

1 **TYRONE TOWNSHIP PLANNING COMMISSION**  
2 **SPECIAL MEETING AGENDA**  
3 **August 9, 2016 -7:00 p.m.**  
4

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

6 **ABSENT:** Kurt Schulze

7 **OTHERS PRESENT:** Tyrone Township Planner Brian Keeseey, Tyrone Township Zoning  
8 Administrator Ross Nicholson.

9 **CALL TO ORDER:** 7:00 pm by Chairman Meisel

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11 **PLEDGE OF ALLEGIANCE:**

12  
13 **CALL TO THE PUBLIC:** 7:02 pm  
14 No comments

15  
16 **APPROVAL OF THE AGENDA:**

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

19 **APPROVAL OF THE MINUTES:**

20 Cam Gonzalez moved to approve the April 26, 2016 minutes as amended (Dave Wardin  
21 seconded.) The motion carried by unanimous voice vote.

22  
23 **Old BUSINESS # 1: Hoffman Shared Private Driveway (7:05 pm)**  
24

25 Brian Keeseey opened the discussion stating that most of the requirements brought up during the  
26 last meeting had been addressed and continued through the McKenna review which he had  
27 prepared. Keeseey stated that the private driveway would need to meet the Livingston County  
28 Road Commission standards, including the total width of the access easement being 66 feet  
29 including a 16 foot driveway with two foot load bearing shoulders on either side, which are  
30 shown on the drawing, therefore the requirement was fulfilled. He then mentioned that the  
31 driveway plan does not show entrance points for each of the four parcels being serviced by the  
32 driveway, but they are all required to take access from the driveway, including the one nearest to  
33 Gordon Rd.

34  
35 He then brought up a few remarks on the drainage plan, noting that significant grading may be  
36 required to achieve the plan and that some water from the driveway may flow onto parcel two,  
37 but overall it was found to be sufficient. He then noted that if parcel four is going to be used for  
38 a residential home, the drainage plan may need to be modified to prevent flooding. Keeseey  
39 continued stating that along Gordon Road, it must be determined if there is a need for a drainage  
40 culvert. Dave Wardin then mentioned that he did not believe the Livingston County Road  
41 Commission would require any culvert since all of the drainage would be flowing onto the site  
42 and not to the main road. Keeseey replied that there is a drainage ditch on the South side of the  
43 road, and all existing drainage flow must be maintained. Wardin then stated the drainage would

44 not be able to go anywhere, and that the ditch may need to be blocked off. Chairman Meisel  
45 stated that it should be noted the existing drainage ditch would not be functional. Wardin  
46 mentioned that the ditch is functional now, but would not be once the driveway is constructed.  
47 Keeseey stated that because the ditch would no longer be functional, the culvert may be needed.  
48 Chairman Meisel said that typically you are not allowed to alter drainage along the roadside, so  
49 the primary question would be where the water is coming from and where would it go. He  
50 continued stating that it should be determined, in the case of a 100 year rain, would the drainage  
51 plan be sufficient to avoid severe flooding. He stated that a letter or statement from the Road  
52 Commission would be beneficial to determine the plan of action in case of heavy rainfall. Dave  
53 Wardin mentioned that there would need to be some means to prevent water from flowing onto  
54 the newly developed parcels from Gordon Road. If a culvert were to be required, it would need  
55 to be blocked off to prevent drainage from the road from flowing onto the parcels.

56  
57 Moving on from drainage, Keeseey stated that the sight distance from Livingston County was  
58 approved, size and construction materials exceed the minimum requirements, the proposed cul-  
59 de-sac exceeds the minimum size requirements, but the distance to the nearest private road does  
60 need to be discussed. The nearest private road is about 120 feet from the proposed driveway, to  
61 the North side of Gordon Road and slightly to the West, which would not meet the 250 foot  
62 minimum distance required by the Zoning Ordinance. Keeseey stated that the Livingston County  
63 Road Commission has inspected and approved all aspects of the driveway placement, but it is  
64 still something that needs to be addressed by the Planning Commission. Chairman Meisel  
65 explained that if the Planning Commission determines there would be no issues with the  
66 placement of the driveway, they would just need to make note that the minimum 250 foot  
67 requirement has been waived. Keeseey then mentioned that the overhead clearance requirements  
68 would not be applicable at this time, and if in the future it became a concern, it could be easily  
69 resolved at a later date.

70  
71 Keeseey then stated that once all issues have been addressed, it is recommended that the Planning  
72 Commission recommend the shared private driveway to the Township Board for final approval.  
73 Chairman Meisel asked if there were any further questions or concerns. No questions or  
74 concerns were received.

75  
76 Dave Wardin made a motion to recommend Township Board approval of the Hoffman shared  
77 private driveway and land division to the Township Board noting that the 250 foot distance  
78 requirement for private roads is waived due to low traffic count on Gordon Road, subject to a  
79 letter or communication from the Livingston County Road Commission regarding the disposition  
80 of a typical culvert at Gordon Road since grades on the road do not indicate a ditch. Al Pool  
81 supported the motion. The motion carried by unanimous voice vote.

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83  
84 The item closed at 7:26 pm

85  
86 \*Cam Gonzales made a motion to table agenda item #2. Ron Puckett supported. The motion  
87 carried by unanimous voice vote.

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89

90 **Public Hearing Began at 7:29 pm**

91

92 (Chairman Meisel read the public notices as published)

93

94 **Public Hearing Item #1: Donnay Request for Increased Detached Accessory Structure**  
95 **Area (1090 sq. ft.) in LK-1 located at 10043 Walnut Shores Dr. (7:31 pm)**

96

97 Brian Keeseey opened the discussion stating that there are several requirements to allow an  
98 increase in accessory structure size over 800 sq. ft., up to 1200 sq. ft., and the height by 2 ft. in  
99 LK-1. The structure may not exceed 40% of the non-required front yard, which it does not  
100 appear that it would. The height of the structure is measured as an average between the peak and  
101 the soffit, which appears to be below the maximum allowed height. He continued stating that the  
102 existing garage is an existing nonconformity due to encroachment into the side yard setback by  
103 about one foot, but the proposed addition would not increase nonconformity in any way. The  
104 last consideration is to ensure that the structure would be harmonious with the home and  
105 surrounding properties. Chairman Meisel then went through the images of the home, existing  
106 garage, satellite imagery and supplemental information included in the application. He  
107 concluded that the proposed addition would match the exterior of the existing home and the  
108 setbacks and lot coverage requirements would be met. The main determination the Planning  
109 Commission would need to make is whether or not it would be harmonious with the surrounding  
110 area. He added that the proposed garage would be the most prominent detached accessory  
111 structure in the immediate area and most of the neighboring properties have attached accessory  
112 structures, however, there is a large pole barn on an adjacent property, and the proposed structure  
113 is located on a bend in the road where there would be no interference with sight distance or  
114 drainage. Chairman Meisel continued stating that based on the information provided by the  
115 applicant and the Planning Commission's familiarity with the area, it appears that the proposed  
116 detached accessory structure addition would not cause any problems and would be harmonious  
117 with the other properties and structures in the area.

118

119 Chairman Meisel stated the only remaining question regarding the proposed detached accessory  
120 structure addition would be determining the height. Upon reviewing the plans, it was determined  
121 that the proposed height of the structure would fall below twenty feet. There was then a brief  
122 discussion on whether or not the applicant would be able to increase the height of the accessory  
123 structure beyond the maximum of twenty feet. It was concluded that it would require a new  
124 public hearing if that was the case, but according to the proposed drawing and the way that the  
125 height measurement is determined there would be no issue with building to the height specified  
126 in the application. The applicant then inquired whether he would be able to request additional  
127 floor area up to 1200 square feet. It was determined that it may be possible, however, a new  
128 public hearing would need to be held since the public notice stated the request was for 1090  
129 square feet. Chairman Meisel asked Brian Keeseey whether the minimum lot size requirements  
130 would still be met if the proposed structure was increased to 1200 square feet. Keeseey replied  
131 that he would like to recalculate and verify, but it appears that it would still meet the  
132 requirements. The applicant then provided the Planning Commission with written consent from  
133 one neighbor and verbal consent from most of the others that they would be fine with the  
134 accessory structure size being up to 1200 square feet. It was determined that based on the  
135 neighbors' consent and the lot size requirements, if the applicant chose to ask for 1200 square

136 feet at a later date, he could do so as long as he pays for a new public notice and another public  
137 hearing is held.

138  
139 Chairman Meisel then inquired whether anyone from the public had any comments or concerns  
140 regarding the request. None were received.

141  
142 The item was closed at 8:10 pm.

143  
144 **Public Hearing Item #2: Stando Shared Private Driveway off of Ledgewood Dr. (8:11 pm)**

145  
146 Brian Keesey opened the agenda item by stating that the reason this application was required is  
147 because it is a requirement that any shared private driveway with an adjacent neighbor requires  
148 Planning Commission approval. He continued stating that this shared private driveway was  
149 approved back in 2005 as part of a land division which has already been completed, but since the  
150 driveway had not been constructed within a year of the land division, the approval period had  
151 expired and the driveway itself needs to be reviewed again.

152  
153 Keesey began reading the review and listed the necessary requirements for approval of the  
154 shared private driveway. He stated that the Livingston County Road commission has verified  
155 that the original sight distance approval was still valid and the original maintenance agreement  
156 appears to be adequate. One concern that requires Planning Commission feedback is that the  
157 original driveway plans do not include 2 foot load bearing shoulders on either side of the  
158 driveway, which is a current requirement in the ordinance. The materials shown in the cross  
159 section exceed the requirements. Another item that needs to be verified is that there will be some  
160 type of signage such as a yield or stop sign that conforms with the requirements of the state of  
161 Michigan. Keesey continued stating that the Planning Commission has the right to modify any  
162 of these requirements as they see fit. The main issues the Planning Commission needs to  
163 determine would be whether or not the 2 foot load bearing shoulders should be required, whether  
164 or not they would like an updated sight distance approval from the county. If both issues are  
165 addressed, it is the recommendation of McKenna & Associates that the shared private driveway  
166 be recommended for approval by the Township Board.

167  
168 Chairman Meisel then inquired whether there were any public comments. Several residents  
169 brought up concerns about the drainage, maintenance responsibility, sight distance, and the  
170 potential for dust. Regarding the drainage, Dave Wardin mentioned that he had some concerns  
171 with the culvert design on the original driveway plans that should be reviewed to ensure the  
172 design could adequately handle the flow of water. Chairman Meisel agreed that the drainage  
173 concerns would need to be addressed by either the Livingston County Road Commission or  
174 Drain Commission. He addressed the concerns regarding materials and maintenance explaining  
175 that all of that would be covered in the maintenance agreement.

176  
177 No further questions or comments were received.

178  
179 **The public hearing was closed at 8:38 pm.**

180

181 \*Al Pool made a motion to suspend the order of business to deal with new business items 2 and  
182 4. Dave Wardin supported. The motion carried by unanimous voice vote.

183  
184

185 **New Business Item #2: Donnay Request for Increased Detached Accessory Structure Area**  
186 **(1090 sq. ft.) in LK-1 located at 10043 Walnut Shores Dr. (8:39 pm)**

187

188 Chairman Meisel summarized the discussion from the public hearing and concluded that the  
189 request is compliant with the Zoning Ordinance.

190

191 Dave Wardin made a motion to approve the increase in detached accessory structure size to 1090  
192 square feet. Ron Puckett supported. The motion carried by unanimous voice vote.

193

194 It was also noted that if the applicant chooses to request an increase up to 1200 square feet he  
195 must confirm with the Zoning Administrator what the application fee would be and resubmit the  
196 application for future review.

197

198 The item was closed at 8:43 pm.

199

200 **New Business Item #4: Stando Shared Private Driveway off of Ledgewood Dr. (8:45 pm)**

201

202 Chairman Meisel opened the discussion stating that there are two issues that need to be  
203 addressed; the drainage concerns and the 2 foot load bearing shoulders. Dave Wardin suggested  
204 that a review could be requested by the Livingston County Drain Commission and/or Road  
205 Commission. Chairman Meisel added it can be required or it can be approved with the condition  
206 that the plan is approved by the Livingston County Drain Commission and/or Road Commission.  
207 There was a brief discussion on whether the approval should be from the Road Commission or  
208 the Drainage Commission. It was determined that both agencies should be contacted to  
209 determine who's jurisdiction the project would fall under and some sort of correspondence from  
210 either or both stating that the drainage plan is sufficient should be submitted to the Planning  
211 Commission.

212

213 Brian Keesey then brought up the absence of 2 foot load bearing shoulders. Chairman Meisel  
214 stated that the Planning Commission can either approve the plan without the shoulders, or  
215 require a new plan be submitted prior to recommendation which includes the shoulders. Dave  
216 Wardin commented that he would not feel comfortable approving the plan without the shoulders  
217 due to the drainage concerns and the fact that a previous applicant seeking approval for a shared  
218 private drive was required to include the shoulders. The Planning Commission and the applicant  
219 agreed that the shoulders would be beneficial and the cross section would be updated to include  
220 them.

221

222 The concerns regarding dust control were discussed. Dave Wardin mentioned that crushed  
223 concrete, the proposed construction material, is notorious for creating dust. There was a brief  
224 discussion on possible options for controlling the dust. All options for dust control, other than  
225 spraying down with water may create contamination issues due to the close proximity to Lake  
226 Shannon. Calcium Chloride or petroleum sealant products would almost certainly create runoff

227 into the lake which would be extremely harmful to the local ecosystem. It was determined that  
228 the maintenance agreement could potentially be amended to include some measures for dust  
229 control if deemed necessary, but there is not much else that can be done without potentially  
230 contaminating the lake.

231  
232 Ron Puckett made a motion to recommend approval of the shared private driveway to the  
233 Township Board with no conditions. Cam Gonzalez supported the motion. Cam Gonzalez then  
234 withdrew his support because he believed that there should be a requirement to get approval  
235 from the Livingston County Road Commission and/or Drain Commission regarding the  
236 driveway drainage plan. Al Pool supported the motion to recommend with no conditions. The  
237 motion failed due to a 3-3 tie. Dave Wardin made a motion to recommend the shared private  
238 driveway to the Township Board subject to the conditions that the Livingston County Road  
239 Commission and/or Drain Commission approves the drainage plan and two foot load-bearing  
240 shoulders are added to each side of the driveway. Cam Gonzalez supported the motion. The  
241 motion carried 5-1.

242  
243 The item was closed at 9:16 pm.

244  
245 **New Business Item #1: Scott Weickel Land Division on Gordon Rd. (9:18 pm)**

246  
247 Brian Keeseey opened the discussion reading through the review prepared by McKenna &  
248 Associates. He states the proposed land division is subject to the conditions set forth in the  
249 Tyrone Township Land Division Ordinance, Section 17. He requested clarification on the tax  
250 status as the applicant had provided a current tax bill to fulfill the requirement that all taxes have  
251 been paid and are up to date. Chairman Meisel clarified that the current tax bill is sufficient  
252 information as it would include any previous or unpaid taxes. Keeseey continued to go through  
253 the checklist of required documents and plans including scaled drawings, proof of ownership,  
254 legal descriptions, recordable maintenance agreements, and proposed open space locations for  
255 preservation purposes. He then brought up a concern regarding the opens space calculation, that  
256 one of the parcels would not meet the minimum required lot size once open space is included.  
257 Dave Wardin mentioned that some of the open space has been relocated to another parcel, and it  
258 appears that the parcel in question would actually meet the minimum lot size requirement.  
259 Chairman Meisel pointed out a miscalculation on the open space chart in the review by  
260 McKenna & Associates. After further review it was determined that there was no issue with the  
261 applicant's open space calculations and all parcels would meet the minimum requirements for lot  
262 size.

263  
264 Brian Keeseey brought up that the Planning Commission would need to include a statement in the  
265 potential recommendation to the Township Board indicating approval of the relocation of the  
266 proposed open space, as required by the ordinance. Chairman Meisel confirmed that it is the  
267 recommendation of McKenna & Associates that the open space location, as proposed, would be  
268 ideal to preserve the existing natural features on the property. Keeseey continued stating the  
269 applicant has noted that access for all parcels would take access from the shared private  
270 driveway, conforming to the requirements of the ordinance. He stated that all easements have  
271 been covered in the proposed maintenance agreement.

272

273 Brian Keeseey then brought up a potential concern regarding the drainage of the proposed shared  
274 private driveway. The easement for the driveway would be directly adjacent to the property on  
275 the West side, which may require a culvert to be installed. He noted that the driveway plan does  
276 show a check dam which may resolve any excess drainage from the driveway, but there could be  
277 potential issues with surface water flow speeds which may or may not affect the adjacent  
278 property. Chairman Meisel mentioned that the Planning Commission could make note that the  
279 installation of the driveway may not create any additional drainage onto adjacent parcels. Brian  
280 Keeseey mentioned that check dams are the traditional method for resolving these types of issues  
281 and usually do an adequate job of slowing down surface water to where there would not be any  
282 problems. He anticipated that the check dam as shown on the drainage plan would be sufficient,  
283 but mentioned that there is no guarantee. Chairman Meisel stated that it would be a good option  
284 if the Planning Commission makes note to the applicant that drain law applies to the construction  
285 of the driveway. Brian Keeseey then stated that the applicant has fulfilled all the requirements  
286 listed for the application as far as the actual land division, the next steps would be to review the  
287 shared private driveway requirements.

288  
289 Brian Keeseey began going through the requirements for shared private driveways including;  
290 sight distance approval from Livingston County, design standards, drainage, measurements, and  
291 etcetera. One requirement that has not yet been fulfilled is the required public hearing, which  
292 could not have been held yet since the driveway plans were not received in time for public  
293 notices to be sent out. The public hearing will be on the agenda for the next Planning  
294 Commission meeting on September 13<sup>th</sup>, 2016. Brian Keeseey then requested to withdraw his  
295 review due to the open space calculation errors. He stated that all requirements have been met  
296 except for the public hearing. Chairman Meisel then gave a brief summary of the discussion on  
297 the land division and shared private driveway and suggested that the item be tabled pending the  
298 required public hearing.

299  
300 Dave Wardin made a motion to table the item pending completion of the public hearing. Cam  
301 Gonzalez supported the motion. The motion carried by unanimous voice vote.

302  
303 The item was closed at 9:43 pm.

304  
305 **New Business Item #3: Dave De Carteret Request for a Temporary Dwelling During**  
306 **Construction at 8440 O’Connell Rd. (9:44 pm)**

307  
308 Chairman Meisel opened the discussion by going through the supplemental materials provided in  
309 the application. Dave Wardin then located the applicable section in the ordinance to review the  
310 requirements for allowing a temporary dwelling during construction. Chairman Meisel  
311 confirmed that the majority of the requirements were fulfilled by the application. The only  
312 remaining requirements that should be addressed are a written agreement stating the details of  
313 the temporary dwelling situation and a financial agreement, if required by the Township Board.  
314 Chairman Meisel then summarized the requirements and made note of each being fulfilled.  
315 Dave Wardin then inquired what type of temporary dwelling he was proposing. The applicant  
316 clarified that it would be a travel trailer hooked up to well and septic.

317

318 Dave Wardin made a motion to recommend the temporary dwelling land use permit be approved  
319 by the Township Board with the conditions that the applicant provides a written statement  
320 summarizing the details of the temporary dwelling and a financial guarantee with the Township  
321 if the Board determines it is necessary. Al Pool supported the motion. The motion carried by  
322 unanimous voice vote.

323

324 The item closed at 9:58 pm.

325

326 \*Dave Wardin made a motion to table Old Business Item #2 and New Business Item #6. Al Pool  
327 supported the motion. The motion carried by unanimous voice vote.

328

329 **New Business Item #5: Discussion regarding recent decisions for the expansion of detached**  
330 **accessory structures from 800 to 1200 square feet maximum (9:59 pm)**

331

332 Chairman Meisel opened by summarizing recent decisions made by the Planning Commission on  
333 applications requesting to increase the allowed accessory structure size in R-1 from 800 to 1200  
334 square feet. It was determined that two recent applications were not allowed to increase the size  
335 of their proposed accessory structures due to a misinterpretation of the requirements in the  
336 Zoning Ordinance. Those applications were reviewed using the attached accessory structure  
337 regulations rather than the detached accessory structure regulations. It was determined two  
338 applicants may have been adversely impacted as a result. Brian Keesey volunteered to contact  
339 the residents and explain the error and to invite them back for a second review.

340

341 The item was closed at 10:08 pm.

342

343 **MISCELLANEOUS BUSINESS:**

344 1) Planning and Zoning Administrator's Report: No

345 2) Other Business Items: No

346 3) Township Board Actions: No

347 4) ZBA Report: No

348 5) Future Items: N/A

349 6) Correspondence: N/A

350

351

352 **ADJOURNMENT: 10:10 pm**