

TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 12, 2019

CALL TO ORDER

Chairman Carnes called the Zoning Board of Appeals Meeting to order on August 12, 2019, at 7:06 PM at the Tyrone Township Hall.

ROLL CALL

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

Guest: Planning & Zoning Assistant Karie Carter

APPROVAL OF THE JUNE 10, 2019 MINUTES

Motioned by Meisel, supported by LoVasco to approve the minutes as presented. Motion Carried.

READING OF THE PUBLIC NOTICE

Planning & Zoning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published in the Tri-County Times on Sunday, July 28, 2019, in compliance with the Open Meeting Act, and was posted at the Tyrone Township Hall.

NEW BUSINESS

APPEAL NO. 1: Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)

A request by Dennis Dunfield & Terry Peabody and Richard & Eleanor Lemke for a five-foot (5') east side yard setback variance for an existing detached garage, a 0.8 foot east side yard setback variance for an existing dwelling, a lot area variance, and a lot width variance, to perform a boundary realignment between the properties located at 10495 and 10513 Runyan Lake Point in Fenton, Michigan 48430, Parcel IDs: 4704-09-204-072 & 4704-09-204-073. The properties are zoned LK-1 – Lake Front Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, height, percent lot coverage, and sightlines and Article 7, LK-1 Zoning District, Section 7.04.A.3, Subdividing of Lots or Parcels.

Before comments were heard from the applicants, Chairman Carnes informed the board that the applicants had spoken with him in July for some advice on their application process. He stated that he had advised them on the five criteria that the ZBA adheres to, and they needed to look at them very carefully and not to look at them as what would be a benefit for the applicants but rather from the point of view of what is best for the two pieces of property, for Runyan Lake

Association and Runyan Lake Point, and for the Township. The applicants then submitted additional information further explaining their request and clarified their application.

Commissioner Meisel stated that he knows all of the applicants and while he didn't think it presented any conflicts, he offered to recuse himself from the decision if it would make them more comfortable. The applicants stated that they had no issues with Meisel being a part of the decision.

COMMENTS BY APPLICANT

Dennis Dunfield explained that there is a gravel driveway permitting motorized vehicles access to the lake. The entire entrance of the driveway is on the Lemke property, while the main part of the driveway is on the Dunfield/Peabody property. He stated it would be an improvement for future owners if the boundary between the two properties were more precise. Previously it was a two-track which was very slippery and difficult to walk or drive on. They were unable to grow grass on it and the land was eroding. They added aggregate to firm up the area which improved the erosion problem and allowed motorized vehicles closer access to the water for older and handicapped people. Most of the houses east of his property do not have access to the water via a driveway or similar hardscaped surface because of topography, and removal of this driveway would be a disservice to the neighborhood and to Runyan Lake Point. He stated it could also be an access point for emergency vehicles. Granting this appeal would allow the totality of the driveway to be on his property avoiding future legal problems.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Commissioner LoVasco asked Mr. & Mrs. Lemke if they were okay with this request; he wanted to be certain they weren't being taken advantage of. The Lemkes stated they were happy with this request. Mr. Lemke stated that their house was for sale and if the boundary realignment didn't get approved, they may have trouble selling their home.

Board members discussed the variance requests. Meisel stated that the ZBA is not allowed to create non-conforming lots, and by converting one of these parcels to its original configuration they would be creating a non-conforming lot. Future owners may want to build a larger home and doing so could be challenging.

Carnes suggested they find a way to develop a boundary that keeps the lots in conformance. Meisel showed a proposed boundary on the overhead screen with a straight red line with a slight tangent at the driveway past the Lemke garage such that the garage setback from the eastern property line is not less than 10 feet. This would place the driveway entirely on the Dunfield/Peabody property and would result in the lot becoming conforming with respect to lot area while the Lemke property would remain nonconforming with respect to area, but would meet the minimum lot width at both the rear and front yards.

PUBLIC COMMENTS

Neighbors Jeanne Quinlan (10474 Runyan Lake Point) and Erica Peabody (10470 Runyan Lake Point) both stated that they were in support of the variance compromise proposed by the ZBA.

CONSIDERATION OF ACTION

Motioned by LoVasco, seconded by Trollman, to grand a reduced variance versus what was requested to Dennis Dunfield & Terry Peabody and Richard & Eleanor Lemke, the variance being a straight line extending from the shoreline of Runyan Lake to Runyan Lake Point, that being the Lemke eastern lot line, not less than 60 feet in width with an angular deviation to the west at a point past the Lemke garage such that the garage setback from the eastern property line is not less than 10 feet, to perform a boundary realignment between the properties located at 10495 and 10513 Runyan Lake Point in Fenton, Michigan 48430, Parcel IDs: 4704-09-204-072 & 4704-09-204-073 for the following findings of fact:

Unreasonable Burden: The existing lots are configured as a result of the Plat of Runyan Lake Point, 1935, which featured in general smaller width lots than is currently required by our Zoning Ordinance. The lots in question currently exist as a whole platted lot and ½ of the adjacent lot. Both lots have less than the currently required minimum lot area, and each has nonconforming side yard setbacks. Granting of this variance would result in the Dunfield/Peabody lot becoming conforming with respect to lot area, while the Lemke property would remain nonconforming with respect to area, but would meet the minimum lot width at both the rear and front yards.

Substantial Justice: As stated in the Unreasonable Burden, one nonconformity is being removed while the remaining nonconformities exist as they have for a substantial period of time, without conflict with the adjacent neighbors. No objections were received from neighbors, while support was provided for the variance proposed below by two neighbors in attendance.

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 while removing one of the existing nonconformities. The variance being granted shall be a straight line extending from the shoreline of Runyan Lake to Runyan Lake Point, that being the Lemke eastern lot line, not less than 60 feet in width with an angular deviation to the west at a point past the Lemke garage such that the garage setback from the eastern property line is not less than 10 feet.

Extraordinary Circumstances: The existing lots are configured as a result of the Plat of Runyan Lake Point, 1935, which featured in general smaller width lots than is currently required by our Zoning Ordinance. The lots in question currently exist as a whole platted lot and ½ of the adjacent lot. Both lots have less than the currently required minimum lot area, and each has nonconforming side yard setbacks. Granting of this variance would result in the Dunfield/Peabody lot becoming conforming with respect to lot area, while

the Lemke property would remain nonconforming with respect to area, but would meet the minimum lot width at both the rear and front yards as currently set forth in the Zoning Ordinance. The Lemke lot cannot be returned to its original platted configuration without creating additional nonconformities.

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

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.