

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – SEPTEMBER 12, 2005**

CALL TO ORDER

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on September 12, 2005, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Carroll Strange, Greg Carnes, David Cypher, Claudette Moyski, and Richard Hartigan

Guests: Gary MacDermaid and Sandy Sehl

MINUTES OF AUGUST 1, 2005, ZONING BOARD OF APPEALS MEETING

Carnes moved that the minutes of the August 1, 2005, Zoning Board of Appeals Meeting be approved as presented. (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 September 4, 2005, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on September 9, 2005, at 9:00 A.M.

VARIANCE REQUEST

- #1 Gary and Linda MacDermaid, RE: Request for a 10-Foot Front Yard Setback Variance and a Front Yard Location Variance to Allow the Proposed Structure to be Built in Front of the Existing House, Located at 10400 Circle J Drive, (TAX CODE # 4704-28-400-022)

Gary MacDermaid requested a 10-foot front yard setback variance and a front yard location variance to allow the proposed structure to be built in front of the existing house.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Hartigan stated that he was looking for a dimension from the corner of the proposed building to the right-of-way line. He continued that the dimension would have to come into the right-of-way line perpendicular to the tangent of the right-of-way line. Mr. MacDermaid responded that he measured from the staked corner of the proposed structure to the middle of the road on an arc to get the measurement. Mr. MacDermaid continued that the measurement was approximately 74 feet to the middle of the road. Hartigan stated that the dimension line shown and the dimension runs parallel to the front of the proposed building going down to what appears to be the centerline of the road. He continued that the dimension can not be taken that in that direction and that it has to be perpendicular to the arc of the right-of-way setback. Hartigan stated that assuming the dimension of 74 feet is correct, you then have to take the 33 feet of the right-of-way away from that. In response to Hartigan's question, Ms. Sehl, Mr. MacDermaid's daughter, answered that it is 30 to 40 feet from the proposed building corner to the right-of-way line. Hartigan stated

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 2 – SEPTEMBER 12, 2005**

that if a variance were granted, the dimension would be critical in determining the exact variance required for the motion. Hartigan stated that the drawing must have been reduced when copied because none of the dimensions match with the scale shown on the drawing. In response to Ms. Sahl's question, Hartigan answered that he could not tell if the 10 foot request would cover the amount of variance needed for the proposed structure. In response to Mr. MacDermaid's question, Hartigan answered that the dimension needed is from the corner of the proposed building perpendicular to the tangent of the curve of the road. Carnes stated that the dimension shown on the mortgage certificate is 72 feet, but it is measured straight and not on an arc. Mr. MacDermaid stated that the curve of the road starts mostly after his driveway. Hartigan stated that the exact measurement would be needed if a variance were to be granted. In response to Strange's question, Mr. MacDermaid answered that he has 10 acres of property. Strange stated he saw the wetlands on the back of the property. Strange stated it would be possible to locate the proposed structure to the west side of the house, outside of the septic field area, back even with the house and possibly not need a variance. Mr. MacDermaid responded that he could move the proposed structure back a little bit, but he did not want to get too far away from the house. Strange stated with all the property, and the size of the lot, it is difficult to come up with a hardship to grant a variance. He continued there are restrictions on the lot, but nothing that would force the proposed structure to be placed so far forward. Strange added that most of the surrounding properties on Circle J Drive conform with the Zoning Ordinance and that the proposed structure would really stand out. Mr. MacDermaid responded that this side is the only access to the back of the property. Ms. Sahl stated that machinery could not access the back of the property if the proposed structure was located in the side yard and because of the septic field location. Hartigan stated that there are two variances being requested. Hartigan stated that there are no other structures in the area located in the front yard location. Hartigan stated that his biggest problem is with the front yard location of the proposed structure. He continued that Circle J Drive is so clean and that this would be in a very predominate visual spot and not hidden. Mr. MacDermaid stated that the proposed structure would match the house. He continued that the neighbors did not have any problems with his variance requests. Hartigan stated, regarding a west side location, that as the road arcs and as the right-of-way arcs, the front yard setback continues on the arc which would pick up some space. Carnes stated this would be further towards the road and away from the incline, west of the septic field. Strange stated it is 183 feet to the west property line and there would be a 20-foot side yard setback requirement. Strange continued a variance would not be needed on the west side of the house. Hartigan stated that it appears that there is enough room for an accessory building and a drive on the west side of the property. Mr. MacDermaid stated that the garage would match the house and would be well landscaped. Strange stated that outside of having a longer drive the aesthetic value of the property would be maintained by tucking the proposed structure further back.

PUBLIC COMMENT

None. The Board reviewed the letters from Dale and Carole Cassady, 7250 Old

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES - PAGE 3 – SEPTEMBER 12, 2005**

Ore Creek, Gary D. Hanner, 7307 Hartland road, and Phil Meade 10464 Circle J Drive, all stating no objection to the variance requests by Gary and Linda MacDermaid.

MOTION

Hartigan moved to deny the request by Gary and Linda MacDermaid for a 10-foot front yard setback variance and a front yard location variance to allow the proposed structure to be built in front of the existing house, located at 10400 Circle J Drive, (TAX CODE # 4704-28-400-022), based on the Planning Commission viewpoint and trying to understand where the hardships lie, the fact that the property can be used as originally intended – which is residential, the amount of land available, and the options that are there for them to use. Also, all the criteria of Zoning Ordinance Section 28.03C (Criteria for Granting Variances for Dimensional (Non-Use) Requirements) has not been met. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations) and 21.02B (Accessory Structure Provisions – Number and Yard Locations)], (Moyski seconded.) Roll call vote: Moyski, yes; Cypher, yes; Carnes, yes; Strange, yes; Hartigan, yes. The motion carried.

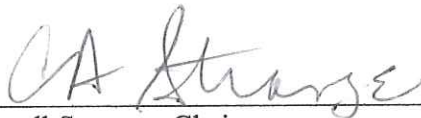
MISCELLANEOUS BUSINESS

The Board reviewed the proposed application package changes.

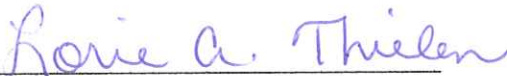
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, October 3, 2005 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:47 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