

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING  
APPROVED MINUTES – PAGE 1 – OCTOBER 3, 2011**

**CALL TO ORDER**

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on October 3, 2011, at 7:30 p.m., at the Tyrone Township Hall.

**ROLL CALL**

Present: Commissioners Gregory Carnes, David Cypher, Dave Wardin, and Cam Gonzalez

Guests: Julie Cemazar and Dan Callan

**MINUTES OF JULY 11, 2011, ZONING BOARD OF APPEALS MEETING**

Cypher moved that the minutes of the July 11, 2011, Zoning Board of Appeals Meeting be approved as presented. (Gonzalez 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 18, 2011, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on September 14, 2011, at 9:00 A.M.

**VARIANCE REQUEST**

- #1 Lone Tree Trio, LLC, Representing Tyrone Hills Preserve LLC, RE: Request to Allow the Existing 64 Square Foot V-Sided Real Estate Sign with an 8-Foot Span to Remain in its Current Location for a Minimum of 5 Years, Located at the Southwest Corner of Lee Jones Road and Old US-23, (TAX CODE # 4704-08-101-074)

Dan Callan, representing Tyrone Hills Preserve, LLC, requested a variance extension to allow the existing 64 square foot V-sided real estate sign with an 8-foot span to remain in its current location for a minimum of 5 years, at the southwest corner of Lee Jones Road and Old-23. He stated he would like to keep the sign in place until the development is filled to 85% or 90% capacity and then remove the sign. He continued that if the economy continues, as it is now, they will probably be back in for another extension in 3 to 5 years and he would like to avoid paying another \$400 for a variance extension.

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

In response to Cypher's question, Mr. Callan answered that the sign is extremely valuable for advertising, even more than someone looking for a lot and going to a real estate agent. He continued that signage produces more inquiries than anything, including the internet. He added that the traffic that passes by the sign is important to them because it lets people know they are there. Cypher stated he would like to see this development succeed and grow, but is concerned because the size of the sign is over the maximum size allowed and that in his opinion it actually takes away from the beauty of the entrance. Mr. Callan responded that this type of signage is allowable under the Zoning Ordinance and that no real estate sign would be desired, but it is currently needed and it would be removed once the development fills to capacity. Cypher stated that a development sign normally comes down within a specified period of time, not 10 years later. Mr. Callan

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replied that he understands that, but times have changed. He stated the developer has completed the project of hooking up to the municipal sewer system and has put the asphalt in. He stated the developer needs to have the sign there to sell the remaining lots that are available and allowing the sign to remain in its present location is in the best interest of the development. In response to Carnes' question, Mr. Callan answered that only 3 lots have sold in the last 3 years. Carnes stated that the applicant's willingness to spend \$400.00 to keep the existing sign shows that there is a value in the sign. Gonzalez stated that he is a real estate agent and he agrees with Mr. Callan that the best exposure is signage and that signage is an important part of business. He continued that allowing the sign to remain until the development is filled to 90% capacity could result in the sign being there another 20-30 years and begin to show wear. Mr. Callan stated the biggest issue for him is paying the \$400.00 every time he has to come back to renew the sign and the time needed to come back in before the Board. Cypher stated his only concern is that the Board has already set precedent by allowing the larger size sign to remain; that there are several other developments that could come in here and want a large sign on US-23 for advertising sales; then how does the Board say yes to one development and no to the other developments. Cypher stated he does not have a problem with allowing the sign to remain for another 1-3 years, but longer than 3 years would be a problem. Gonzalez stated that the proximity of the sign to the area they are trying to market is a factor. Mr. Callan stated the sign is on the development property. Carnes stated there is uniqueness here because it is somewhat of a directional sign, not just a development sign. In response to Carnes' question, Mr. Callan answered that 19 out of 72 lots have been sold total and only 5 of those have been sold since the developer took over in 2005. Mr. Callan continued he would accept a 3 year extension, but doesn't want to pay \$400.00 every time he comes back in. In response to Wardin's question, Recording Secretary Thielen answered that 2-3 other signs come in before the Board for an extension on a 3 year basis (Preserve directional signs, Spring Aggregate's portable sign, and Cider Mill Crossing (but they no longer have the sign)). She continued that nothing else comes back to the Board for an extension, unless an extension is needed due to the land use permit requirements. Carnes stated that the Board can determine if the fees can be waived in the future, as long as it comes in with another appeal. Cypher stated a time limit should be placed on the sign and not by a percentage of the development being sold and that he does not feel comfortable waiving the fees for 3 years down the line.

**PUBLIC COMMENT**

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

**MOTION**

Cypher moved to grant a 3-year extension to Tyrone Hills Preserve LLC to allow the existing 64 square foot V-sided real estate sign with an 8-foot span to remain in its current location, at the southwest corner of Lee Jones Road and Old US-23, (TAX CODE # 4704-08-101-074), based on the previous variance granted at the ZBA meeting on August 11, 2008. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 27.02.A.3 (Permitted Business Signs) and 27.06.B.2 and C.1 (General Standards for Permitted Signs)]. (Wardin seconded.) Roll call vote: Wardin, yes; Cypher, yes; Gonzalez, yes; Carnes, yes. The motion carried.

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**MISCELLANEOUS BUSINESS**

Mrs. Cemazar requested a 6 month extension on their variance for an in ground swimming pool at 11471 Orchard Parkway. She stated that Consumers Energy needs to move the gas line over 4 feet and it will take 3 weeks for them to come out and move it. She stated a concern that the land use permit could run out, if they are unable to get the cement and the pool in before the weather gets bad and need to wait until the spring to put the pool in.

Cypher moved to grant a 6 month extension, until July 1, 2012, to Michael and Julie Cemazar for construction of a swimming pool, the original variance was granted at the ZBA meeting on July 11, 2011. (Gonzalez seconded.) The motion carried by voice vote.

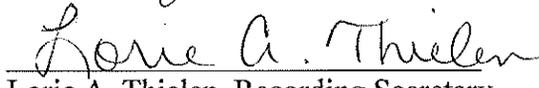
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, November 7, 2011 at 7:30 p.m.

**ADJOURNMENT**

The meeting ended at 8:28 p.m.



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Gregory Carnes, Chairman  
Tyrone Township Zoning Board of Appeals



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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