

TYRONE TOWNSHIP ZONING BOARD OF APPEALS
APPROVED MEETING MINUTES
April 12, 2021

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on April 12, 2021, at 7:01 PM via Zoom Teleconferencing.

ROLL CALL

Present: Chairman Greg Carnes, Vice-Chairman Joe Trollman, Commissioners Richard Erickson, Don Bunka, and Tim Scarberry.

Guests: Tyrone Township Planning & Zoning Assistant Karie Carter

APPROVAL OF THE MARCH 8, 2021 MINUTES

Motioned by Trollman, supported by Bunka. Motion Carried.

APPEAL NO. 1: A request by Tony Malinowski for a 7-foot, 5-inch east side yard setback variance in order to add onto an existing dwelling located at 10491 Lakeshore Drive, Fenton, Michigan 48430; Parcel ID: 4704-09-402-022. The property is zoned LK-1, Lake Front Residential. Reference Tyrone Township Zoning Ordinance No. 36, Section 20.10 – Schedule of Regulations, inclusive of building setbacks, height, and sightlines.

COMMENTS BY APPLICANT

Scott Tarkelson, Mr. Malinowski's builder, explained the request. He stated that the existing non-conformity is 5-foot, 4-inches so they're not changing a lot. They still will be 15-feet, 4-inches away from the neighbor on the east, and the neighbor has no issue with it. The neighbor has granted them access to his property to assist with their project. Mr. Malinowski said that he has spoken with neighbors on both sides and all were okay with his project. Tarkelson stated that the existing home is just a one-bedroom home with a spiral staircase to access the upstairs. The new plan includes a standard, legal staircase. Malinowski stated that he intends to make it a permanent home soon.

BOARD QUESTIONS AND COMMENTS

Carnes asked them to clarify that they'd be taking an existing non-conforming situation and increasing it by 13-inches to make the cottage into a full-time residence by changing out the stairway and making it more livable. Tarkelson stated that it would be going from a one-bedroom home to a four-bedroom home. The way it is right now it's very difficult to access the upstairs.

Tarkelson explained that they are taking a 5-foot, 4-inch existing non-conformity to a 7-foot, 5-inch non-conformity. It is a 2-foot, 1-inch increase in the non-conformity.

Carnes asked Karie Carter if there was any written correspondence regarding this appeal; there was not. Rich Erickson wanted to confirm that the house would not be any closer to the lake, and Tarkelson stated that it would not.

CONSIDERATION OF ACTION

Joe Trollman moved to approve the variance request. Tim Scarberry seconded. The motion carried.

Karie Carter read aloud the public notice for appeal number two, which was published Sunday, March 28th, 2021, in the Tri-County Times and posted at the Tyrone Township Hall in compliance with the Open Meeting Act.

APPEAL NO. 2: A request by Scott and Lana Crain for a 10-foot front yard setback variance in order to build a new single-family dwelling located on Starwood Drive in Fenton, Michigan, 48430, Parcel ID: 4704-30-403-009. The property is zoned R-1, Single-Family Residential. Reference Tyrone Township Zoning Ordinance No. 36, Section 20.01 – Schedule of Regulations, inclusive of building setbacks, height & sight lines.

COMMENTS BY APPLICANT

Lana Crain explained that they would like to build a home on Starwood Drive. The topography of the lot, as well as the pie shape of the lot, makes it challenging. They are requesting a 10-foot front yard setback variance so they can place their home in a safe location away from the steep hill, to avoid cutting down many trees, and to give neighbors a nicer sight line. The neighbor to the right has a 35-foot setback to their house, which is a 15-foot variance, while they’re only requesting a 10-foot variance. Carnes asked if anyone had driven out to the lot. It’s on a cul-de-sac so there’s no thru-traffic. Joe Trollman said the top view of the property speaks for itself.

BOARD QUESTIONS AND COMMENTS

Rich Erickson asked how far off the water’s edge the house will be. Alan Hall, the architect working with the Crains, stated the house would be approximately 200 feet from the house to the lake. Carnes stated that he understands why they want to do this because of the steepness of the property. Tim Scarberry also stated that he drove by the property and it made sense to move the house up 10-feet. Carnes asked if there were any audience members there on behalf of this appeal.

Craig Henriksen, one of the neighbors of the Crains, expressed some concern regarding drainage once the trees are removed; their lot is about 7-12’ lower than the Crain’s lot. Mr. Hall explained that they’d be creating a swale going down to the lake between his property and the Crain’s. Mr. Henriksen asked if there will be a barrier wall at the lake to stop erosion. Mrs. Crain said it depended on where the house ends up whether they’ll need a barrier wall. She said

they'll do what's safest and protects the most trees and will be sure water doesn't run onto his property. Mr. Henriksen asked if the stakes on the property were where the house was to go. Mrs. Crain stated that the four stakes were the property lines, and the other stakes were where the house would go if the ZBA did not approve their request. They didn't move them because they hadn't gotten any approval yet. Mr. Henriksen asked where the driveway would go. Mr. Hall said it's right in the middle between their neighbor to the right and Mr. Henriksen's driveway. Mr. Henriksen asked the Crains if they'd spoken with the Lake Shannon HOA. Mrs. Crain said that she had spoken with them and they were happy with the house being further away from the lake and if the ZBA was good with their request, the HOA was, too. Mr. Henriksen asked if they could put stakes where the house will be located if they get approved. Mrs. Crain said she was sure that the civil engineer would be moving them if approved tonight.

Kelly Manuelidis, the neighbor on the other side of the Crains was also present at the meeting. She stated that Mr. Henriksen asked the questions she had and her only concern was the retaining wall. Mr. Hall explained that at this time there was no retaining wall planned in the civil design but as the project moves forward, they will know if they need one.

Carnes asked Carter if she'd received any written correspondence regarding the Crain's application; she stated that she had not.

Bunka asked if they should wait until they know the exact position of the house before approving the request. Carnes said that unless they skew their house outside of their building envelope, the ZBA would not have a say on that. They can skew it any way they wish.

CONSIDERATION OF ACTION

Erickson moved to approve the variance request. Trollman seconded. The motion carried.

Carter read appeal number three.

APPEAL NO. 3: A request by Brandon & Alexandria Gaynier for a 5-foot east side yard setback variance, a 5-foot west side yard setback variance, and a 14-foot front yard setback variance in order to build a new single-family residence located on Ledgewood Drive in Fenton, Michigan, Parcel ID: 4704-30-101-018. The property is zoned R-1, Single-Family Residential. Reference Tyrone Township Zoning Ordinance No. 36 - Section 20.01 Schedule of Regulations (inclusive of building setbacks, height, and minimum lot width & lot area).

COMMENTS BY APPLICANT

Brandon Gaynier explained that he was requesting a 5-foot variance on both sides, and a 14-foot front yard setback variance. The front of the house will align up with the house to the east. There is no neighbor to the west. If they went back any further, they'd be encroaching on the 50-foot rear yard setback. The garage is the only portion that will be encroaching on the east. It is parallel with the neighbor's driveway.

BOARD QUESTIONS AND COMMENTS

Bunka said his only concern was the sightlines. Mr. Gaynier said he'd like to move the house closer to the street which would solve that problem but the way his builder had drawn it up was to line up his garage with the garage that was already there.

The neighbor to the east of Mr. Gaynier, Kirt Albrecht, was present. He referenced paperwork he'd submitted to the ZBA. He feels that the house as proposed will block his view of the lake. He said the stakes that are there don't seem to match up to the drawing that Mr. Gaynier had submitted. Mr. Gaynier said that he staked it himself and tried to make it match the drawings as best as he could.

Carnes said that Mr. Albrecht's drawings seemed to match up with Mr. Gaynier's drawings, and he agreed that the view would be blocked a bit. He asked Mr. Albrecht how far the corner of his house was from the water's edge. He said it was approximately 70-feet. Mr. Albrecht was concerned with where the deck would be. Mr. Gaynier said he didn't include the deck when he staked the property. The board discussed the fact that the open-air deck appeared to block the neighbor's view of the lake. Scarberry noted that the setback from the open-air deck to the water's edge was 50-feet on the site plan, which is in compliance with the ordinance and it's not any closer to the side yard lot line than permitted. Erickson wanted clarification on whether the 50-feet indicated on the site plan was to the water's edge or whether it goes into the water. Would it be a possibility to make the distance between the edge of the open-air deck to the water's edge 50-feet? Carnes said he would need to move the house closer to the street. This would change his variance request from 14-feet to 20-feet.

Bunka said they need to know the distance between the edge of the structure to the water's edge before making a decision. It appears that the corner of the deck to the water's edge is only 40-feet. He recommends that they table the appeal until they can get clarification on the distance between the open-air deck and the water's edge. The board would also like to see the house moved closer to the road.

CONSIDERATION OF ACTION

Bunka moved to table the appeal to allow the applicant to make adjustments to his drawings. Erickson supported. The motion carried.

UNFINISHED BUSINESS

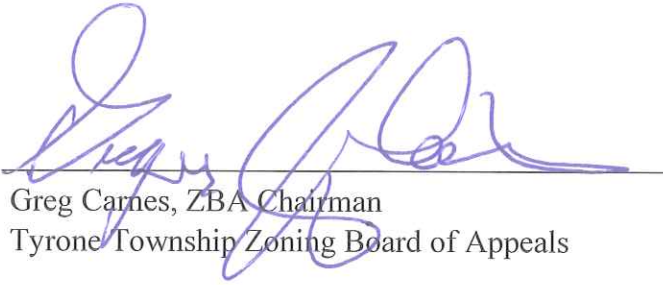
None

MISCELLANEOUS BUSINESS

None

ADJOURNMENT

Meeting was adjourned at 7:39 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

