

Town of Tyrone
Planning Commission Minutes
February 28, 2015

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Jeff Duncan, Commissioner
Wil James, Commissioner
Carl Schouw, Commissioner
Kyle Hood, Town Manager
Patrick Stough, Town Attorney
Dina Rimi, Zoning and Development Coordinator

Call to Order

Commissioner Shenkle called the meeting to order at 7:00 p.m.

Approval of Agenda

Vice Chairman Nebergall made a motion to approve the agenda. Commissioner Duncan seconded the motion; approved 4-0

Approval of Minutes- February 12, 2015

Commissioner Duncan made a motion to approve the minutes as written. Commissioner James seconded the motion; approved 4-0.

Public Hearing

- 1. Public Hearing to consider a variance V 2015-001 applied for by Lynn and William Redwood to allow an accessory structure to be constructed in the front of a primary structure at 254 Trickum Creek Road.**

Ms. Rimi introduced the items by reviewing the staff report with the Planning Commission.

Chairman Shenkle opened the Public Hearing for comments for anyone in favor of the variance.

Lynn Redwood, the applicant, began by thanking the Planning Commission for hearing this item she explained that she remembers what it was like to sit on the Planning Commission and on the Town Council and how she use to cringe when a variance would come before her she stated that she also remembers granting variances when the situations would not have detrimental impact on the neighborhood. She went on to

inform the Planning Commission that in the 1980's approximately 350 acres of land that was owned by Phil Say was annexed in the Town of Tyrone from unincorporated Fayette County. The land was previously zoned agricultural and there were 6 parcels of land ranging from 6 to 10 acres that were located on the west side of Trickum Creek Road that were sold as individual parcels, of which she owns 4 parcels. Surrounding these 6 parcels is unincorporated Fayette County that is zoned Agricultural. The vast majority of the surrounding neighborhood enjoys agricultural zoning and a rural atmosphere and that there are no other one acre residential zoning lots along Trickum Creek Road outside of these isolated parcels.

She went on to explain that there are extra ordinary conditions pertaining to this particular property in question. The home is built in the rear of the property and Trickum Creek runs across the front portion of this parcel and is surrounded by flood plain. The primary residence is not even visible from the road except in the winter and is only approximately 150-200 feet from the rear property line. In the past she has added a deck to the home and a pool. She informed the Planning Commission that when it is measured from the pool to her property line it is approximately 80 feet. The barn she is proposing to build is 60 feet wide and between that and the setback it would be impossible to build the barn at this location.

She also informed the Planning Commission that she feels these regulations to this particular piece of property would create a practical difficulty and unnecessary hardship. Several years ago she purchased three unimproved lots that lie adjacent to their home that are approximately 6 acres each. The fronts of these lots are pasture and the back of the lots are wooded and located on a hill. Combined she now owns approximately 30 acres. Due to the large size of the property she had to purchase a tractor and bush-hog to maintain the property and several other pieces of farm equipment such as utility vehicles and trailers and she also acquired two very sweet rescue horses. Due to the pasture being located in the front of the property it would be very difficult to drive a tractor down the steep hill to the barn. Locating the barn behind their existing home would also require that they clear cut a significant portion of three story canopy vegetation including multiple large specimen oak trees. This would also create a hardship in that this portion of the property is neither fenced no adjacent to the pasture with mean she would be moving the horses approximately 500 feet daily from the barn to the pasture.

She also explained that she does not believe there is another home in Tyrone that has been built on the same type of topography she has on her property there is a significantly steep hill that her home is built on.

She believed that if relief is granted would not cause detriment to the public good or impair the purposes and intent of the regulations. She assumes the reason for locating an accessory structure behind the primary residence is to shield the visibility of the structure from the public since most accessory structures are not as visibly pleasing as a home. Also since this regulation is in place where the property is limited to one acre, it makes sense. In this situation the accessory structure is located on 30 acres of land just inside the tree line where the previous owner had already cleared for a home site. The barn will be located approximately 600 feet from the road and barely visible. The location that they have selected is also very flat in comparison to the surrounding land and easily accessible to the pasture. She also added that the barn was designed by a very well respected architect who has designed several other appealing structures in the town such as Whistle Blow Station and in no way this structure will be detrimental to the surrounding property.

Ms. Redwood also stated that in regards to a literal interpretation of the zoning ordinance which requires that all accessory building be located behind the primary structure would create significant hardship, results in the loss of specimen trees, and does not seem to be justified considering the size and topography of the property in question.

Ross Gilmer, 288 Trickum Creek Road feels that granting this variance will be an asset to the neighborhood.

Todd Redwood, co applicant explains that the applicant has plans to enhance the aesthetic of the neighborhood.

Chairman Shenkle closed the Public Hearing for anyone in favor.

Chairman Shenkle opened the Public Hearing for anyone in opposition.

None

Chairman Shenkle closed the Public Hearing for anyone in opposition

Chairman Shenkle asked for Commission Comments.

Commissioner Duncan explained that this is a beautiful piece of property for this type of structure.

Vice Chairman Nebergall stated that under usual situations he does not favor granting variances, but under these conditions he is in favor and would like to see this property zoned as agricultural.

Commissioner Schouw stated that he feels the case was presented well and agrees with the other Commissioners.

Commissioner James stated that he agrees with the other Commissioners.

Vice Chairman Nebergall made a motion to recommend approval to the Mayor and Council. Commissioner Duncan seconded the motion; approved 4-0.

New Business

2. Consideration of the Site Plan for the Amenity Center for the River Crest Subdivision.

Ms. Rimi introduced the items by reviewing the staff report with the Planning Commission.

Tim Poff, the representative for John Wieland, explained that the amenity center has been in the works since 2007, but when the economy crashed it was placed on hold. He informed the Planning Commission that the parking and the tennis courts are already in place.

Chairman Shenkle asked if the building would be one story or two stories.

Mr. Poff explained that it would be one story and consist of a great room, kitchen and bathrooms.

Vice Chairman Nebergall inquired as to how the sanitation would be addressed.

Mr. Poff explained that they will be using carts for the garbage and will have a service take the trash away.

Commissioner Duncan made a motion to approve the site plan as submitted. Commissioner James seconded the motion; approved 4-0.

Staff Comments

Ms. Rimi informed the Planning Commission that the March 12, 2015 meeting there will be a discussion regarding Indoor Pet Boarding and Kennels.

Commission Comments

None

Adjournment

Commissioner Duncan made a motion to adjourn; approved 4-0.

Attest

Gordon Shenke – Chairman of the Town of Tyrone Planning Commission

Dina Rimi – Zoning and Development Coordinator

