



TYRONE TOWNSHIP ZONING BOARD OF APPEALS
APPROVED MEETING MINUTES
June 22, 2020

CALL TO ORDER

Vice-Chairman Joe Trollman called the Zoning Board of Appeals Meeting to order on June 22, 2020, at 7:04 PM, which was conducted via Zoom Teleconference due to continuing public meeting & gathering restrictions associated with COVID-19.

ROLL CALL

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

Absent: Chairman Greg Carnes

APPROVAL OF THE SEPTEMBER 9, 2019 MINUTES

Motioned by LoVasco, supported by Trollman. Motion Carried.

APPROVAL OF THE SEPTEMBER 16, 2019 MINUTES

Motioned by Trollman, supported by LoVasco. Motion Carried.

APPROVAL OF THE DECEMBER 2, 2019 MINUTES

Motioned by Trollman, supported by LoVasco. Motion Carried.

READING OF PUBLIC NOTICE

Commissioner Mark Meisel read aloud the public notice for tonight's meeting, which was published Sunday, June 7th, 2020, 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)**

A request by Daniel and Vera Eastin for a side yard location variance in order to build a detached accessory building, located at 9616 Longmeadow St., Fenton, Michigan 48430, Parcel ID: 4704-04-102-005. The property is zoned R-1 – Single Family Residential. Reference requirements set forth in Article 5 – R-1 Single Family Residential District, Article 20 – Schedule of Regulations, inclusive of building setbacks, height, percent lot coverage, and sightlines.

COMMENTS BY APPLICANT

Mr. Eastin gave a brief description of his request. He stated that he had spoken with Tyrone Township Planning & Zoning Administrator, Ross Nicholson, regarding the required yard location for a detached accessory building on his property.

Commissioner Mark Meisel showed that the lot is irregularly shaped in a cul-de-sac; the building envelope is very irregular making it difficult to do much more than what was already done which was to center the home within the property lines.

Mr. Eastin stated that the primary septic field is next to the driveway. The back up septic field is designated directly behind it where they are proposing to do the garage. They want to move the back up septic next to the current septic field, opening up the rear of the yard to be buildable.

Meisel pointed out the well location and asked about the utilities. Mr. Eastin said that the utilities are buried to the south of his home. He said they have natural gas, but he wasn't certain as to where it connected into the house. Meisel said it would be safe to assume the gas lines were buried underground with the electrical to minimize easements.

Mr. Eastin said he had spoken with all adjoining neighbors, and there were no objections. He submitted a letter from the president of the Home Owner's Association, who lives across the street from him, showing support for the proposed garage.

BOARD QUESTIONS AND COMMENTS

Meisel asked about the letter submitted from the HOA president; he asked if it had been written on a personal basis or on behalf of the association because it was not signed as being provided by the association. Mr. Eastin indicated it had been written on behalf of the HOA, but he believes it is also his personal opinion of the request. Meisel stated that the ZBA could reasonably assume that since this individual is the president of the association, he is offering personal support; however, it could be reasonably argued that he is also offering association support by default because he is fully knowledgeable of the application and is not offering any objection.

Commissioner Don LoVasco asked about the 10' space in the rear corner between the proposed garage and rear lot line. Mr. Eastin stated that he believed the setback requirements for accessory structures in that zoning district (R-1) are 10'. Meisel confirmed that that was the correct setback by referring to the schedule of regulations.

Commissioner Jon Ward wanted clarification that the variance request was for a yard location, and not for setbacks. He stated it appeared that the proposed location *was* in the rear yard. Meisel stated that accessory buildings in the R-1 zoning district are required to be in the rear yard location; the proposed location is *mostly* in the rear yard, but it is encroaching into the footprint of the house so it's technically not 100% in the rear yard, which is why the variance is being requested. Ward asked what the reasons were for not building in the rear yard. Mr. Eastin stated that topography was one of the reasons and also it would be very tight to place a garage back there; it would be so close to the house and it would be very cramped. Meisel showed the aerial view of the applicant's property. He showed that if he were to put the garage to the south

side, it's essentially putting it in the front yard. The utilities are buried on that side, as well. You would need driveway access and a second driveway is not typically allowed. His proposal is largely in the rear yard, as much as it can be, and he can maintain the same driveway for access. This location makes the most logical sense for placement relative to his lot shape. There is another home in the cul-de-sac with a similar situation.

Ward stated that on the application Mr. Eastin should indicate that the lot shape is also part of the "unreasonable burden" because it makes it even more unique than the topography.

Ward asked if this property required HOA approval; Meisel stated that he believes we have nothing on file that gives that HOA any architectural or deed restrictions on this property.

Meisel asked if the applicants knew whether or not their road was private or public. Mr. Eastin stated that they saw the Livingston County trucks snow plowing last winter. Meisel asked if they paid any association dues, and Mr. Eastin stated that they pay \$150 a year. Mr. Eastin said that the HOA president stated that he can build whatever the township allows and they have no jurisdiction over what he builds, they just ask that it matches the house siding. Meisel asked Mr. Eastin to obtain a letter from the HOA that indicates that the association is okay with the proposed structure and has no objections, acknowledging that they have no jurisdiction over the property.

Mr. Eastin said he had a copy of the bylaws. Meisel asked if there was anything in the preamble on how the association was formed. He was not able to locate such information, but he said he would have a letter written as requested.

PUBLIC COMMENTS

No public comments were received. There were no objections from neighbors.

CONSIDERATION OF ACTION

Board members discussed the request and the approval of the variance request.

Commissioner LoVasco moved to grant the variance request due to the following findings of fact:

Unreasonable Burden: The existing home is located along the side of a cul-de-sac, centered within an irregularly shaped lot, having only 60 feet of total rear yard. The primary and reserve septic fields are established to the north of the primary structure prohibiting location there. South of the primary structure is the well and underground utilities (electric & gas), and placement options there would result in the accessory structure being partially within the front yard. Access would appear to require a second drive which would be incompatible with existing adjacent development. The proposed location provides reasonable aesthetics and compatibility with the surrounding homes. Reference the accessory structure located at 9633 Longmeadow Street.

Substantial Justice: The appellant has obtained support from the neighbor directly across the street, who is arguably impacted the most visually. The proposed addition will not alter the

character of the immediate area and will be constructed to match the home's current style and materials. No objections from neighbors were received.

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 match existing adjacent development.

Extraordinary Circumstances: The existing home is located along the side of a cul-de-sac, centered within an irregularly shaped lot, having only 60 feet of total rear yard. The primary and reserve septic fields are established to the north of the primary structure prohibiting location there. South of the primary structure is the well and underground utilities (electric & gas), and placement options there would result in the accessory structure being partially within the front yard. Access would appear to require a second drive which would be incompatible with existing adjacent development. The proposed location provides reasonable aesthetics and compatibility with the surrounding homes. Reference the accessory structure located at 9633 Longmeadow Street. Topography also limits use of the rear yard for the proposed structure.

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

The granting of this variance is conditional on receiving either a letter of consent from the neighborhood association or a letter from the association deferring to Tyrone Township for any developmental requirements and/or standards.


(Seconded by commissioner Jon Ward) Roll call vote: LoVasco, yes. Ward, yes. Trollman, yes. Meisel, yes. The motion carried.

MISCELLANEOUS BUSINESS

None

ADJOURNMENT

Meeting was adjourned at 7:49 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