

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – OCTOBER 29, 2007**

**CALL TO ORDER**

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on October 29, 2007, at 7:30 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Greg Carnes, David Cypher, Claudette Moyski, Debi Smulsky, and Maureen Leaske  
Other: Tyrone Township Zoning Administrator George Van Hecke  
Guests: Jim Sporer, Geri Myers, George Rizik, Mark Meisel, Ray Hicks, Don Bunka, and Township Supervisor Andrew Schmidt

**MINUTES OF SEPT. 10, 2007, ZONING BOARD OF APPEALS MEETING**

Moyski moved that the minutes of the September 10, 2007, Zoning Board of Appeals Meeting be approved as presented. (Smulsky 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 October 14, 2007, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on October 10, 2007, at 9:00 A.M.

**VARIANCE REQUEST**

#1 Ray Hicks, RE: Request for a Variance of the 1 to 4 (1:4) Width-to-Depth Ratio for the Development of Units 1 and 6 and a Variance to the LK-1 Standard for Yards and Setbacks to Allow the Applicant to Locate the Rear Yard of the Off-water Lots Consistent with the Interpretation Issued by the Zoning Board of Appeals During the September 10, 2007 Meeting, Located on Vacant Property at 10287 Carner Road, (TAX CODE # 4704-10-100-031). The Tyrone Township Board has Requested that the Applicant Obtain These Variances for Consistency with the Zoning Ordinance.

Jim Sporer, representing Ray Hicks, requested a variance of the 1 to 4 (1:4) width-to-depth ratio for the development of Units 1 and 6 and a variance to the LK-1 standard for Yards and Setbacks to allow the applicant to locate the rear yard of the off-water lots consistent with the interpretation issued by the Zoning Board of Appeals during the September 10, 2007 meeting, located on vacant property at 10287 Carner Road, because the Tyrone Township Board has requested that the applicant obtain these variances for consistency with the Zoning Ordinance. Mr. Sporer stated that there is no new information regarding the variance requests and that they have met all the criteria (unreasonable burden, substantial justice, minimum variance, extraordinary circumstances and health and safety issues), needed to be granted a variance request. He continued that confirmation is needed regarding the interpretation that was given by the Board at the September 10, 2007 Zoning Board of Appeals meeting.

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

Carnes stated that the Board needs to focus on each variance request individually,

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starting with the 1 to 4 (1:4) width-to-depth ratio for the development of Units 1 and 6. Moyski asked the Board if they had any questions or comments regarding the 1 to 4 (1:4) width-to-depth ratio aspect of the variance request. The Board agreed that this had been fully discussed at the September 10, 2007 Zoning Board of Appeals meeting and they were ready to make a motion.

**PUBLIC COMMENT**

None. No written correspondence was received prior to tonight's meeting. The Board did acknowledge the correspondence from Mark and Chris Meisel, 11010 Runyan Lake Point, that was resubmitted from the September 10, 2007 meeting.

**MOTION**

Moyski moved to grant the variance request by Ray Hicks for a variance to the 1 to 4 (1:4) width-to-depth ratio for lots 1 and 6 based on the following: Unreasonable Burden: Because of the location of the wetlands the lot itself would be unsuitable for building for the 1 to 4 (1:4) width-to-depth ratio. Substantial Justice: The adjacent lots within the Runyan Lake Point area all have width to depth ratios of approximately 1 to 4 (1:4) to 1 to 13 (1:13), therefore, these lots are within the established range and are compatible and in harmony with what is already existing. Minimum Variance: The minimum variance required is being requested. Extraordinary Circumstances: The large area of regulated wetlands on the lots. Health and Safety Issues: There are no health or safety issues. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 7.04B (General Requirements for LK-1 Uses) – Yards and Setbacks) and 20.02N (Footnotes to Schedule of Regulations)]. (Smulsky seconded.) Roll call vote: Cypher, yes; Smulsky, yes; Moyski, yes; Carnes, yes; Leaske, yes. The motion carried.

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

Carnes stated that the Board should now focus on the variance request to the LK-1 standard for Yards and Setbacks to allow the applicant to locate the rear yard of the off-water lots. Smulsky questioned why there is a difference in the depth of lot 6 which showed a depth of 771 feet on the drawing that was submitted to the ZBA at the September 10, 2007 meeting (dated February 13, 2007 and revised on July 19, 2007) and the drawing submitted for tonight's meeting, which does not have a lot depth dimension? Mr. Sporer responded that the dimension was taken off for clarification, due to the interpretation that was received at the September 10, 2007 ZBA meeting and re-orientating the lot. He continued that the dimension from Runyan Lake Point to the lake is still 771 feet, whether you call it the lot depth or the width. Smulsky stated that the lot width is established at the lake line. Sporer stated that this would be the rear yard width. In response to Smulsky's question, Mr. Sporer responded the dimension was removed because they felt it did not need to be shown on the drawing because of the previous ZBA interpretation. Smulsky stated that the dimension is needed and that all the other lots have the dimension for lot depth shown on the submitted drawing. In response to Smulsky's question, Mr. Sporer answered that the dimension could be added to the final drawing submitted to the ZBA. Smulsky stated that three dimensions have been altered from the September 10, 2007 ZBA meeting to tonight's ZBA meeting. Smulsky stated that Mr. Sporer also would need to add back the completed note found to the right of unit 6 (50-foot minimum rear yard setback

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from mean water line and minimum lot width) to the final submitted drawing. Smulsky showed Mr. Sporer the missing minimum lot widths at the water, that were removed from the drawing and that need to be added back to the final drawing. Mr. Sporer stated that he would make the changes to the final submitted drawing and the revised final drawing would be dated October 30, 2007. In response to Cypher's question, Tyrone Township Zoning Administrator George Van Hecke answered that there should be one final drawing submitted and stamped and then distributed to the Planning Commission and the Township Board.

**PUBLIC COMMENT**

None. No written correspondence was received prior to tonight's meeting. The Board again acknowledged the correspondence from Mark and Chris Meisel, 11010 Runyan Lake Point, which was resubmitted from the September 10, 2007 meeting.

**MOTION**

Smulsky moved to grant the variance request by Ray Hicks to allow the applicant to apply the R2 standards to establish the rear yard locations for the off-water lots within the Runyan Lake East development, consistent with this body's findings during our meeting on September 10, 2007, as a result of the following findings of fact: Unreasonable Burden: The parcel in question is an unplatted corner lot with limited development options as a result of it bordering Carmer Road, Runyan Lake Point, and Runyan Lake, for which a standard land division would result in 4 very large lots with limited water frontage and would arguably be inconsistent with the existing adjacent development. The parcel is also located along a cove which limits the water frontage available for reasonable division of the parcel into solely lakefront lots. Substantial Justice: The proposed development is a reasonable use of the property given its location and borders and is a better alternative than previous higher density proposals which proposed more off-water lots. The current proposed lower density configuration is to the benefit of the adjacent property owners as it is more consistent with the existing adjacent development and is a lesser demand on utilities and essential services. The minimum variance required is being granted and is simply the granting of this variance as no method exists to establish rear yard locations for off-water lots or units within the LK-1 district in our zoning ordinance. Extraordinary Circumstances: Due to the splits of this parcel, it has created 4-lots that do not meet the criteria for LK-1 in our Zoning Ordinance. This is consistent with the findings of the Zoning Board of Appeals at the September 10, 2007 meeting, at which time the ZBA established the rear yard setbacks. Health and Safety: Lower density developments are generally safer than higher density developments because they demand less of utilities and essential services. There are no negative health and safety impacts. This variance approval is conditional on the applicant amending the submitted Runyan Lake East final site plan drawing, dated 9/19/07, to include the following content as a final drawing for submittal to Tyrone Township for the final site plan approval: (1) Place back on the drawing the Unit 6 lot depth note as found on the 7/19/07 drawing, (2) Place back on the drawing the completed note found to the right of Unit 6 "50' min. setback from mean water line and min. lot width" as found on the 7/19/07 drawing, and (3) Place back on the drawing the lot widths at the water as found on prior drawings, for example as shown on the drawing dated May 17, 2006. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 7.04B

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(General Requirements for LK-1 Uses) – Yards and Setbacks) and 20.02N (Footnotes to Schedule of Regulations)]. (Moyski seconded.) Roll call vote: Leaske, yes; Moyski, yes; Smulsky, yes; Cypher, yes; Carnes, yes. The motion carried.

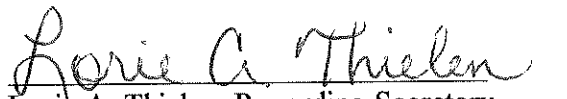
**MISCELLANEOUS BUSINESS**

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, November 12, 2007 at 7:30 p.m.

**ADJOURNMENT**

The meeting ended at 8:49 p.m.

  
Gregory Carnes, 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