

**TYRONE TOWNSHIP PLANNING COMMISSION**

**APPROVED MEETING MINUTES  
July 14, 2009**

**PRESENT:** Gary Butler, Joe Fumich, Dave Hanoute, Steve Hasbrouck, Ed Kempisty,  
Mark Meisel, Laurie Radcliffe

**ABSENT:**

**CALL TO ORDER:** 7:00 p.m. by Chairman Hanoute

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

**1) Other Business from Members:**

Mr. Fumich requested discussion of a dog ordinance and a mowing ordinance under Other Business from Members.

Moved by Kempisty, seconded by Butler, to approve the July 14, 2009 Agenda as amended. Motion carried by unanimous voice vote

**APPROVAL OF THE MINUTES:**

**1) June 23, 2009 Meeting Minutes**

Moved by Radcliffe, seconded by Butler, to approve the May 26, 2009 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 7 and 8: Include references to Present and Absent Members

Page 1, Line 11: Include a reference to the Pledge of Allegiance

Page 3, Line 39: Include a reference to the power outage

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

**1) Continued Discussion of Proposed Revisions to the Township's Recreational Vehicle Storage Ordinance, Article 21.19 - Outdoor Storage**

Tyrone Township Planner Sally Hodges of McKenna Associates, explained that the proposed definition for commercial vehicles was taken from the state definition. Mr.

Meisel commented that he had researched gross vehicle weight ratings (GVWR) for pick up trucks. Some were rated up to 12,000 pounds and would be considered commercial vehicles with or without signs on the doors.

The Planning Commission noted that Article 21.19 deals with outdoor storage and parking for all zoning Districts. Sections 21.19.A. and B were revised to prevent accumulation of unsightly or inoperative machinery or building materials, and to regulate the storage of recreational apparatus, commercial vehicles and aircraft. Language in the Beautification Ordinance is targeted toward debris and junk stored inside or outside.

Article 21.19.C. specifically deals with the storage of recreational apparatus in residential zoning districts. Article 21.19.C.1.a and 1.b are basic storage options while 21.19.C.1.c references front yard options for 'limited lots'.

Article 21.19.C.4 is an attempt to deal with large items like motor homes or combined apparatus uses where jet skis, snowmobiles and boats are stored on trailers. Article 21.19.C.6. was added following the discussion at the last meeting regarding equipment stored in the water.

There was a lengthy discussion involving Article 21.19.D relative to the criteria used to define commercial vehicles including length qualifications. Ms. Hodges said she would review the Planning Commission's concerns and provide alternate language for review at the next meeting.

The following specific text revisions were requested.

Article 21.19.C.1 - Storage Location: Revise the language to indicate that articles C.1.a, b, and c. are options for residential storage requirements based on characteristics of the individual lots.

Article 21.19.C.2 - Owner Occupied: Revise to '...apparatus that is parked or stored **shall** ~~must~~ be owned by...'

Article 21.19.C.4 - Number of Recreational Apparatus Units: Revise to: '...if **one (or more) recreational apparatus(es)** is stored on a trailer...'

Article 21.19.C.6.- Exemption: Revise to '...boats, **recreational apparatus** ~~floats~~ and similar items...'

Article 21.19.D.1.c.1 - Revise to: 'The parcel of land shall not be part of a platted subdivision, **site condominium** or ~~other single~~ multiple family residential...'

Article 21.19.D.1.c.3 - Revise to: 'The commercial vehicle ~~must~~ **shall** be owned or...'

## 2) Discussion of PCS Rezoning for Existing B-1, B-2, ES and OS Parcels.

Moved by Meisel, seconded by Fumich, to suspend the Order of Business and take up the New Business Items before continuing with Old Business Item 2. Motion carried by unanimous voice vote.

## **NEW BUSINESS:**

### **1) Request of Julie Tittl, 8341 Allen Road (RE Parcel 31-400-039), Approximately 7 Acres M/L, for a Dog Kennel**

The Planning Commission was informed that Ms. Tittl has vaccination papers for 5 adult dogs and raises and shows German Shepherds. She does have a building with pens and runs and the dogs have occasional litters of puppies, but she doesn't board other dogs. She has been showing dogs for approximately 24 years and her daughter has been showing dogs since she was 2 years old.

Two years ago, there was a complaint because one her dogs got out of the yard and ran down the driveway to bark at a lady walking by on the road. The lady was afraid and called Livingston County Animal Control. Animal Control asked to see her Dog Licenses which she didn't have, so she came to the Township to purchase licenses and was told she didn't comply with the number of dogs allowed by the Zoning Ordinance and couldn't get licenses for all of her dogs.

Their hobby is showing dogs. Right now they have 5 older dogs, and 2 more that aren't old enough to license. They have tried to buy additional property, but their neighbors are unwilling to sell. There is a three acre fenced area where the dogs are kept. They have electrified the fence so the dogs can't escape. She only breeds puppies when she would like to continue a line for herself, or other people ask for a dog from her line. The remaining puppies are sold.

The Planning Commission explained that the Ordinance requires that anyone with 3 dogs or more has to comply with the kennel regulations which require a 10 acre parcel minimum for a kennel. At present, Ms. Tittl's property doesn't meet the required area or setback requirements for a kennel, but the biggest setback is the acreage. To meet the Ordinance requirements they have to own ten acres, not lease it.

At present the Ordinance doesn't differentiate between commercial use and personal use for dogs. For three dogs, even for personal use, you need to have the paved concrete exercise areas and all the things required for a commercial operation. We can't rewrite the Ordinance now, but you might want to initiate something in the future. That is how the Agri-Business Ordinance came about.

The Planning Commission can only approve the requirements presented in the Ordinance and the parcel is so far from the minimum requirement that it would be hard for the ZBA to grant a variance for parcel size. There are health, safety, and welfare issues involved for Special Land Use approval. She is 5 dogs over the limit allowed for family pets. If they could purchase enough acres, the Planning Commission would be able to review the use of their property as a kennel. Based on the configuration of their parcel, they might be able to get enough property from more than one owner to meet the requirements.

### **2) Request of Paul White to Locate His Class B Automobile Sales Office at 945 Center Road (Woody's Towing), ES Parcel 17-400-006**

Recent changes in the State licensing requirements no longer allow the use of a residence as a used auto sales office. Mr. White is currently licensed by the State, but

will have to renew his license in December. His request was forwarded to the Planning Commission from the Board as part of their approval process for continuation of his license until the December expiration date. The earliest available Special Land Use hearing date from today would be August 11, 2009.

Mr. White said that he will have to reapply for a Class B Dealer's License every year. His insurance and his bond have to be renewed at the same time. He has been in business for twenty-eight years and the State has only checked his record books eight times. That is basically all they ever look at and that is all the documentation the State requires. They just want to see the odometer numbers. The Township Board approved the request 5 to 1, but Mr. Hasbrouck wanted it to come to the Planning Commission because the license was being moved from his home to Woody's Towing. His new office will be located in part of the repair garage.

No cars will be stored at Woody's for display. He only buys cars when he gets a request for one from a friend or former customer. His drawing of the building layout shows the location of his office. His license renewal is just a formality. The licensing requirements were changed just because the automobile dealers wanted to eliminate competition. He is working with State Senator Valde Garcia to eliminate the requirements for existing Class B dealers and to allow their licenses to be grandfathered if they were in operation before the new regulations went into effect. He has been told that the Legislature will approve the change before December.

Mr. Hasbrouck explained that the Township Board approved Mr. White's request for a Class B dealer's license based on the conditions that no vehicles will be parked at the site and a full site plan review will be required for next year's approval.

The Planning Commission noted that Woody's site has never been approved for a Special Land Use and Mr. White's drawing isn't accurate for the site. Half of the Old US 23 right-of-way has been cleared for use as wrecker parking. The Township Board has given approval legally or not to operate the car business until December 31, 2009. We are talking about a 2010 renewal, as required by the State. Even though Mr. White won't store cars or park cars at Woody's, the site plan will have to show that there is enough room to have ten spaces available for vehicle display. There is a licensing requirement that has to be met.

The site plans do not meet the Special Land Use requirements for accuracy and a Public Hearing will have to be held once the site plan is received. The application should indicate whether the new law requires a one time or annual renewal of the repair agreement, the bond agreement, the insurance agreement, and the license. He has to show evidence of the repair facility location.

To meet the new requirements he will have to bring in a site plan. Mr. White has laid out the location of his office and the handicapped parking space on a drawing that is 20 years old and doesn't show what is on the site now. There should be a new site plan prepared by a licensed professional showing what is there now---the current parking area, the wrecked vehicle storage area, the parking spaces he will use, the dimensions of the building, the site lighting, and the location and dimensions of his office. Right now his office is shown as 3 by 9 feet.

Mr. White said his office would really be 16 feet by 20 feet. The office is in an open area. Most of his work is done at the auction so he will use the office as a mailing address rather than physically being at the location. The office won't be used for any other purpose than keeping records. All he needs is a box for the records, a lap top computer, and a cell phone. He will meet the 30 hour requirement for being open by using his cell phone to answer calls. Woody's office manager will be available every day to open the books for State inspections during the hours when Woody's is open. As soon as the revisions to the new bill are approved, he will go back to working from his house. He also buys semi-loads of cars when he is in Florida and ships them to the Michigan auction.

The Planning Commission explained that Mr. White needed to hire an engineer or surveyor who can document what is on the site now and bring it back to the Township for inclusion with his permit. Once the drawing is received, the Public Hearing can be scheduled. Because a hearing is involved, the process could take 60 to 90 days to complete.

Mr. White wondered why his permit wasn't approved just like it had been by the Board. He has always gotten his approvals from the Supervisors without any problems. Mr. Hanoute explained that the State laws have been revised. That is the law in effect now and the Township has a Zoning Ordinance with site plan regulations that are supposed to be followed.

#### **OLD BUSINESS CONTINUED:**

#### **2) Discussion of PCS Rezoning for B-1, B-2, ES and OS Parcels**

The Planning Commission discussed the location of the proposed PCS and PIRO districts shown on the Future Land Use Map and the possible extension of commercial or industrial zoning uses south of Center Road prior to rezoning the existing commercial uses to PCS. The Irish Hills PUD agreement was revised in 2006 to allow the continuance of trailer sales along the US 23 frontage until 2012 when the barns will be replaced by previously agreed upon commercial uses.

Under zoning allowed prior to adoption of the current Master Plan, the Township's commercial uses have been concentrated between Dean Road and Faussett Road bordering US 23 while the Master Plan shows concentrated commercial development at the White Lake Road exit, with a smaller commercial component included with industrial development at the Center Road exit.

There is little probability that future single family residential development will be located next to the Freeway, while some of the lot frontage between Dean Road and Faussett Road is more suitable for commercial development than other locations in the Township. Before making a decision about rezoning any existing B-1, B-2 and ES properties or making revisions to the Future Land Use Map, the Planning Commission asked Ms. Hodges to consider some of the non-residential uses which might be attracted to sites with high visibility but poor access from the expressway and to provide some bubble diagrams to better evaluate the potential for non-residential development south of Center Road and north of Faussett Road adjacent to US 23.

Mr. Hanoute informed the Board that he and Ms. Hodges would meet with the Board at their August 4, 2009 meeting to review the PUD and PCS Ordinances and possibly discuss a revised Master Plan layout. Planning Commission members were welcome to attend.

**OTHER BUSINESS FROM MEMBERS:**

**1) Information Regarding Jeff Zeller's Greenhouse Property Located on Bennett Lake Road (RE Parcels 06-200-007 and 06-200-014)**

Chairman Hanoute rescheduled review of the information for the July 28, 2009 Meeting

**2) Dog Ordinances**

Mr. Fumich noted that there is no Township Ordinance that deals with barking dogs or dogs running at large. There is a State Law that requires leashes, but you have to call Livingston County Animal Control for enforcement after you catch and hold the dog. When animal control is closed on the weekends, the Sheriff won't respond.

The Planning Commission observed that the noise Ordinance (21.16) would apply to barking dogs, but was difficult to enforce. The suggestion was to check with the Township Board to see if they would like the Planning Commission to develop a specific Dog Ordinance.

**3) Mowing Ordinance**

Mr. Fumich commented that a feud had developed in his neighborhood regarding the height of unmown grass. While the neighbors were arguing about who owned the property and who would mow it, the grass grew to more than a foot high so he mowed it. There is nothing in the Beautification Ordinance about the appearance of lawns. With all the unmaintained vacant property in the Township, he wondered if we might not want to include a reference to the appearance of lawns.

The Planning Commission thought that was an issue which the Board might want to address through the Beautification Ordinance.

**4) Christian Day Montessori School and Child Care**

Ms. Radcliffe reported that the school building was for sale. The Recording Secretary said she had been contacted by the Montessori School tenant and was told they were no longer using the facility.

Chairman Hanoute asked to add a status review of the facility at the next meeting.

**ZONING ADMINSTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT**

Mr. Meisel reported that the ZBA had reviewed two cases involving Runyan Lake pavilions built on the lake side of the property. In this case, the deck met the Ordinance requirements, but the occupant wanted to put a roof over it and the request was denied.

In the other case, an existing deck was rebuilt and a roof was added, but based on measurements that appeared to be transposed the request was tabled. The ZBA asked the Planning Commission to consider the Ordinance language which allows nothing higher than 12 inches within 50 feet of the water. In both of these cases, the residents did not front on the main water body, they had topography in their favor, and neither of the structures impacted sight distance or site views. The appellants also furnished letters from their neighbors stating they were in favor of the pavilions.

The ZBA felt there was no mechanism to grant a variance because there are no arbitrary standards or discretionary conditions which would permit a deck covering that high at the lake shore line..

Concerns expressed by the Planning Commission in regard to the height of structures adjacent to shorelines related to the potential for future expansion of the use onto other lake front properties, the impact of roofed structures on lakefront views or appearance in the future, the reluctance to not sign an appeal and thereby offend the neighbors, establishment of a precedent by re-writing an ordinance for a specific case, and the lack of any extraordinary circumstances which would require a lake front location for a pavilion.

Referring to mowing again, Mr. Hanoute commented that grass mowing related to the Township's regulatory Beautification Ordinance. Mr. Van Hecke could determine if there was existing language that applied or not, and the Board could revise the Ordinance or make a request for recommendations from the Planning Commission.

Scott Dietrich said he had neighbors with two dogs on a small lot, and the Township should restrict the number of dogs to the size of the lot. Mr. Hanoute suggested contacting the neighbor to see if the difficulty could be resolved between them. State laws require that dogs be leashed when they are off their property, but we don't enforce state laws. The problem with any law is that you have to have someone to enforce it.

#### **TOWNSHIP BOARD REPORT:**

Mr. Hanoute reported that Fred Dillingham of the Livingston County Economic Development Council made the same speech at the June 14, 2009 Township Board of Trustees meeting that he has given for years and wondered how much it cost the Township to hear it again.

**ADJOURNMENT:** 9:35 by Chairman Hanoute


#### **FUTURE AGENDA ITEMS:**

#### **NEXT MEETINGS:**

July 28, 2009 - Planning Commission Meeting

August 4, 2009 - Township Board Meeting

August 11, 2009 - Planning Commission Meeting

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission