

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – APRIL 3, 2006**

**CALL TO ORDER**

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on April 3, 2006, at 7:30 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Carroll Strange, Greg Carnes, David Cypher, Claudette Moyski, and Mark Meisel

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Randy Hinton, Michael and Jennifer Czop, Tom Runyan, Charles and Deborah Green, and Beth Ryan

**MINUTES OF FEBRUARY 6, 2006, ZONING BOARD OF APPEALS MEETING**

Meisel moved that the minutes of the February 6, 2006, Zoning Board of Appeals Meeting be approved as presented. (Carnes seconded). The motion carried.

**READING OF THE PUBLIC NOTICE**

The Zoning Board of Appeals Recording Secretary read aloud the public notice for tonight's meeting, which was published in the March 26, 2006, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on March 23, 2006, at 9:00 A.M.

**VARIANCE REQUEST**

- #1 Charles and Deborah Green, RE: Request for a Variance to Split Parcel 4704-12-300-031 Back to Its Original Configuration, Which Consisted of Two 4-Acre Parcels Prior to March 1994, Located at 13087 White Lake Road, (TAX CODE # 4704-12-300-031).

Charles Green stated that his real estate agent, Beth Ryan, is present at tonight's meeting. Mr. Green continued that as of this morning he became aware of several conflicts in regards to his variance request. He stated he would like to give a history of the property before asking to have his request tabled in order to go before the Tyrone Township Planning Commission. He stated that he and his wife purchased their home on 4-acres of property in January of 1990. He continued that they also purchased the vacant 4-acre parcel of property next door, for approximately 8-acres of land. He stated that in 1994 the homestead exemption was enacted and on the advice of the assessor, they decided to combine the two parcels into one parcel of property. He continued the assessor told him that the parcel could be split back to the two 4-acre parcels in the future without difficulty. He stated that in 2005 they decided to sell their home and it has yet to be sold. He continued it would be more desirable to have two 4-acre parcels to sell and they would like to split the property back to the original configuration. He stated that he spoke to Tyrone Township Zoning Administrator George Van Hecke and was told of the Zoning Ordinance changes and that the split would not get approval from the Tyrone Township Planning Commission, because of the need for variances. He continued that Van Hecke identified the variances needed and a Zoning Board of Appeals application was filled out and submitted for tonight's meeting. He stated on March 31, 2006 he received a message from

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES - PAGE 2 – APRIL 3, 2006**

Van Hecke to contact him and they came in to the Township office this morning to see him. He continued that due to a recommendation from the Tyrone Township attorney it would be necessary for them to go before the Planning Commission and be denied prior to going to the ZBA. He stated Zoning Ordinance 36 – Section 28.04A (Appeals) gives Van Hecke authority to refer people to the Zoning Board of Appeals. He stated the ZBA does not have any authority over state laws and it is his belief that Zoning Ordinance 36 – Section 20.02N (width-to-depth ratio) is a state law. He continued additional variances might be necessary, but he would not know until they are able go before the Planning Commission. At this time, Mr. Green asked to have his appeal tabled to allow them time to go before the Planning Commission and pursue a property split.

**COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS**

In response to Strange's question, Mr. Green answered that they will go to the Planning Commission and then they will come back to the Zoning Board of Appeals. Mr. Green added that two variances would be needed and that a proper survey must be done. Meisel stated that clarification is needed for the attorney's letter and its intent to force the process to work. He continued that the situation which caused this letter to be written was a concept site plan was discussed at the Planning Commission Subcommittee and due to a misunderstanding by the applicant, they filled out an application to come before the ZBA, before a site plan was considered by the full Planning Commission. Meisel stated that the ZBA might have granted variances that the Planning Commission never would have recommended or allowed. He continued that this has protected the site plan approval process. Meisel gave his opinion that the 1 to 4 width-to-depth ration might not be an issue because the property was originally platted as two parcels and the issue at hand is the lot. He stated that the minimum lot width is calculated at the front yard setback and that dimensions are needed at the 100 foot setback for each proposed parcel. Meisel added that many people have combined parcels of property from original plats and those parcels were determined in the 1920's to 1930's by our forefathers versus the current Zoning Ordinance.

**PUBLIC COMMENT**

None. No written correspondence was received prior to tonight's meeting.

**MOTION**

Carnes moved to table the request by Charles and Deborah Green for a variance to split parcel 4704-12-300-031 back to its original configuration, which consisted of two 4-acre parcels prior to March 1994, located at 13087 White Lake Road, (TAX CODE # 4704-12-300-031), to allow the applicant time to go before the Tyrone Township Planning Commission. The request is tabled for up to 90 days. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations), 20.02N (Footnote to Schedule of Regulations) and 26.01B (Nonconforming Lots of Record – Two or More Lots of Record)]. (Moyski seconded.) The motion carried by voice vote.

**VARIANCE REQUEST**

#2 Michael and Jennifer Czop, RE: Request for a 2-Foot East Side Yard Setback Variance and a 2-Foot West Side Yard Setback Variance for the Addition of

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES - PAGE 3 – APRIL 3, 2006**

a Proposed Porch to the Rear of the Existing House and a Proposed Addition to the Front of the Existing House, Located at 10501 Lakeshore Drive, (TAX CODE # 4704-09-402-025).

Michael Czop requested a 2-foot east side yard setback variance and a 2-foot west side yard setback variance for the addition of a proposed porch to the rear of the existing house and a proposed addition to the front of the existing house.

**COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS**

Meisel made reference to the Zoning District being LK-1 and not R-1 as written by the applicant on the ZBA application. In response to Strange's question, Mr. Czop answered that he talked to James Freeland, Livingston County Drain Commission, in regards to moving the septic tank and sewer lines. In response to Meisel's question, Mr. Czop answered that he does not need a variance for height and that the 25 foot height dimension includes the roof. Meisel stated that the applicant is asking for a 2-foot east side yard setback variance and a 2-foot west side yard setback variance, but the drawing shows dimensions of 9.2' on the west side and 8.1' on the east side (near proposed porch). He continued that the drawing shows 8.66' on both the east and west side (near proposed addition). In response to Meisel's question, Mr. Czop answered that he does not have a dimension for where the two dwellings (existing house and proposed addition) would meet and that the proposed addition is slightly wider than the existing house. Meisel stated that an exact dimension is needed where the existing house and the proposed addition would meet (is it 8.1' or greater?). In response to Strange's question, Mr. Czop answered that the drawing from Allied Land Surveying, dated February 16, 2006, shows a dimension of 8.3' from the existing dwelling to the west side yard lot line and shows a dimension of 9.2' from the dwelling to the an east side yard lot line. In response to Meisel's question, Mr. Czop answered that the existing house is approximately 24 feet wide and the proposed addition would be 26 feet wide, an additional foot to each side of the house. Tyrone Township Zoning Administrator George Van Heck stated that the intent is for the addition to not be any more nonconforming than what exists already. Strange stated the Board is having trouble identifying some of the dimensions which are needed to grant a variance. In response to Carnes' question, Mr. Czop answered that the porch is basically a deck that would be approximately 7 feet from the ground (at the house) on the lake side of the house. In response to Carnes' question, Mr. Czop answered the shed would be rotated 90 degrees to move it farther from the lot line. Carnes stated that this would be an improvement. In response to Strange's question, Mr. Czop answered actual plans for the proposed addition and the proposed porch have not been drawn up yet. Strange expressed his concern for additional encroachment into the side yard setbacks because of the already existing nonconformity. He continued that an additional foot to each side, even though it may not be any more in dimension than the existing dwelling, continues the nonconformity and there is an opportunity to reduce the nonconformity by not extending the proposed addition beyond the existing dwelling. Meisel stated that he would be more comfortable knowing the two dimensions with the extra foot overhang to the side lots, the existing structure has 8.1' on the west side and 9.1' on the east side, to determine if the applicant should maintain the existing structure lines or simply not increase the existing non-

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES - PAGE 4 – APRIL 3, 2006**

conformity. Carnes stated the applicant is not maintaining the building line, but instead he is actually stepping it out. Carnes suggested the applicant step in the proposed addition to make it 24 feet instead of 26 feet and maintain the setbacks without needing an additional variance. Cypher stated the proposed addition would still be 9.66' from the east and west property lines if the size were reduced to 24 feet. Carnes stated at 23.3' the proposed addition would not need a variance, based on the numbers from the submitted drawing. Carnes continued he might be inclined to grant the porch as is because it is just a deck, not a full wall structure, and it is even with the existing structure. He added he has trouble answering yes to the five criteria needed to grant a variance, for the proposed 26-foot wide addition. Cypher stated that on the east side the proposed structure is only 5 inches wider than at the existing house and on the west side it is only 5 to 6 inches closer to the lot line than the existing dwelling, based on the 9.2' dimension at the corner of the existing dwelling to the 8.66' dimension at the proposed addition. Cypher continued the increase of nonconformity is 5 to 6 inches on either side from the north end of the house and at the south end it would be less because the lot gets wider as it gets closer to the road. In response to Cypher's question, Mr. Czop answered that the overhang of the roof of the proposed addition has not been defined yet. Van Hecke stated that the Zoning Ordinance allows for a 2-foot overhang. Meisel stated a dimension is needed where the two building envelopes meet to make sure the existing nonconformity is not increased. Cypher stated a motion could be made to not exceed 8.3'. Strange stated there are two side yard variances being requested. He continued a motion could be made that the proposed addition not be larger than the existing dwelling and not increase the existing nonconformity.

**PUBLIC COMMENT**

Randy Hinton , 10528 Lakeshore Drive, stated concerns for the granting of the variance request by Michael and Jennifer Czop. The Board reviewed the letter from James Freeland, Livingston County Drain Commission, dated March 31, 2006, stating that the septic tank and sewer lines must be moved. The Board also reviewed the letter from Jim Trumble, property owner of tax code# 4704-09-402-026, dated March 29, 2006, stating concerns and an objection for granting the variance request by Michael and Jennifer Czop.

**MOTION**

Meisel moved to grant the request by Michael and Jennifer Czop for an east side yard setback variance and a west side yard setback variance for the addition of a proposed porch to the rear of the existing house and a proposed addition to the front of the existing house, located at 10501 Lakeshore Drive, (TAX CODE # 4704-09-402-025), conditional upon the preexisting nonconformance not increasing with the improvements made to the property. Unreasonable burden is the small lot sizes as platted and the existing structures in the area. Substantial Justice would be the improvements to the property, increasing the property value, and improving the general appearance and aesthetics of the area. The variance would not increase the nonconformance that already exists. The extraordinary circumstance is that there is no additional way to improve the property, given the small lot sizes and dimensions. There are no health and safety issues or public nuisances. The existing shed, which is currently nonconforming relative to side lots, will be moved to a less nonconforming location. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES - PAGE 5 – APRIL 3, 2006**


20.01 (Schedule of Regulations), 26.03A (Nonconforming Structures), and 26.01A(1&2) (Nonconforming Lots of Record)]. (Moyski seconded.) Roll call vote: Meisel, yes; Cypher, yes; Moyski, yes; Strange, yes; Carnes, yes. The motion carried.

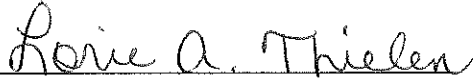
**MISCELLANEOUS BUSINESS**

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, May 8, 2006 at 7:30 p.m.

**ADJOURNMENT**

The meeting ended at 9:17 p.m.

  
\_\_\_\_\_  
Carroll Strange, Chairman  
Tyrone Township Zoning Board of Appeals

  
\_\_\_\_\_  
Lorie A. Thielen, Recording Secretary  
Tyrone Township Zoning Board of Appeals

c File  
Tyrone Township Clerk  
Tyrone Township Zoning Administrator  
Tyrone Township Zoning Board of Appeals Commissioners