

# TYRONE TOWNSHIP PLANNING COMMISSION

Approved Regular Meeting Minutes  
March 28, 2006 9:35 p. m.

**PRESENT:** Robert Byerly, Sally Eastman, Joe Fumich, Dave Hanoute, Steve Hasbrouck, Mark Meisel, Laurie Radcliffe

**CALL TO ORDER:** 9:35 p. m. by Chairman Hasbrouck

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

**APPROVAL OF THE AGENDA:** Approved as presented

**APPROVAL OF THE MINUTES:**

Moved by Hanoute, seconded by Eastman, to approve the March 14, 2006 Work Session Minutes as corrected:

Page 2, Line 8: (...April 11, **2006 2207**)

Moved by Hanoute, seconded by Eastman, to approve the March 14, 2006 Public Hearing Minutes as corrected:

Page 2, Line 11: (When **they the** changed...)

Page 3, Line 39: (...didn't want **to** suggest...)

Page 4, Line 7: (...that **it is** was there.)

**CORRESPONDENCE:**

- 1) March 26, 2006 - Letter from Attorney John Harris to Steve Hasbrouck, requested by Clerk Kuzner, regarding the Site Plan Review process

Mr. Hasbrouck said the letter was in regard to a concept request we reviewed in Subcommittee and will be discussed under the Subcommittee Report.

- 2) March 27, 2006 - Letter from Runyan Lake, Inc. regarding the rezoning request of Ray Hicks

**SUBCOMMITTEE REPORT:**

- 1) Request of Ray Hicks for land division concept review for property located at 10286 Carmer Road, LK-1 parcel 10-200-032, to create 14 land divisions with access from Carmer Road (a public road) and Point Avenue (a private road)

Mr. Hanoute declared a conflict of interest in this request because he is a member of CHMP, the firm involved in the preliminary concept planning for Mr. Hicks, and will abstain from any voting.

Mr. Hasbrouck explained that the request was reviewed in Subcommittee and no action was taken at that time. Our Attorney is recommending that the Planning Commission review the application as a whole before Mr. Hicks goes to the Zoning Board of Appeals. Mr. Harris wanted the plans brought to the full Planning Commission so we could review and discuss the recommendations in case there were other issues that might require a variance. The main issue with this plan is the number of residences to be accessed from Point Avenue. This proposal would add six more lots to the private road. There are currently 59 residences accessed by the road and we have a limit in the Zoning Ordinance of 24 so the use would require a variance from the ZBA

Mr. Meisel commented that the correct name of the road was Runyan Lake Point according to the Post Office and the Livingston County Road Commission.

Mr. Hanoute explained that the site drawing wasn't a full concept plan. It was provided for general discussion and the Subcommittee didn't intend to move it forward to the Planning Commission. At Subcommittee several things were pointed out. One of the things was that the Point road lots would be nonconforming and would require a variance. He was unaware, even as a member of the firm, that they were going forward with a variance request. They also need to provide general storm water information for a full concept plan review and the drawing was deficient in that respect.

Other issues discussed were:

- Verification of the legal rights to use Runyan Lake Point;
- The increase in parcels from the 4 lots shown in a previous plan and the limits of riparian use;
- The change in the availability of sewer capacity;
- The Engineering work required to bring additional taps to the parcel;
- The need for the Planning Commission as a whole to turn down a site plan prior to ZBA appeal;
- Using conditional approval pending ZBA review to determine if variances will be allowed prior to final document approval;
- The point in the approval process when the variances should be requested;
- Discussing alternatives to variance requests during concept or preliminary site plan reviews;
- Including the general storm water plan as part of the concept review;
- Locating the easement description dealing with the rights to use Runyan Lake Point;
- Maintenance responsibilities associated with the addition of access points to private roads;
- Keyhole restrictions on non-riparian parcels;
- Project density and consistency with surrounding usage;
- The assignment of sixteen REU's to the parcel; and
- Requesting a list of all the Township's assigned REU's for the Planning Commission members.

John Norris of the Runyan Lake Association referred to the letter that he had forwarded to the Planning Commission dated March 26, 2006. He commented that this parcel is a single lot with a single tax ID number. The last developer brought forward a proposal to split the

lot into four. Following that, their Lake Association worked with the Planning Commission to jointly develop a keyhole ordinance. The new concept plan shows four water front lots and he wants to make sure that the Planning Commission keeps in mind the keyhole ordinance to make sure that it is fully complied with. The latest development also creates ten off water lots. The Association's issue is with the lots without lake access. Within the Association's territory, every described parcel has some form of access to Runyan Lake, but ten of these properties will have no access what so ever. They want to make sure the lots are correctly deeded and the site condominium deed restrictions reflect that. The Association will then have to change our by-laws to reclassify or exclude those properties from the Association. He mentioned that Mr. Hicks is aware of the contents of the letter and was working with them.

Mr. Hasbrouck asked to have Mr. Hicks advised of the information he needs to provide a full concept plan review.

**2) Request of Kimberlee Frank for a shared driveway public hearing**

Mr. Hanoute explained that the request was a simple land division with the driveway easement adjacent to the property line which requires a Public Hearing.

Moved by Eastman, seconded by Fumich, to establish the Land Trust of 6379 Hartland Road shared driveway Public Hearing for April 11, 2006 immediately following the Zoning Ordinance Public Hearing. Motion approved unanimously by voice vote.

**3) Request of Crown Enterprises for a rezoning public hearing for property in Section 18, with frontage on Hogan Road**

The Planning Commission will follow the normal review process for this request, but will take no action pending receipt of a complete application.

**OLD BUSINESS:**

**NEW BUSINESS:**

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**OTHER BUSINESS FROM MEMBERS:**

Mark Meisel asked for comments regarding the ZBA issues scheduled for April 3, 2006. His first question involved two non-conforming lots which had been combined. The owner wants to split them back into their original configuration.

Mr. Milliken asked if this was a non-conforming issue. Mr. VanHecke said that at one time the lots were combined for tax purposes as recommended by the Assessor and they were joined together in a single description. Now, they want to redefine them as separate lots, but because of changes in the ordinance, they are non-conforming. They don't meet the length to width ratio. Mr. Hanoute said, that according to the letter from Attorney Harris, they should come to the Planning Commission first.

Mr. Meisel also asked about a request for a front porch and rear addition setback variance for a parcel in Runyan Lake Heights.

Mr. Hasbrouck said that issue wouldn't come before the Planning Commission because the variances weren't based on a decision the Planning Commission had made previously. This is a straight interpretation of the Zoning Ordinance.

Mr. Milliken noted that the intent of the Attorney's letter is correct. You don't send an applicant to the ZBA to get a variance for a proposal that might be denied. Wait until you have approved the concept of the development contingent on them having an approval.

Mr. Meisel thought that we should ask the attorney for clarification of his letter about the point in the review process where a ZBA request should be made for site plan and site condominium reviews. Mr. Hanoute agreed with Mr. Hasbrouck about the lot split and clarification of the letter from Mr. Harris.

Mr Hanoute reminded the Planning Commission that open space would be required for one of the land division lots.

**NEXT MEETINGS:**

April 11, 2006 - Regular Meeting and Ordinance Public Hearing

April 18, 2006 - Subcommittee Meeting

April 25, 2006 - Work Session

**ADJOURNMENT:** 10:45 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission

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CORRECTIONS TO THE MINUTES:

- Page 2, Line 4: (...to the Zoning Board **of Appeals.**)
- Page 3, Line 2: (...Association's issue **is with** the lots...)
- Page 3, Line 5: (...no access what so ever ~~whatever~~...)
- Page 4, Line 2: (...had made previously...)
- Page 4, Line 5: (...Mr. Milliken noted ~~commented~~ that...)