



TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
June 10, 2019

CALL TO ORDER

Vice Chairman Joe Trollman called the Zoning Board of Appeals Meeting to order on June 10, 2019 at 7:00 PM, at the Tyrone Township Hall.

ROLL CALL

Present: Vice Chairman Trollman, Commissioners Mark Meisel, Don LoVasco, Don Bunka and Jon Ward

Absent: Chairman Greg Carnes

Guests: Planning & Zoning Assistant Karie Carter

APPROVAL OF THE APRIL 8, 2019 MINUTES

Motioned by LoVasco, supported by Meisel. Motion Carried.

READING OF PUBLIC NOTICE

Planning & Zoning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published Sunday, May 26, 2019 in the Tri-County Times and posted at the Tyrone Township Hall in compliance with the Open Meeting Act.

NEW BUSINESS

APPEAL NO. 1: Ref. Tyrone Township Zoning Ordinance No. 36 - Section 20.01 Schedule of Regulations (Minimum Site and Lot Area)

A variance request by Timothy and Kimberly Gruber for a minimum lot/parcel area variance for a proposed new parcel (as part of a land division application), located at 10201 Bennett Lake Road in Fenton, Michigan 48430, Parcel ID: 4704-04-100-029. The property is zoned R-1 – Single Family Residential.

BOARD QUESTIONS AND COMMENTS

Commissioner Mark Meisel explained the reason this was brought before the Zoning Board of Appeals. He referenced the drawing of the proposed land division and showed that the parcel to be divided has a large amount of area that is submerged land. Those areas are recognized as the bottomlands of Marl Lake. In this case the original legal description for what still exists of this

parcel was derived before some of the area was mined for Marl Lake. This area that is now submerged bottomlands is legally part of Marl Lake which was actually land above the water at one time. The appellant wishes to divide the parcel into four parcels – three parcels plus one remaining parcel. The challenge is that Parcel 1 is constrained by existing development on what is proposed to be Parcel 2. The appellant has proposed to remove the structure that is currently on what would be Parcel 2 in order to minimize the conforming size of Parcel 2 so that Parcel 1 would be maximized. From the Planning Commission's point of view regarding Parcel 1 there were only two options; (1) You can't create Parcel 1; Parcel 1 & 2 would be a single parcel that is the smallest you can make it based on the existing development that is on what is proposed Parcel 2; and (2) The other option would be to go to the ZBA and to suggest that there are parcels to the north similar to what's proposed here. He can come before the ZBA and show that it's unreasonable to force him to end up with a 1.7-acre parcel that exists adjacent to 0.89- and 0.78-acre parcels.

The ZBA Commissioners reviewed and discussed existing adjacent development and the pattern of residential development in the immediate area.

CONSIDERATION OF ACTION

Motioned by LoVasco, seconded by Bunka, to grant the request of Timothy & Kimberly Gruber for a minimum lot/parcel area variance for a proposed new parcel (as part of a land division application), located at 10201 Bennett Lake Road in Fenton, Michigan 48430, Parcel ID: 4704-04-100-029 following findings of fact:

Unreasonable Burden: The proposed land division to create parcel one involves a parcel of land which includes a large area of submerged bottomlands of Marl Lake. Proposed Parcel 1 is also constrained by existing development on what is proposed to be Parcel 2. The appellant has agreed to remove an existing accessory structure to minimize the conforming size of Parcel 2 such that the area of proposed Parcel 1 is maximized. Parcel 1 can be no larger given the existing development on proposed Parcel 2. Proposed Parcel 1 would be 0.83 acre of unsubmerged land, substantially similar to the two developed parcels immediately north, those being 0.89+/- and 0.78+/- acre respectively. The developmental options are therefore to allow proposed Parcel 1 at 0.83-acre, else proposed Parcels 1 and 2 would need to be a single lot of 1.7+ acres, which is double the size of the parcels immediately to the north. While the smaller lot size is not desired, it is consistent with existing adjacent development, and would still provide a reasonable transition zone to the proposed larger conforming lots to the south.

Substantial Justice: The appellant has agreed to remove an existing accessory structure to minimize the conforming size of Parcel 2 such that the area of proposed Parcel 1 is maximized. Parcel 1 can be no larger given the existing development on proposed Parcel 2. Proposed Parcel 1 would be 0.83 acre of unsubmerged land, substantially similar to the two developed parcels immediately north, those being 0.89+/- and 0.78+/- acre respectively. While the smaller lot size is not desired, it is consistent with existing adjacent development, and would still provide a reasonable transition zone to the proposed larger conforming lots to the south. A written

objection was received, however, the concerns expressed (lot areas, driveway locations) are developmental standards and agency approvals the appellant must comply with to develop the proposed parcel. The neighbor to the north was in favor of the variance.

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 reasonably develop proposed Parcel 1.

Extraordinary Circumstances: Proposed Parcel 1 is constrained by existing development on what is proposed to be Parcel 2. The appellant has agreed to remove an existing accessory structure to minimize the conforming size of Parcel 2 such that the area of proposed Parcel 1 is maximized. Parcel 1 can be no larger given the existing development on proposed Parcel 2. Proposed Parcel 1 would be 0.83 acre of unsubmerged land, substantially similar to the two developed parcels immediately north, those being 0.89+/- and 0.78+/- acre respectively. The developmental options are therefore to allow proposed Parcel 1 at 0.83-acre, else proposed Parcels 1 and 2 would need to be a single lot of 1.7+ acres, which is double the size of the parcels immediately to the north. While the smaller lot size is not desired, it is consistent with existing adjacent development, and would still provide a reasonable transition zone to the proposed larger conforming lots to the south.

Health, Safety, and Environmental Concerns: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area, however, it is noted the Livingston County Road Commission has limited the locations of driveways associated with the proposed new parcels as a result of concerns associated with sight distance.

Roll Vote: Yays: Trollman, yes. LoVasco, yes. Bunka, yes. Ward, yes. Nays: None. Commissioner Meisel recused himself from the vote. The motion carried.

UNFINISHED BUSINESS

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 R-1 – Single Family Residential. Reference requirements set forth in Article 20, Schedule of Regulations, inclusive of building setbacks, height, and sight lines.

Motion by Meisel, seconded by LoVasco, to remove the request of Andrew Harvey from the table. The motion carried.

BOARD QUESTIONS AND COMMENTS

Meisel summarized the request explaining that there were a few issues with the original request in that it was in a private subdivision where bylaws are established and the ZBA needed consent from the Runyan Lake Heights Association (RLHAI) to build this garage due to its proximity to their private road system. A consent letter has been received by RLHAI but they state in the letter that the new garage may not be any closer to the road easement than any other current subdivision dwelling. We also needed to consult with the fire chief regarding effects to the

private road ingress/egress, and we did receive an email from Fire Chief Cairnduff indicating that there would be no impacts to emergency responders. Meisel said we don't have a survey, a point of beginning, to establish where the structure is relative to the lot lines and where the road easement is relative to where the road is actually existing on the plat of Runyan Lake Heights. He felt there isn't a debate that the representation that was offered is probably reasonably represented, but it doesn't mean the road is properly located. It doesn't mean the home is outside of the road easement, and that is something that needs to be verified. The dimensions and locations that are being presented need to be verified by a legal survey.

COMMENTS FROM THE APPLICANT

Mr. Harvey indicated that there were stakes on the property and that was where he got his measurements. He thinks they are existing stakes from when Runyan Lake Heights had it surveyed. Meisel said that it's great that there are stakes but he would still need an actual survey done to show the actual lot lines, the position of the home, etc.

CONSIDERATION OF ACTION

Motioned to table by LoVasco, supported by Bunka, to allow additional time for the appellant to submit documentation supporting the location of the proposed improvements and location of the private road. The motion carried.

ADJOURNMENT

The meeting was adjourned at 8:17 PM by Trollman.



Joe Trollman, ZBA Vice Chairman
Tyrone Township Zoning Board of Appeals

cc File

Tyrone Township Clerk
Tyrone Township Zoning Administrator
Tyrone Township Zoning Board of Appeals Commissioners