

1                   **TYRONE TOWNSHIP PLANNING COMMISSION REGULAR**  
2                   **MEETING MINUTES**

3                   February 14, 2017 - 7:00 p.m.

4  
5   **PRESENT:** Mark Meisel, Al Pool, Kurt Schulze, and Dave Wardin.

6   **ABSENT:** Cam Gonzalez, Ron Puckett, and Bill Wood.

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

9   **CALL TO ORDER (7:04 PM):**

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11   **PLEDGE OF ALLEGIANCE (7:04 PM):**

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13   **CALL TO THE PUBLIC (7:05 PM):** Sean Spinneweber raised a question regarding an  
14   application for a boundary realignment in which he was hired to represent the property owners.  
15   The question was whether or not the application needed to go through the Zoning Board of  
16   Appeals prior to Planning Commission review since there would be minor side yard setback  
17   encroachments after the proposed realignment. Chairman Meisel and Brian Keesey came to the  
18   conclusion that a variance would not need to be granted through the ZBA since the setback  
19   encroachments already exist and the proposed boundary realignment would not create any new  
20   nonconformities, but would actually reduce the existing nonconformities.

21  
22   **APPROVAL OF THE AGENDA (7:11 PM):**

23   Kurt Schulze made a motion to approve the agenda as presented. Al Pool supported the motion.  
24   The motion carried by unanimous voice vote.

25   **APPROVAL OF THE MINUTES (7:12 PM):**

26   One spelling error was found (Schulze was spelled as Schulz).

27   Al Pool made a motion to approve the January 10, 2016 minutes as amended. Kurt Schulze  
28   supported the motion. The motion carried by unanimous voice vote.

29  
30   \*Dave Wardin made a motion to suspend the order of business to move agenda item “New  
31   Business #1” before “Old Business #1” and “Old Business #2”.

32  
33   **NEW BUSINESS # 1 (7:13 PM): Hicks Boundary Realignment – Parcel IDs 4704-10-301-15 &**  
34   **4704-10-301-029**

35  
36   Tyrone Township Planner, Brian Keesey, opened the discussion with a brief summary of the  
37   applicant’s request. The request was for a boundary realignment between two lakefront parcels  
38   located in the LK-1 district in order to eliminate an existing nonconformity. One of the two  
39   parcels is currently nonconforming due to the narrow width of the lot. He stated the only  
40   potential concern he had with the application is that the parcels currently exceed the 4:1 depth to  
41   width ratio, and would still exceed the ratio after the proposed realignment. Although both  
42   parcels would still exceed the 4:1 ratio, it would bring one of the lots closer to conformity by  
43   widening it to meet the minimum parcel width requirement in LK-1. He continued, stating that

44 the Planning Commission may waive the 4:1 depth to width requirement if it is found that the  
45 parcels conform to the character of the surrounding parcels. Chairman Meisel stated that the  
46 long narrow lots surrounding Runyan Lake were platted many years ago, thus the majority of the  
47 lots already exceed the 4:1 ratio. Brian Keesey added that if the boundary realignment is  
48 approved, the resulting parcels would actually be wider than most of the neighboring properties.  
49

50 Brian Keesey continued with his review, stating he found no issues with the information on the  
51 drawings. The proposed parcels would meet all of the requirements in the Land Division and  
52 Zoning Ordinances as long as the Planning Commission finds that the shape of the parcels  
53 conforms to the character of the surrounding parcels. He stated the application includes all of the  
54 correct documentation including proof of taxes paid, ownership, etc. Based on his findings,  
55 Brian Keesey recommended that the Planning Commission recommend the boundary  
56 realignment application to the Township Board for final approval.  
57

58 The applicant then inquired about the process for finalizing the boundary realignment upon final  
59 approval from the Township Board. Chairman Meisel summarized the process for recording the  
60 documents with the Livingston County Register of Deeds.  
61

62 Dave Wardin made a motion to recommend the application to the Township Board for approval,  
63 waiving the 4:1 depth to width requirement. Kurt Schulze supported the motion. The motion  
64 carried by unanimous voice vote.  
65

66 The item closed at 7:28 pm.  
67

68 \*Dave Wardin inquired about an item from the January 10<sup>th</sup>, 2017 Planning Commission  
69 meeting: Registered Designer Regulations Review & Amendment (specifically referring to the  
70 Zoning Ordinance proposed amendment. He stated that the Land Division Act specifies a  
71 registered civil professional engineer stamp/signature is required, but the Zoning Ordinance does  
72 not specify the type of engineer. Chairman Meisel stated that the new electronic seal  
73 requirements were used as a template for the proposed amendment. Chairman Meisel made a  
74 few suggestions to improve the wording of the proposed amendment. A brief discussion  
75 amongst the Planning Commission followed regarding possible alternatives to the proposed text.  
76 It was determined that the Township Planner, Brian Keesey, would do some research on other  
77 municipalities and the State of Michigan and present his findings during a future meeting.  
78

79 **OLD BUSINESS # 1 (7:50 PM): Article 27: Signs- Review for Compliance with SCOTUS**  
80 **Decision**  
81

82 Chairman Meisel opened the topic by summarizing the most recent previous discussion. Brian  
83 Keesey mentioned that during the last part of the previous discussion, the Planning Commission  
84 was inquiring about electronic signs and historical marker signs. He noted that Bill Wood said  
85 that he would talk to his brother, who runs the convenience store portion of their business, to  
86 gather more information on the electronic sign they have. Since Bill Wood was not present  
87 during this meeting, Brian Keesey suggested that the topic move forward with historical marker  
88 signs, and return to electronic message signs at a later date.  
89

90 Brian Keeseey continued on the topic of historical marker signs, stating that the last question  
91 discussed was regarding the maximum size and requirements for state-issued marker signs. He  
92 confirmed that the signs are issued directly through the State of Michigan and there are two  
93 available size options. Dave Wardin inquired as to why the Planning Commission could not  
94 simply state that historical marker signs must comply with the size requirements of the State of  
95 Michigan. Brian Keeseey responded, stating that the sign ordinance would cover all historical  
96 marker signs including not only state, but also federal and locally recognized historic sites which  
97 may not qualify for federal or state recognition. Kurt Schulze mentioned that centennial farm  
98 signs/plaques, which are similar to historical markers, should also be included in the updated  
99 sign ordinance. Chairman Meisel mentioned that the Planning Commission could either use the  
100 definition of historical marker signs from the State of Michigan or create a new definition which  
101 includes signs which may not be recognized by the state since they are only of local significance.  
102 He asked for opinions from the Planning Commission regarding the issue. Dave Wardin stated  
103 that he did not see the need to create a new definition since the township does not currently have  
104 any locally recognized historic sites or a means to create any. Chairman Meisel brought up the  
105 currently existing historical markers in the township, including the Old Township Hall and the  
106 Historic First Congressional Church on Hartland Rd. He brought up a photograph of the church  
107 historical marker sign and a brief discussion followed.

108  
109 Brian Keeseey stated that the current sign ordinance limits signs to a maximum of sixteen square  
110 feet. Both of the size options for state historical marker signs fall under the sixteen square foot  
111 limit. Chairman Meisel mentioned that since the state of Michigan issues the signs and regulates  
112 them it is not clear whether or not the township has the ability to regulate them further. Kurt  
113 Schulze mentioned that the placement of the signs are not regulated by the state, so the township  
114 should at least have the ability to regulate the sign location. A brief discussion followed. The  
115 consensus was that the definition in the current ordinance should remain with the addition of a  
116 sentence stating that the historical marker signs should not exceed the 16 square foot maximum  
117 size, unless amended by the State of Michigan.

118  
119 Brian Keeseey then moved on to the topic of shared signs in residential districts, such as  
120 subdivision signs. He stated that the current draft states monument signs would be permitted for  
121 subdivisions/site condominiums with at least five residential units. He stated that the number  
122 may change depending on what the Planning Commission deems appropriate. Chairman Meisel  
123 brought up the issue of the term “residential units” being difficult to define due to varying lot  
124 sizes and other factors. The zoning ordinance does define dwelling units, but not residential  
125 units. Dave Wardin recommended using the term “dwelling units” since the definition already  
126 exists and is defined in the zoning ordinance. Brian Keeseey then continued reading through the  
127 proposed changes to the sign ordinance.

128  
129 Brian Keeseey moved on to discuss permitted sign area in the MHP district. He asked Chairman  
130 Meisel if he had any reasoning to support larger signs in the MHP district. Chairman Meisel  
131 replied, stating that he believes large developments may require larger/more signs to get more  
132 significant attention. He pointed out the Cider Mill Crossing Mobile Home Park as an example.  
133 Without the amount of signage the development currently has, it could be difficult to  
134 identify/recognize what it is from the road.

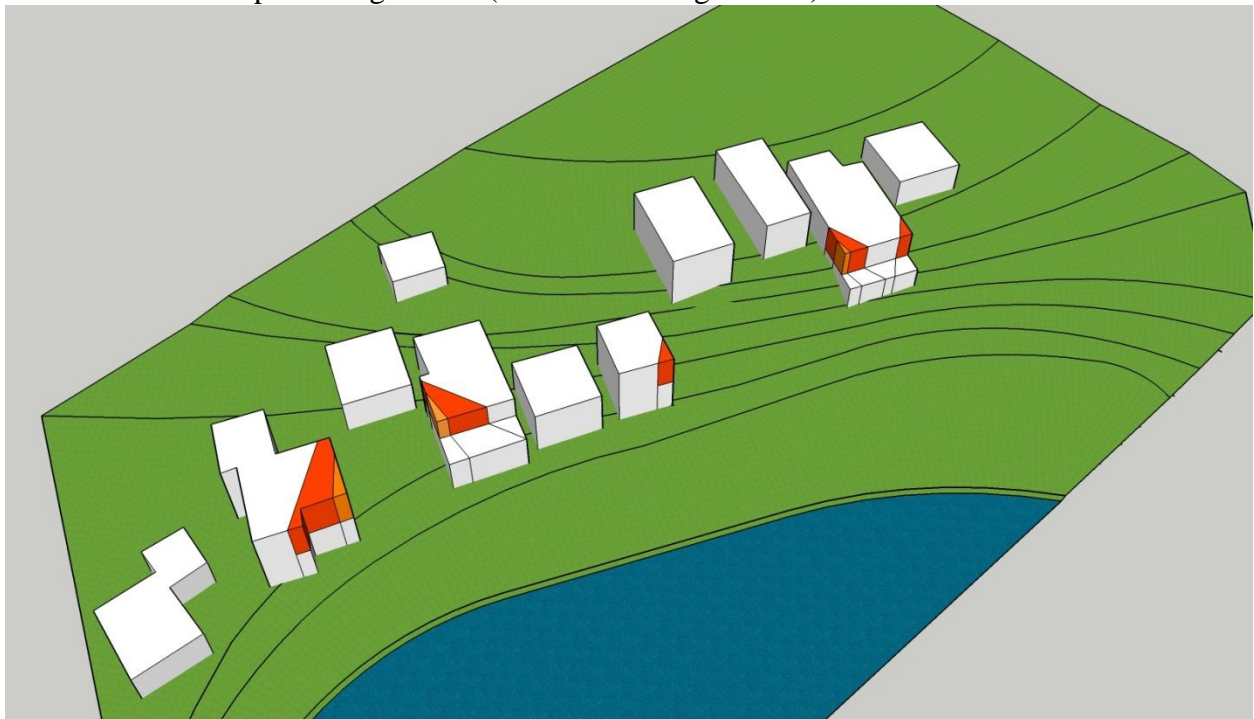
135

136 The topic moved back to the primary reason for making the amendments, which is attempting to  
137 make the sign regulations more “content neutral” because of the SCOTUS ruling in Arizona.  
138 Dave Wardin brought up the concept of a sign which had two portions; a top portion displaying a  
139 business name, and a lower portion with changeable messages. Brian Keesey responded, stating  
140 that the township should not address the lower portion of the signs, since that would be  
141 considered regulating based on content. He said that it is possible to regulate the shape/size or  
142 form of the sign, but not the content.

143  
144 Brian Keesey moved on to the topic of shared commercial signs. He stated that the requirements  
145 for shared commercial signs would be very similar to shared residential signs except the purpose  
146 and use would be specifically for districts zoned as commercial. Dave Wardin brought up the  
147 proposed sign chart for the new ordinance. He suggested adding a footnote referencing the  
148 specific applicable sections of the ordinance. Chairman Meisel and Brian Keesey agreed that it  
149 would be a good idea to add something like that for the sake of clarity. The Planning  
150 Commission added a few comments/suggestions for the format of the updated sign ordinance.

151  
152 **OLD BUSINESS # 2: Sight Lines and Building Height Clarifications**

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154 Chairman Meisel opened the discussion stating that the issue was being brought up because of a  
155 recent Zoning Board of Appeals (ZBA) application where the structure height and sight line  
156 visibility came into question. He believed the topic warranted discussion because both sight  
157 lines and structure height measurement definitions/requirements could possibly be updated in the  
158 zoning ordinance to provide clarification of the measurement method(s). Chairman Meisel  
159 showed a few examples of sight lines (such as the image below).



160  
161  
162 Dave Wardin inquired as to why lakefront properties have a right to certain views, where other  
163 properties have no such rights. Chairman Meisel stated that one of the more difficult aspects of

164 determining sight lines is deciding how much of a view a property owner is entitled to. He  
165 continued stating that the reason the lakefront properties have certain sight distance rights is  
166 because it is written into the zoning ordinance to a certain degree. He also noted the concept of  
167 “air rights” many cities utilize.

168  
169 Chairman Meisel moved on to discuss the specific proposed home which spurred the topic of  
170 building heights and sight lines. He explained that it brought up questions and showed why the  
171 Planning Commission should discuss and consider making revisions on the topic. He stated that  
172 better defining the measurement of sight lines and building heights in the zoning ordinance  
173 should reduce the likelihood of future problems arising. Brian requested a few clarifications  
174 from the Planning Commission, specifically; the definition of a basement, building height, and  
175 average grade. Chairman Meisel added that it may be a good idea to add a footnote to the  
176 building height definition stating if a structure is proposed to be greater than thirty feet in height,  
177 it will require approval from the local fire department (note – this is currently the requirement set  
178 forth in the Schedule of Regulations). Dave Wardin made a few suggestions on how to clarify  
179 the definition/calculation of a walkout basement. Brian Keesey suggested possibly treated a  
180 basement like an additional story of a dwelling. There was a brief discussion amongst the  
181 Planning Commission regarding the definitions.

182  
183 No motion was made.

184  
185 **MISCELLANEOUS BUSINESS:**

186  
187 Brian Keesey requested an idea of the content and format of the sign ordinance changes and the  
188 building height/sight line clarifications so he may prepare materials for future meeting(s).  
189 Chairman Meisel responded that the next subject for the sign ordinance should be enforcement of  
190 temporary and nonconforming signs. Dave Wardin and Al Pool agreed. A brief discussion on  
191 possible enforcement mechanisms followed.

192  
193 There was a brief discussion on the topics for the next Planning Commission meeting.

- 194  
195 1) Planning and Zoning Administrator's Report: None  
196 2) Other Business Items: None  
197 3) Township Board Actions: None  
198 4) ZBA Report: None  
199 5) Future Items: N/A  
200 6) Correspondence: N/A

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202  
203 **ADJOURNMENT (9:54 PM)**