

TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
SEPTEMBER 16, 2019

CALL TO ORDER

Chairman Carnes called the Zoning Board of Appeals Meeting to order on September 16, 2019, at 6:00 PM at the Tyrone Township Hall.

ROLL CALL

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

Guest: Supervisor Mike Cunningham

APPROVAL OF THE AUGUST 12, 2019 MINUTES

Motioned by Meisel, supported by LoVasco to approve the minutes as presented. Motion Carried.

READING OF THE PUBLIC NOTICE

Commissioner Meisel read aloud the public notice for tonight's meeting, which was published in the Tri-County Times on Sunday, September 1, 2019, in compliance with the Open Meeting Act, and was posted at the Tyrone Township Hall.

NEW BUSINESS

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

A request by Jay & Sandra Harwood for a 27' front yard setback variance to build an addition onto their existing structure located at 7483 Ore Knob Court, Fenton, MI 48430, Parcel ID: 4704-30-103-002. The property is zoned R-1 Single Family Residential District, and Article 20 – Schedule of Regulations, inclusive of building setbacks, height, percent lot coverage, and sight lines.

COMMENTS BY APPLICANT

Mrs. Harwood explained that they'd like to add onto their garage because they have several toys and there is no room for her husband to park in the garage. Mr. Harwood stated that his family has lived there for his whole life and would like to add this modest addition to the garage to satisfy all of his needs so he can continue to live there.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

The ZBA asked the appellants to indicate the locations of both the septic and well and asked about the Lake Shannon ACC approval, which was received. It was determined that there was no encroachment to the adjacent dwelling. They also noted that the fire department recommends there be a minimum 20' separation between structures and the proposed addition would meet this requirement.

PUBLIC COMMENTS

The appellants stated that they received verbal support from adjacent neighbors. There were no objections received. There were no public comments.

CONSIDERATION OF ACTION

Motioned by LoVasco, seconded by Trollman, to grant the variance request by Jay & Sandra Harwood for a 27' front yard setback variance to build an addition onto their existing garage located at 7483 Ore Knob Court, Fenton, Michigan 48430 Parcel ID: 4704-30-103-002, for the following findings of fact:

Unreasonable Burden: The existing home was built in 1972 in compliance with zoning and building regulations in effect at that time and with the consent of the Lake Shannon Architectural Control Committee or the original developer. Area for expansion of the home is limited due to septic and well location and distance to the water in the rear, proximity of the structure to the roadway, and the shape of the lot. The requested expansion will result in a structure that is substantially similar to neighboring homes.

Substantial Justice: The appellant has obtained consent from the Livingston County Building Department and the Lake Shannon Architectural Control Committee, the latter having deed-restricted control of development within its territory. 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, but the applicant indicated the adjacent neighbors were in verbal support.

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 was built in 1972 in compliance with zoning and building regulations in effect at that time and with the consent of the Lake Shannon Architectural Control Committee or the original developer. Area for expansion of the home is limited due to septic and well location and distance to the water in the rear, proximity of the structure to the roadway, and the shape of the lot. The requested expansion will result in a structure that is substantially similar to neighboring homes.

Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area, and complies with the minimum separation requirements of the fire chief.

APPEAL NO. 2:

Commissioner Meisel read aloud Appeal No. 2 of New Business:

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

A request by Peter & Diane Thome for a three-foot (3’) side yard setback variance and a 15-foot rear yard setback variance to extend an existing attached garage, and six-foot (6’) rear yard setback variance to add a covered porch to the rear of the existing structure located at 7637 Dean, Fenton, MI 48430, Parcel ID: 4704-30-102-001. The property is zoned R-1, Family Residential District, and Article 20 – Schedule of Regulations, inclusive of building setbacks, height, percent lot coverage, and sight lines.

COMMENTS BY THE APPLICANT

Mr. Thome explained that the house was built in 1970. The setbacks predate the current zoning regulations. The house is already beyond the setback on the east side. They are requesting to build a covered porch off the back of the house which will have essentially the same footprint as the current deck. They want to extend the garage to the west which will place it 17’ from the lot line.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel asked where the drainage from the roof of the new garage addition would go. Mr. Thome stated he could potentially direct it to the rear, but that it would not drain to the west.

Carnes asked Mr. Thome about the height of his second story, and Mr. Thome indicated that he didn’t have those plans yet, but it would be in compliance with zoning regulations. The ZBA discussed sightlines and agreed that the addition would not interfere with adjacent properties’ views of the lake.

Meisel also noted that the fire department recommends there be a minimum 20’ separation between structures and the proposed addition would meet this requirement.

PUBLIC COMMENTS

The owner of the undeveloped adjacent lot to the west (4704-24-402-033), Carol Psaros, was present. She expressed concern as to whether granting this variance for Mr. Thome would prohibit her from building in the future if she chose to do so. Her property is located in Deerfield Township.

CONSIDERATION OF ACTION

Motioned by Trollman, seconded by Ward, to grant the variance request by Peter & Diane Thome for a three-foot (3’) side yard setback variance and a 15-foot rear yard setback variance to

extend an existing attached garage, and a six-foot (6') rear yard setback variance to add a covered porch to the rear of the existing structure located at 7637 Dean, Fenton, Michigan 48430, Parcel ID: 4704-30-102-001 for the following findings of fact:

Unreasonable Burden: The existing home was built in 1970 in compliance with zoning and building regulations in effect at that time and with the consent of the Lake Shannon Architectural Control Committee or the original developer. Area for expansion of the home is limited due to septic and well locations, and distance to the water in the rear, proximity of the structure to the roadway, and the lot area established by the developer. The requested expansion will result in a structure that is substantially similar to neighboring homes.

Substantial Justice: The appellant has obtained consent from the Lake Shannon Architectural Control Committee which has deed-restricted control of development within its territory. 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 and neighbors in attendance from both the adjacent east and west lots were in support.

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 was built in 1970 in compliance with zoning and building regulations in effect at that time and with the consent of the Lake Shannon Architectural Control Committee or the original developer. Area for expansion of the home is limited due to septic and well locations, and distance to the water in the rear, proximity of the structure to the roadway, and the lot area established by the developer. The requested expansion will result in a structure that is substantially similar to neighboring homes.

Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area, and complies with the minimum separation requirements of the fire chief when considering future development to the west.

The granting of this variance is conditional upon the location of the garage roof drainage such that the water does not flow onto the adjacent parcel to the west and approval from the Livingston County Building Department for general construction standards.

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.



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

cc: File

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