

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS  
MEETING MINUTES  
February 12, 2024**

**CALL TO ORDER**

Chairman Greg Carnes called the Zoning Board of Appeals meeting to order on February 12, 2024, at 7:02 PM at the Tyrone Township Hall.

**ROLL CALL**

Present: Chairman Greg Carnes, Commissioners Rich Erickson, Tim Scarberry, and Don Bunka

Absent: Vice Chairman Joe Trollman.

Also present: Marian Krause

**APPROVAL OF THE JANUARY 8, 2024 MINUTES**

Motioned by Commissioner Don Bunka, Supported by Commissioner Rich Erickson. Motion carried by unanimous vote.

Chairman Greg Carnes stated that Appeal No. 1 had withdrawn.

Marian Krause read aloud Appeal No. 2 for tonight's meeting.

**APPEAL NO. 2:** A request by David and Kathleen Anderson for a yard location variance, a 7-foot side yard setback variance, and a 20-foot setback variance from the water's edge to build a storage shed at 10460 Runyan Lake Rd., Fenton, MI 48430. Parcel ID: 4704-09-202-003. The property is zoned LK-1, Lakefront Residential. Reference Tyrone Township Ordinance No. 36 – Section 20.01, Schedule of Regulations and Section 21.02.A.2.d, Accessory Buildings & Structures.

**COMMENTS BY APPLICANT**

Mr. David Anderson explained he believes the 7-foot setback with the easement in place exceeds the intent of the 10-foot setback, which is the primary question that has been asked of the board. He then explained his primary reason they want this structure is that they recently had a hostile environment where they had a boat go missing from their property last year and they haven't been able to find it. He continued, that typically on the lake when boats go missing, somebody has it somewhere. He said he went several times going around the lake and knocking on doors trying to find it and nobody found it. Mr. Anderson said, that securing their belongings on the property would be a big improvement, cleaning up the yard and securing their property. He said that he also thinks that the setback with the easement, that was put in place last year through Judge McGivney, gives them 11 feet to the side. Mr. Anderson said that the pictures that he sent in of Mr. Landers on his deck would better represent the current view of what they're looking at,

which shows an accessory structure down on the water that was between their two properties. He said, "what we are asking for is very similar to that". Mr. Anderson then explained that that location, at least that far setback, when talking about sightlines from the neighbor's deck and their deck as well, which is shown in the pictures, shows where that would go and what the sightlines are.

Mr. Anderson said when looking at the boat hoists that are in the water, they are taller than 10 feet off the water once you crank things up with canopies on them, so it's not going to obstruct any more than what the boat hoists do today. Mr. Anderson continued to say that all the properties around are elevated at a minimum of 22 to 25 feet above the water grade and would overlook the shed. He also shared that he had letters of recommendation from a neighbor on the south and another from the neighbor two doors to the north. Mrs. Kathleen Anderson said that they have a jet ski trailer, which they typically keep at the roadside, and they would like to secure it as well. Chairman Greg Carnes asked if they would store that in the shed, and Mrs. Anderson said yes. Mr. Anderson said his overall goal was to clean up the entire property, with the intent to have the final design match the house and garage.

Chairman Greg Carnes brought it to the Board for questions and comments. Commissioner Rich Erickson stated that based on what he can tell, the setback from the lake, and the topography, it seems like it would be able to be built 50 feet off the lake. Mr. Anderson said, "Actually when you look at the yard the house to the north, when they did the final grade, it has raised and crowned their yard, so we've got runoff coming in our yard and I've had a significant issue over the last three years of gravel washing down into our yard and the lake as well". Mr. Anderson continued to say that they have had sediment issues and that he could provide documentation on the runoff going into the lake. He said if they move it forward, they will have to re-engineer a foundation. Where they're asking for it now, it is the flattest area on the property, so they would not have to raise the foundation and they can keep it flat and level which would do the least amount of disruption to the yard.

Mrs. Anderson said that the yard does rise significantly from the lake to the house, and in addition, there is a grade change between the North and South aspects of the property, especially to the South, of the easement which is why they selected that area. Commissioner Rich Erickson said, overall, he thought if it's higher, then their issues of drainage will be less inside their building. Mr. Anderson said if they moved it back, they would have more drainage issues. Mrs. Anderson said they have a lot of water coming down the easement. Mr. Anderson said there is a big pile of gravel in the middle of their yard from the wash-off that has come down over the last couple of years. Commissioner Don Bunka asked if that was from the construction. Mr. Anderson said, "Yes, so significant work has to be done to clean all that stuff up this year, and that's why we're trying to stay away from that area".

Commissioner Rich Erickson said that our setbacks are off of the property lines. Mr. Anderson said, "With the easement, we believe we meet the intent of the setback because we're 11 feet, so we exceed the intent of that setback. Nobody can use the easement to park anything or to plant trees; it is open space, so the closest anything can be to that structure would be 11 feet, which would be the intent of the 10-foot setback, the way we interpreted the intent". Commissioner Don Bunka asked if any other neighbors have come up with lost or missing belongings from

their yards. Mr. Anderson said he had not heard but had gone all the way around the lake knocking on doors trying to find their boat and it's gone.

Chairman Greg Carnes opened for public comment. Mr. Mark Betley said, as far as the easement goes, that is all on their property. He said, "They took us to court to get access to come down on our property to get to their property so there is no issue there. As far as all the gravel and the drainage issues, they requested their silt fence get taken off, so when the silt fence came down all their gravel came down onto their yard". Mr. Betley continued to say that where they walk out of their basement, on his patio, is 6 feet up from their yard so they'll look directly at this shed or garage. Mr. Betley then said, "the issue is, 50 feet will look even worse at a garage. Anywhere we look towards the lake, we're going to look at the side of this garage. The ordinance doesn't spell out boat storage; you're allowed to have boat storage, so people are allowed to have lifts and everything else. There's nothing you can do about that". Mr. Betley continued, "in the current picture, shown with the barn, already puts his boat storage right on the property line almost in front of their beach just to do it out of spite for us". Mr. Betley explained that they've been through a lot with the neighbors and this request looks like they're going to put this structure right in their view.

Mr. Betley said the Andersons took them to court for this easement, now if they wanted to put a garage right on their property line, they were not allowed to do that. He said they had to give an easement to them to get onto their property because of the way they built their house. Mr. Betley said, that back in 2013, they were already given a variance to build a three-car garage. He said he could go on and on but it's all in his letter. People don't want a garage on the lakeside, and there is a reason there are ordinances for this. He said it's almost like they put it there, in the worst possible location, to spite them. Mr. Betley said that the yard is pretty much flatter and it wouldn't take much to move it wherever, but they put it right in front of their house. Chairman Greg Carnes said, "Well it's not there yet so, relax". Mr. Betley said he was glad about that.

Mrs. Molly Betley said that she thought the shed Mr. Anderson was talking about no longer exists. She explained it was in a dated picture pre-2019, that was in their front yard, and it was torn down because it obstructed views to the water. The landscape was redesigned with a patio and things that didn't obstruct views. Mrs. Betley said, "To address stolen property, we actually have a lake Facebook page where people post all the time, things that go missing. We've had entire pontoons go floating away. People post boats, tubes, and life jackets saying, 'Hey it's on the end of my dock if this is yours come and get it'".

Mrs. Betley continued to say that those things are posted publicly when things go missing. She said they have a lost-and-found on the Runyan Lake Incorporated website, so she does not think that anyone would hostilely take someone's belongings off of their lakefront property that is so far away from the road. She said they've had many windstorms and rainstorms which resulted in some of this runoff after they removed the silt fence. That could have caused these things to blow away, or float away. Mrs. Betley said she could show Facebook posts after things go missing, so there is no ill intention toward the Andersons from any property surrounding them that would have taken their property.

Chairman Greg Carnes said he knows; he lives on a lake, too. Mrs. Betley said that as far as boat structures being just as tall as a deluxe garage on someone's lakefront, these boat hoists sit down in the water. They don't sit on top of the water level with the yard, they're sunk into the water because you have to float your boat onto them. They don't sit 10 feet off the water, they sit maybe 10 feet off the water bottom. Chairman Greg Carnes said he believed he was referring to the canopy, not all of them have canopies. Mrs. Betley continued to say that her biggest objection to the structure being built on the lakeside is that in 2013 when the Andersons filed for a variance to build a three-car garage, they had a cottage that was down by the water, and they used the easement to access the cottage. This cottage was requested to be kept for storage in addition to a variance for a three-car garage. In the 2013 meeting minutes, Miss Linder asked the Andersons if they would prefer the variance be granted for the three-car garage or keep a two-car garage. That would not create a non-conformity and they could keep the cottage for storage and redo it similar to the design of the home. In those minutes Mr. Anderson stated that it would cost a lot of money to redo the cottage and he would prefer to keep the variance for the three-car garage.

Mrs. Betley said that at that time they were denied a storage structure in the front yard, and it would be consistent of the ZBA to maintain that standard to not create the non-conformities on this property and increase to four non-conformities. Mr. Anderson said, "number one, I never mentioned that our boat was stolen. I mentioned that it was missing. Number two, the cottage foundation was shot; it was no good, and it had to come down. I did not ever request to keep the cottage because of the foundation situation. It is irrelevant to this current situation and that there are several storage units and barns. Mr. Lander has a two-car garage plus multiple sheds in his yard. Mr. Trollman has two structures in his yard on the lake, which goes against the ordinance. You're allowed one structure not two, so there are several issues around to find reasonable".

Chairman Greg Carnes said that a lot of these were built before the ordinance was adopted in the late '90s. Mr. Anderson said there have been two or three that got put in last year and he would ask the question of how many people actually pulled the permit to do so. He said they were trying to do things the right way working with the township, being supportive of everyone and being conscious of everybody's request. He said he feels they meet the intent.

Theresa Labrick said that regarding the boat hoist in the lake, she thought that the variance that they're applying for doesn't apply to the boat structures. She thinks they're applying for an accessory structure on a lakeside, and she was not sure of the relevance of the reference to the boat hoist in the lake blocking the view. Everyone on the lake has a boat hoist or some sort of watercraft in the lake. Ms. Labrick said the ordinance is very clear in that you cannot have an accessory structure on the lakeside, so the request is a complete disregard. She said she thought when Mrs. Betley was talking about the 2013 ZBA request they made with the three-car garage, it was quite relevant because that was so they could have additional storage for the lake equipment. She said she finds it interesting that now they're asking for additional storage when that was part of the reason for the 2013 variance request. Ms. Labrick also said that statements around the cottage are also relevant because there was an option given and Mr. Anderson, as stated in the minutes, chose the three-car garage over keeping the cottage to reduce the non-conformities. Ms. Labrick asked for clarification on the setback being the property line. Chairman Greg Carnes confirmed that the setback was from the property line. Ms. Labrick

stated that the easement he is referring to is not on his property, so while he may say the 3 feet plus the easement of 8 feet makes it 11 feet, there is not an increased setback there. The easement is not on his property, so the setback would still be outside of the building envelope. Chairman Greg Carnes asked for written correspondence. There were four written comments, two in support and two opposed.

### **CONSIDERATION OF ACTION**

Commissioner Don Bunka moved to deny the request, supported by Commissioner Rich Erickson. Motion carried by unanimous vote.

Marian Krause read aloud Appeal No. 3 for tonight's meeting.

**APPEAL NO. 3:** A request by Daniel Phillips for a 32-foot front yard setback to build a front porch and add a 2<sup>nd</sup> story onto his existing home at 8168 Hartland Rd., Fenton, MI 48430. Parcel ID: 4704-22-300-013. The property is zoned FR, Farming Residential. Reference Tyrone Township Ordinance No. 36-Section 26.04. A.2 a-c and 3. a-e, Nonconforming Structures.

### **COMMENTS BY THE APPLICANT**

Mr. Daniel Phillips introduced himself and his wife Lee to the Board. Chairman Greg Carnes asked to be given background on their project. Mr. Phillips said that when they purchased the house in 2016, they planned on doing an addition, to give them more space and a better layout of the house. Mr. Phillips said almost 8 years later they're finally to the point where we're ready to go ahead and tackle the project. Mr. Phillips said, as far as the height goes, they're looking to add a second story and the front porch for visual and use for the front side of the house to make it more appealing and useful. Mr. Phillips said, the setback for the front roadside of the house is 150 feet, so they will be getting a little closer the that with the porch.

Chairman Greg Carnes noted that there were concept pictures and that it is a ranch to a 2-story colonial. Chairman Greg Carnes brought it to the Board for questions or comments. Commissioner Don Bunka asked the applicant if they thought that a 6-foot porch would be wide enough. Mr. Phillips said no, but with the plans for the front porch it was the easiest and it would be wide enough to put a chair and walk by and it'll do just fine. Mr. Phillips said that their original plan was to go all the way around, but the cost was too much. Chairman Greg Carnes asked if there were any written comments. Ms. Krause said there were none.

### **CONSIDERATION OF ACTION**

Commissioner Rich Erickson moved to approve as requested. Commissioner Tim Scarberry supported. Motion carried by unanimous vote.

**MISCELLANEOUS BUSINESS:** None

**ADJOURNED:**

The meeting adjourned at 7:35 pm. by Chairman Greg Carnes.

A handwritten signature in black ink, appearing to read "Greg Carnes", is written over a solid horizontal line.

Greg Carnes, ZBA Chairman  
Tyrone Township Zoning Board of Appeals

APPROVED