

# TYRONE TOWNSHIP PLANNING COMMISSION

## MEETING MINUTES

March 12, 2013

**PRESENT:** Mark Meisel, Mike Wood, Cam Gonzalez, Ron Puckett, and Dave Wardin

**ABSENT:** Deb Lee and Brenda Wehrli

**OTHERS PRESENT:** Tyrone Township Planner Sally Hodges and Planning/Zoning Administrator Vanessa Bader

**CALL TO ORDER:** 7:02 p.m. by Chairman Meisel

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Gonzalez moved to approve the meeting agenda as presented (Wood seconded).  
The motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

Chairman Meisel noted line 76 - add a period after Section 26.03  
line 80 - add a period after Section 26.03  
Gonzalez moved to approve the meeting minutes from February 12, 2013 as amended (Wood seconded).  
The motion carried by unanimous voice vote.

**CORESSPONDENCE:**

**OLD BUSINESS #1:** Development of regulations for the Expansion of Nonconforming Buildings  
Planner Hodges reviewed the new chart that was created as a quick reference for the regulations, then reviewed changes from the last meeting.

Chairman Meisel questioned the Runyan Lake Food Center and if we allow a nonconforming building to expand, essentially extending the nonconformity, does this affect the Food Center since it is a non-conforming use?

Commissioner Wood seemed to think the Master Plan said the building and use could remain, as long as it did not expand.

Chairman Meisel wanted to make sure this section was not preventing the rebuilding of the Food Center if it is destroyed by nature and that it would not constitute "establishing a nonconforming use". Planner Hodges stated the section that would allow it to be rebuilt if it were destroyed by nature.

The Master Plan section on this was read and found that a conditional rezoning of the property could be considered if the owners wished to expand in the future.

Commissioner Wardin questioned the requirement of combining of two nonconforming lots. He said some people retain an adjacent lot for retirement purposes or to give to grandchildren. Are we forcing them to combine their lots?

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Planner Hodges clarified this was only for zoning purposes and would not create a single tax ID. We do not have authority to force someone to combine lots for tax purposes.

Discussion on time limits for nonconforming use (ceases for 6 consecutive months, or 18 months during a 3 year period)

-Chairman Meisel asked the commission if they agreed on the current standards. He asked Hodges if our limits were common elsewhere.

-Hodges stated a common limit is 12 or 18 months of non-use.

-Zoning Administrator Bader commented that it is difficult to enforce the current standard. She felt 12 or 18 consecutive months is easier to deal with.

-Discussion on allowing 6 months for open land and 12 months for structures.

-Consensus to change the requirement to 12 months.

-Wardin questioned if 12 months was enough time to rebuild a structure that was destroyed.

-Discussion was that the owner would have to be actively engaged in getting permits, they can also apply for an extension on a Land Use Permit if needed to complete construction.

Lot of record

-In new Section 26.02.B.1., Chairman Meisel suggested that the R-2 district be added with R-1 and LK-1 in regards to placing a house on a lot of record as long as the side yard setbacks are 10 feet.

-In new Section 26.02.B.2, Chairman Meisel clarified that people are required to come to the ZBA if they cannot meet the current ordinance. Some older regulations allowed 6 or 8 feet setbacks.

Applicants have to provide proof that the setbacks were less than 10 feet at one time or that it was the character of the area, and then a variance could be granted for less than 10 feet.

-Planner Hodges will eliminate all but the first sentence of Section 26.02.B.2 Yard Variances to improve clarification.

2 or more lots of record

-Planner Hodges will add language to clarify that the combination is for zoning purposes only.

Nonconforming uses of land

-26.03.C., it was agreed to change "manifestly" to "clearly and intentionally".

Discussion on permitting an expansion

-Zoning Administrator Bader questioned the new standards as she thought we were going to allow certain expansions as a use by right. Chairman Meisel seemed to agree and said there was discussion on this topic last month and if any variances would be permitted by right. Planner Hodges thought the new standards were to give guidance to the ZBA in deciding variances and they would no longer have to justify undue hardship.

-Wardin discussed a past ZBA case with the height issue (letter d) and definitions of a story for a building.

-Chairman Meisel stated that many ZBA cases have a secondary request that requires further review.

-Discussion between members seemed to result in keeping these expansions at the ZBA level.

Wardin stated if that was the case, then we might consider removing letter "d" since it appears to be covered in letter "b".

-Discussion on letter "e" and determining 30% of the existing nonconformity. Wardin questioned if it would be difficult to determine. Hodges seemed to think the intent of the ordinance was to mean "length" and not "footprint" of the structure, thus preventing a "tunnel" effect between homes.

Chairman Meisel noted the length determination could result in a very small allowance for an expansion and would not be worth going to the ZBA, or it could prohibit someone from using their allowable building envelope. He also felt someone should be able to add a second story encompassing the entire first floor, provided other requirements in "a-f" are met. Hodges stated a

second story verses a single story that is very close to a lot line could have a greater impact on the neighbors.

-The Commission decided to change topics and come back to this next month.

**OLD BUSINESS #1: Regulations To Address Michigan Medical Marijuana Act**

Chairman Meisel presented a possible ordinance utilizing what Planner Hodges had presented about a year ago.

The ordinance addresses standards as a Special Use Permit and would add a new section in the ordinance. The introduction to the new section stated why the Township was regulating this and that the Township is not legalizing the use.

Discussion on whether or not we could prohibit patients from coming to the caregiver. The Act is not specific. Consensus to make the caregiver deliver to the patient.

Discussed allowable districts and cited the Ypsilanti case that stated the Act does not say where plants can or cannot be grown.

Discussed grouping caregivers into one building. Planner Hodges mentioned previous discussions were to disperse this use. Chairman Meisel suggested dispersing in the FR district, but maybe grouping in the commercial districts.

Due to the hour, it was decided to continue this discussion next month.

**NEW BUSINESS #1: Schedule public hearing for recently proposed amendments.**

Decided to wait and try to finish nonconformities.

**NEW BUSINESS #2: Proposed amendment to the Master Plan "Proposed Service Boundary" Map**

Chairman Meisel noticed the labels for the sewer lines were still the labels that no one could explain, including the County Drain Commissioner's office. When talking with the Zoning Administrator, she also noted that the Special Assessment districts were not up-to-date. Zoning Administrator Bader updated the SA district and provided Hodges with the new file, along with existing sewer line data. The sewer line labels were changed to say "existing" forcemain or gravity line so as to eliminate confusion. The corrected map will replace the current map in adopted Master Plan.

**MISCELLANEOUS BUSINESS:**

**1) Other Business:** Zoning Administrator Bader informed the Commission of her upcoming maternity leave starting at the beginning of May. She will most likely not attend the May meeting as it is two days before her due date. She will also be out the month of June. She has spoken with Lori Thielen to possibly take minutes, and if she is unable to attend, the meeting could be recorded and Bader would compile the minutes at home or Commissioner Wood could take the minutes as Secretary.

**2) ZBA:** Chairman Meisel updated the Commission on the recent Lake Shannon case. It was tabled due to lack of evidence on the applicant's part to prove Unreasonable Burden. They may return for a second meeting.

**ADJOURNMENT:** The meeting adjourned at 9:45 pm

**NEXT MEETING:**

April 9, 2013 - Regular Meeting

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Vanessa Bader, Recording Secretary  
Tyrone Township Planning Commission