

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – MAY 14, 2007**

CALL TO ORDER

Vice Chairman Greg Carnes called the Zoning Board of Appeals Meeting to order on May 14, 2007, at 6:45 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Greg Carnes, David Cypher, Claudette Moyski, Mark Meisel, and Debi Smulsky

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Mr. and Mrs. Rappleye, Mary Carney, Michael Angona, and Edgar Burr

UNFINISHED BUSINESS:

VARIANCE REQUEST

- #1 Michael Angona, of Angona Construction, Representing Property Owner Mary Carney, for a 3-Foot East Side Yard Setback Variance or a 1½-Foot East Side Yard Setback Variance and a 1½-Foot West Side Yard Setback Variance, in Order to Build a Proposed New House and Comply with the Minimum 24-Foot Width requirement, Located at 10470 Runyan Lake Point, (TAX CODE # 4704-09-204-048). (The existing house will be removed.)

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

The Board reconvened the meeting from May 7, 2007, at 6:45 pm, at 10470 Runyan Lake Point. The major issues looked at were: the proper elevation of the 1st floor of the proposed house and proposed accessory structure, the height of the peak of the proposed house, the distance of the proposed house to the water, the proximity of the proposed house to the two adjacent neighbors, and the distance of the proposed house and proposed accessory structure to the road. The Board took and verified dimensions and compared them to the submitted drawing. Meisel stated the main concerns of Mr. and Mrs. Rappleye was the loss of view and the placement of the garage. The view from the Rappleye house was looked at to make sure the view from their windows would not be blocked by the proposed house and garage. Cypher noted that Mr. and Mrs. Rappleye do not have a view past the trees and existing landscape. Meisel agreed that if they wanted an improved view of the lake from the rear yard the trees could be trimmed. Cypher stated concerns for water run-off from the proposed house and locating the structure 2 feet higher than the existing house. He continued that lowering the first floor would help transition water run-off with the existing grade of the property. Carnes agreed and suggested keeping the foundation at the same height that it is currently. Cypher also noted how wet the area was on both sides of the existing Carney house. Ms. Carney stated there are natural springs on both sides of the house and it stays wet for most of the summer. It was determined that the proposed house would have a rear yard setback of 75' +/- from the water's edge and the proposed structure would be 24 feet wide. In response to Cypher's question, Mr. Angona stated he would use a 6-12 roof pitch and the overall height of the proposed house would be 27 feet 6 inches. Meisel determined the front yard to be 4' 6" north of established structure to the east's south wall and the maximum height restricted to 13' above established structure to the east's lower level foundation grade, (established as

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point which will not result in roof line obstructing more than 2/3 of south-west second level window on west wall). Meisel stated that the proposed structures need to be laid out on a survey of the property. Cypher stated that one of two variances would be needed: 1) a lot variance to comply with the 24 foot width minimum requirement, or 2) a house variance from the 24 foot minimum width requirement to allow the applicant to build a narrower house. Cypher stated the proposed house would have a hip roof. Cypher continued, no matter what the applicant does with the basement elevation of the proposed house, the overall height/peak of the house is the dimension that must be controlled. He added if they raise the grade of the first floor then it would have to come out of the side wall height of the basement.

PUBLIC COMMENT

Richard and Karen Rappleye, 10474 Runyan Lake Point, stated no objections to granting the Carney variance request, once a building envelope was established from the Board. The Board reviewed the letter from Edgar Burr, 10466 Runyan Lake Point, dated May 9, 2007, stating no objection to the granting of the Carney variance request, as long as the variance is not more than 1½ feet on the west side yard.

MOTION

Cypher moved to grant the request by Michael Angona, of Angona Construction, representing property owner Mary Carney, for a 1½-foot west side yard setback variance and a 1½-foot east side yard setback variance in order to build a proposed new house located at 10470 Runyan Lake Point, for the following reasons and based on the following restrictions: Unreasonable Burden: The minimum building width plus setback requirements (24+10+10=44 feet) of our zoning ordinance are greater than the lot width of 39 feet at the water and 42 feet at the road. The lot width is approximately 40 – 41 feet at the proposed structure location. The lot is therefore nonconforming in width, but conforming in total area. Substantial Justice: Improved appearance of the property, conversion from a cottage to full time residence. The proposed structure, by meeting the following building envelope restrictions, will relate harmoniously with adjacent development. These ZBA established restrictions are: Structure foot print shall be: Rear yard 75' +/- from the water, 24 feet wide, front yard to be 4' 6" north of established structure to the east's south wall, maximum height restricted to 13' above established structure to the east's lower level foundation grade (established as point which will not result in roof line obstructing more than 2/3 of south-west second level window on west wall). These restrictions are established to preserve site lines of the established adjacent structures. These dimensions were negotiated between the ZBA, Ms. Carney, Angona Construction, and Mr. Rappleye. Minimum variance required: The minimum required variance is being granted (3 feet to address approximate 41 foot lot width at structure location where the zoning ordinance requires 44 feet of width). Extraordinary Circumstances: The platted lot width is nonconforming, there is a steep hill, and the lot was platted in 1932 (not self created), these issues are solely related to the land. Health & Safety: The established building envelop addresses the concern with the adjacent cottage to the west's setback, which is less than the currently required 10 feet, by granting the variance to the east side yard. The gross separation will be

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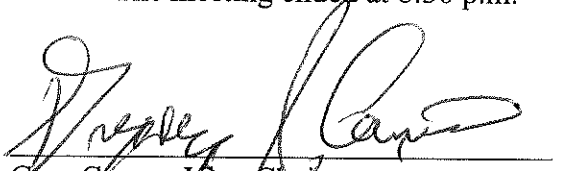
approximately 13 feet foundation to foundation between the proposed structure and the cottage to the west. The existing house will be demolished. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 21.01 (Schedule of Regulations)]. (Smulski seconded.) Roll call vote: Meisel, yes; Moyski, yes; Smulsky, yes; Cypher, yes; Carnes, yes. The motion carried.

MISCELLANEOUS BUSINESS


The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, June 4, 2007 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:30 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