

**TYRONE TOWNSHIP PLANNING COMMISSION**  
**Approved Regular Meeting Minutes**

**February 27, 2007                      7:30 p. m.**

**PRESENT:** Bob Byerly, Dave Hanoute, Mark Meisel, Steve Hasbrouck, Laurie Radcliffe

**ABSENT:** Joe Fumich

**CALL TO ORDER:** 7:30 p. m. by Chairman Hasbrouck

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

The Recording Secretary requested addition of an item under Correspondence (2).

**MOTION:** Moved by Hanoute, seconded by Byerly, to approve the Agenda as amended.  
Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) February 13, 2007 - Work Session

**MOTION:** Moved by Hanoute, seconded by Radcliffe to approve the February 13, 2007 Work Session Minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 3: (...request of ~~Request of~~ Bob and Kathryn Talley...)

2) February 13, 2007 - Bryan Public Hearing Minutes

**MOTION:** Moved by Hanoute, seconded by Byerly, to approve the February 13, 2007 Bryan Public Hearing Minutes as corrected. Motion carried by unanimous vote

Page 1, Line 17: (Joe Fumich)

Page 2, Line 5: (...a driveway on **both** sides of...)

Page 2, Line 28: (Everything on ~~the~~ Mr. Bryan's...)

Page 2, Line 33: (...the north side ~~would~~ was directed...)

Page 3, Line 22: (...space ~~was~~ location was related...)

Page 3, Line 29: (...farther from ~~your~~ **Mr. Mitten's** property...)

Page 3, Line 53: (Mr. **Hanoute** explained that...)

Page 4, Line 2: (...could be tailored ~~to~~ direct...)

3) February 13, 2007 - Talley Public Hearing Minutes

**MOTION:** Moved by Hanoute, seconded by Radcliffe, to approve the February 13, 2007 Talley Public Hearing Minutes as presented. Motion carried by unanimous voice vote.

4) February 13, 2007 - LK-1 Public Hearing Minutes

MOTION: Moved by Hanoute, seconded by Radcliffe, to approve the February 13, 2007 LK-1 Public Hearing Minutes as approved. Motion carried by unanimous voice vote.

Page 2, Line 2: (...areas **designated delegated** as LK-1...)

Page 2, Line 4: (...as well as Runyan Lake **on** in the Future Land Use Map...)

Page 2, Line 6: (...a title for the a paragraph...)

Page 2, Line 14: (...**11066** White Lake Road...)

Page 2, Line 30: (...**we** need to get back to the Master Plan.)

Page 2, Line 36: (...a chance to look at it the ordinance language...)

**CORRESPONDENCE:**

1) February 22, 2007 - Letter from John Harris regarding the LK-1 ordinance revisions.

Chairman Hasbrouck scheduled discussion of the letter under Old Business, Item 3.

2) February 27, 2007 - Memo to the Planning Commission from the Recording Secretary regarding New Business Item 1

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

1) Request of **Richard Byran** for statutory shared driveway land division of property at 102 Jayne Road, R-1 parcel 01-100-030, to establish four parcels including the parent parcel. Mr. Bryan plans to remove the existing home and accessory buildings.

**Brian Shaltz** of Field to Finish provided a new site drawing (2/27/07) and represented Mr. Bryan at the hearing. He told the Planning Commission that:

- There is a substantial slope which drains from the proposed cul-de-sac toward Jayne Road;
- The paved driveway and garage will be removed first;
- A new gravel driveway with four check dams will be used to slow down the water as it goes toward Jayne Road;
- The soil conditions are very good with a percolation of 1/2 inch to 20 inches per hour;
- If the check dams and soils don't handle the adverse down stream impacts, there is plenty of open space for introduction of collection basins or rain gardens;
- The elevation differential from the shared drive cul-de-sac to Jayne Road is approximately 40 to 50 feet;
- The number of check dams will actually be determined by the dam height levels based on the incline of the drainage ditches;
- Mr. Bryan will agree that no transfer of title or building permit for Parcel B may be issued prior to removal of the existing garage;
- Mr. Bryan would like to build while living in the existing home, but would not sell or occupy the new residence until the old one comes down;
- No certificate of occupancy would be issued for any construction on any of the parcels without the removal of the existing structures;

- It isn't necessary to note that permanent structures can't be built on the open space, since the Zoning Ordinance is referenced in the legal descriptions;
- The rolling topography between Parcels C and D and the lots in Jayne Hill will easily absorb storm water;
- The elevation of the home on the east side of the proposed driveway is higher than Mr. Bryan's driveway;
- The possibility of being annoyed by headlights from a maximum of 30 vehicle trips per day is rather slim;
- Runoff to Jayne Road could be controlled by a drainage ditch running west to connect with another ditch that runs to a drain on Adelaide Street;
- If parcel B is sold before construction starts on Mr. Bryan's new home, he will remove the garage immediately; and
- Mr. Bryan would not ask for occupancy of his new home, until the old building was removed.

The Planning Commission commented that:

- Including open space maintenance references in the legal description would make the intent of the open space clear to future buyers;
- Referring to the ordinance language "as revised or amended" would be one way to handle future revisions to the ordinance;
- A drainage swale should be shown between proposed Parcels C and D indicating the direction of flow and where it will flume out;
- There is no detail on the drawing showing the driveway intersection with Jayne Road;
- Headlights from the shared driveway will shine into the house on the east and landscape screening will be necessary;
- The landscape and screening plans should be shown on the drawing;
- The ditch water collection at Jayne Road needs to be addressed;
- Check dams will not affect the amount of storm water run off;
- Storm water runoff from the shared driveway may need to be diverted;
- Check dam maintenance is critical;
- Ponds and collection areas should be considered to control runoff;
- The City of Fenton's present drainage solution appears to be marginal;
- All of the structures on the site will eventually have to be removed;
- The Township will request a bond to insure removal of buildings on the site;
- If the neighbors on the east wanted to share use of the driveway, they would have to improve it to private road standards; and
- More complete drainage and driveway plans need to be provided.

The Planning Commission discussed whether to have the plans returned to the Subcommittee or reviewed by the staff. Mr. Hanoute thought that the seriousness of the drainage issues required that plans come back to the Planning Commission. There is no problem with the plans or the solutions, they just have to be shown on the drawings.

MOTION: Moved by Hanoute, seconded by Radcliffe, to table the request until Mr. Bryan brings responses to the issues raised tonight back to the Planning Commission for review at the March 13, 2007 meeting. The motion carried by unanimous voice vote.

Mr. Bryan's representative said he would revise the drawings to show the landscaping on the east property line, the swale between parcels C and D, the drainage at Jayne Road, and a

note indicating that a bond or letter of credit will have to be issued to insure building removal. Mr. Hasbrouck asked him to state the removal intentions on the drawing that will be recommended for approval.

Mr Hanoute reminded him that he would need to establish the swale as a drainage easement and reference it in the legal descriptions so someone doesn't try to fill it in. The drainage maintenance language should be incorporated into the shared driveway maintenance language when it is presented to the Planning Commission.

- 2) Request of Bobby and Kathryn Talley for shared driveway land division and boundary realignment of property at 8078 Faussett Road, RE parcel 31-100-041

Mr. Hasbrouck reminded the Planning Commission that he was a neighbor of Mr. Talley and declared a conflict of interest.

Mr. Hanoute reported that the items mentioned at the Subcommittee meeting were addressed in the most recent drawing (1/22/07). The issue that still remains is the drainage at the turn around area. There is ditching on both sides of the drive. He suggested a culvert under the drive to discharge from the south ditch into the north ditch with ditching at the end of the "T" turnaround to discharge drainage into the open space. The runoff should be sent to the low spot, not his neighbor. Culverts should be shown on the drawing.

MOTION: Moved by Hanoute, seconded by Radcliffe, to recommend to the Township Board approval of the Talley's request for a shared driveway land division and boundary realignment on McGuire Road with the condition that they amend their drawing to show a culvert at the connection between the shared driveway and the "T" turnaround directing the storm water from the south ditch into the north ditch and then around the edge of the turn around to discharge into the low spot in the open space on proposed Parcel 2, as the request otherwise complies with the Ordinance requirements. Ayes: Hanoute, Byerly, Meisel, Radcliffe. Abstention: Hasbrouck.

Mr. Hasbrouck suggested reconfiguring the "T" turn around so the cross bar ends could be used as a driveway access point. By making it a little longer or turning it into a hammer head, Lot 2 could be accessed cleanly.

- 3) Discussion of the Master Plan LK-1 text revisions and other Master Plan language which may need to be revised (pp. 77, 78, and 80).

The Planning Commission reviewed the letter from Attorney Harris. Mr. Meisel explained that the intent of the ordinance was exactly as the Attorney stated. Even though some of the LK-1 parcels will be substandard in size for the Zoning District, the Lake Association intended to make all existing platted lots conforming. Under the provisions recommended, people can maintain their property, but they can't make new developments that are more dense.

The Planning Commission:

- Discussed whether the language would allow setback variances for building envelopes only or allow the setback to continue to the ends of the lots;
- Considered what would happen if two or more lots of record less than the LK-1 minimum width would be classified as conforming or non-conforming;
- Asked if the ordinance would allow previously combined non-conforming lots to be

- uncombined to provide new building sites; and
- Decided to ask Mr. Milliken to review the Attorney's comments and the ordinance language in regard to enforcing the requirements in 26.01.B.

MOTION: Moved by Hanoute, seconded by Byerly, to delay the discussion until the next meeting with Mr. Milliken so we could consider how "legal conforming" and "legal nonconforming" requirements would be applied.

- 4) Review of the revisions to the Private Road ordinance based on the Attorney's comments and recommendations from the Board and Planning Commission joint meeting discussion of road maintenance agreements, enforcement standards, and criteria for definition of a non-conforming road. The Road ordinance provided has been revised to reflect the Attorney's comments.

Mr. Hanoute reported that he and Mr. Meisel met with Mr. Kurtz, Mr. Morton, and Mr. Byerly to discuss the issue of road maintenance agreement enforcement. The Board doesn't want the responsibility or cost associated with administering some kind of enforcement language. As part of the discussion, the civil infraction approach and issuance of a ticket was suggested as a way to insure that the road was maintained properly.

Concerns brought forward during the Planning Commission discussion were:

- The amount of effort and cost associated with enforcing maintenance;
- Developing a workable enforcement mechanism;
- Finding a way to enforce the requirements without setting up special assessments;
- Adopting a civil infractions ordinance for roads;
- Assigning the responsibility for reviewing road conditions and issuing citations;
- Liability to the Township for assuming oversight of the roads;
- Determining when and how the Township would enforce maintenance;
- Requesting civil infractions road maintenance language from the Township Attorney;
- The amount of latitude the Township would have in determining when and how they would enforce road maintenance;
- Whether tickets or court orders should be issued to every person on the road;
- Authorizing the Board to put special assessments on private roads;
- Funding the engineer's review of private roads;
- Whether all private road residents should be taken to court;
- The amount of jurisdiction or rights the Township Board has over private property;
- The right of the Township to enforce maintenance of private property;
- Getting a recommendation from the Attorney regarding civil infraction tickets or special assessments as the best method of enforcing maintenance;
- Researching statutes which permit the Township to regulate private road maintenance; and
- Using the standards in Article 24.02.B to determine if roads are conforming or non-conforming.

Mr. Byerly commented that the Board didn't want to get involved in private roads and wind up with law suits they don't need. Mr. Meisel volunteered to continue working with the Board to solve the maintenance problem. Mr. Byerly thought the question needed more joint discussion.

**NEW BUSINESS:**

**1) Land Division Ordinance update**

The Recording Secretary explained that the way parcel ID numbers are assigned changed when the subdivision control statute was revised. Now, a new parcel ID is issued for every parcel including the parent parcel, following a land division.

The Board would like to have language in the Ordinance which requires that all taxes be paid in full for any parcel being divided. If taxes aren't paid at the time of land division, the debt doesn't transfer over to the new parcel ID number and it can't be collected if the parcel number the taxes were levied against is no longer in existence.

Mr. Hasbrouck suggested adding payment of assessments along with payment of taxes as a part of the land division text. He wanted to discuss the issue further and get the opinion of Mr. Milliken.

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

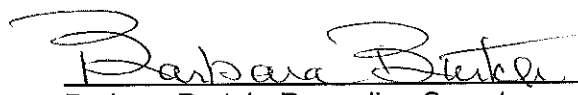
**FUTURE AGENDA ITEMS:**

Private Road Public Hearing  
Legal Nonconforming Lots  
Private Road Ordinance  
LK-1 reviews

**NEXT MEETINGS:**

**ADJOURNMENT:** 9:40 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