



**TYRONE TOWNSHIP ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**April 8, 2019**

**CALL TO ORDER**

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on April 8, 2019 at 7:02 PM, at the Tyrone Township Hall.

**ROLL CALL**

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

*Guests:* Planning & Zoning Assistant Karie Carter

**APPROVAL OF THE MARCH 11, 2019 MINUTES**

*Motioned by Trollman, supported by LoVasco. Motion Carried.*

**NEW BUSINESS**

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

A request by Andrew Harvey for a 5-foot west side yard setback variance, a 6-foot east side yard setback variance and a 32-foot front yard setback variance in order to build an attached garage, located at 10375 Lakeshore Dr, Fenton, Michigan 48430, Parcel ID: 4704-09-402-004. The property is zoned LK-1, Lake Front Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, height, and sight lines

**APPEAL NO. 2: Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)**

A variance request by Christian and Olivia Cryer for a front yard location variance in order to build a proposed dwelling located behind an existing accessory structure (rear yard), located on the west side of Carmer Rd, between White Lake Rd and Runyan Lake Pt in Fenton, Michigan 48430, Parcel ID: 4704-10-102-025. The property is zoned LK-1, Lake Front Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, height, and sight lines, and Section 21.02, Accessory Buildings and Structures Provisions.

## READING OF PUBLIC NOTICE

Planning & Zoning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published Sunday, March 24, 2019 in the Tri-County Times and posted at the Tyrone Township Hall in compliance with the Open Meeting Act.

Meisel moved to suspend the order of business in order to hear Appeal #2 first as they were the only appellants in attendance. The motion carried; all ayes.

## APPEAL NO. 2:

### COMMENTS BY THE APPLICANT

Olivia Cryer explained their request for a front yard location for a proposed house behind an existing accessory structure. She stated that placement of a home in front of the existing accessory building would cause undue safety issues due to the busy road. It would also diminish some of the current visibility/line of sight the neighbors currently have. Building a home in front of the garage would deplete an existing driveway as well as many trees. It is very common for homes around Runyan Lake to have an unattached garage in front of their home.

### BOARD QUESTIONS AND COMMENTS

Board members discussed the request and the approval of the variance request. LoVasco asked the applicant if they intended to clean up the existing garage to have it match the home. Mrs. Cryer stated that they would be updating the garage to make it harmonious with their home and the neighborhood. LoVasco stated that when he was visiting the property one of the neighbors indicated they were in favor of the variance request. There were no objections from neighbors.

### CONSIDERATION OF ACTION

Motioned by LoVasco, seconded by Trollman, to grant the request of Christian and Oliva Cryer for a front yard location variance in order to build a proposed dwelling located behind an existing accessory structure (rear yard), located on the west side of Carmer Rd., between White Lake Road and Runyan Lake Point in Fenton, Michigan 48430, Parcel ID: 4704-10-102-025, for the following findings of fact:

***Unreasonable Burden:*** The existing nonconforming accessory structure (reference 21.02.A.2.f) has existed for years without conflict. The appellant is constructing a new home in what will become the rear yard of the property. The lot is located on the west side of Carmer Road, which is predominately developed as lakefront property, where a detached accessory structure is required to be in the front or side yard. While this lot is not lakefront, it is in the immediate area, and the character of development is consistent with lakefront.

***Substantial Justice:*** The existing accessory structure is set back consistent with existing adjacent development and the established developmental character of the immediate area, and retaining it in its present location harms no one. It has existed as a grandfathered

nonconforming structure without conflict for years. The accessory structure location exceeds the district front yard setback requirement. The home is being oriented to preserve at least a partial view of Runyan Lake for the neighbor to the south. The detached accessory structure will be remodeled to be harmonious in appearance with the new home. 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 retention of the existing nonconforming accessory structure for use by the appellant.

**Extraordinary Circumstances:** The existing nonconforming accessory structure (reference 21.02.A.2.f) has existed for years without conflict. The appellant is constructing a new home in what will become the rear yard of the property. The lot is located on the west side of Carmer Road, which is predominantly developed as lakefront property, where a detached accessory structure is required to be in the front or side yard. While this lot is not lakefront, it is in the immediate area, and the character of development is consistent with lakefront. The existing accessory structure is set back consistent with existing adjacent development and the established developmental character of the immediate area, and retaining it in its present location harms no one.

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

Roll Call Vote: Ward, yes. LoVasco, yes. Meisel, yes. Trollman, yes. Carnes, yes. The motion carried.

### **APPEAL NO. 1:**

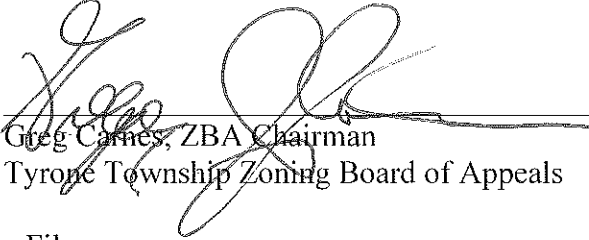
After briefly discussing the request, LoVasco motioned, supported by Ward, to table Appeal #2 to allow additional time for the appellant to submit documentation to address the following:

1. Fire department comment regarding effects to the private road ingress/egress;
2. RLHAI approval for impacts and alterations to their private road, drainage, and the road location relative to the proposed garage;
3. Resolve other potentially required variances for % lot coverage and % floor area.  
**20.02.O**, percent lot coverage, size relative to home square footage  
**21.02.A.1 Attached Accessory Buildings and Structures.** Where the accessory building or structure is attached to a principal building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the principal building.  
**21.02.D.5 Building Size Limitations.** In the LK-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building.

Motion carried; all ayes.

**ADJOURNMENT**

Meeting was adjourned at 8:15 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