[redacted]

ATTORNEYS AT LAW

[redacted]

15 May 26

Robert A. Willig, Esquire
Commonwealth of Pennsylvania
Office of the Attorney General
1251 Watterfront Place – Mezzanine Level
Pittsburgh, PA 15222
[redacted]

RE: ACRE Request for Review – Borough of Tyrone – Blair County
[redacted]

Dear Mr. Willig:

This office serves as solicitor for the Borough of Tyrone in all matters. Your letter of 8 May 26 regarding the ACRE Review Request submitted by [redacted] has been forwarded to my attention for response. After reviewing the claims made by the [redacted] it is apparent that they have not accurately represented what has taken place.

[redacted] acquired their property in the Borough by deed on 4 Aug 21, at which time they were well aware that it was located in an area zoned R1 Residential. The property was formerly part of a larger property, primarily located in Snyder Township, that was used for farming by the [redacted] However, that use ceased long ago. The property is surrounded by residential homes and a portion of what formerly constituted the [redacted] is now athletic fields for the Tyrone Area School District. At the time of the enactment of the Borough's Zoning Code in 2007, the property was vacant and not being used for agricultural purposes. In 2018, a prospective owner of the property requested the property be rezoned to facilitate their desired agricultural use. However, due to opposition from surrounding property owners, Borough Council declined to rezone the property. No further effort was made to change the property's permitted use prior to its purchase by the Walks.

The Borough of Tyrone is a relatively small residential area that is surrounded by rural townships. There are currently no areas of the Borough zoned for agricultural purposes because no such use existed when its Zoning Code was enacted. The property purchased by [redacted] represents one of the few areas of the Township that is suitable for residential development. This is why it was zoned R1 when the Zoning Code was adopted.

[redacted]

As stated in §205-3 of the Code, it was adopted and enacted to achieve the following pertinent purposes:

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and well-planned community development and proper density of population...

D. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements; provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

E. To accommodate reasonable overall community growth and redevelopment, including population and employment growth, and opportunities for development of a variety of residential dwelling types, commercial development and industrial development.

These statements indicate a clear purpose of promoting residential development which conforms with the uses that already exist in the Borough. As there have been no agricultural uses engaged in within the Borough for many years, and no prior demand for such uses, this has not been an issue.

In late 2024 or early 2025, [redacted] approached the Borough regarding the zoning of the property they purchased in 2021. At that time, they were informed of Council's previous decision not to rezone. Subsequent to this, [redacted] requested that the Borough alter its boundaries so that the property could be made part of Snyder Township which does not have any zoning limitations. The Borough declined this request as it was not in the best interest of the Borough or its residents. When the [redacted] came to a meeting of Borough Council, they claimed that they were requesting rezoning so they could keep a few horses for personal use on the property. At that time, [redacted] denied that they wanted to establish a deer farm at the property, which is the business their family has engaged in at other properties. However, based on the contents of the ACRE Review Request, it appears that they were not forthcoming at the time of their request with regard to their actual plans.

It is important to note that when [redacted] obtained their property, it was with the knowledge that it a portion of it was located in the Borough and not zoned for agricultural use. Despite that fact, they went forward with the purchase. While it might have been their intent to engage in farming on the property, they cannot claim to be innocent victims as they portray themselves in their written statement. Because the Borough was not willing to change a lawfully enacted ordinance or carve off a significant piece of land from its territory for transfer to another municipality, [redacted] have engaged your office in an attempt to coerce the Borough into letting them have something they are not entitled to. Additionally, it should be noted that they own a large parcel of land in Snyder Township upon which they can farm without any zoning limitations. The hardship claimed by [redacted] is one of their own making and, consistent with applicable zoning case law, they are not entitled to a variance for an alleged purely economic injury. It is clear from their actions that they are unconcerned with the preservation of the community in Tyrone Borough and are acting only out of self-interest.

[redacted]

Thank you for your time and attention to this matter. Please contact me if you have any questions regarding this letter.

Sincerely,

[redacted]

cc: [redacted]

[redacted]