

TYRONE TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
DECEMBER 2, 2019

CALL TO ORDER

Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on December 2, 2019, at 7:04 PM at the Tyrone Township Hall.

ROLL CALL

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

Guest: Planning & Zoning Assistant Karie Carter

READING OF THE PUBLIC NOTICE

Planning & Zoning Assistant Karie Carter read aloud the public notice for tonight's meeting, which was published in the Tri-County Times on Sunday, October 27, 2019, in compliance with the Open Meeting Act, and was posted at the Tyrone Township Hall.

UNFINISHED BUSINESS

A previously tabled 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 7- LK-1 - Lake Front Single-Family Residential District, Article 20, Schedule of Regulations, inclusive of building setbacks, height, and sight lines, and Section 21.01 – Accessory Building and Structures Provisions.

COMMENTS BY THE APPLICANT

Mr. Harvey explained that once he was able to get a survey, he learned that the road is a little over four feet onto his property. The side lot lines he had previously indicated were correct. He stated that he didn't have anything official from the surveyor showing the structure and setbacks to demonstrate that he is compliant; however, he has the four staked corners shown in the provided photos and updated the drawing he had previously submitted. He measured the 8' and 9.5' setbacks, and the pins were placed by the surveyor.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Board members discussed the variance request. Meisel noted that Mr. Harvey had already received approval from the City of Fenton Fire Department and the Runyan Lake Heights Association (RLHAI). He stated that one issue they had was the percentage of lot coverage relative to the home square footage. The ordinance states that in no instance shall an attached

accessory floor area exceed the total floor area of the principal building. He said they could consider the fact that Mr. Harvey is attempting to create a two-car garage with some storage/living space; essentially, what he is adding is a bare minimum two garage to a historic cottage. Is it reasonable to suggest the 50/50 rule needs to apply, rather than something close to the 50/50 given the small size of the cottage? He was at 52% garage and 48% house. His house is less than 1,000 square feet and our current minimum is 1,200 square feet, and he is therefore burdened by the size of the historic cottage. The other issue was percent lot coverage. He is limited to 35%, but this situation is not unique. There are lots in the same area today that don't meet the standards of the percent lot coverage. They were platted in 1935 just like this one, and it's unfair to say it's unbuildable, so we could allow the exception to be made through the ZBA in consideration of the historical and current development in the immediate area. LoVasco asked about the current shed, and Mr. Harvey stated it would be removed.

PUBLIC COMMENTS

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

CONSIDERATION OF ACTION

Motion by Meisel, seconded by LoVasco, to grant the 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, for the following findings of fact:

Unreasonable Burden: The home is located on a platted lot as established by the Plat of Runyan Lake Heights in 1935. The lot is nonconforming under current standards. The immediate area is a historic cottage community which has converted to mostly full-time single-family homes in recent years. The opposite road side abuts parcel 4704-09-400-015, which is established as a recorded private access lot, and therefore should remain undeveloped. This fact minimizes current and future potential conflict with opposite road side development. We also agree to allow a greater than 50% accessory structure floor area in consideration of the cottage size home in contrast to a functional two car garage as well as a greater than allowed percent lot coverage due to the minimal size of the platted lot consistent with existing adjacent development.

Substantial Justice: The subject property will benefit from inside storage of cars and other items, reducing outside clutter and thereby complementing the neighborhood. The RLHAI has submitted a letter stating no concerns related to road maintenance and drainage. No objections were received from neighbors, and support for the request was received. The existing shed will be removed to maintain conformity.

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 accommodate the appellant's extraordinary circumstances.

Extraordinary Circumstances: The immediate area is a historic cottage community which has converted to mostly full-time homes in recent years. The opposite road side abuts parcel 4704-09-400-015, which is established as a recorded private access lot, and therefore should remain undeveloped. This fact minimizes current and future potential conflict with opposite road side development. Lakeshore Drive is a private road owned and maintained by the RLHAI. While the road easement does not comply with the current private road width requirement, the 20-foot width specified does comply with the minimum load bearing width required. This area of the road has minimal traffic specific to the few local residents using the road for home access. Road setback conflicts are therefore greatly reduced or nonexistent.

Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area, as determined by RLHAI and the City of Fenton Fire Department emergency access evaluation, and inside storage of various items may reduce the temptation of theft.

Roll call vote: Trollman, yes. LoVasco, yes. Meisel, yes. Ward, yes. Carnes, yes. The motion carried.

NEW BUSINESS

APPEAL NO. 1: Ref. Tyrone Township Zoning Ordinance No. 36 – Section 21.01 (Schedule of Regulations)

A request by Zana Wandschneider & Steven Durant for a front yard location variance in order to install an inground pool, located at 6485 Shannon Glen Dr., Fenton, Michigan 48430, Parcel ID: 4704-32-101-025. The property is zoned R-1 Single Family Residential District, Article 20 – Schedule of Regulations, inclusive of building setbacks, height, percent lot coverage, and sight lines, Section 21.13 – Fences, and Section 21.21 Swimming Pools.

COMMENTS BY APPLICANT

Ryan Payment, a pool builder from Aquascapes LLC/Outdoor Living LLC spoke on behalf of the applicants. He stated that when they brought all the documents into the Tyrone Township Zoning Department, they were told that because the house was on a corner lot, they technically have two front yards. They moved the location of the pool to be closer to the house than it showed on the first site plan they submitted. They also turned the pool 90 degrees. The Shannon Glen Association Architectural Control approved their plan, and all neighbors are in support.

COMMENTS AND QUESTIONS BY BOARD MEMBERS

Carnes stated that the north side is the back yard, even though it abuts a street. He noted there is considerable elevation; it looks like they had an existing berm they left there, and that they're adding landscaping to buffer the neighbors and traffic. He said it looks like they pulled the pool even further off the street from where they had originally placed it. Meisel said it wasn't that the plan was bad, but it just had some anomalies. Having two side yards created a conflict with having a 6-foot fence, because only 4-foot is allowed in a front yard. The pool positioning was a bit of an issue, and the other concern was that there appeared to be several detached accessory

structures shown on the original site plan. Only one detached accessory structure is allowed. The current plan looks like everything is now attached, leaving the pool as the one detached structure.

PUBLIC COMMENTS

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

CONSIDERATION OF ACTION

Motion by LoVasco, seconded by Trollman, to grant the request by Zana Wandschneider & Steven Durant for a front yard location variance in order to install an in-ground pool, located at 6485 Shannon Glen Dr., Fenton, Michigan 48430, Parcel ID: 4704-32-101-025, for the following findings of fact:

Unreasonable Burden: The home is located within the Shannon Glen site condominium development. Since the final site plan was approved, the developmental standards are largely established and maintained by the condominium association. The association, while still required to comply with Tyrone Township Zoning Ordinance requirements, can often better establish the immediate and future developmental character of the neighborhood. The Shannon Glen condominium association has submitted a letter recommending the granting of the variances being requested. No sound reasoning has been identified to disagree with this reasoning for this specific variance request.

Substantial Justice: The subject property will benefit from their desired improvements while maintaining the developmental character of the neighborhood. No objections were received from neighbors, and support for the request was received from the condominium association.

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 accommodate the appellant's request consistent with the condominium association bylaws.

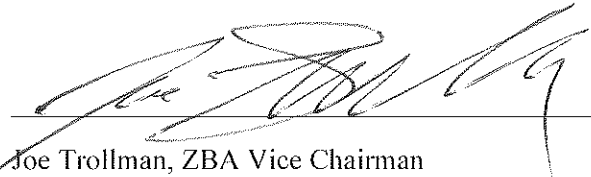
Extraordinary Circumstances: The home is located within the Shannon Glen site condominium development. Since the final site plan was approved, the developmental standards are largely established and maintained by the condominium association. The association, while still required to comply with Tyrone Township Zoning Ordinance requirements, can often better establish the immediate and future developmental character of the neighborhood. The Shannon Glen condominium association has submitted a letter recommending the granting of the variances being requested. No sound reasoning has been identified to disagree with this reasoning for this specific variance request. Additionally, the subject property has two front yards with Shannon Glen Drive as their established "front" yard.

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

Roll call vote: Trollman, yes. LoVasco, yes. Meisel, yes. Ward, yes. Carnes, yes. The motion carried.

ADJOURNMENT

The meeting was adjourned at 7:46 pm



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