



TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
November 12, 2018, 7:00 pm

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on November 12, 2018, at 7:00 PM, at the Tyrone Township Hall.

ROLL CALL

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

Absent: Jon Ward

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

APPROVAL OF THE OCTOBER 8, 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
(Schedule of Regulations)**

**APPEAL NO. 2: Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.02
(Nonconforming Structures)**

READING OF PUBLIC NOTICE

Zoning & Planning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published Sunday, October 28th, 2018, in the Tri-County Times and posted at the Tyrone Township Hall in compliance with the Open Meeting Act.

APPEAL NO. 1: VARIANCE REQUEST

A request by Erica Peabody for an 8'7" (eight feet and seven inches) east side yard setback variance to construct a raised walkway attached to the existing dwelling, located at 10470 Runyan Lake Point, Fenton, Michigan 48430, Parcel ID: 4704-09-204-048. 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.

Mr. Michael Sanocki, Erica Peabody's fiancé, explained that they've had a walkway constructed without permission as well as without a building permit. They have fired their previous contractor. Livingston County advised him that he'd need to go before the Zoning Board of Appeals to get a limited land use permit prior to them approving the construction as well as the foundational requirements that they'll need. He provided a letter from Fire Chief Bob Cairndoff indicating that granting this variance would not adversely impact public safety or create a public nuisance. They are seeking approval for the walkway, realizing it needs to be reconstructed with Livingston County's approval. Shoemaker Services is coming out to meet with them and neighbors on both sides to discuss the backfill, but they need to know the disposition of the walkway in order to initiate the backfill because they will need to know what appropriate footings they'll need. The proposed walkway is 53" away from the edge of the house and 41" deep.

BOARD QUESTIONS AND COMMENTS

Chairman Carnes said this is a tough situation because they granted a variance to this parcel in the past and now, they're back asking for more. Mr. Sanocki pointed out that the original site plan for the house had a side entrance, and for reasons unknown, the original builder never included a walkway to access the side entrance in the plans.

Commissioner Meisel agreed that the original plans submitted to the ZBA had a side entrance door and no way to utilize it. He doesn't believe this is a self-created situation; it is really just an omitted detail on the original plans. Mr. Sanocki said that his research into building code taught him that a viable walkway is 48" so his could be downsized by 5".

COMMENTS FROM THE PUBLIC

Jeanne Quinlan (10474 Runyan Lake Point) said that at the meeting in February 2017 Mr. Hessling (Ms. Peabody's former contractor) didn't bring any plans, and one of her concerns was the size he recommended for the bump-out which was 6'. They agreed to a 3.5' bump-out, provided that the height of the building stayed with the Dockins family that just built so as not to impact her view of the lake. She suggested that in order to not do any more interfering with her property, on the west side of her home where the ravine is, that they continue with the agreement with 3.5' for the walkway which would put it at 42".

Geri Myers (10480 Runyan Lake Point) talked about the setbacks that were agreed to in past meetings. It was agreed that the height would not exceed the Dockins house. She said it is an eyesore. She suggested they move the door and walkway to the other side of the house so the two tall structures can face each other.

Ms. Quinlan expressed concern over the lighting on the walkway, didn't it want it to shine into her home.

Meisel acknowledged that when the Dockins and Peabody houses were built they knew it was a departure from the prior cottage community. He said they need to figure out how to grow and reasonably co-exist. There was a lot of discussion in regards to the Peabody's house and how the height of homes was measured. Erica Peabody is here really because the people who built her

home didn't exactly follow all the rules. He said we don't want to have her tear the house down and start over and we can't answer why Livingston County didn't look at the site plans and identify some things on the plan as nonconforming or noncompliant. It was determined that Ross Nicholson would contact Livingston County to confirm what the minimum width requirements are for the walkway.

CONSIDERATION OF ACTION

Commissioner LoVasco moved to grant an 8'7" (eight feet and seven inches) east side yard setback variance requested by Erica Peabody to construct a raised walkway attached to the existing dwelling, dimensioned to the absolute minimum width allowed and permitted by the Livingston County Building Department for use as an alternate ingress/egress, located at 10470 Runyan Lake Point, Fenton, Michigan 48430, Parcel ID: 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 prior variance granted on 2/17/17 did not fully incorporate the required access to the side door, for which the plans provided showed the door, but no means of access to the door was provided. Concerns were expressed by adjacent neighbors but the applicant and neighbors have compromised to result in what they believe is reasonable compatibility with each other.

Minimum Variance Required: It is the opinion of the ZBA the variance being requested and granted represents the minimum variance required to result in the reasonable use of the property, as set forth by the Livingston County Building Department.

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 resulted in several areas around Runyan Lake being transitioned from cottages to year-round homes, 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, Safety, and Environmental Concerns: The fire Chief has submitted correspondence accepting the variance being granted, dated 10/22/18. Granting this variance does not otherwise adversely impact public safety or create a public nuisance.

(Seconded by Commissioner Bunka) Roll call vote: Trollman, yes. Meisel, yes. Bunka, yes. LoVasco, yes. Carnes, yes. The motion carried.

APPEAL NO 2

A request by David and Peggy Galka for a 220 square foot addition to an existing detached garage. The proposed addition would be an extension/expansion along a nonconforming south side yard setback. The property is located at 6240 Bullard Road, Fenton, MI 48430, Parcel ID 4704-34-401-029, zoned LK-1 (Lake Front Residential)

Mrs. Galka told the commissioners that the addition in question was in process of being built and is almost completed; she stated that she wasn't aware that she needed a permit to build the addition. Her garage was built in the 1940s and is grandfathered in. It is not 10' from the side yard. The addition doesn't go further than the original garage.

Mrs. Galka stated that she hasn't heard from one of her adjacent neighbors, and provide a letter from another neighbor stating they approved the addition. She presented photos of what has been done so far.

BOARD QUESTIONS AND COMMENTS

Carnes asked what the total square footage would be with the addition. Nicholson stated that it would be under 800 square feet. He stated that it was just an extension of an existing nonconforming structure.

COMMENTS FROM PUBLIC

None.

CONSIDERATION OF ACTION

Commissioner LoVasco moved to grant a 220 square foot addition to an existing detached garage along a nonconforming south side yard setback for a permitted extension of an existing nonconforming structure under criteria a – e as described in Zoning Ordinance #36, Section 26.04.A.3, located at 6240 Bullard Road, Fenton, Michigan 48430, Parcel ID: 4704-34-401-029, 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 garage 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 garage is otherwise in compliance with all setbacks and height requirements. The requested nonconforming

extension consists of a 220 square foot addition to the existing garage along an existing nonconformity grandfathered from the time it was originally built.

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 garage is otherwise in compliance with all setbacks and height requirements.

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

[Reference Tyrone Township Zoning Ordinance No. 36-Section 20.04 (nonconforming Structures)]

(seconded by commissioner Joe Trollman) Roll call vote: Meisel: yes. Bunka: yes. LoVasco: yes. Trollman: yes. Carnes: yes. The motion carried.

ADJOURNMENT

Meeting was adjourned at 8:40 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