

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – DECEMBER 5, 2005**

CALL TO ORDER

Chairman Carroll Strange called the Zoning Board of Appeals Meeting to order on December 5, 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: Steve Okopien (Creative Wood), Michael Vincent (Larry Bulte Construction), and Jim McCachrene

MINUTES OF NOVEMBER 7, 2005, ZONING BOARD OF APPEALS MEETING

Hartigan moved that the minutes of the November 7, 2005, Zoning Board of Appeals Meeting be approved as presented. (Carnes 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 November 27, 2005, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on December 2, 2005, at 9:00 A.M.

Commissioner Richard Hartigan moved to remove the Farnen request, (TAX CODE # 4704-10-100-029) from the table for discussion.

Unfinished Business:

VARIANCE REQUEST

- #1 Larry Bulte Construction, Inc., Representing Ryan Farnen, RE: Request for a 2½-Foot Side Yard Setback Variance and a Front Yard Location Variance in Order to Locate a 10 by 20-Foot Storage Shed on an Existing Slab in Front of the Existing House, Located at 11006 Runyan Lake Road, (TAX CODE # 4704-10-100-029). Also, a Variance to Waive the 5-Day Waiting Period.

Michael Vincent, of Larry Bulte Construction Inc., representing Ryan Farnen, requested a 2½-foot side yard setback variance and a front yard location variance in order to locate a 10 by 20-foot storage shed on an existing slab in front of the existing house. Mr. Vincent withdrew the request to waive the 5-day waiting period.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Strange stated the request was tabled at the November 7, 2005 meeting in order for the applicant to provide additional information regarding dimensions and the location of the proposed accessory building. Hartigan stated that according to the submitted drawing, the proposed structure would be 10 by 20-feet in size, but the existing concrete slab was 18.3 by 8.3-feet. Mr. Vincent responded that there was a misprint on the submitted drawing. He continued that the existing shed is 18.3 by 8.3-feet and that the existing

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concrete slab is 10 by 20-feet. Mr. Vincent stated that the proposed accessory structure would be 7.6-feet from the property line. In response to Hartigan's question, Mr. Vincent answered that they are requesting a side yard setback variance and not requesting a height variance, because the proposed structure would be 15 feet from the concrete slab to the peak. In response to Strange's question, Mr. Vincent answered that the existing concrete slab is 7.6 feet from the property line and that the slab has been there since 1998. In response to Cypher's question, Mr. Vincent answered that the existing shed is 18.3 by 8.3-feet and that the existing concrete slab is 10 by 20-feet. Mr. Vincent continued that there was a shed that was shown on the site plan that has been relocated to the present slab. In response to Cypher's question, Mr. Vincent answered that the proposed accessory structure would utilize the entire existing concrete slab, which is 7.6 feet from the property line. Cypher stated that the original submitted drawing shows the existing shed to be 4.6 feet from the property line, not 7.6 feet from the property line. He continued that the dotted line of the old shed shows that it is closer to 7.6 feet from the property line. Tyrone Township Zoning Administrator George Van Hecke responded that there were two sheds at one time and the one that was 4.6 feet from the property line was removed. Cypher stated that the Board has the opportunity to bring the existing nonconforming structure into conformance with the Zoning Ordinance by locating the proposed structure 10 feet from the property line, and not need a side yard setback variance. Hartigan stated the existing concrete slab that is in encroachment would not have to be removed because it is not considered structure because it is not more than 12 inches off the ground. Carnes stated that there are five criteria that need to be met and he is having a hard time finding a hardship in which to grant the side yard setback variance. He continued there is no unreasonable burden because there is a way around the situation. Hartigan stated that this is a lakefront parcel and it is allowed by the Zoning Ordinance to have one detached accessory structure. He continued that there is no other reasonable place in which to locate an accessory structure, but in the front yard. Carnes stated that he agreed, but that there is not a hardship in which to grant a side yard setback variance.

PUBLIC COMMENT

None. No written correspondence was received prior to tonight's meeting.

MOTION

Carnes moved to **grant** the request by Ryan Farnen for a front yard location variance in order to locate a 10 by 20-foot accessory structure on an existing slab in front of the existing house, located at 11006 Runyan Lake Road, (TAX CODE # 4704-10-100-029), because all the criteria of Zoning Ordinance Section 28.03C (Criteria for Granting Variances for Dimensional (Non-Use) Requirements) have been met, but **deny** the request for a 2½-foot side yard setback variance because all the criteria of Zoning Ordinance Section 28.03C (Criteria for Granting Variances for Dimensional (Non-Use) Requirements) have not been met. Also, the request to waive the 5-day waiting period was withdrawn by the applicant. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations), 21.02B (Accessory Structure Provisions – Number and Yard Locations) and 28.05C (Decisions of the ZBA)]. (Hartigan seconded.) Roll call vote: Cypher, yes; Carnes, yes; Moyski, yes; Hartigan, yes; Strange, yes. The motion carried.

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New Business:

VARIANCE REQUEST

- #1 Creative Wood Products, Representing Jim and Anita McCachrene, RE:
Request for a 22-Foot Rear Yard Setback Variance in Order to Build an
Addition to the Rear of the Existing House, Located at 10065 Center Road,
(TAX CODE # 4704-16-300-009).

Steve Okopien, of Creative Wood, representing Jim and Anita McCachrene,
requested a 22-foot rear yard setback variance in order to build an addition to the rear of
the existing house.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Hartigan stated this property has two front yards. He continued that it is located
off of two major roads, both of which are either main trunk roads or highways, which both
require 150 foot setbacks on the front yard. He continued that this is an existing
nonconforming building. Hartigan stated that when you have two front yards, according to
Zoning Ordinance No. 36 – Section 20.02C, it states [for corner lots, both sides fronting
on the road or street shall meet the front yard requirement: one of the other two yards shall
comply with the rear yard requirement and one shall comply with at least the side yard
requirement as illustrated in Figure 10 (page 20-5)]. Hartigan continued that if the
applicant considers the rear yard to be to the east, the addition would be in the side yard
and not need a variance. Hartigan stated that there is nothing that can be done about a
nonconforming existing structure, but the applicant could consider the rear yard to be east
of the house rather than north of the house. Tyrone Township Zoning Administrator
George Van Hecke responded that this would put an accessory structure in the front yard
location. Hartigan clarified that the front yard setback runs parallel to the road (Runyan
Lake Road), from the corner of the house. Hartigan stated that the front of the house
determines the front yard setback, even though it is not nonconformance with the Zoning
Ordinance requirement of 150 feet from the road – it is still the front yard setback line. In
response to Van Hecke's question, Hartigan answered that the house may not face the road
and the home owner has the option of determining the front, the side and the rear yard. In
response to Van Hecke's question, Strange answered that once the yards are established
they should remain established and not change. Hartigan stated that the applicant has
another nonconforming issue which is the train caboose, which is in the front yard no
matter how you look at it, but it is an existing nonconforming situation. Carnes stated that
the rear yard needs to be established because the property has two front yards. Strange
stated a motion should establish the side and rear yard locations of this parcel. Cypher
responded that determining the side and rear yard locations could get lost in the future if
nobody remembers the motion. Hartigan stated it might be easier to grant a motion
without determining the yard locations.

PUBLIC COMMENT

None. No written correspondence was received prior to tonight's meeting.

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MOTION

Hartigan moved to grant the request by Jim and Anita McCachrene for a 22-foot rear yard setback variance in order to build an addition to the rear of the existing house, located at 10065 Center Road, (TAX CODE # 4704-16-300-009) based on the following: 1) The property has two front yards, both are on major arterial roads requiring the maximum front yard setback, along with the difficult geometric angles at the rear lot line preventing full use of the property, create an unreasonable burden. 2) Substantial justice would be granted by allowing the structure to be closer to the nearest point of the rear property line, in addition the unusual shape the rear property line allows the setback to increase to the west and to the east of the minimum setback point of the variance being granted. 3) The minimum variance possible has been granted, as noted in #2 above. 4) The extraordinary circumstance of the property is noted in item #1 above, 2 front yards, unusual geometric shape and topography. 5) No safety or health issues would be created by this variance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Schedule of Regulations)]. (Moyski seconded.) Roll call vote: Hartigan, yes; Moyski, yes; Cypher, yes; Strange, yes; Carnes, yes. The motion carried.


MISCELLANEOUS BUSINESS

The Board reviewed and approved the ZBA By-laws. Hartigan moved to adopt the ZBA By-laws, dated December 5, 2005. (Carnes seconded.) The motion carried by voice vote.

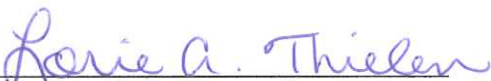
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, January 2, 2006 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:38 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