

TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
November 9, 2020

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on November 9, 2020, at 7:00 PM at the Township Hall.

ROLL CALL

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

Guests: Tyrone Township Planning & Zoning Assistant Karie Carter

APPROVAL OF THE SEPTEMBER 28, 2020 MINUTES

Motioned by Trollman, supported by Scarberry. Motion Carried.

READING OF PUBLIC NOTICE

Karie Carter read aloud the public notice for tonight's meeting, which was published Sunday, October 25th, 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 (inclusive of building setbacks, height, and minimum lot width & lot area).

A request by Todd & Tonya Lane for a 109.6' north front yard setback variance and a 95.1' east front yard setback variance in order to build an accessory structure located at 7247 Mabley Hill Road, Fenton, Michigan 48430, Parcel ID: 4704-27-400-008. The property is zoned FR, Farming Residential.

COMMENTS BY APPLICANT

Mr. & Mrs. Lane briefly explained their request. They said they wanted to build the new accessory structure in order to store their items and to have their property look nice.

BOARD QUESTIONS AND COMMENTS

Carnes stated that the applicant's property was located on a corner lot giving them two front yards, which makes things more difficult for them. Karie Carter mentioned to the board that the applicants intended to remove some of the structures on the property, as well. Carnes asked if there was any feedback received from neighbors; there was none. The board said the container should be removed and that it should be indicated on the site plan.

CONSIDERATION OF ACTION

Bunka moved to approve the request, Trollman seconded. The motion carried.

UNFINISHED BUSINESS:

APPEAL NO. 2: Ref. Tyrone Township Zoning Ordinance No. 36 - Section 20.01 Schedule of Regulations (inclusive of building setbacks, height, and minimum lot width & lot area), Section 8.02 Cluster Development Option, and Section 21.51 Open Space Design Requirements.

A request by Tyrone Four, LLC for a minimum lot width variance, a lot area variance, a 100' front yard setback variance, a 75' rear yard setback variance, a variance to allow open space on lots, and a setback variance from the open space boundary of 75' in order to utilize a CDO (Cluster Development Option) to develop a 61.82-acre parcel and a 10.06-acre parcel located on Runyan Lake Road, south of Center Road, Fenton, Michigan 48430, Parcel IDs: 4704-21-100-021 and 4704-21-100-022. The properties are zoned FR, Farming Residential.

COMMENTS BY APPLICANT

Brent LaVanway of Boss Engineering gave a brief history of their project. He explained that the property, which is located immediately south of the township hall, consists of 72 acres. It was purchased by Tyrone Four about 17 years ago. In 2017 the project was activated with just 62 acres; there was a 10-acre parcel that was not part of the original application to the township. That project, which consisted of 31 lots and cluster development option, open space on lots, etc. was approved by the Township Board in December of 2017. For various reasons, a lot of time lapsed, and the 10-acre parcel became available. They arranged an informal meeting with the township and discussed the potential for getting the 10 acres and adding them to the project that was previously approved. Everyone agreed at the time that it made sense because it would square off the parcel, provide a more continuous development, and provide a better road network. As this was occurring, the Tyrone Township Zoning Ordinance changed the minimum lot size in FR from 2 acres to 3 acres. That impacted their layout and then they concluded that they needed to rezone and do the CDO option to get the layout that was approved. The petition was submitted and went through the Planning Commission and the Township Board and the conclusion was that the board rejected the rezoning from FR to RE. He explained that they were before the ZBA tonight to request several variances that would be required to construct this particular plan. He said he had been on site last week with EGLE to verify all the wetlands on the property and submitted it to the township. He said this was one of the concerns from the Planning Commission so the results of that meeting are that plans did not change. It did not have any impact on the open space areas.

He explained the variances. Most of the variances requested refer to section 20.01 (Schedule of Regulations) of Tyrone Township's Zoning Ordinances.

BOARD QUESTIONS AND COMMENTS

Carnes said that essentially, they are asking the ZBA to create 36 non-conforming lots; he didn't feel that's in the best interest of the township. Bunka said they're also asking them to vote on whether to accept or reject current zoning setbacks. If a purchaser comes to buy these, are you going to tell them these are all non-conforming lots and they're going to have to go before the ZBA to do anything? We have Runyan Lake which is a whole bunch of non-conforming lots; for good reason – it was platted 80 years ago. We have variance requests all the time from there. Mr. LaVanway said that the lots are minimum one-acre lots and minimum 150' wide. They are generous sized lots compared to lake lots.

Carnes asked if any correspondence was received for or against this development. There was none received.

Resident Steve Bissell said he lives behind the proposed development and was concerned about having several back yard neighbors that he hasn't had in 18 years. Any type of development that is put in there is going to wipe out a good majority of the trees and brush; once they clear that he is going to have a clear view of the development. Even with three-acre lots, it would still affect him. He'd rather have one neighbor on three acres than three neighbors on an acre.

Erickson, who had recused himself from this appeal, asked if he could speak as a member of the public. Carnes said that because Erickson is the Planning Commission Ex-Officio, he is supposed to represent the Planning Commission. Erickson said that when they saw this at the PC meetings there was no way that this could work because you're counting open space as your lot, so your lot shrinks. How do you tell a person who buys the property that they can't touch their property, in essence, it's not theirs?

Board members asked about septic and well. Mr. LaVanway explained there would be a central system to treat all 36 proposed lots. The property is not in the public sewer district. They proposed to dedicate one REU to the township should that need arise in the future. The septic field is 6300 square feet. He stated that they still need approvals from the health department and other agencies, but needed to get the variance requests approved first. He also stated that each site would have its own individual well. Resident Steve Bissell asked about adequate flow for that many individual wells. He was concerned it would affect his well. LaVanway said they have to have a geological study done. They can't do that until they get the approval at this level.

CONSIDERATION OF ACTION

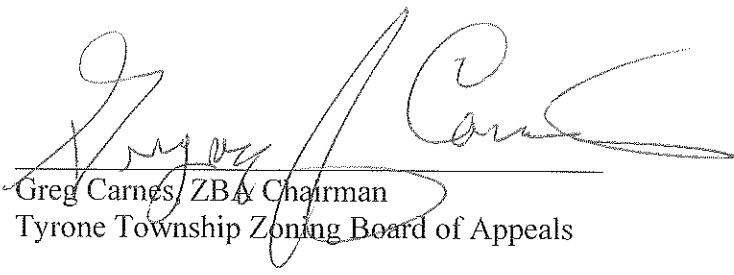
Bunka moved to deny the request; Scarberry seconded. The motion carried.

MISCELLANEOUS BUSINESS

None

ADJOURNMENT

Meeting was adjourned at 7:40 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