

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

3 April 11, 2017 at 7:00 p.m.

4
5 **PRESENT:** Mark Meisel, Cam Gonzalez, Al Pool, Ron Puckett, Dave Wardin, 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 (7:01 PM):** By Chairman Meisel

10
11 **PLEDGE OF ALLEGIANCE (7:01 PM):**

12
13 **CALL TO THE PUBLIC (7:02 PM):**

14
15 Richard Johnson, a resident who lives on Bay of Firth, brought up concerns regarding a vacant
16 lot next door to his property. He brought photographs of the property to show the Planning
17 Commission. His primary concern was that there are many fallen trees on the vacant parcel
18 which he believes are a threat to public health and safety. Mr. Johnson explained that the
19 excessive brush and dead wood could easily catch fire and destroy or severely damage the
20 surrounding homes. He stated that there is also potential for people to hurt themselves on the
21 property by means of fire. He continued, stating that in addition to the significant fire risk the
22 property poses, there is also a high risk for personal or property damage/injury if any of the large
23 trees were to fall onto an adjacent property. In addition to the dangers associated with fire and
24 falling trees, he mentioned that the leaves produced by the trees on the property create a mess on
25 his property in the fall. He also had concerns that the vacant lot is lowering the property values
26 in the neighborhood since it is an unsightly, undeveloped lot in a relatively high density
27 subdivision. He suggested that the fallen trees and brush on the lot is the Fenton equivalent of
28 blighted homes in the city of Detroit. Mr. Johnson mentioned that there are ordinances which
29 regulate the parking of recreational vehicles on a property, but none which regulate potentially
30 hazardous wooded lots. He then inquired about what could be done to essentially mandate the
31 clearing of dead trees and brush from the vacant lot and similar properties in the township.

32
33 Chairman Meisel explained that the Planning Commission could not create an ordinance to
34 requiring the clearing of dead trees and brush from vacant property because it would then require
35 enforcement on about eighty percent of the township where dead trees and brush are present.
36 Mr. Johnson responded explaining he believed this situation to be particularly negative since the
37 lot in question is located in the middle of a subdivision. Dave Wardin and Chairman Meisel both
38 explained that they personally have experienced issues with dead and fallen trees, but
39 unfortunately, there is no way for the township to regulate them. They suggested that civil action
40 could be pursued. Chairman Meisel continued explaining that the property is not in violation of
41 any laws or ordinances and the township cannot enforce the removal of dead trees simply
42 because a person or persons does not like them, in reality, that would be a civil matter between
43 the property owners. Mr. Johnson inquired about how he would go about taking legal action

44 against the owner of the property for dead trees which have fallen on his property. Chairman
45 Meisel suggested that the first step should be to contact the property owner and request they
46 remove the dead trees. If the property owner chooses to deny the request, the second option
47 would be to see if there is anything that can be done at the township level (both steps that Mr.
48 Johnson had already taken). Chairman Meisel stated that he doesn't believe there is any route
49 for enforcement the township could take and inquired if anyone else had any ideas or
50 suggestions. Ron Puckett mentioned that the homeowners association may have some means of
51 enforcing the removal of dead trees and brush. Chairman Meisel added that the association
52 could only enforce the tree removal if there are specific landscaping requirements in the
53 association bylaws. Chairman Meisel continued his explanation of how Mr. Johnson could
54 pursue legal action. He stated that the next step would be to try contacting the property owner a
55 second time giving them two options; clean up the property, or settle the issue in court. He
56 mentioned that this option may not be the best way to go, but in situations like this it may be the
57 only option he has to resolve the issue. Mr. Johnson replied that the property owner lives
58 elsewhere and has been unresponsive the last few times he has tried to contact him. Chairman
59 Meisel reiterated that civil action is most likely the only possible remedy to the situation.

60
61 One other resident in attendance inquired about whether or not the proposed Ledgewood Ravine
62 Site Condominium development would be discussed during the meeting. Chairman Meisel
63 replied, stating the item is not on the agenda for the current meeting since the applicant decided
64 to address several neighbor's concerns and redesign the proposed private road system. He stated
65 that it will most likely be discussed during either the May or June meeting.

66
67 Call to the public was closed at 7:19 PM.

68
69 The Planning Commission briefly discussed the issue of regulating the clearing of dead trees.

70
71
72 **APPROVAL OF THE AGENDA (7:29 PM):**

73
74 Cam Gonzalez made a motion to approve the agenda as presented. Ron Puckett supported the
75 motion. The motion carried by unanimous voice vote.

76 **APPROVAL OF THE MINUTES (7:29 PM):**

77
78 02/14/2017 Meeting Minutes:
79 Cam Gonzalez made a motion to approve the February 14th meeting minutes as presented. Dave
80 Wardin supported the motion. The motion carried by unanimous voice vote.

81
82 03/14/2017 Meeting Minutes:
83 On page 4, line 160, Brian Keeseey suggested changing the word "Planning Commission" to
84 "owner". On page 13, lines 568-570, Dave Wardin suggested changing the wording of his
85 response because it did not accurately reflect what he had stated. On page 15, line 644, Brian
86 Keeseey suggested listing the conditions of approval as stated in the most recent McKenna review
87 (items 1-7) for the Krzeminski Land Division. Dave Wardin made a motion to approve the

88 March 14th meeting minutes as amended. Al Pool supported the motion. The motion carried by
89 unanimous voice vote.

90

91 Dave Wardin made a motion to suspend the order of business and place Old Business #1 below
92 all new business items. Ron Puckett supported the motion. The motion carried by unanimous
93 voice vote.

94

95 **NEW BUSINESS # 1 (7:45 PM): Marinco Accessory Structure Size Increase Application**
96 **Review**

97

98 Chairman Meisel opened the discussion with a brief summary of the application. Brian Keesey
99 then read through the review of the application which he had prepared. He concluded that most
100 of the application is acceptable, but he recommended getting clarification on the distance
101 between the north side yard property line and the accessory structure (existing and proposed).
102 Dave Wardin inquired whether the applicant intends to replace all of the siding on the structure
103 or add additional siding to the structure to match. Brian Keesey replied, stating based on email
104 correspondence between himself, Ross Nicholson, and the applicant, the intent is to install new
105 siding to the addition which would match the existing siding on the original structure. Ross
106 Nicholson confirmed that was what the applicant had stated.

107

108 Brian Keesey continued through his review, bringing up the fact that the accessory structure in
109 question, along with others in the area, is set back a significant distance from Carmer Road,
110 making it nearly impossible to see from the road. He stated that the average setback from the
111 road in that area is around 250 feet, and the structure in question exceeds that distance.
112 Chairman Meisel added that there are topographical features along Carmer Road, which makes it
113 nearly impossible to see the houses from the road in that area. Brian Keesey continued,
114 recommending that the applicant verify the distances from the structure to the north side yard
115 property line. He continued, reminding the Planning Commission they have the ability to waive
116 certain requirements if they choose. He stated that he would not recommend approval at this
117 time, since the required public hearing had not yet taken place and there may be some additional
118 information required.

119

120 Chairman Meisel stated that when the ordinance text allowing residents to appeal for an increase
121 in accessory size was adopted, it was not intended to overburden an applicant, but to ensure
122 compatibility with the surrounding area. He said the text was adopted to ensure harmony with
123 the area and prevent accessory structures from becoming the dominant structure on properties.
124 He continued, stating that it appears this particular application would be harmonious and suitable
125 for the area, but due to the lack of detail of the drawings, the Planning Commission cannot
126 definitively determine the required side yard setback would be met. Chairman Meisel asked the
127 Planning Commission what they thought would need to be done to verify the distance from the
128 proposed structure to the side yard property line. Dave Wardin stated that he is not comfortable
129 excepting the hand-drawn site plan without any other means of verifying the dimensions. He
130 stated that a complete legal survey would not be necessary, but the applicant should, at
131 minimum, have a professional surveyor stake the property line so the distance to the structure
132 can be accurately measured (a fence survey). Dave Wardin continued, stating that a letter from a
133 surveyor and the fence survey should be sufficient to verify the dimensions. There was a brief

134 discussion amongst the Planning Commission to determine if there could be any other means of
135 verifying the dimensions. Cam Gonzalez stated that he was in agreement with Dave Wardin on
136 requiring a fence survey or other professional survey which accurately depicts the dimensions of
137 the lot lines and structure. The Planning Commissioners came to the conclusion that a fence
138 survey would be the least expensive [accurate method] to determine the distance from the north
139 side yard property line to the existing and proposed structure. Chairman Meisel also mentioned
140 that the applicant should provide clarification on the siding and roofing materials. Dave Wardin
141 stated that if the applicant hires a licensed professional surveyor to stake out the property line,
142 the surveyor must provide a letter stating the accurate dimensions from the north side yard
143 property line to the existing and proposed structures.

144
145 Dave Wardin made a motion to table the Maringo Application pending a survey showing the
146 accurate dimensions from the existing and proposed structure to the north side yard property line,
147 clarification on siding and roofing materials, and holding the required public hearing. Cam
148 Gonzalez supported the motion. The motion carried by unanimous voice vote.

149
150 The item was closed at 8:29 PM.

151
152 **NEW BUSINESS # 2 (8:30 PM): Updated Zoning Map Review and Recommendation**

153
154 Chairman Meisel opened the discussion with a brief history of why the zoning map had not been
155 updated since 2003. He explained that the Township has a statutory obligation to keep the
156 zoning map up to date, so that is the reason it is on the agenda.

157
158 Brian Keesey explained why it is a good idea to keep the zoning map current. He stated that an
159 up to date zoning map benefits the Planning and Zoning Administrator, the Planning
160 Commission, and residents, since it would show which zoning districts apply to different
161 properties. He continued, stating that updating the map can actually encourage development
162 since it shows potential developers the areas which are zoned for particular land uses. Chairman
163 Meisel mentioned that an updated map will be very beneficial when the Planning Commission
164 revisits the master plan in the near future. Brian Keesey continued, stating that updating the
165 zoning map should be considered after each rezoning occurs. He explained that since the map
166 has not been updated since several rezoning occurred, he needed to go back and verify that all
167 required steps had been taken. He verified that all of the rezonings that have taken place since
168 the current zoning map was established, totaling four, were completed correctly, including the
169 required public notices. Brian Keesey then went through the four rezoned properties and pointed
170 them out on the proposed updated zoning map. Chairman Meisel shared a brief history of the
171 rezoned properties.

172
173 Brian Keesey continued through his review, pointing out the revision block in the lower right-
174 hand corner of the proposed zoning map, showing the date the map was created and leaving
175 space for future revisions. He stated that the certification of the map has been updated to allow
176 the current Clerk to put her stamp on it if the map is approved. Chairman Meisel inquired about
177 where the Clerk would stamp the map. Brian Keesey replied that he would add another line at
178 the bottom with enough space for a signature and date. Dave Wardin suggested that the map
179 should somehow indicate where operations under consent agreements, such as the current mining

180 operation zoned as R-2 (single family residential), exist which are not zoned for their appropriate
181 uses. He suggested an asterisk over the area on the map and a footnote expressing the type of
182 land use occurring under consent agreement. He stated that he has seen several other
183 municipalities which added such indicators on their zoning maps. Chairman Meisel mentioned
184 that the only other operation which is currently under consent agreement is the Cider Mill
185 Crossings Manufactured Home Park. He stated that the property is zoned MHP, but they are
186 under a consent agreement which requires certain zoning ordinance that differ from typical MHP
187 standards. Brian Keesey and Dave Wardin agreed that both the mining operation and Cider Mill
188 Crossings should have an asterisk or other means of noting the current consent agreements.
189 Chairman Meisel requested that Brian Keesey verify that the parcels containing Cider Mill
190 Crossings is zoned as MHP, since he believes it may have not been rezoned properly. Brian
191 Keesey stated that he will verify the zoning and update the map accordingly, also including notes
192 for any current consent agreements. He continued, stating he would check on the B-2 rezoning
193 along US-23 to verify the correct parcels are indicated on the zoning map.

194
195 There was a brief discussion amongst the Planning Commission regarding the sewer system.
196 Chairman Meisel explained the history of the sewer system in the township.

197
198 Chairman Meisel indicated that there was no need to make a motion on this agenda item at the
199 current time since Brian Keesey will be making some revisions and verifying the information on
200 the zoning map, and the topic will be revisited at a future meeting. Brian Keesey agreed with the
201 suggested plan and offered that he would accept any feedback from the Planning Commission in
202 the meantime and make adjustments accordingly.

203
204 No action was taken.

205
206 The item was closed at 9:10 PM.

207
208 **NEW BUSINESS # 3 (9:12 PM): Open Space**

209
210 Chairman Meisel opened the discussion by reading through a summary of the current and
211 proposed standards for open space in each zoning district.

212
213 Chairman Meisel explained that in the FR (Farming Residential) zoning district, the current
214 minimum parcel size is two acres with open space. One major problem under the current
215 standards is that it allows parcels less than three acres to be created in FR, while the minimum
216 parcel size that would permit the keeping of animals is three acres. The proposed solution to this
217 problem is to increase the minimum parcel size in FR to three acres, which would eliminate the
218 possibility of creating parcels in FR which are not adequately sized for keeping animals. He
219 continued, stating that the number of parcels that would become nonconforming would be
220 minimal in the FR district if the minimum parcel size is increased.

221
222 Chairman Meisel moved on to discuss the existing and proposed open space requirements and
223 minimum lot sizes in the RE (Rural Estate) zoning district. The current minimum parcel size in
224 RE is 60,000 square feet with open space, which is approximately 1.5 acres. 94.5 % of existing
225 parcels in the RE zoning district are currently 1.75 acres or more in size. Chairman Meisel stated

226 that the proposed minimum lot size is 1.75 acres without the requirement for open space. This
227 would lead to a 5% increase in nonconforming parcels in the RE district.
228

229 Chairman Meisel moved on to discuss the current and proposed minimum lot size and open
230 space requirement in the R-1 (Single Family Residential) zoning district. The current minimum
231 lot size in R-1 is 30,000 square feet plus open space. 41% of the existing parcels in R-1 are less
232 than 30,000 square feet. The proposed solution to the high percentage of nonconforming parcels
233 in R-1 is to eliminate the open space requirement and keep the minimum parcel size at 30,000
234 square feet. This would result in 41% of parcels becoming larger than the minimum required lot
235 size. If the minimum parcel size in R-1 was one acre, nearly 78% of the parcels would become
236 nonconforming. If the minimum parcel size was increased to 37,500 square feet, about 70% of
237 existing parcels in R-1 would become nonconforming. Leaving the minimum parcel size at
238 30,000 square feet and eliminating the open space requirement would result in the least amount
239 of nonconforming parcels possible.
240

241 Chairman Meisel brought up that the current minimum lot size in R-2 (Single Family
242 Residential) is 21,780 square feet or half an acre. The only parcels currently zoned as R-2 are
243 part of the gravel pit off of Denton Hill Rd. The Planning Commission briefly discussed the
244 history of the property zoned as R-2, including the gravel pit and the old truck road. Chairman
245 Meisel stated that the area zoned as R-2 is surrounded by R-1 and RE residential zoning districts,
246 so the intended future use for R-2 parcels should be low-medium density residential properties.
247 The most likely future use for R-2 is a planned unit development or cluster development option,
248 so increasing the minimum lot sizes would not likely be beneficial. Brian Keesey suggested that
249 an alternative route to determining future uses for the parcels in question would be to rezone the
250 parcels to a zoning district more suitable to the needs of the township. He explained that leaving
251 the property zoned as R-2 would still be an option, but the minimum lot sized shouldn't be
252 increased. The reason R-2 should remain as a higher density residential area is due to the high
253 costs associated with converting the mining operation into usable lots. The smaller the minimum
254 lot sizes, the greater the possibility of someone purchasing the property to develop would be.
255 Increasing the minimum lot sizes could potentially result in the parcels being undeveloped for a
256 long period of time. Chairman Meisel summarized the discussion, stating that there are three
257 possible options for the R-2 zoning district; rezone the property to R-1, require a cluster
258 development option, or require a planned unit development. Dave Wardin stated that a
259 combination of all three options would be a good idea. Brian Keesey added that any or all of the
260 options would be acceptable since they meet the intent of the master plan and future land use
261 map.
262

263 Chairman Meisel moved on to discuss the minimum lot size in the LK-1 (Lake Front
264 Residential) zoning district. The current minimum lot size in LK-1 is 21,780 square feet or half
265 an acre, and there is no open space requirement. There are essentially no available lots or
266 development opportunities so the recommendation is to leave the requirements as currently
267 written since changing them would not lead to any benefits.
268

269 Chairman Meisel then mentioned that Article 8 of the zoning ordinance will need to be updated
270 if the recommended minimum lot sizes and open space standards are adopted. In terms of action,
271 there are several options that can be taken. Either the Planning Commission could begin to go

272 through Article 8, or they could hold off until after the topic is discussed at the joint Township
273 Board and Planning Commission meeting the following month before any action is taken. Brian
274 Keeseey suggested that it would be a good idea to discuss the matter with the Township Board
275 prior to making a motion on the item.

276
277 No action was taken.

278
279 The item was closed at 9:48 PM.

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281 **NEW BUSINESS # 3 (9:50 PM): Joint Meeting Date**

282
283 Chairman Meisel opened the discussion by explaining that it has been nearly two years since the
284 last joint meeting between the Township Board and Planning Commission. He referenced the
285 list of all actions made by the Planning Commission since the last joint meeting which was
286 included in the meeting packet. He mentioned a few options for potential meeting dates and
287 times. It was decided that it would be best if Chairman Meisel sent out emails to each Planning
288 Commission and the Supervisor to coordinate a meeting date and time.

289
290 No action was taken.

291
292 The item was closed at 10:05 PM.

293
294 **MISCELLANEOUS BUSINESS: NONE**

- 295
296
297 1) Planning and Zoning Administrator's Report: None
298 2) Other Business Items: None
299 3) Township Board Actions: None
300 4) ZBA Report: None
301 5) Future Items: N/A
302 6) Correspondence: N/A

303
304 **ADJOURNMENT (10:07 PM):**