

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – OCTOBER 3, 2005**

CALL TO ORDER

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on October 3, 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

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: Dennis Schaefer, Brad Steward, Ted Porter, and Mike Gurnce

MINUTES OF SEPT. 12, 2005, ZONING BOARD OF APPEALS MEETING

Hartigan moved that the minutes of the September 12, 2005, Zoning Board of Appeals Meeting be approved as presented. (Moyski 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 25, 2005, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on September 30, 2005, at 9:00 A.M.

VARIANCE REQUEST

- #1 Creative Wood Products, Representing Property Owners Henry and Gloria Mitzelfield, RE: Request for a 20-Foot Front Yard Setback Variance for a Proposed Garage Addition to the Existing House and Attached Garage, Located at 11320 Greenview Drive, (TAX CODE # 4704-01-101-017)

Dennis Schaefer, representing Henry and Gloria Mitzelfield, requested a 20-foot front yard setback variance for a proposed garage addition to the existing house and attached garage. He stated that this is a nonconforming property already and that the house is 40 feet from the road. He continued that the proposed addition would add 10 feet to the front of the residence, but are requesting a 20-foot variance due to the existing non-conformity. He stated that the house is being remodeled on the inside. He continued that a bedroom is being brought down to the main level, a master bathroom is being designed from part of the back 10 feet of garage space, which makes the garage unusable unless 10 feet is added to the front. (At this time the Board reviewed and discussed pictures submitted by the applicant at tonight's meeting).

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

In response to Strange's question, Tyrone Township Zoning Administrator George Van Hecke answered that the house was conforming at 40 feet from the road when it was built and then the Zoning Ordinance changed to require a minimum of 50 feet to the road. He continued that the front yard setbacks are not grandfathered in, but side yard setbacks are grandfathered. Mr. Schaefer stated that the majority of the homes in the area are non-conforming and 30 to 40 feet from the road. Strange stated the Board has entertained

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other requests, in this subdivision and across the street, for front yard setback variances for additions. He continued that the general mood at the time was that deed restrictions imposed at the time the subdivisions were developed were set and has been maintained throughout the years. He stated that the integrity of the subdivision has been maintained to keep it close to what it was designed to be. In response to Carnes' question, Mr. Schaefer answered that the addition could not be built in the back because of the slope of the property in the back, the existing deck in the rear yard, and cost constraints. Carnes stated that an addition in the back would not make the nonconforming situation worse. Hartigan suggested that the applicant take some dimensions and work with Tyrone Township Zoning Ordinance No. 36 – Section 20.02I (Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwelling on more than sixty (60) percent of the lots of record on one side of the street in any one block in a single family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such blocks need not be greater than the average depth of front yards of such existing building). Hartigan stated that if there are a number of homes that are non-conforming, averaging of the surrounding homes could possibly be used and not need a variance. In response to Hartigan's question, Mr. Schaefer answered that without knowing the measurements of the surrounding houses he could not determine for sure if this could be a solution. Hartigan stated that the five conditions, set in Zoning Ordinance No. 36 - Section 28.03C (Criteria for Granting Variances for Dimensional (Non-Use) Requirements), must be met in order to grant a variance request. Hartigan continued that he is having a tough time trying to rationalize where there is an unreasonable burden, since the property is being used for its intended purpose which is residential. He continued that the burden can not be financial or created by the owner. In response to Schaefer's question, Hartigan answered that the Tyrone Township Planning Commission was responsible for developing the Zoning Ordinance and that they were developed from state statutes. Strange stated there is an opportunity within the Zoning Ordinance to expand the residence to the rear yard. Carnes stated that a side yard variance would not add to the existing nonconformity by further encroaching into the setback. Carnes continued that the square footage of the nonconformity would increase, but the nonconformity would not encroach into the setback anymore than what it is already encroaching.

PUBLIC COMMENT

Ted Porter, representing Fenton United Methodist Church, 6223 Linden Road, stated opposition to the variance request by Henry and Gloria Mitzelfield. No written correspondence was received prior to tonight's meeting.

MOTION

Cypher moved to table the request by Henry and Gloria Mitzelfield for a 20-foot front yard setback variance for a proposed garage addition to the existing house and attached garage, located at 11320 Greenview Drive, (TAX CODE # 4704-01-101-017), in order for the applicant to obtain additional information needed for the variance request. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations) and 20.02I (Footnotes to Schedule of Regulations)]. (Carnes seconded.) The motion carried by voice vote.

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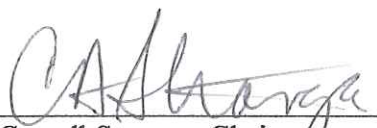
MISCELLANEOUS BUSINESS

The Board reviewed and approved the new ZBA application packet which will go into effect immediately.

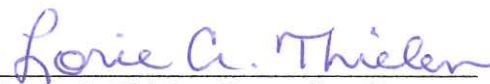
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, November 7, 2005 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:37 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