

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **MEETING/PUBLIC HEARING MINUTES**
3 **June 14, 2016 7:00 p.m.**

4
5 **PRESENT:** Mark Meisel, Dave Wardin, Cam Gonzalez, Ron Puckett, and Al Pool.

6 **ABSENT:** Anne Linder and Bill Wood.

7 **OTHERS PRESENT:** Tyrone Township Planner Brian Keeseey, Tyrone Township Zoning
8 Administrator Ross Nicholson, Tyrone Township Treasurer Marna Bunting-Smith, and Tyrone
9 Township Clerk Marcella Husted

10 **CALL TO ORDER:** 7:18 pm by Dave Wardin

11
12 **PLEDGE OF ALLEGIANCE:**

13
14 **CALL TO THE PUBLIC:** 7:19 pm
15 No comments

16
17 **APPROVAL OF THE AGENDA:**

18 Cam Gonzalez moved to approve the agenda as presented. (Al Pool seconded). The motion
19 carried by unanimous voice vote.

20 **APPROVAL OF THE MINUTES:**

21 Pool moved to approve the May 10th, 2016 minutes as amended (Gonzalez seconded.) The
22 motion carried by unanimous voice vote.

23
24 Ron Puckett moved to bypass new business agenda items 1-3. The motion carried by unanimous
25 voice vote.

26
27 **NEW BUSINESS # 4: Nutt Home Occupation Application (7:21 pm)**

28 Tyrone Township Planner Brian Keeseey opened the discussion by inquiring whether a
29 representative for Nutt was present. There was no response. Keeseey continued by summarizing
30 the application as it was submitted. He stated this home occupation application requires a special
31 land use review primarily because it is not a typical home occupation due to the proposed
32 customer contact which would involve the sale and storage of merchandise. He stated that the
33 applicant cannot receive Federal Firearms Licensing (FFL) without the Township's approval.
34 The items still missing from the application include; a floor plan of the home with the locations
35 of where inventory would be kept, details on the types of locking mechanisms that would be
36 used, safety measures that would be taken, who would be handling merchandise, and other
37 details. Keeseey stated that because there is so much information missing from the application
38 further action is not warranted until the information requested has been submitted. Cam
39 Gonzalez agreed that there is no way that the Planning Commission can proceed with reviewing
40 the application. Gonzalez moved to table the item until the next meeting, or until the requested
41 information is received by the Planning Commission (Ron Puckett seconded.) The motion
42 carried by unanimous voice vote.

43
44 **NEW BUSINESS # 5: Mikat Boundary Realignment (7:27 pm)**
45 Planner Brian Keeseey opened the item by passing out an updated existing parcel exhibit to the
46 Planning Commission which was not included in the packet. He stated after the last review,
47 there were 3 items that needed to be addressed before the Planning Commission could make a
48 decision on whether or not the boundary realignment should be recommended to the Township
49 Board (Items A, B, and C.) Item A was the updated existing parcel survey, which was received
50 and distributed to the members of the Planning Commission. Item B was that the two
51 northernmost parcels (4704-03-400-002 and 4704-02-300-008) should be combined to shown as
52 Parcel #1 with single parcel ID number. Item C was that the Parcel ID number 4704-03-400-003
53 be properly disposed of in the Township records, as it will be described in Parcel ID number
54 4704-03-400-002 in the property deed. Dave Wardin inquired (in regards to item B) whether the
55 Parcel ID numbers for the northernmost parcels will be automatically combined by the Township
56 once the boundary realignment is approved. Keeseey agreed that items B and C could be easily
57 addressed by the Township upon approval but requires the applicant to request the parcels be
58 combined by the assessor and the legal description updated accordingly. Wardin stated that
59 because the issue will go away once the boundary realignment is approved, it is basically just a
60 drafting issue and should not be of any concern to the Planning Commission. Cam Gonzalez
61 made a motion to recommend the Mikat Boundary Realignment to the Township Board (Al Pool
62 seconded.) The motion carried by unanimous voice vote.

63
64 At 7:35 pm the regular meeting was suspended for a public hearing by Dave Wardin. Wardin
65 then stated that the public notice for the public hearing was published in the Tri-County Times
66 on Sunday May 29th in compliance with the Michigan Open Meetings Act. He then continued to
67 read the public notice in its entirety.

68
69 **Public Hearing Item #1: Will Request for a 1200 sq. ft. Accessory Structure in R-1 (7:35 pm)**
70 Planner Brian Keeseey opened the discussion with brief summary of the information provided by
71 the applicant, which was a request to the Planning Commission to consider increasing his
72 allowed accessory structure size from 800 square feet to 1200 square feet for the construction of
73 a new barn. Keeseey stated that the structure would not exceed 25% of the required rear yard area
74 which is listed in the Schedule of Regulations. He continued by stating the floor area of the
75 proposed barn would not exceed 50% of the primary structure floor area and it is sized less than
76 40% of the non-required rear yard area. These measures all comply with the Ordinance
77 requirements. Keeseey then explained that the Planning Commission was not completely clear on
78 the height of the proposed barn because the plans provided included only the total height, but not
79 the measurement from the beginning of the roof to the peak, which is needed to determine
80 whether or not it will meet the maximum height requirement of 20 ft listed in the Zoning
81 Ordinance. Keeseey said that another concern is in the R-1 district the required side yard setback
82 of 15 feet, where the site plan shows that the structure would only be 10 ft from the property line.
83 Keeseey recommended that some clarifications should be made by the applicant before the
84 Planning Commission can make a decision; what will be the intended use for the attic and what
85 type of materials will be used for siding? Dave Wardin inquired whether there was a
86 requirement for contours on the site plan. Keeseey replied that contours are typically required for
87 a site plan review, but certain requirements may be waived by the Planning Commission based
88 on the scope and intensity of the project. Wardin then stated that based on the elevation

89 drawings provided, it appears that the height of the proposed structure is 22 feet. The Applicant,
90 Nicholas Will, was then invited to come forward to provide comments and input to the Planning
91 Commission in regards to his application. Mr. Will approached the Planning Commission and
92 pointed out measurements on the elevation drawings to help clarify the confusion about the
93 height of the structure. Keesey explained to the applicant the process for submitting changes
94 through the Zoning Administrator so that they can be reviewed by the Planning Commission.
95 Wardin pointed out that he would like to see more contour information on the site plan before the
96 next review. Keesey then stated to the applicant had time to make changes, and if they were
97 submitted to the Planning Commission by 6/23/2016, he could potentially be on the agenda for
98 the next meeting held on 6/28/2016.

99

100 **Public Hearing Item #2: Klavon Request for a 1200 sq. ft. Accessory Structure in R-1 (7:54**
101 **pm)**

102 Planner Brian Keesey opened the discussion with brief summary of the information provided by
103 the applicant, which was a request to the Planning Commission to consider increasing his
104 allowed accessory structure size from 800 square feet to 1200 square feet for the construction of
105 a new pole barn. He continued by stating that the site plan for the proposed structure does meet
106 the side and rear setback requirements, it appears that the structure will not exceed 20 feet in
107 height, and it does not exceed the 25% required rear yard area or the 40% non required rear yard
108 area requirements of our Ordinance. Keesey stated that the only clarification needed is what the
109 floor area of the primary structure is, to ensure that the proposed accessory structure would not
110 exceed 50% of the floor area. The applicant stated that the floor area of the primary residence is
111 2100 square feet not including the finished basement or garage. Keesey and Wardin then
112 calculated based on the floor area of the primary structure, that the proposed structure would be
113 too large by 150 square feet; therefore the maximum size that is possible would be 1050 square
114 feet. Wardin stated that the Planning Commission will require an updated site plan with contour
115 information and updated building plans showing that the size of the proposed structure would be
116 less than 1050 square feet. Wardin then mentioned that there were 4 letters of support that were
117 received regarding that proposed accessory structure. Keesey then clarified that the issues that
118 needed to be addressed were contour information on an updated site plan, and updated building
119 plans showing that the structure will be less than 1050 square feet and elevations.

120

121 **Public Hearing Item #3: Schroeder Request for a 1200 sq. ft. Accessory Structure in R-1 (8:05**
122 **pm)**

123 Planner Brian Keesey opened the discussion by stating that the applicant has provided all
124 required materials except for the size of the primary structure. The applicant stated that his
125 house is 1352 square feet. Keesey then explained that because the size of the primary structure is
126 so small, there would be no way for the Planning Commission to allow an increase in the size of
127 the proposed accessory structure beyond the 800 square foot maximum allowed within the R-1
128 district. Keesey then explained to Mr. Schroeder that the only possible way the size can be
129 increased would be to add more area to the principle structure or apply for a Zoning Board of
130 Appeals hearing to request a variance for an increase in size. Cam Gonzalez added that he does
131 have the option to go through the ZBA, but the chances of it getting approved would be very
132 low. Gonzalez continued to explain that the information that the Planning Commission provided
133 him with is technically free information that can be found online or in the Zoning Ordinance, so
134 the Planning Commission review was not necessary. Mr. Schroeder decided that he would like

135 to pursue a refund for the full or partial cost of the application fee, and apply for a land use
136 permit for an accessory structure that is 800 square feet or less.

137
138 At 8:25 pm Cam Gonzalez moved to close the public hearing and resume with the regular
139 meeting agenda (Al Pool seconded.) The motion carried by unanimous voice vote.

140
141 Gonzalez moved to table new business items 1 & 2 to allow the applicants additional time to
142 comply with the Ordinance requirements. (Pool seconded) The motion passed by unanimous
143 voice vote.

144
145 Gonzalez moved to deny the Schroeder request because the applicant did not meet the minimum
146 primary residence floor area requirement for an accessory building of more than 800 square feet.
147 (Pool seconded) The motion passed by unanimous voice vote.

148

149 **NEW BUSINESS # 6: Anthanisiou/Hoffman Land Division (8:25 pm)**

150 Planner Brian Keesey opened the discussion by stating that he and the Planning Commission have
151 been reviewing the land division for several months and that there are only a few items that still need
152 to be addressed. Keesey then began to go through the latest McKenna & Associates review item by
153 item. He continued stating one item that needed to be addressed is proof of ownership and proof of
154 the tax status. Keesey said that the Planning Commission has received the proof of ownership, but
155 still need to see proof that the taxes are paid and up to date. Dimensioned plans that meet the
156 requirements for each parcel and the shared driveway have been submitted to the Planning
157 Commission. He continued stating that legal descriptions must be provided for each proposed parcel
158 and for the shared private driveway easement. The applicant has submitted plans for the shared
159 driveway and a sample shared driveway maintenance agreement. He stated that the shared driveway
160 maintenance agreement must be revised for the specific application in a recordable form and signed
161 before being submitted to the Township. He stated that it is noted based on the GIS contour and
162 wetland information provided by Livingston County that Parcel #4 may not be buildable depending
163 on slopes and perk test results. The applicant has noted structures and easements presently on or
164 within 50 feet of the property and the existing wetlands as required by the Ordinance. Open space
165 calculations have been made and recorded in table form on the site plan as required by Section
166 21.51.B.1 of the Zoning Ordinance. The location of open space within a required yard setback is not
167 permitted without approval of the Planning Commission, which does appear to be the case on the site
168 plan. Keesey stated that McKenna & Associates believes that based on the circumstances the
169 location of the open space, as proposed, would create a perfect buffer to the neighbors to the west of
170 the property which would therefore be an appropriate application of open space, and they would
171 recommend that the Planning Commission approves it. One requirement that was not adequately
172 addressed is the site plan for the proposed shared driveway. The site plan received was hand drawn
173 and did not include all of the information that is required in section 24.05.J of the Zoning Ordinance,
174 and is therefore not sufficient. Keesey stated that all that the Planning Commission would need is a
175 formalized drawing of the proposed shared driveway including all of the requirements listed in
176 section 24.05.J of the Zoning Ordinance. Bret Hoffman inquired whether he would be able to gather
177 all of the required information and amend the driveway site plan to reflect that, could he avoid
178 paying to have another engineered drawing done. Dave Wardin replied that he would like to see
179 much more detailed information, primarily because of drainage concerns, which will most likely still
180 require an engineered drawing. He continued saying that if Mr. Hoffman can figure out how to
181 adequately show all of the required information accurately that it may be possible, but it would be
182 preferred that it be done professionally to ensure accuracy. Keesey added that the location of the

183 culverts must be shown on the shared driveway site plan. He then moved on by going through the
184 recommendation that was prepared by McKenna & Associates labeled with letters A through F,
185 stating that once those conditions are met, they recommend the Planning Commission recommend
186 Township Board approval of the land division request. The requirements A-F are as follows; (A)
187 proof of paid and up-to-date property taxes, (B) a shared private driveway maintenance agreement,
188 revised for the specifics of the site, in a recordable format, (C) Planning Commission approval for the
189 proposed open space location within the setbacks for parcels 1 and 2, (D) revision of the legal
190 description for the Parcel 1 shared driveway easement to exclude the portion of that easement in
191 Gordon Road, (E) proof of conceptual approval from the Livingston County Department of Public
192 Health for Parcel 4 perk. If the information is not available, notation should be added to the plan
193 stating that Parcel 4 may not be buildable, and (F) An updated site plan with an updated open space
194 table consistent with the handwritten notes recently submitted informally to McKenna & Associates.
195 Keeseey then stated that McKenna & Associates does not believe the land division should be
196 recommended for approval to the Township Board until all conditions listed above have been met
197 and reviewed by the Planning Commission. He then said that he would recommend a conditional
198 Planning Commission recommendation for approval of the land division pending the completion,
199 submission, and approval of the listed conditions. Chairman Mark Meisel requested clarification on
200 several conditions, which were provided by Brian Keeseey. Chairman Meisel then reviewed the
201 conditions A-F and suggested that most of the Planning Commission is on the same page and would
202 like to grant conditional approval. Dave Wardin added that he would definitely like to see a notation
203 added to the site plan stating that Parcel 4 may not be buildable in place of condition E (proof of
204 conceptual approval from the Livingston County Department of Public Health for Parcel 4 perk.)
205 Wardin continued by stating that it would be very difficult to amend the legal deed once it is
206 recorded, therefore if a perk test came back that results in Parcel 4 being buildable, the deed would
207 need to be changed. Chairman Meisel noted we typically include a statement for land divisions that
208 says there is no guarantee lots or parcels created as a result of a land division are buildable. After
209 further discussion by the Planning Commission regarding the details of the shared driveway site plan,
210 Dave Wardin brought up that they need to decide whether the open space could be part of the
211 required setbacks in these circumstances. After a brief discussion, it was determined that the open
212 space would be allowed as shown on the site plan. Cam Gonzalez moved to issue a recommendation
213 to the Township Board pending the items A-F as provided by McKenna & Associates, and noted
214 approval of our recommendation by the Township Board does not guarantee the created parcels are
215 buildable. (Al Pool seconded) The motion carried by unanimous voice vote.

216

217 **MISCELLANEOUS BUSINESS:**

- 218 1) Planning and Zoning Administrator's Report: None
219 2) Other Business Items: Brief discussion on REU's, Special Planning Commission meeting
220 will be held on 6/28/2016.
221 3) Township Board Actions: None
222 4) ZBA Report: None
223 5) Future Items: N/A
224 6) Correspondence: N/A

225

226

227 **ADJOURNMENT: 9:49 pm**