

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – PAGE 1 – JANUARY 4, 2016**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on January 4, 2016, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Gregory Carnes, Mark Meisel, Jon Ward, Don LoVasco, and Joe Trollman

Guests: Charles Sawdon

MINUTES OF OCTOBER 5, 2015, ZONING BOARD OF APPEALS MEETING

LoVasco moved that the minutes of the October 5, 2015, Zoning Board of Appeals Meeting be approved as presented. (Trollman 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 December 20, 2015 edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on December 16, 2015, at 9:00 A.M.

VARIANCE REQUEST

#1 Randy Roat, RE: Request for a 2-foot southwest side yard setback variance in order to build a proposed addition to the existing home, located at 10247 Bennett Lake Road, (TAX CODE # 4704-04-100-024).

Charles Sawdon, representing property owner Randy Roat, requested a 2-foot southwest side yard setback variance in order to build a proposed addition to the existing house/attached garage. He stated the addition will be to the garage and would be used to store a boat for the winter. He continued this is the only place on the property to locate the addition because: there are large grade changes on the site; the location of the existing house; the location of the septic field; and the irregular shape of the lot. He stated the south lot line runs at an angle which creates the need for a 2-foot variance. He continued the 30 foot addition is needed to store a 28 foot boat.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Meisel stated that the applicant is asking for an addition to an attached accessory structure. He continued they do not have a detached accessory structure but want to expand the attached accessory structure. Meisel stated for waterfront properties an accessory structure is not allowed in the rear yard, only in the side or front yard. He continued the applicant falls in the situation where there is a combination of having a home that is located close to the road so there is no front yard available, a topography restriction in the back, has limited side lot areas available, it is an irregular shaped lot, and it is on the lake so you would not want the structure in the rear yard. He continued there are a bunch of trees that have been cleared and previously there was quite a bit of screening with the property to the south. He added screening is important so that if a structure is put in it does not become a nuisance to the neighbor. Mr. Sawdon replied that the lot to the south is currently vacant and fully wooded and that a friend of Mr. Roat is

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looking to purchase the property. He added that even though trees have been cleared there are still 10 to 15 feet of trees to the south property line. Carnes stated the parcel to the south is quite large, 11 acres. In response to Carnes' question, Mr. Sawdon answered they would have to slide the proposed structure forward 8-feet 8-inches in order to meet the 20-foot side yard setback requirement. Mr. Sawdon added it would be too close to the road. Meisel stated the location of the home on the property is arguably self-created. He continued the septic field location is probably a requirement of the County, so you could argue that it had an influence on the location of the home because the septic location on this property appears to be very limited. Meisel stated the following facts: the lot is irregularly shaped, lesser lake frontage (130 feet) than road frontage (172.84), topography has resulted in the home being placed close to the road with the septic field located to the north of the home, the south is bounded by a developed lot with significant screening by virtue of existing mature trees, the garage expansion cannot encroach further into the rear yard due to topography and the expansion to the front yard would occupy an additional 8-foot 8-inches to the road thereby encroaching into the front yard setback. Meisel questioned what is the justification or unreasonable burden to allow the applicant to do this? He continued there is nothing that says the Board has to accommodate someone that wants to expand their home and there is nothing that says you couldn't reconfigure this in some other way and come up with 2 feet less width and have a garage that will fully conform. Carnes questioned what was the side yard setback requirement when the house was built? Carnes stated he cannot come up with an unreasonable burden. Meisel stated for health and safety, putting the boat inside is better from a visibility and vandalism point of view. Meisel stated unreasonable burden is the challenge. Meisel stated the extraordinary circumstance would be that there is no other location for the septic field and the topography of the property. Meisel continued he likes the applicant's concept, they are doing everything they can to minimize the variance that is required, the design is sound and it is not extravagant. Mr. Sawdon stated that you want to have enough room be able to open the car doors once inside the garage. Meisel stated the boat should be able to be stored and that the addition is large enough to hold it and walk around it and that is it. At this time a lengthy discussion regarding unreasonable burden took place, resulting in the Board not being able to come up with an unreasonable burden for this property. Ward questioned if the properties down the road all conformed to the side yard setbacks. Carnes stated there is nothing the Board can do in regards to unreasonable burden. In response to LoVasco's question, Mr. Sawdon answered that the addition could only be moved 4 feet forward and then it would encroach into the front yard setback. He added that moving it forward would not allow for the maneuvering of the boat. Meisel stated there is really only one place the addition can go. He continued that the applicant could clip the corner and not need a variance. Mr. Sawdon responded that the applicant considered this but did not like the look of it. Carnes and Meisel both agreed this request cannot meet the unreasonable burden criteria. Ward stated it looked like the lots five parcels down were narrower and might not meet the setback requirements. Carnes stated the request can be tabled to allow the applicant time to show that there is less than a 20-foot side yard setback on parcels 018, 025, 026, 027, and 028. Meisel stated the applicant can check the existing irons to make sure they are set correctly and if there is a difference between the current survey and the survey provided during the original purchase it can possibly help with the unreasonable burden.

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PUBLIC COMMENT

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

MOTION

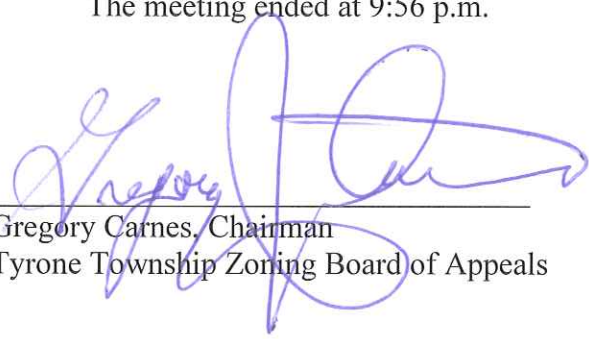
LoVasco moved to table the request by Randy Roat for a 2-foot southwest side yard setback variance in order to build a proposed addition to the existing home, located at 10247 Bennett Lake Road, (TAX CODE # 4704-04-100-024), to allow the applicant time to get additional information to be able to justify the criteria of Unreasonable Burden. [Ref. Tyrone Township Zoning Ordinance No. 36 –Sections 20.01 (Table of Schedule of Regulations)]. (Commissioner Joe Trollman seconded.) The motion carried by voice vote.

MISCELLANEOUS

The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, February 1, 2016 at 7:00 p.m.

ADJOURNMENT

The meeting ended at 9:56 p.m.



Gregory Carnes, Chairman
Tyrone Township Zoning Board of Appeals



Lorie A. Thielen

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