

**TYRONE TOWNSHIP PLANNING COMMISSION**  
**Approved Work Session Minutes**

**March 13, 2007                      7:30 p. m.**

**PRESENT:** Gary Butler, Bob Byerly, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

**ABSENT:** Joe Fumich

**CALL TO ORDER:** 7:30 p. m. by Ms. Radcliffe

- 1) Election of a Chairman pro tem

**MOTION:** Moved by Radcliffe, seconded by Byerly, to elect Dave Hanoute as Chairman pro tem. Motion carried by unanimous voice vote.

- 2) Introduction of new members

Gary Butler, 8025 Driftwood, and Ed Kempisty, 8192 Linden Road, were introduced as new Planning Commission members.

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Moved by Meisel, seconded by Radcliffe to approve the Agenda as presented. Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

- 1) February 27, 2007 Regular Meeting Minutes

Moved by Meisel, seconded by Radcliffe, to approve the February 27, 2007 Minutes as corrected: Ayes: Radcliffe, Hanoute, Byerly, Meisel. Abstention: Butler, Kempisty. Motion carried by majority voice vote.

Page 2, Line 49: (...would not **sell or occupy** the new residence...)

Page 3, Line 30: (...Check dams **have** will not...)

Page 4, Line 1: (Mr. Bryan's **representative** said...)

Page 5, Line 9: (...seconded by Byerly **to** delay...)

Page 6, Line 18: (...get the opinion of **the** Mr. Milliken...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

- 1) Request of **Jack and Ruth Beecherl** for open space relocation at 11371 Runyan Lake Road, RE parcel 04-200-005, Section 04, Tyrone Township. The Beecherl's would like to construct a pole barn on the north side of their residence in proximity to the existing driveway.

Mr. Hanoute observed that the parcel in question was a through lot with frontage on Runyan Lake Road and US 23. That meant the accessory building would have to be set back 100 feet from the front and rear property lines. Based on the parcel dimensions, they wouldn't be able to meet the setback requirements where they proposed to locate the accessory building, but they would be able to meet the setback requirements on the south side of their parcel where they wanted to transfer the open space.

The Beecherls told the Planning Commission:

- Their septic tank was located in the front yard;
- They would have to drive across the driveway to get to an accessory building on the south side of their house;
- There was a reserve septic field location on the south side of their house where the accessory building would have to be located;
- The building area was limited because of the existing slopes and the parcel configuration;
- The Road Commission will not approve an alternate driveway location; and
- The slope on the west side of the property was too steep to locate an accessory building behind their house.

The Planning Commission discussed:

- Tabling the open space relocation pending ZBA approval of a variance for the accessory building location and setback;
- Driving across the rear yard to a south side accessory building until the front yard septic field had to be replaced;
- The amount of grade between the building site and the US 23 right of way; and
- Recommending approval of the request pending a ZBA setback variance.

MOTION: Moved by Meisel, seconded by Radcliffe, to recommend to the Township Board approval of the applicant's request for relocation of open space conditioned upon approval by the ZBA of a variance for the accessory structure setback. Motion carried by unanimous voice vote.

Ms. Radcliffe recommended taking pictures of the site for the ZBA. Mr. Meisel informed the applicants that the ZBA would base their recommendation on the five criteria listed in Article 28.03 of the Zoning Ordinance.

*The meeting was recessed at 8:00 p.m. for a Public Hearing and reconvened at 8:20 p.m.*

**OLD BUSINESS:**

- 1) Review of the proposed revisions to the Master Plan Future Land Use text (pp 77-80) and Future Land Use Map and further discussion of the proposed LK-1 language related to Ordinance Article 26.01.A. and B

Mr. Milliken explained that the Master Plan would have to be revised to reflect the changes made in the LK-1 ordinance language while the Future Land Use Map would have to be revised to show the LK-1 locations. The Master Plan's Medium Density Single Family Detached Residential text (page 78) covered single family residential in general, but there is no specific language for LK-1 zoning. This would be the time to discuss the new language and any other future land use text revisions.

The Planning Commission requested:

- Revision of the Introduction, page 77, paragraph 1, line 6 to read, "...create planned unit developments," as well as line 3 in Paragraph 2;
- Deletion of the reference to "planned unit development" in the Introduction on page 77 and any other references to planned unit development unless the specific PUD zoning ordinance is being referenced;
- Inclusion of descriptions for all of the residential land use categories referenced in the Future Land Use Map;
- Establishment of a density for each of the uses in the table and revision of the titles to match the map entries;
- Revision of the proposed Medium Density Single Family Detached Residential - Lakeside text beginning with line 5 to read, "...they will be placed in a similarly distinct zoning classification that will accommodate the unique majority circumstances of these properties. Regulations should be prepared so that the Majority of residents are not..."

Mr. Milliken said he would research some of the other text changes in the Future Land Use section that have been previously discussed. We should take care of as much as we can, because Master Plan amendments take a long time to adopt. While we are doing LK-1, we should look at some of the other land use map aspects. The LK-1 Zoning Ordinance text revisions can be adopted at any time.

Mr. Hanoute asked for review of all the revised Future Land Use language at our next meeting.

Mr. Milliken explained to the new members that the LK-1 Zoning Ordinance text had been created for property around Runyan Lake and Lake Tyrone to provide flexible zoning standards for lots created before there was a zoning ordinance. People have to constantly come before the ZBA if they want to do anything. The revised language is intended to provide conformity for smaller lot sizes and smaller setbacks, but not for the creation of new lots at the same density.

The changes are intended to make it clear that if there is new development, there will be higher standards than some of the existing development.

Further discussion concerned:

- The purpose, goals, and objectives of making existing non-conforming lots conforming in the new text;
- Removing the "non-conforming" label from the platted lots for the purposes of financing;
- Continuing to require setback variances for parcels smaller than the LK-1 ordinance minimum;
- Prohibiting the creation of new lots that don't meet the LK-1 zoning district standards;
- The impact of the LK-1 language on the statutory ordinance provisions for adjacent non-conforming lots (26.01.A and B);

- The difference between legal non-conforming uses and conforming uses from a zoning standpoint;
- The number of earlier platted lake lots that are nonconforming;
- The question of providing equity for nonconforming lots;
- The rights of the Township, if any, to deny building permits for "conforming" non-conforming lots;
- The applicability of the setback and building standards to existing nonconforming lots;
- The impact on density resulting from the creation of new "conforming" lots by uncombining LK-1 lots;
- The effect on applying the non-conforming provisions to platted lots in other locations which don't meet the minimum zoning district requirements; and
- Further discussion of "legal conforming" and "legal nonconforming" uses.

Mr. Meisel said that he would take the Planning Commission comments to the Lake Association and report back within two to four weeks.

2) Recommendations regarding the proposed Private Road Ordinance

The Planning Commission agreed to discuss the Maintenance Agreements further, but felt the Road Ordinance was ready for adoption.

MOTION: Moved by Radcliffe, seconded by Meisel, to forward the revised Private Road Ordinance to the Board with a recommendation for adoption. Motion carried by unanimous voice vote.

3) Review of the LK-1 text based on correspondence from the Township Attorney received February 26, 2007

Discussed under Old Business Item 1.

**NEW BUSINESS:**

1) Master Plan review

Rescheduled for the next meeting

**OTHER BUSINESS FROM MEMBERS:**

1) March 20, 2007 Subcommittee Meeting

The Subcommittee Meeting was rescheduled for Monday, March 19, 2007 at 4:30 p.m.

2) Election of Officers

It was moved by Meisel, seconded by Radcliffe, to continue with pro tem officers for a month or two until the new members were more familiar with the Planning Commission. Motion carried by unanimous voice vote.

Chairman Hanoute agreed to continue as a member of the Subcommittee and Ms. Radcliffe agreed to continue as the Planning Commission Secretary. Mr. Hanoute appointed Mr. Kempisty as a member of the Subcommittee and asked Ms. Radcliffe to continue as an alternate for Mr. Fumich. He appointed Mr. Meisel to continue as the Planning Commission's representative to the ZBA.

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

Mr. Meisel reported that the ZBA had denied a variance for a building to replace a cottage, but had suggested some options for the applicant.

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

Master Plan Review

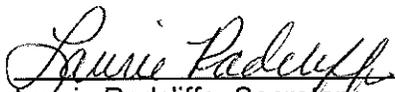
**NEXT MEETINGS:**

March 19, 2007 - Subcommittee Meeting

March 27, 2007 - Regular Meeting

April 10, 2007 - Work Session

**ADJOURNMENT:**

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission