

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – AUGUST 3, 2015**

CALL TO ORDER

Vice-Chairman Jeff Young called the Zoning Board of Appeals Meeting to order on August 3, 2015, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Mark Meisel, Jeff Young, and Don LoVasco
Absent: Chairman Greg Carnes and Commissioner Joe Trollman
Guests: Tom and Margaret Sokolnicki and Leonard Poole

MINUTES OF JULY 6, 2015, ZONING BOARD OF APPEALS MEETING

LoVasco moved that the minutes of the July 6, 2015, Zoning Board of Appeals Meeting be approved as presented. (Meisel 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 July 19, 2015 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on July 15, 2015, at 9:00 A.M.

VARIANCE REQUEST

#1 Leonard Poole, RE: Request for a 40-foot front yard setback variance in order to build a proposed new house and attached garage on vacant property, located on the west side of Hartland Road, approximately 660 feet north of Center Road, (TAX CODE # 4704-16-400-010).

Leonard Poole requested a 40-foot front yard setback variance in order to build a proposed new house and attached garage. He stated because the property is zoned FR, the setback is more than he originally thought.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel stated the applicant is asking to build with similar setbacks as the houses to the north and the south, he is constrained to the west by topography. He continued that the GIS graded map shows that the applicant is more constrained than the neighbor to the north and south by topography. Meisel stated this is a reasonable request for consideration because there is definitely some burden here due to the topography.

PUBLIC COMMENT

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

MOTION

Meisel moved to grant the request by Leonard Poole for a 40-foot front yard setback variance in order to build a proposed new house and attached garage on vacant property, located on the west side of Hartland Road, approximately 660 feet north of Center Road, (Tax Code # 4704-16-400-010), for the following findings of fact:
Unreasonable Burden: The lot is constrained by topography challenges, with significant areas of wetlands to the west. The available building envelope is therefore limited to the eastern side of the property. The variance requested does not negatively impact neighbors to the north and south since their front yard setbacks are consistent with this request and

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 2 – AUGUST 3, 2015**

the setbacks existing are safe. Substantial Justice: The proposed building envelope will reasonably blend with the neighborhood and lots to the immediate north and south. The adjacent properties have similar topography constraints. No objections were received for the requested variances. The developed parcel will therefore be compatible and harmonious with adjacent land uses and neighbors. Minimum Variance Required: It is the opinion of the ZBA the variance being requested and granted represents the minimum variance required to result in reasonable use of the property. Extraordinary Circumstances: The lot is constrained by topography challenges, with significant areas of wetlands to the west. The available building envelope is therefore limited to the eastern side of the property. The variance requested does not negatively impact neighbors to the north and south since their front yard setbacks are consistent with this request and the setbacks existing are safe. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Table of Schedule of Regulations)]. (LoVasco seconded.) Roll call vote: Lo Vasco, yes; Young, yes; Meisel, yes. The motion carried.

VARIANCE REQUEST

#2 Thomas Sokolnicki, RE: Request for a 12-foot north side yard setback variance for a proposed addition to the existing house and a 10-foot rear yard setback variance for a proposed new accessory structure, located at 7448 Denton Hill Road, (TAX CODE # 4704-25-100-005

Tom Sokolnicki requested a 12-foot north side yard setback variance for a proposed addition to the existing house and a 10-foot rear yard setback variance for a proposed new accessory structure. He stated he purchased an existing home which was built in 1954 which allowed 1 acre parcels, but now the Ordinance requires a minimum of a 2 acre parcel. He continued that the side yard setback requirement is 30-feet and the house is currently 30 feet from the north lot line. Mr. Sokolnicki stated he would like to add a 12-foot addition to the house on the north side to bring the house back to a 3-bedroom house. He continued the septic tank is located directly behind the house. He stated the property slopes severely from the back to the front and they removed a lot of dirt to get the grade to slope away from the house and drain properly. He continued he is also asking for a 10-foot rear yard variance to build a new garage out back. He added the variance is needed due to the slope of the property. He stated if they built the garage at 20 feet from the property line, the approach would be too steep to get to the garage. He continued that he will have to put in a rock wall to transition from the higher level down to the grade they created to get away from the house.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel stated the applicant is looking to install a new driveway that would have access to the existing private driveway to the south. In response to Meisel's question, Mr. Sokolnicki answered that he has permission from his neighbor to access the existing private driveway to the south. Meisel stated that he needs to get that agreement in writing which will create a shared private driveway agreement. He continued that by Ordinance, the applicant needs a shared private driveway maintenance agreement with the neighbor which is signed and notarized by both parties. In response to Meisel's question, Mr. Sokolnicki answered that the existing driveway in the front will go away. Meisel stated he

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 3 – AUGUST 3, 2015**

has a concern that the existing private driveway is owned by the neighbor, so granting the applicant use is technically granting the applicant an easement. He continued the applicant should make sure their interests are protected and the right to use the private driveway would come through the granting of an easement, which should have been established already. Mr. Sokolnicki stated three families will use the shared private driveway. Meisel stated the Board needs to consider what they think about granting variances because they are on a relatively small lot in the FR Zoning District and clearly they do not have a lot to work with. He continued that they clearly have topography issues that limit some of their options and they also have the septic field in the back which limits an addition in the rear yard location. He added he is not overly concerned with the rear yard setback because there is a lot of screening on the property with the existing trees and the Ordinance allows 10-foot rear yard setbacks for accessory structures in other areas. Mr. Sokolnicki stated that they have removed the two sheds that were on the back of the property. Meisel verified the Ordinance: a shared private driveway provides access to a maximum of 4 single family lots, (he explained to the applicant the difference between a shared private driveway and a private road, according to the Zoning Ordinance). Meisel stated his only concern is for the 12-foot north side yard setback variance. A discussion ensued as to whether this is a corner lot or not. The conclusion of the Board was that this is not a corner lot, according to Zoning Ordinance 20.02.C (Definition for the Requirements for Corner Lots) and 24.01.D (Private Roads). Mr. Sokolnicki stated part of his building plan was to move the garage over to the driveway and put a breezeway from the house to the garage. He continued that the north side, where they are asking for the 12-foot side yard setback variance, is a heavily wooded and buffered area. Meisel stated he has no issue with the side yard setback variance because of the following: the proximity to the shared private driveway; the screening by the trees; plenty of setback to not have to worry about a fire jump; similar situation as the neighbor with a front yard and traditional two side yards; and can justify the side yard variance for the neighbor to the north because of the tree line. Ms. Sokolnicki stated they talked to the neighbors on the north side and the south side and they both were in support of the variance request. Meisel stated there is a buffer to the back, buffering to the south, buffered to the north per say, and they are setback plenty from Denton Hill Road. Mr. Sokolnicki stated the addition will be even to the front of the house. Meisel stated the applicant cannot go towards the road due to the setback, he cannot go towards the back because of the septic field, and the only place he can go is towards the sides. He continued the only reason he goes to the sides is because his house was built in 1954 on a 1 acre lot, which has transitioned to the new FR requirement of a 2 acre minimum which makes them more constrained. Meisel stated that they have 1 acre to work with and interesting surroundings to the north, the south and to the east. He stated that in FR Zoning, there is not a size restriction or a number restriction for accessory buildings. He continues the accessory structure will be in an area that is completely buffered from the adjacent neighbors. Ms. Sokolnicki stated that the back to the east has trees that are completely filled in together and behind them are three rows of apple trees.

PUBLIC COMMENT

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

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 4 – AUGUST 3, 2015**

MOTION

LoVasco moved to grant the request by Thomas Sokolnicki for a 12-foot north side yard setback variance for a proposed addition to the existing house and a 10-foot rear yard setback variance for a proposed new accessory structure, located at 7448 Denton Hill Road, (Tax Code # 4704-25-100-005), for the following findings of fact: Unreasonable Burden: The lot is currently zoned FR, but is only one acre in size. The existing home was built in 1954 when the current zoning ordinance was not in effect. Today's standards require additional space to be occupied for the septic field and separation from the private well. There is considerable screening from mature trees to the north, south, and east, completely buffering the proposed home and accessory building from the adjacent neighbors. The adjacent neighbor's home setbacks are also considerable when compared to the minimum required. Substantial Justice: The proposed new home and accessory building will be up to date with today's building standards and will blend harmoniously with the existing adjacent neighbors. No objections were received for the requested variances, and the applicants indicated the adjacent neighbors were in support of their variance requests despite nothing being provided in writing. The developed parcel will therefore be compatible and harmonious with adjacent land uses and neighbors. Minimum Variance Required: It is the opinion of the ZBA the variance being requested and granted represents the minimum variance required to result in reasonable use of the property. Extraordinary Circumstances: The lot is currently zoned FR, but is only one acre in size. The existing home was built in 1954 when the current zoning ordinance was not in effect. Today's standards require additional space to be occupied for the septic field and separation from the private well. There is considerable screening from mature trees to the north, south, and east, completely buffering the proposed home and accessory building from the adjacent neighbors. The adjacent neighbor's home setbacks are also considerable when compared to the minimum required. Health and Safety: Granting this variance does not adversely impact public safety or create a public nuisance. The applicants will abandon and remove the existing driveway onto Denton Hill, thereby retaining only a single driveway access point via the existing shared private driveway. The granting of these variances is conditional upon the applicants providing a shared private driveway maintenance agreement satisfactory to the Township to comply with Article 24. [Ref. Tyrone Township Zoning Ordinance No. 36 –Sections 20.01 (Table of Schedule of Regulations) and 26.02B (Nonconforming Lots of Record – Single Lot of Record)]. (Meisel seconded.) Roll call vote: Young, yes; Meisel, yes; Lo Vasco, yes. The motion carried.

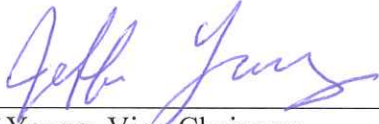
MISCELLANEOUS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, September 14, 2015 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:47 p.m.

TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 5 – AUGUST 3, 2015



Jeff Young, Vice-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