



TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
October 8, 2018

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on October 8, 2018 at 7:05 PM, at the Tyrone Township Hall.

ROLL CALL

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

Absent: Jon Ward

Guests: Zoning & Planning Administrator Ross Nicholson
Zoning & Planning Assistant Karie Carter

APPROVAL OF THE AUGUST 13, 2018 MINUTES

Motioned by LoVasco, supported by Meisel. 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, September 23rd, 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 Jeremy Bondeson for a 14-foot south front yard setback in order to build an attached garage, located at 10500 Merrill Drive, Fenton, Michigan 48430, Parcel ID: 4704-09-402-119. The property is zoned LK-1, Lake Front Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, heights, percent lot coverage and sight lines.

BOARD QUESTIONS AND COMMENTS

Chairman Carnes asked Mr. Bondeson to explain his request. Mr. Bondeson requested that he be granted a 14-foot setback variance to construct an attached garage in the south front yard. He stated that the existing unattached garage would remain on the property. Ross Nicholson confirmed that the existing detached structure is on record; in the LK-1 zoning district, one detached and one attached structure is permitted.

Commissioner Meisel asked Mr. Bondeson if he'd been in contact with the Livingston County Health Department relative to the location of the well head; he confirmed that he had. Runyan Lake Heights Home Owner Association provided a letter of consent for this project.

It was determined that the only place a garage could be added is the south side. The existing home is located in compliance with all setbacks; the lot is a corner lot, and also contains the well, thereby eliminating the east as a viable location. The utility lines and the natural gas line easement are located on the west side, and the north yard is restricted by the setback requirements as well as the location of the sanitary sewer septic tank and infrastructure.

There were no objections received from adjacent neighbors.

CONSIDERATION OF ACTION

Commissioner LoVasco moved to grant the request of Jeremy Bondeson for a 14-foot south front yard setback in order to build an attached 24 x 24-foot garage, located at 10500 Merrill Drive, Fenton, Michigan 48430, Parcel ID: 4704-09-402-119, for the following findings of fact:

Unreasonable Burden: The subject property is an off-water lot comprised of three combined lots (83, 84, 85) in the Plat of Runyan Lake Heights to largely comply with the minimum lot area in the LK-1 zoning district. The existing home is located in compliance with all setbacks. The lot is a corner lot, and also contains the well, thereby eliminating the east as a viable location. The west side yard is encumbered by both the utility lines and the natural gas line easement. The north yard is encumbered by the setback requirements as well as the location of the sanitary sewer septic tank and infrastructure.

Substantial Justice: The subject property will benefit from having an attached accessory structure, allowing for a more modern and integrated appearance of the structural development. Further, the neighborhood will benefit from the indoor storage of personal items, which is both an aesthetics benefit and a theft deterrent. The location of the accessory structure will not impede private road maintenance or drainage per the Runyan Lake Heights Association, and will not adversely impact adjacent neighbors. No objections were received from neighbors.

Minimum Variance Required: It is the opinion of the ZBA the variance being granted represents the minimum variance required to result in reasonable coexistence with the adjacent neighbors, and to result in a reasonably sized attached garage to satisfy the intended use and purpose of storing vehicles inside.

Extraordinary Circumstances: The location proposed is the only feasible location for the applicant to locate an accessory structure. The lot is a corner lot, and also contains the well, thereby eliminating the east as a viable location. The west side yard is encumbered by both the utility lines and the natural gas line easement. The north yard is encumbered by the setback requirement as well as the location of the sanitary sewer septic tank and infrastructure.

Health, Safety, and Environmental Concerns: Granting this variance does not alter or negatively impact the satisfactory health safety of the immediate area. The indoor storage of personal items is arguable a theft deterrent. Site distance is also not adversely affected.

(Seconded by Trollman) Roll call vote: Trollman, yes. Meisel, yes. LoVosco, yes. Carnes, yes. Nays: none.

The motion carried.

MISCELLANEOUS BUSINESS

“Request by John and Holly Hodgkin for a permitted extension of an existing conforming structure under criteria a – e as described in Zoning Ordinance #36, Section 26.04.A.3.”

Section 26.04.A.3:

- a. The expansion does not extend closer to the side or rear lot line than any existing conforming part of the structure.
- b. The expansion does not extend beyond the predominant existing building line along the same Block, does not obstruct lines of sight for traffic or block views from adjacent lots, or impede light and air.
- c. The addition retains compliance with all other setback, lot coverage and height requirements.
- d. The addition, whether at ground level or above, shall not extend beyond the existing nonconforming first floor footprint of the building.
- e. The resultant addition will be compatible in terms of scale and design with the existing structure and the established character of the neighborhood.

Mr. Hodgkin stated that he was not requesting a specific variance because the ordinance allows him to do an extension or expansion based on an existing nonconforming structure.

Meisel noted that a public notice was not issued for this appeal due to confusion regarding approval requirements (whether the approval requires a formal ZBA appeal and public hearing,

or whether there is an abbreviated process which does not require a public hearing. The Planning Commission will clarify existing text for future decisions.).

The adjacent neighbor was present and consented to the requested variance.

The proposed addition is the same footprint as the existing covered deck. The extended nonconformity will be largely centered to the rear of the existing home, and will therefore not visibly impact adjacent properties.

CONSIDERATION OF ACTION

LoVasco moved to grant the request of John and Holly Hodgkin for a permitted extension of an existing nonconforming structure under criteria a – e as described in Zoning Ordinance #36, Section 26.04.A.3., for the following findings of fact:

Unreasonable Burden: The requested extension of the nonconformity complies with the approval requirements set forth in Section 26.04.A.3.a-e. The existing home is otherwise in compliance with all setbacks and height requirements.

Substantial Justice: The requested extension of the nonconformity complies with the approval requirements set forth in Section 26.04.A.3.a-e. The existing home is otherwise in compliance with all setbacks and height requirements. The requested nonconforming extension consists of a 16 x 19-foot addition adjacent to an existing covered deck. The addition will be largely centered to the rear of the existing home, and will therefore not visibly impact adjacent properties. The ZBA notes a public notice was not issued for the appeal due to confusion regarding approval requirements (whether the approval requires a formal ZBA appeal and public hearing, or whether there is an abbreviated process which does not require a public hearing. The Planning Commission will clarify the existing text for future decisions.). The adjacent neighbor was present and consented to the requested variance. During our review, however, it is also difficult to imagine an objection based on existing buffering and separation distances.

Minimum Variance Required: It is the opinion of the ZBA the variance being granted represents the minimum variance required to result in reasonable coexistence with the adjacent neighbors, and to meet the goals and objectives of the applicant, consistent with the approval requirements set forth in Section 26.04.A.3.a-e.

Extraordinary Circumstances: The requested extension of the nonconformity complies with the approval requirements set forth in Section 26.04.A.3.a-e. The existing home is otherwise in compliance with all setbacks and height requirements

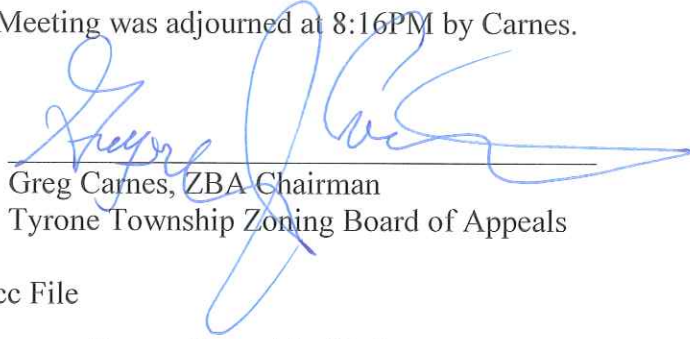
Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area

(Seconded by Trollman) Roll call vote: Trollman, yes. Meisel, yes. LoVasco, yes. Carnes, yes.
Nays: none.

The motion carried.

ADJOURNMENT

Meeting was adjourned at 8:16PM 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