

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – APRIL 7, 2014**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on April 7, 2014, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, Mark Meisel, Joe Trollman, Jeff Young, and Don LoVasco
Guests: Leslie Brown and Allan Pruss

MINUTES OF FEBRUARY 3, 2014, ZONING BOARD OF APPEALS MEETING

Young moved that the minutes of the February 3, 2014, Zoning Board of Appeals Meeting be approved as presented. (LoVasco 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 March 23, 2014 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on March 19, 2014, at 9:00 A.M.

VARIANCE REQUEST

- #1 Dennis and Kristine Lockwood, RE: Request for a 12.2-Foot South Side Yard Setback Variance for the Existing House on Proposed "Parcel B". Also a 12.2-Foot North Side Yard Setback Variance and a 108.46-Foot Lot Width Variance for the Existing House, Located at 6357 Old US-23, (TAX CODE # 4704-32-200-003). The Applicants are also Requesting a 3.1-Foot North Side Yard Setback Variance for an Existing Barn Located on Tax Code # 4704-32-200-008.

Commissioner Meisel gave the Board a lengthy prolog/introduction of the findings and requests of the Planning Commission meeting regarding this request. He continued that a lot of issues were resolved at the Planning Commission meeting and that the issues before the Zoning Board are the unresolved issues. He added that this seems to be the best alternative to reasonably comply with the Zoning Ordinance for the applicant, but several variances are needed before the Planning Commission can grant final approval of the proposed plan. The Planning Commission tabled the request pending Zoning Board of Appeals approval of the variances being requested.

Allen Pruss stated that he is the surveyor of the property and is also representing Dennis and Kristine Lockwood. He explained that there are two sets of surveys: one has six sheets and the other has seven sheets. Mr. Pruss stated that the larger parcel 04-32-200-008 is the parent parcel (on the 6 page survey). He continued that they are splitting off the farmhouse, the barn, and the farming buildings to parcel 04-32-200-008 and then creating a new parcel referred to as "Parcel A". He stated that parcel 04-32-200-003 has two houses on it, and the northern house encroaches onto the main parcel. Mr. Pruss explained that they are taking some property from parcel 04-32-200-008 and adding it to what is being referred to as "Parcel B". He continued that they are splitting the proposed new property line right down the middle between the two homes. He stated that they

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cannot satisfy the side yard setback requirement, but this is the best proposed situation possible. Mr. Pruss stated that the open space was attached to the remaining parcel with the house on the southern part. Mr. Pruss (referencing page 2 of the 6 page survey), stated they are asking for a 3.1 foot north side yard setback variance for an existing barn on parcel 4704-32-200-008. He continued the barn is 26.9 feet from the side yard property line and they are required to have a 30 foot setback. Mr. Pruss (referencing the 7 page survey), stated the drawing shows parcel 4704-32-200-003 as it exists now. He continued that page 2, of 7, shows the reconfiguration of parcel 04-32-200-003 (adjusted). Mr. Pruss stated the 4 to 1 ratio requirement and the open space requirements are attached to parcel 04-32-200-003 (adjusted). He explained that the drawing also shows the one home is encroaching on parent parcel 4704-32-200-008 right now, so they propose the new configuration shown on the drawing. He stated a 12.2 foot south side yard setback variance is needed for the existing house on proposed “Parcel B”. He continued that a 12.2 north side yard setback variance and a 108.46 lot width variance are needed for the existing house on parcel 4704-32-200-003.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel stated that in regards to the stream or river, the Planning Commission tried to work with the applicant on some configuration changes from some of the desired property lines to satisfy the 4 to 1 ratio and the open space requirement. Carnes stated that the only variance needed for parcel 4704-32-200-008 is a 3.1 foot north side yard setback variance for an existing barn. In response to Carnes question, Mr. Pruss answered that the variance is needed because of the location of the existing building and so as not to create non-conformity on proposed “Parcel A”. He continued that if they provided a 30 foot setback here, it would create non-conformity on proposed “Parcel A” and he thought it made sense to have the non-conformity with the parent parcel. Meisel stated that the applicant added a fence to cut off access from proposed “Parcel A” to the remainder parcel, so they do not create a shared private driveway. Carnes stated they are creating a parcel having out buildings without a primary structure. Meisel responded that in a non-farming residential district, the requirements are that you cannot have an accessory building without also having a primary building or residence. He continued that there is an exception if you are in farming residential and the primary use of the property and the building will be for farming purposes. He added that the applicant indicated they will continue to farm the land on which the barn is located, so they qualify as having the accessory structure as a principal use so it is conforming and does not need a variance. Meisel stated that the most important thing in the McKenna document is that parcel 4704-32-200-003 (adjusted) and proposed “Parcel B” do not conform to several dimensional standard requirements, but density standards of the Zoning Ordinance will be met and minimum lot size will be met. He continued that there is some consistency and harmony with other properties in the area. Meisel stated that there are no houses across the street that will be impacted by lack of conformity for lot widths and setbacks, so again you maintain harmony. He continued that the house immediately to the south is similarly non-conforming. Meisel mentioned the Master Plan aspect and it is future planned for PCI, so there is no need to protect the future residential character in the area because it will not be residential. Meisel concluded that there is no way to configure this property to conform to all the standards in the Zoning Ordinance and that the Planning Commission recommended this configuration as most reasonable. Carnes stated that what the applicant

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is doing with parcel 4704-32-200-003 and proposed “Parcel B” is probably the best plan, with having two separate tax id’s and not having two homes on one parcel. In response to Carnes’ question, Ms. Brown, Mr. and Mrs. Lockwood’s daughter, answered that the family is planning to maintain the farming operations and will need the accessory buildings for farming. She continued that the family cannot financially maintain two homes, so they are separating the barn from the house and will sell or rent out the house.

PUBLIC COMMENT

Leslie Brown thanked the Board for all their time and consideration for their complex situation. The Board reviewed the McKenna Letter, dated February 18, 2014.

MOTION

Young moved to grant the variance request by Dennis and Kristine Lockwood for a 12.2-foot south side yard setback variance for the existing house on proposed “Parcel B”, grant a 12.2-foot north side yard setback variance and a 108.46-foot lot width variance for the existing house, located at 6357 Old US-23, (TAX CODE # 4704-32-200-003), and also grant a 3.1-foot north side yard setback variance for an existing barn located on Tax Code # 4704-32-200-008, for the following findings of fact: Unreasonable Burden: The existing property configuration has two homes on one lot, in violation of the Tyrone Township Zoning Ordinance. While there is no perfect solution available as a result of the configuration of the subject properties, granting variances to result in one home per lot results in lot configurations compatible with adjacent properties and eliminates the existing nonconformity while minimizing the remaining nonconformities. Substantial Justice: Although the Parcel 003 Adjusted and Parcel B do not conform to several dimensional standards, the density standards (minimum lot size) of the Zoning Ordinance will be met. There are no houses across the street that will be impacted by the lack of conformity with lot width and setbacks, and the house immediately south is similarly nonconforming. The Township Master Plan envisions this land in nonresidential use (PCI), thus there is no pressing need to protect the future residential character of the area. The Planning Commission has stated the situation of two houses existing on one lot may be considered a practical difficulty for which variances could be granted, benefiting both the lot owners and the Township. No opposition was received from the public. Minimum Variance Required: It is the opinion of the ZBA the variances being granted represents the minimum variance required to result in reasonable coexistence with the adjacent neighbors, and to result in reasonable conformance with the intent of the current Zoning Ordinance. Extraordinary Circumstances: The existing property configuration has two homes on one lot, in violation of the Tyrone Township Zoning Ordinance. The Planning Commission has all but approved the proposed property reconfiguration, subject to variances being granted by the ZBA, as the proposed property configuration will provide reasonable harmony and compliance with the intent of the Zoning Ordinance. There are no houses across the street that will be impacted by the lack of conformity with lot widths and setbacks, and the house immediately south is similarly nonconforming. Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Table of Regulations)]. (Commissioner Joe Trollman seconded.) Roll call vote: Trollman, yes; Young, yes; Meisel, yes; Carnes, yes; Lo Vasco, yes. The motion carried.

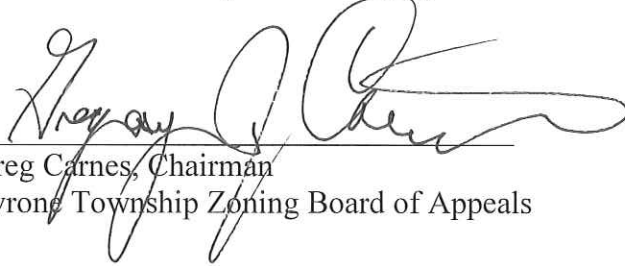
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MISCELLANEOUS


The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, May 7, 2014 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:27 p.m.

A handwritten signature in black ink, appearing to read "Greg Carnes", written over a horizontal line.

Greg Carnes, Chairman
Tyrone Township Zoning Board of Appeals

A handwritten signature in purple ink, appearing to read "Lorie A. Thielen", written over a horizontal line.

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