

1 **TYRONE TOWNSHIP PLANNING COMMISSION**

2
3 **MEETING MINUTES**

4 **APRIL 14, 2015**

5
6 **PRESENT:** Mark Meisel, Cam Gonzalez, Anne Linder, Allen Pool, Ron Puckett, Dave Wardin, Bill
7 Wood

8
9 **ABSENT:** None

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11 **OTHERS PRESENT:** Tyrone Township Planner Sally Hodges, and Deputy Clerk Terri Medor.

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

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15 **PLEDGE OF ALLEGIANCE:**

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17 **CALL TO THE PUBLIC:** No comments for topics not included on the agenda were received.

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19 **APPROVAL OF THE AGENDA:**

20 Gonzalez moved to approve the agenda as presented. (Pool seconded) The motion carried by
21 unanimous voice vote.

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23 **APPROVAL OF THE MINUTES:**

24 Gonzalez moved to approve the minutes of 3/10/15 as presented. (Pucket seconded) The motion
25 carried by unanimous voice vote.

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28 **OLD BUSINESS #1 - Regulation of Outdoor Furnaces**

29 The working draft of proposed regulations for outdoor furnaces was further discussed. There
30 remains concern about how to best regulate stack heights and setbacks. It was agreed any
31 regulations for stack heights must not require stacks which do not comply with the manufacturer's
32 requirements.

33
34 Section 4: Further discussion regarding EPA Phase I and Phase II regulations. Phase II products
35 are better insulated and may allow for reduced setback requirements. The key concern remains
36 how to best manage stack heights to keep fumes and smoke away from neighbors without
37 unreasonably impacting those who want outdoor furnaces.

38
39 Section 5: Existing outdoor furnaces. It was agreed we should remove dates for use to avoid
40 conflicts with unseasonably cold temperatures, and since most residents would not likely use
41 outdoor furnaces in the summer. Also discussed:

- 42
43
- 44 • Change terminology to refer to Outdoor Furnace throughout.
 - 45 • Change definition of permitted fuels to "manufacturer approved fuels" .
 - 46 • Add "refuse" definition similar to Gaines Township ordinance.
 - 47 • Agreed to use the term "nuisance factor" as that is currently defined in the township's
48 ordinances.
 - 49 • It was agreed the approach for existing furnaces should be to shield them from regulation
50 as long as they are not creating a nuisance. New furnaces must comply with the new
51 regulations.
 - 52 • If an existing furnace is modified or moved it must now comply with the new regulations.

53 Section 6:

- 54 • A: Change Planning Department to Zoning Administrator.
- 55 • 6.A.1 – reword to read “Include a plot plan showing types of all existing structures on the
- 56 owner’s property, ……….
- 57 • Use the term “existing outdoor furnace”.
- 58 • B: Land use permits apply only to new furnaces, not existing.
- 59 • B.4: It was noted this language should be added to application forms for outdoor furnaces.
- 60 • Reference Gaines Twp. Section 5.C for inclusion.

61
62 Section 7:

- 63 • Verify when a new ordinance can take effect per state statute.

64
65 Approval process: If this remains a regulatory ordinance, the PC does not have to hold a public
66 hearing, neither does the Township Board. We would recommend a public hearing and ask for
67 Livingston County Planning advisory comment to ensure we have captured all the issues and
68 concerns.

69
70 **NEW BUSINESS #1 – County Review of MMMA Amendments**

71 Chairman Meisel advised that during the County Planning Department Review they had identified a
72 conflict with our amendments and the amended MMMA. We had not included “or registered
73 qualifying patient associated with that facility.” as a location for a Primary Caregiver operation,
74 thinking this was not likely scenario. Indeed such a condition could occur if the Caregiver were
75 growing for only those who reside within the residence on the property. Meisel agreed with the
76 County and agreed to include the complete language found in the MMMA for caregiver sites so as
77 to result in the County review acknowledging that addition and content. The Planning Commission
78 agreed with this inclusion.

79
80 There was discussion about what was really required to result in an “enclosed, locked facility” for
81 outdoor growing. The MMMA lists the requirements for outdoor grow sites, and litigation regarding
82 security of sites has often indicated if the use of tools is required to gain entry the site is reasonably
83 secure. Linder agreed, stating there should be a “reasonable” amount of security to prevent
84 someone from simply walking up to a site and gaining entry.

85
86 It was asked if the current applicant must comply with the new ordinance language. Meisel noted
87 the applicant must comply with the MMMA regardless of our local ordinance language, and that the
88 amendments we are seeking simply update our ordinance to include the MMMA regulations
89 already in effect for outdoor growing. Therefore the amendments we are seeking technically have
90 no effect on the current applicant.

91
92 Wardin asked if it is specifically stated that someone can inspect a caregiver operation. The right
93 to inspect is stated in 21.55.J (Building Approvals) of our current ordinance language.

94
95 The Livingston County Planning Commission review is Wednesday. It was suggested an agenda
96 item be added to the joint meeting (technically a Township Board meeting) on 4-21-15 for adoption
97 of the MMMA amendments.

98
99 **NEW BUSINESS #2 - Preparation for Joint Meeting with the Township Board on 4/21**

- 100
101 • Noise Ordinance Recommendations: Our recommendation letter will be discussed.
102 Planner Hodges will prepare a regulatory vs zoning ordinance chart showing how
103 comparable communities around us regulate noise.

- 104 • Blight Ordinance Recommendations: Our recommendation letter will be discussed.
- 105 • Medical Marijuana Amendments: We will have Livingston County Planning Department
- 106 and Commission reviews and recommendations available prior to the joint meeting.
- 107 Feedback from the County indicates they will recommend approval. The Township Board
- 108 could take action and adopt the recommended amendments during the meeting.
- 109 • Land Divisions with > 4:1 Depth to Width ratios: We have prepared recommended
- 110 amendments to our Zoning Ordinance and to the Land Division Ordinance to allow for land
- 111 divisions with > 4:1 ratios as permitted by the Michigan Planning Act. The current Truck
- 112 Road request is a great example of how this would benefit the township and its residents.
- 113 We will discuss these benefits and see if the Township Board is willing to consider the
- 114 proposed amendments for future action.
- 115 • Outdoor Furnaces: The intent is to update the Township Board on where we are, the
- 116 challenges we are facing with developing regulations, and to see if they are in agreement
- 117 with our current approach.
- 118

119 **NEW BUSINESS #3 - Tree House Regulations – Accessory Structures**

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121 This topic is being reviewed after preliminary discussion resulting from a ZBA variance request
122 which was denied due to the tree house being too close to the property lines (setback) and its
123 proximity to power lines (Meisel will forward the ZBA file). From a ZBA point of view the structure
124 did not comply with required health and safety attributes. This experience did highlight the need to
125 review if additional regulations are needed for structures of this type. Most would not consider the
126 structure under review a tree house since it had a foundation. The foundation was clearly
127 inadequate for the structure. For those who have seen the show Tree House Masters there are
128 questions about how such structures should be regulated.

129

130 Planner Hodges stated tree houses are covered as accessory structures. There are two
131 distinctions – less than 400 square feet does not require a building permit, greater than 400 square
132 feet does. Also, electricity or water must be built to code regardless of whether a building permit is
133 issued, but how does one enforce that?

134

135 A based ground structure is a play house, and a structure in and supported by a tree is a tree
136 house. If a tree house is designed to include living space they become principal structures.

137

138 Why would we want to further regulate these structures? As demonstrated by the ZBA hearing
139 there can be safety concerns. Wood also noted views on lakes could be ruined. The intent is to
140 not overregulate, but rather to ensure these types of structures are reasonably safe and don't
141 create nuisances. This discussion will continue during a future meeting.

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144 **MISCELLANEOUS BUSINESS:**

- 145 **1. Planning and Zoning Administrator's Report** – Nikki provided a listing of land use permits
146 issued and violations being investigated.
- 147 **2. Other Business Items** – Wardin noted an error in our Zoning Ordinance. The reference to
148 dog kennels in 23.01.H reads "23.05.G", but should read "22.05.G". The online version will be
149 corrected and paper copies will be corrected when it is convenient.
- 150 **3. Township Board Actions** - None
- 151 **4. ZBA Report** – The ZBA granted variances to allow for construction of a single family home on
152 what is known as Outlot B of the 1932 Plat of Runyan Lake Point. The lot came into private
153 ownership at some point, not sure how, and the Plat does not include language conveying the
154 outlots to the owners within the plat. A structure was previously on this parcel more than a

155 decade ago. The variance granted result in the proposed home being more conforming than
156 many of the adjacent neighbors.

157 **5. Future Items – Special Meeting on 5/26**

158 **6. Correspondence – Val Royal:** Ms. Johnson has hired Livingston Engineering to complete her
159 site plan for her barn weddings special land use permit. Meisel spoke with the township
160 attorney and was advised the “hold harmless agreement” Ms. Johnson was pursuing would not
161 protect the township from lawsuits by her guests, and was therefore not recommended. Per
162 the fire chief, she needs to demonstrate to his satisfaction tanker trucks can safely get in and
163 out of her site as they deliver water to the staging area. It was noted the latest plan being
164 developed has the barn moved to the original proposed location. This should help resolve
165 several concerns associated with the prior location. It is now anticipated this application will be
166 ready for final review in June.

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168 **ADJOURNMENT:** The meeting adjourned at 9:28 p.m.

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170 **NEXT MEETING:** May 12, 2015 - Regular Meeting

171

172 Respectfully submitted by:

173 Mark Meisel

174 Chairman