

**TYRONE TOWNSHIP PLANNING COMMISSION  
APPROVED PUBLIC HEARING MINUTES**

**ARTICLE 2 - DEFINITIONS  
ARTICLE 21.19 - OUTDOOR STORAGE**

**December 8, 2009                      7:30 p. m.**

**PRESENT:**     Chairman Dave Hanoute, Vice-Chairman Mark Meisel, Secretary Laurie Radcliffe,  
                         Commissioners Gary Butler, Joe Fumich, Steve Hasbrouck, Ed Kempisty

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

**READING OF THE PUBLIC NOTICE:**

The notice was read aloud by Secretary Radcliffe

**CORRESPONDENCE:**

- 1)     October 2, 2009 - Letter from Township Attorney John Harris regarding proposed revisions to Zoning Ordinance Article 21.19 - Outdoor Storage
  
- 2)     December 3, 2009 - Memo from Robert Stanford of the Livingston County Department of Planning regarding the proposed revisions to Article 21.19 - Outdoor Storage
  
- 3)     December 5, 2009 - Letter from Hugh Armbruster of Runyan Lake Point Property Owners Association regarding the proposed revisions to Article 21.19 - Outdoor Storage
  
- 4)     December 7, 2009 - Letter from Joe Pererra, President of Runyan Lake, Inc. regarding Article 21.19 presented at the meeting by Mr. Quinn

**PURPOSE OF THE HEARING:**

The purpose of the Public Hearing is to receive comments regarding revisions to Zoning Ordinance Article 2.01 Definitions and Zoning Ordinance Article 21.19 Outdoor Storage and Parking in All Districts.

Mr. Hanoute noted that the correspondence from Township Attorney Harris stated that the Ordinance revision of September 23, 2009 was acceptable as written and the memo from County Planner Rob Stanford found no conspicuous omissions or errors.

Mr. Hanoute read aloud the December 5, 2009 letter from Hugh Armbruster which expressed Mr. Armbruster's concerns about the need to submit written applications to allow continued front yard recreational vehicle parking or storage in lots with limited front yards. Runyan Lake residents have consistently used front yard parking because of limited rear yard areas and they consider the regulations ill advised. A brief statement at the article's

inception could eliminate this requirement, such as, "Residents of Runyan Lake Point shall be excluded from this requirement and shall be permitted storage of recreational apparatus in the non-required front yard."

#### **COMMENTS FROM THE PLANNER:**

Township Planner Sally Hodges of McKenna Associates explained that the original purpose of Article 21.19 was to address storage of boats and recreational vehicles on lots where physical features didn't accommodate rear yard storage. The Ordinance currently classifies the lake side of the lot as the rear yard and the front yard as the street side. The current Ordinance also requires that recreational vehicles must be in enclosed buildings for side and rear yard storage.

The proposed amendments expand the scope of the Zoning Ordinance. Article 2.00 defines recreational and commercial vehicles and we have added a recreational apparatus definition to include vehicles and equipment other than boats like antique cars, travel trailers and all-terrain vehicles. Currently Section 21.19 is titled 'Outdoor Storage', but the Planning Commission also wanted to include parking regulations in the title because this section regulates both. We added an intent statement (21.19.A) and new regulations classified into three categories---general requirements for all districts (21.19.B), special requirements for residential districts (21.19.C), and non-residential districts (21.19.D).

Requirements for storage of material have been added to General Requirements for All Districts to address storage of machinery, unused building materials, and rusty or inoperable equipment left outdoors. Storage will have to meet the Beautification Ordinance standards except for materials being used for buildings under construction. Storage or parking of manufactured homes is limited to Manufactured Housing Districts, and the use of portions of vehicles as storage buildings is prohibited.

The storage of equipment in residential districts (B) is the primary purpose of the amendments to this Ordinance article, particularly storage of recreational apparatus. The outdoor storage time limit has been expanded from 48 hours to 7 days within a 30 day period to allow for cleaning and maintenance of recreational equipment. After 7 days the equipment will have to be stored in a completely enclosed building or in a non-required side yard or rear yard without encroaching on the setback requirements.

To address narrow lots, or lots with topography restricting passage from the front to the back, a category defined as 'limited lots' was created which allows the Zoning Administrator to permit storage in the non-required front yard based on a written application and a site plan showing the location so the storage won't expand and become a nuisance to the neighbors over time.

Specific storage for boats is described on page 3, Item iv, and deals specifically with water front lots during and after the boating season. During the season, the equipment can be stored within an enclosed building, a side yard or a rear yard at least 10 feet from a side lot line. During the off-season, usually November 1st to April 30th, all water craft and trailers would have to be stored in locations otherwise proposed. Aircraft storage requires acreage. Other storage requires a residential structure unless common lot storage areas have been

previously established. Common lots will be allowed to as long as they are maintained. However, storage for compensation is not permitted in a residential district because commercial operations tend to get out of scale with residential use.

Parked recreational vehicles shall remain unoccupied unless regulated elsewhere for temporary occupancy (21.31.C). Not more than three recreational vehicles or other recreational apparatus may be parked outside on a lot zoned and used for residential purposes and they must remain in good repair, but the requirements do not apply to boats, rafts, or floats moored over water. That is not under the Township's jurisdiction.

The additional commercial parking regulations are not addressed in any other single location in the Ordinance. Regulations have been provided to limit the number of commercial vehicles that are stored or parked outdoors on a lot in a residential district. As a discouragement to businesses that might be out of scale for operation in a single family home residential district, the proposed regulations will allow one commercial vehicle with a rated capacity of 10,000 pounds gross vehicle weight or less, having no more than two axels, being no more than eight feet in height, and owned or operated by the resident of the premises. If such a vehicle is used for a bona fide operation on a farm ten acres in size or larger, there can be more than one. There is also language to allow special provisions for more than one vehicle following a review by the Zoning Administrator. Commercial vehicles should be screened when parked and not create a negative impact upon the neighbors.

The last new provision deals with temporary portable storage units or PODS (Personal on Demand Storage). There are regulations that limit their duration on single family property and require that they be located in the driveway at the farthest point from the street.

Outdoor Storage in nonresidential districts can be permitted by site plan approval in certain districts, but if storage is allowed, screening is required.

#### **COMMENTS FROM THE PLANNING COMMISSION:**

Mr. Kempisty asked if there was a time limit referred to in regard to issuing storage permits for limited lots. Ms. Hodges said the Ordinance implies that the storage can continue as long as it meets the requirements stated in the original permit. She suggested requiring a reference to the storage location and Mr. Meisel suggested referencing the number of items as part of the permit language. Mr. Hanoute said that these are conditions that could be added to the text as an amendment before final consideration.

Referring to page 4, Item b - Owner Occupied, Ms. Radcliffe wanted to know if the owner of a large parcel would have to own all of the boats parked on the property as well as the residence. Ms. Hodges said that would be the case. Ownership is one of the differences between commercial and personal storage. Ms. Radcliffe asked how that would relate to locations where friend's and neighbor's boats were currently being stored on a residential lot with the consent of the owner who has no problems with it. Ms. Hodges said that as long as the owner and/or the neighbors didn't object, there probably wouldn't be a problem. Most of the enforcement in Tyrone Township is done on a complaint basis and most of the communities she represents don't actively seek violations, but do respond to complaints.

## COMMENTS FROM THE PUBLIC:

Tom McDonald, 10463 Runyan Lake Point, said they had a large common area in their development where they store their boats. Some of the lots don't have space to park cars let alone boats and trailers. He asked how the regulations would be enforced with the economic means the Township has. Zoning Administrator George Van Hecke said the situation would be investigated in response to a violation complaint and the zoning district restrictions on the lot. They will have to observe the setbacks for that lot's zoning district. Mr. McDonald said their road is circular and Mr. Van Hecke told him that front yard setbacks would apply in that case. Mr. Hasbrouck commented that the Ordinance contains provisions which would allow them to continue as a pre-existing common lot storage location (page 4, Item c.) Mr. McDonald said the lot was for the use of their Runyan Lake Pointe Home Owners' Association only and was not a commercial operation.

Ivan McQuinn, 10019 Walnut Shores, presented a letter written by Joe Ferrera of the Runyan Lake Association. Essentially it repeated the information contained in Mr. Armbruster's letter. The parking area is unique for the Point Association, but the typical Runyan Lake home owner does not have a common area. They have their lots, but for 75 to 80 percent of the people, there isn't enough property to go around the house to get to the lake side. For areas zoned LK-1, he suggested having people come in to make the application for a variance and set up some sort of rule that they could store boats or trailers on their property without forcing 80% of the Runyan Lake owners to ask for it. If he lived in Jayne Hill Farms he could understand why they didn't want a bunch of boats there, but if your property is LK-1, it is a different situation. The Ordinance should reflect the way the property is zoned.

Brooks Mollenhour, 6110 Bullard Road, said his concern was the small number of people around Lake Tyrone who could store their boats in their back yard. The sides are too narrow and the backs are so low on the Mabley Hill side they get mushy. On the Bullard Road side they are so steep you can barely mow them. He has stored his boat in his front yard for 14 years and no one has complained. Whether he parks in his driveway turnaround or the front yard, he is still a minimum of 200 feet from the road. It appears that he should be able to get a variance for that, but the last time he had to get a variance for his deck, it was \$400.00. He wanted to know if he would have to apply for a Land Use Permit and get another variance for something he has been doing for 14 years.

There are other people who will be concerned. He has a neighbor whose sister comes to visit in the summer and parks her RV in the garage where it is tucked away and you can't see it. Does that mean the sister can't come to visit because there is no room in the house for her? Another guy has a float plane that doesn't bother anybody and he hauls it up on shore in the winter time. This Ordinance seems like a good way to exclude a lot of people from the reason they moved out here and the people who have lived here for years and years.

Mr. Hanoute said the concerns seemed valid. The idea that he would have to come for a Zoning Variance is not the intent of the Ordinance as written. The front yard storage permit would be a one time affair so we know where the storage will be located. We don't want it

10 feet from the road when you have 300 feet of property. It is a matter of documenting the location.

Don Peitz, 13520 White Lake Road, questioned the weight of the commercial vehicles (page 5, item C.2.) and asked if the item was just for Residential Zoning or for Farming Residential Zoning. Mr. Meisel said that the exception had been made for agricultural uses. Ms. Hodges explained that the Ordinance was designed to allow agricultural uses to continue. Mr. Peitz observed that a single page Ordinance has been turned into 4 pages. More often than not, when we try to cover every instance, we leave something out and that creates problems in the future. The Ordinance length is onerous, it is hard to deal with, and it puts a lot of burden on people at lakes with small lots and boats.

Mr. Meisel said the challenge was that when you try to exclude someone from a requirement as an exception, you can only do it in one way and that is in totality. Anything else requires text. We are trying to confront the challenges of keeping yards reasonably clean plus new items of concern such as PODs that are prevalent in many areas. Water front water craft storage issues have been concerns expressed over many years. This is an attempt to accommodate water craft where rear yard storage isn't available or to reinforce the current language which says it can't be done. Mr. Pietz asked how many storage complaints had been received in the last three years.

Mr. Van Hecke said he receives the complaints. The problem is that he will get a complaint about one person and when he goes to investigate, that person points out all the other people who are violating the Ordinance. This gives the Township a way to settle arguments. There is some duplication between this ordinance and the Beautification Ordinance in regard to unlicensed vehicles and vehicles that are inoperable. He asked if there would be a reference to the Beautification Ordinance in those cases. Ms. Hodges said the Beautification Ordinance is referenced in the General Requirements (21.19.B.1). That was done to avoid overlap and keep the language as simple as possible. Mr. Van Hecke noted that the Beautification Ordinance doesn't have a time limit for outdoor storage of building materials so this section of the Zoning Ordinance resolves that problem.

Scott Dietrich, 13505 White Lake Road, said he has attended all of the meetings when the Planning Commission worked to put this together. This is a rural area, but the problem is that we have some people in the Township that use their property as garbage dumps. He might not care about that, but there are people living next to them who do. The Planning Commission spent a lot of time putting this together and even took advice from the audience before the Public Hearing. It may not be perfect, but it is a starting point.

Mr. Van Hecke said he understood the predicament that Runyan Lake and Lake Tyrone have because they have very narrow lots, but Lake Shannon has a lot of problems too and they are Zoned R-1. You really can't nail an ordinance down for a particular type of zoning district. You really can't issue a broad waiver for LK-1 or R-1 Zoning. You have to think about each individual situation.


#### **CLOSING PLANNING COMMISSION REMARKS:**

Mr. Fumich said that the issue is still enforcement and he doesn't know how to

resolve that. Do you pick on problems one at a time? If a resident is in violation, he will point to someone else. If we don't have people coming in for permits, how can we differentiate between property owners? If you don't have an ordinance, how do you tell who is legally able to store his boat or whatever he has in his yard and who isn't? The problem is still enforcement. Mr. Meisel considered that the storage ordinance is similar to the burning ordinance. Some people may comply and some may not, but the only way to try and manage that situation is with a burning permit. Mr. Hanoute said we would probably have to rely on formal complaints for the foreseeable future until the Township has sufficient wealth to support a full time enforcing agent.

There were no further comments and the Public Hearing was closed at 8:25 p.m. by Chairman Hanoute

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission