard setback variance in order to demolish and rebuild a dwelling, located at 10296 Walnut Shores Drive, Fenton, Michigan 48430, Parcel ID: 4704-09-203-036. The property is zoned LK-1, Lake Front Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, heights, and sight lines.

Matthew Fray requested that he be granted a variance to construct a new home and garage to replace an existing nonconforming structure. They have a uniquely narrow piece of property and it would be impossible to meet the current criteria for side yard setbacks of 10-feet. The proposed dwelling will not encroach any further than the current dwelling and would encroach less at some locations. He explained that it will be very

minimal demolition and that he will just be tying in the addition to the existing structure. There will be no changing of the current foundation.

BOARD QUESTIONS AND COMMENTS

LoVasco asked what the height of the house would be. Mr. Fray explained that it would actually be shorter than the current structure. He estimated that they would be eliminating approximately 6 (six) feet. Using the elevation drawings provided by the applicant the commissioners confirmed the height of the remodeled/restructured home will not exceed the maximum height allowed by the Zoning Ordinance.

Meisel stated that there are records going back to 1979 that reference the side yard setback variances that were granted at that time. The decision was made then that they could construct a home on that lot of this configuration with the variances which resulted in the footprint that exists today. As such, the existing structure is legally nonconforming, and the applicants are requesting to extend existing side yard setback nonconformities consistent with the variances granted prior.

It was determined that a fire chief review is not necessary because the planned structural additions are not physically adjacent to the structures on the adjacent properties, and therefore do not alter the fire jump risk.

There were no objections received from adjacent neighbors.

CONSIDERATION OF ACTION

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

Commissioner Meisel moved to grant a 7.6-foot north side yard setback variance and a 3.6-foot side yard setback variance requested by Matthew and Kelly Fray, located at 10296 Walnut Shores Drive, Fenton, Michigan 48430, Parcel ID: 4704-09-203-036, for the following findings of fact:

Unreasonable Burden: The applicants are requesting to continue the long-established development pattern for their lot, dating prior to a variance of record from May 29, 1979, at which time the legal description for the parcel was as it exists today. The narrow lot configuration limits the ability to reasonably develop the parcel without variances. The applicants are not increasing any existing nonconformities. As such, the applicants are simply requesting expansion of their building footprint to the west which will not encroach upon the conforming front yard setback.

Substantial Justice: The side yard setback variances being requested are an extension of the existing nonconformities along the northerly and southerly property lines and per Section 26.04.A.3 an extension of the nonconformity can be granted by the ZBA if it does not create a public nuisance. The proposed building will reasonably blend with the neighborhood and adjacent homes. No objections have been received from adjacent neighbors. The home will therefor remain compatible and harmonious with adjacent land uses and neighbors.

Minimum Variance Required: It is the opinion of the ZBA the variances being requested and granted represents the minimum variances required to result in reasonable use of the property, while maintaining compatibility with adjacent neighbors.

Extraordinary Circumstances: The applicants are requesting to continue the long-established development pattern for their lot, dating prior to a variance of record from May 29, 1979, at which time the legal description for the parcel was as it exists today. The narrow lot configuration limits the ability to reasonably develop the parcel without variances. The applicants are not increasing any existing nonconformities.

Health, Safety, and Environmental Concerns: Granting this variance does not adversely impact public safety or create a public nuisance.

(Seconded by commissioner Don LoVasco) Roll call vote: Trollman, yes. Meisel, yes. Ward, yes. LoVasco, yes. Carnes, yes. The motion carried.

ADJOURNMENT

Meeting was adjourned at 7:45 PM by Carnes.



Greg Carnes, ZBA Chairman
Tyrone Township Zoning Board of Appeals

cc File

Tyrone Township Clerk
Tyrone Township Zoning Administrator
Tyrone Township Zoning Board of Appeals Commissioners