

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – MAY 12, 2014**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on May 12, 2014, at 7:35 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, Mark Meisel, Joe Trollman, Jeff Young, and Don LoVasco
Guests: Anthony and Carol Brown and Steve Darby

MINUTES OF APRIL 7, 2014, ZONING BOARD OF APPEALS MEETING

Young moved that the minutes of the April 7, 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 April 27, 2014 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on April 24, 2014, at 9:00 A.M.

VARIANCE REQUEST

#1 Creative Wood Products L.L.C., representing property owners Wayne and Carol Brown, RE: Request for a 24-foot rear yard setback variance in order to build a 10-foot by 30-foot screen room on the existing house located at 7231 Parkwood Drive, (TAX CODE # 4704-30-401-015).

Steve Darby, representing property owners Wayne and Carol Brown, requested a 24-foot rear yard setback variance in order to build a new 10-foot by 30-foot deck/screen room. He stated that he asked for a 24-foot variance due to the fact that the house is so far into the setback per the Ordinance. He continued that he believed the house was built prior to the 50 foot rear yard setback requirement currently in the Zoning Ordinance. He stated that Zoning Administrator Vanessa Bader advised him to request a 24-foot variance and not a 10-foot variance, due to the fact that the house is set so far back. He continued that the Brown's had an existing deck that became unsafe, so they removed it approximately a year ago. He stated that they would like to get a little more use out of the backyard with a new safer, screened in deck. He continued the house was built with three door walls, all of which are above grade and this presents a safety issue. Mr. Darby continued that the applicants would not be able to put in a normal deck per the current Ordinance. He stated that the new proposed deck/screen room would not interfere with the neighbor's views on either side, especially with the row of trees currently there. He continued that emergency vehicles would still have access to the rear yard between the trees and where the deck/screen room would be located. He stated the existing pool and deck, located in the side yard, will be removed shortly, so the new deck/screen room will be the Brown's only entertaining area.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Carnes stated that the existing pool and deck are only 18 feet to the lot line. Mr. Darby responded that a variance was granted to allow the pool to be built in the side yard.

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He continued that the house was built in the 1970's, which was before the Ordinance was enacted. Carnes stated that the Brown's would need at least a deck, due to the three door walls being above grade. Mr. Darby responded that the applicant could not put in a deck without requesting a variance. He continued he asked the applicants if they would consider just a deck, but then discovered that even a deck would need a variance. In response to Meisel's question, Mr. Darby answered that the original deck was 10 feet out and connected all three door walls. He added it was basically the same area as what they are asking for now. In response to Carnes' question, Mr. Darby answered that the previous deck, which was removed, was 10 feet out and would have required a 24-foot rear yard setback variance. Mr. Darby continued that they cannot go out any deeper into the rear yard than the requested 10 feet because the septic system comes into play, on the other side of the proposed deck/screen room toward the rear lot line. He added that a 10-foot deck would allow the applicants room for a table and chairs and have some room to get around, versus an 8-foot deck. Carnes stated the unreasonable burden would be the way the house was originally designed prior to the existing Ordinance. He continued that the house was designed to have a deck because you are not going to put a set of stairs on a door wall, especially when you have three of them. Carnes stated it would be a safety hazard without something there for the three door walls. Meisel stated that this would be the substantial justice as well as a health and safety hazard remedy. He continued that this will replace a pre-existing deck that was in disrepair; it will use the same footprint; the bad news is it was removed a year ago, but the good news is that it could be considered a delayed reconstruction of some sort. Carnes stated that there will be a non-conforming improvement by removing the existing pool and deck. In response to Meisel's question, Mr. Brown answered that the home was built in September of 1978 and they moved into the home May of 1979. Meisel stated that the Lake Shannon Architectural Committee needs to review the plans and give their approval.

PUBLIC COMMENT

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

MOTION

LoVasco moved to grant the request of Wayne and Carol Brown for a 24-foot rear yard setback variance in order to build a 10-foot by 30-foot screen room on the existing house located at 7231 Parkwood Drive, (TAX CODE # 4704-30-401-015), for the following findings of fact: Unreasonable Burden: The existing property configuration is a result of developmental standards in effect during 1978 when the original home construction by the applicants. The Lake Shannon architectural standards, as set forth in their bylaws, governed the home configuration rather than Tyrone Township's Zoning Ordinance, which had relaxed standards at that time. Substantial Justice: The home was designed with three door walls located approximately 24 inches above grade. Without a transition of some sort such as a deck or enclosed improvement a safety hazard exists along with an inability to utilize the home as intended by the developer/architect. A pre-existing deck was removed approximately 1 year ago and had a similar 10 foot depth. The rear yard is heavily screened from the neighbors by existing trees. No opposition was received from the public. The applicant has also agreed to remove the existing above ground pool, thereby removing an existing nonconformity. Minimum Variance Required: It is the opinion of the ZBA the variances being granted represents the minimum variance

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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 is a result of developmental standards in effect during 1978 when the original home construction by the applicants. The Lake Shannon architectural standards, as set forth in their bylaws, governed the home configuration rather than Tyrone Township's Zoning Ordinance, which had relaxed standards at that time. Health and Safety: Granting this variance does not alter or negatively impact the satisfactory health and safety of the immediate area, but enhances the ingress/egress safety to the home. [Ref. Tyrone Township Zoning Ordinance No. 36 – Section 20.01 (Table of Schedule of Regulations)]. (Trollman seconded.) Roll call vote: Young, yes; Trollman, yes; Carnes, yes; Lo Vasco, yes; Meisel, yes. The motion carried.

MISCELLANEOUS


The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, June 2, 2014 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:16 p.m.



Greg Carnes, 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