

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – MARCH 5, 2007**

CALL TO ORDER

Recording Secretary Lorie Thielen called the Zoning Board of Appeals Meeting to order on March 5, 2007, at 7:45 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Greg Carnes, David Cypher, Mark Meisel, Debi Smulsky, and Maureen Leaske

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Michael Angona, Dick Rappleye, Geri Myers, Nancy Hikman, and George Rizik

MINUTES OF FEBRUARY 5, 2007, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the February 5, 2007, Zoning Board of Appeals Meeting be approved as presented. (Cypher seconded). The motion carried.

APPOINTMENT OF TEMPORARY CHAIRMAN

Meisel moved to appoint Greg Carnes as Temporary Chairman for tonight's meeting. (Cypher 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 February 18, 2007, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on February 14, 2007, at 9:00 A.M.

VARIANCE REQUEST

#1 Michael Angona, of Angona Construction, Representing Property Owner Mary Carney, for a 3-Foot East Side Yard Setback Variance and a 3-Foot West Side Yard Setback Variance in Order to Build a Proposed New House Located at 10470 Runyan Lake Point, (TAX CODE # 4704-09-204-048).

Michael Angona, of Angona Construction, representing property owner Mary Carney, requested a 3-foot east side yard setback variance and a 3-foot west side yard setback variance in order to build a proposed new house. Mr. Angona stated that Mary Carney owns the property and existing summer cottage and she would like to build a new year-around home. He continued the new proposed house would have an attached garage and a formal entranceway. He stated that the new proposed house would go only as deep as the current deck. He continued that the reason for the variance request is because of the narrow lot, it is 40 feet wide at the lake and 42 feet wide at the road. He stated the garage does not need a variance, only the proposed house needs the 3-foot west and 3-foot east side yard setback variances. He continued that a 2-foot west and a 2-foot east side yard setback variance would probably be acceptable, but they are asking for 3-foot variances just to be covered. He added that the existing cottage would be removed.

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 2 – MARCH 5, 2007**

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Cypher's question, Mr. Angona responded that he had not seen the letter from the Livingston County Drain Commission, dated March 1, 2007, asking that the variance request be denied due to problems with the septic tank and sewer lead locations. Mr. Angona stated that the septic tank would be relocated to the road side of the proposed house, as requested by the LCDC. Mr. Angona continued that the fees have already been paid because a new injector pump was installed and the sewer was redone for all the existing homes. At this time, Meisel gave a lengthy history of the sewer system around the Runyan Lake Pointe area: it has not changed in the last 20 years, the reference to upgrades and changes are: 1) the system that is receiving the outflow of material and 2) the grinder pumps, which are being replaced into existing septic tanks (except for rare cases which have cement monuments that may or may not need upgrading at the discretion of the LCDC), and there has been no sewer modification per say. Mr. Angona responded that the septic tank exists already at the lake side and that you would not be able to get heavy machinery down to the existing system. Cypher stated that they are just worsening the condition that is already there. Mr. Angona responded that the septic tank would definitely be moved to the road side to make it accessible. At this time, Meisel showed high resolution pictures of the area to the Board. Also, the submitted plans of the proposed house were modified to show where the sewer line runs, which is below the hill point. In response to Meisel's question, Mr. Angona answered that the garage would be facing the road, not the side yard, and that the left side elevation is incorrect. In response to Meisel's question, Mr. Angona answered that the height of the proposed structure would be approximately 33 to 35 feet from the peak to the low grade, not the average grade. In response to Meisel's question, Mr. Angona answered that the height of the new proposed structure is taller than the existing structure by 10 to 13 feet. Mr. Angona added that the pitch of the new roof would be brought down to a 6-12 pitch. In response to Meisel's question, Mr. Angona answered that they are requesting a 3-foot east side yard setback variance and a 3-foot west side yard setback variance. Meisel stated that the submitted Delta survey was small and difficult to read. In response to Meisel's question, Mr. Angona answered that the dimension from the west side of the home to the property line would be 9-feet, 10-inches. Mr. Angona stated that on the lake side of the proposed home, they would be 12 feet further back from the lake than the existing house. He continued that the new deck would not protrude any farther than the sun room. In response to Cypher's question, Mr. Angona answered that the column, shown on the left side of the front elevation, has been removed. At this time, Mr. Angona showed the Board changes that were being made on the submitted drawing. He continued that there would be a front overhang and not a side overhang. In response to Cypher's statement that the door is on the side of the house, Mr. Angona answered that the door would be moved to the front of the house. In response to Tyrone Township Zoning Administrator George Van Hecke's question, Mr. Angona answered that the overhang was approximately 3-feet, 10-inches from the edge of the house. Van Hecke stated that the Ordinance allows for a 2-foot overhang beyond the foundation. In response to Meisel's question, neighbor Geri Myers answered that the cottage was built by members of Mary Carney's family, two

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 3 – MARCH 5, 2007**

generations back. Meisel stated that this parcel is a platted lot, in a subdivision that was platted in 1932, as part of a 60-lot subdivision plat. He continued it has a particular character to it, which graduates from smaller lots (in the Point end), that transitions to larger lots to the east. Meisel stated that the subject parcel is in the transitional area from relatively small parcels to larger parcels, with significant grade changes about ¼ to 1/3 of the way into the parcel. He continued there are some restrictions based on the way it was physically platted back in 1932 and there are some topography type issues. In response to Mr. Angona's question, Van Hecke answered that from the foundation, you can have an overhang of up to two feet. In response to Mr. Angona's question, Van Hecke answered that a cantilever was acceptable but could not be attached to the ground. In response to Mr. Angona's question of being able to have the house 20 feet wide with a 2-foot overhang on each side, Van Hecke answered yes, as long as there is a 10 foot side yard setback on each side. In response to Cypher's question, Van Hecke responded that Zoning Ordinance No. 36 – Section 20.02.M allows projections in required yards. Cypher stated the Ordinance allows for a roof overhang of up to two feet, not a building overhang. Mr. Angona stated that he would accept a 2-foot variance on each side of the proposed house. Cypher responded that the foundation is over the setback line and they also have a roof overhang. Mr. Angona stated that he could eliminate the roof overhang. Cypher responded that there are a lot of other issues that have not been addressed, including unreasonable burden. In response to Mr. Angona's question, Meisel answered he could have a 2-foot overhang if there was no variance and the proposed house was built within the setback requirements. He continued that there needs to be separation between roofs in case of fire jumps. Mr. Angona stated that this is what he is asking for. Van Hecke responded that this needs to be on the second floor and can not be at the foundation. Cypher stated Zoning Ordinance No. 36 – Section 20.02.M references architectural features and this request is not for an architectural feature. Carnes stated Zoning Ordinance No. 36 – Section 20.02.M allows 2 inches for every foot of side yard, so in order to have a 2-foot overhang the applicant would need a 12 foot side yard. (A discussion on interpretation of Zoning Ordinance No. 36 – Section 20.02.M ensued.) Carnes stated that all 5 criteria must be met in order to grant a variance request.

PUBLIC COMMENT

George Rizik, representing Richard and Karen Rappleye, 10474 Runyan Lake Point, stated objections to granting the Carney variance request. He referenced a lengthy letter he submitted to the Board, dated March 2, 2007. The main objection he had was that the applicant did not meet the all the criteria, which must be met in order for a variance to be granted. He stated that Mary Carney does not have an unreasonable burden, the request does not promote substantial justice, there are no extraordinary circumstances, and there are potential safety, hazard and nuisance issues.

[Carnes responded that the Board takes great pains to make sure each applicant answers the five required criteria and that a motion will explicitly address the five criteria. Meisel responded, (to the extraordinary circumstances comment that the lakefront lots are either

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 4 – MARCH 5, 2007**

of the same width or narrower than the applicant's lot), that within the plat there are a significant number of parcels that are 50 feet wide both at the water and at the road. He continued that the lots in the proximity are of similar size to the subject parcel, which is 42 feet wide.]

Geri Myers, 10480 Runyan Lake Point, stated her objection for the granting of the Carney variance request. She stated concerns for water run-off and where it will go, as well as a concern for the artesian well problem.

The Board reviewed the letter from Richard and Karen Rappleye, 10474 Runyan Lake Point, stating their objection to the variance request.

The Board reviewed the letter from Edgar Burr, 10466 Runyan Lake Point, stating his objection to the variance request.

MOTION

Meisel moved to deny the request by Michael Angona, of Angona Construction, representing property owner Mary Carney, for a 3-foot east side yard setback variance and a 3-foot west side yard setback variance in order to build a proposed new house located at 10470 Runyan Lake Point because the applicant cannot meet the Zoning Board of Appeal's requirements for establishing unreasonable burden or substantial justice. There are also concerns about the height of the propose structure causing site restrictions or obstructions to the existing home immediately to the east, and concerns about the proximity to the west where the existing cottage has a nonconforming east side yard setback thus contributing to the insufficient clearance between the structures resulting in a fire jump concern. The Livingston Country Drain Commission has also requested denial until agreement is reached with the homeowner regarding sewer modifications deemed necessary. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 21.01 (Schedule of Regulations)]. (Cypher seconded.) Roll call vote: Cypher, yes; Meisel, yes; Carnes, yes; Smulsky, yes; Leaske, yes. The motion carried.

At this time the Board discussed different building options with Mr. Angona. Another discussion on interpretation of Zoning Ordinance No. 36 – Section 20.02.M took place and resulted with Meisel stating he would get clarification by the Planning Commission. Mr. Angona asked if he could come back before the Board with different options. Mr. Angona requested that his request be tabled to give him time to rework his request. The Board decided not to act upon the request to be tabled due to the audience members having left the meeting already. The Board did agree to consider the applicant being allowed to re-appear before the Board with a different plan and waive the application fee. The applicant would still be responsible for actual costs incurred by Tyrone Township, inclusive of public noticing fees. It was stated fees could be reduced by combining this applicant with another appeal during the same future meeting.

MISCELLANEOUS BUSINESS

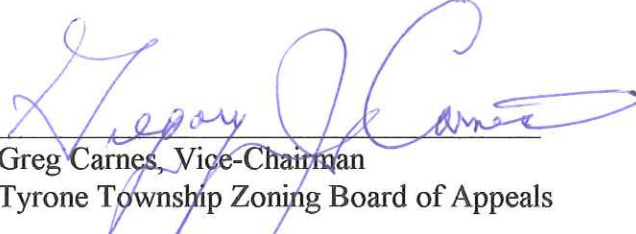
The next regular meeting of the Tyrone Township Zoning Board of Appeals is

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 5 – MARCH 5, 2007**

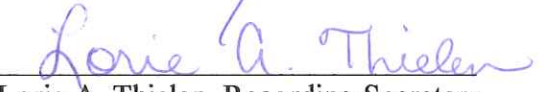
scheduled for Monday, April 2, 2007 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 9:27 p.m.



Greg Carnes, Vice-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