

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING MINUTES**
3 **February 11, 2020 7:00 p.m.**
4
5

6 **PRESENT:** Mark Meisel, Dave Wardin, Kurt Schulze, Rich Erickson, Dan Stickel, and Bill
7 Wood.

8
9 **ABSENT:** Perry Green

10
11 **OTHERS PRESENT:** Tyrone Township Planner Greg Elliott and Tyrone Township Planning &
12 Zoning Administrator Ross Nicholson

13
14 **CALL TO ORDER (7:03 pm):** The meeting was called to order by Chairman Mark Meisel.

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16 **PLEDGE OF ALLEGIANCE (7:04 pm):**

17
18 **CALL TO THE PUBLIC (7:04 pm):**

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20 No public comments or questions were received.

21
22 **APPROVAL OF THE AGENDA (7:05 pm):**

23
24 Dave Wardin made a motion to approve the agenda as presented. Kurt Schulze supported the
25 motion. Motion carried by unanimous voice vote.

26
27 **APPROVAL OF THE MINUTES (7:05 pm):**

28
29 November 12, 2019 Regular Meeting Minutes:

30
31 Dan Stickel made a motion to approve the minutes as amended. Dave Wardin supported the
32 motion. Motion carried by unanimous voice vote.

33
34 *Dave Wardin made a motion to move New Business Items 1 (Betley Sight Line Determination for*
35 *a New Home on Runyan Lake Road) & 2 (Betley Temporary Structure Use During Construction)*
36 *ahead of all other business to accommodate the applicant in attendance. Kurt Schulze supported*
37 *the motion. Motion carried by unanimous voice vote.*

38
39 **NEW BUSINESS #1 (7:07 pm): Betley Sight Line Determination for a New Home on**
40 **Runyan Lake Road:**

41
42 Chairman Meisel introduced the topic and requested that the applicant, Mark Betley, summarize
43 his proposal for a new dwelling on his property. Mark Betley explained that he would like to
44 build a multi-story dwelling with a lakeside walk-out basement and he would also like to utilize
45 the existing dwelling on the property as temporary housing during construction. Chairman
46 Meisel brought up supporting documents on the overhead screens which had previously been

47 submitted by the applicant including a site plan, elevation renderings, and photographs. The
48 documentation was used to attempt to compare existing views of the lake with proposed views if
49 the new dwelling were to be erected. Chairman Meisel explained that the Planning Commission
50 needs to look at all potential impacts to the sight lines of the adjacent dwellings, relying on
51 documentation and communication. Mark Betley stated that the renderings that had been
52 provided to the Planning Commission were based on the location depicted in his site plan. He
53 added that the proposed setback from the water's edge would be approximately 120' to 130'.
54 The Planning Commission briefly discussed the renderings with the applicant.

55
56 Chairman Meisel asked if the Planning Commission had any questions or comments at this time.
57 No questions or comments were received. Chairman Meisel observed that there were members
58 of the public in attendance other than the applicant. He stated that the purpose of the meeting is
59 not for a public hearing, however, if there are any public comments or questions related to the
60 proposal, the Planning Commission would like to hear them. He asked that any member of the
61 public who would like to make public comment should state their name for the record.

62
63 Penny Lucia (Power of Attorney for the neighbor immediately north of the applicant) referred to
64 a rendering that was included in the packet. She explained that the rendering, which depicted an
65 approximate view from the neighbor's property, was based on a photograph taken from the
66 highest viewpoint of the property and, therefore, is not an accurate depiction of what the view
67 would look like if the proposed new dwelling is erected. She then explained that she had a letter
68 to the Planning Commission from the property owner, Robert Landers, which she would like to
69 read on his behalf. She read from the letter, which explained that, based on the information they
70 have seen, the proposed new dwelling would significantly reduce the existing view from his
71 house which would, in turn, significantly diminish the value of his property. She continued to
72 read from the letter. She then read a letter that she had prepared as the daughter of Robert
73 Landers. She explained that she is one of nine children in the Landers family and explained that
74 they grew up having extensive views of the lake. She stated that other homes in the area were
75 constructed in a way to preserve existing lakefront views. She passed out a handout which
76 included "Footnote X" from the Tyrone Township Zoning Ordinance, Section 20.01, as well as
77 several photographs to demonstrate existing views from the Landers property. She questioned
78 the accuracy of the elevation drawings for the proposed new dwelling. Mark Betley explained
79 that the elevation drawings were done using real data from laser measurements. He stated that
80 the elevation of the 1st floor of the proposed dwelling would be lower than the walkout basement
81 level of the immediate neighbor's dwelling to the south. Chairman Meisel brought up the
82 elevation drawings provided to explain the height issue being discussed. The Planning
83 Commission briefly discussed the drawings. Penny Lucia stated that she would like the
84 proposed dwelling to be moved back further from the lake than the location depicted on the
85 current proposal.

86
87 Mark Betley asked whether the mature walnut trees which had previously been removed from his
88 property would be taken into account in discussion on potential sight line impacts. He indicated
89 that the trees had historically obstructed views of the lake from his property as well as both
90 immediately adjacent properties. The Planning Commission reviewed photographs and
91 renderings showing the trees prior to and following their removal.

92 Kathleen Anderson, who owns the property directly south of the subject property, stated that her
93 family has owned the property for 67 years. She continued, stating that her and her husband had
94 built their home in 2014 and they both have an interest in preserving sight lines. She stated that
95 she has concerns that the proposed Betley dwelling would negatively impact the value of their
96 property. She stated that she had spoken with Ross Nicholson who explained that the Township
97 has some sight line regulations in place which the Planning Commission is in the process of
98 amending to potentially protect sight lines more effectively than the regulations currently in
99 place. She continued, noting that the site plan provided by the applicant does not include some
100 of the required information such as a scale and the name of the person who prepared the drawing.
101 Chairman Meisel stated that the sight line determination is a preliminary evaluation and some of
102 the requirements for a final site plan may not be relevant at this time. Kathleen Anderson stated
103 that her family has utilized a shared access driveway from Runyan Lake Road to the lake
104 between her property and the Betley property for many years, which had recently been torn up
105 by Mr. Betley with his tractor. Chairman Meisel brought up an aerial image of the properties on
106 the overhead screens. Kathleen explained the location of the shared access driveway and
107 indicate that a portion lies mostly on her property. She continued, indicating that she has
108 concerns about the accuracy of the site plan and drawings that have been provided, adding that
109 she has never seen a professional work vehicle in the Betley's driveway. Mark Betley indicated
110 that the information is accurate and is based on a stake survey that was performed following the
111 purchase of the property as well as laser measurements for the elevation data. There was a brief
112 discussion between the applicant and Kathleen Anderson regarding the access driveway between
113 their properties. Dan Stickel questioned the relevancy of the access driveway in relation to the
114 sight line determination. Chairman Meisel directed the Planning Commission and public in
115 attendance to stay on topic and focus on sight lines.

116
117 Discussion continued. Kathleen Anderson reiterated to the Planning Commission that she feels
118 the site plan and additional information that had been provided by the applicant is insufficient
119 and is not comfortable that the data is accurate. She thanked the Planning Commission for
120 taking her concerns into consideration. Due to continued discussions between the applicant and
121 members of the public in attendance, Dan Stickel suggested that all questions and comments be
122 directed to the Planning Commission. Chairman Meisel agreed.

123
124 Dave Wardin asked to see a copy of the survey that was prepared for a Zoning Board of Appeals
125 variance request from 2014 for the construction of the Anderson home. The Planning
126 Commission reviewed the survey and briefly discussed.

127
128 Tom Landers addressed the Planning Commission. He stated that he and his siblings have been
129 privileged to enjoy the view from their parent's property for many years. He listed a number of
130 concerns with the drawings and proposed placement of the new dwelling to the Planning
131 Commission. He asked Mark Betley how he would feel if he was in their shoes. A brief
132 discussion between Mark Betley and Tom Landers followed. Kurt Schulze asked that questions
133 and comments be directed to the Planning Commission. Discussion continued.

134
135 Chairman Meisel asked the Planning Commission if they had any follow-up questions. Bill
136 Wood requested to see the photographs which show the walnut trees which had previously been
137 removed from the Betley property. A brief discussion followed. Chairman Meisel asked the

138 Planning Commission what they felt would be the next appropriate step(s). Dan Stickel read the
139 language in the Zoning Ordinance pertaining to sight lines. He indicated that in his opinion, the
140 proposed placement of the new dwelling would impact the sight lines of adjacent properties.
141 Rich Erickson agreed. Dave Wardin suggested that there was not enough real data on the
142 drawings and renderings provided to accurately make a determination. He suggested that the
143 best way to proceed would be for the applicant to have a professionally engineered survey with
144 topographical information depicting all three properties (Betley property and both immediately
145 adjacent neighbors) and elevation renderings showing views from both adjacent dwellings
146 prepared. Mark Betley indicated that he has provided all of the information that had been
147 requested by the Planning Commission so far and feels that they have enough information to
148 make a determination. He asked when his responsibilities will end. Dave Wardin indicated that
149 a survey, as previously described, should provide sufficient information for the Planning
150 Commission to make a determination. Mark Betley indicated that he is not going to have a
151 survey prepared unless he has reassurance that the Planning Commission will definitely be able
152 to make a determination once it has been done. A brief discussion between Mark Betley and
153 Dave Wardin followed. Dave Wardin indicated that the professional survey and elevation
154 drawings would be the only way to know for certain the information provided thus far is
155 accurate. Dave Wardin addressed the public in attendance and the Planning Commission. He
156 stated that he noticed that the neighbors claim to have the best views on the lake. He indicated
157 that the neighbors are not entitled to have the best view on the lake, they are only entitled to have
158 a reasonable view.

159
160 Chairman Meisel explained to the public in attendance that many municipalities have sight line
161 regulations which vary in terms of the methods and standards used to evaluate potential conflicts.
162 He continued, stating that the current language in Tyrone Township is a much more simplistic
163 version of sight line regulations than many that exist elsewhere. He brought up aerial images on
164 the overhead screens to explain how the Planning Commission generally reviews potential
165 impacts to sight lines. He stated that the objective is to understand and minimize potential
166 impacts to existing sight lines.

167
168 The Planning Commission briefly discussed the content they would like to see on professional
169 prepared elevation and survey drawings. Chairman Meisel indicated that the Planning
170 Commission would collaborate and prepare a letter to Mr. Betley including the specific
171 information that is being requested.

172
173 Penny Lucia stated that she had not received any public notice that the sight line evaluation was
174 going to be on the Planning Commission meeting agenda. She asked if she should have received
175 notification. Chairman Meisel explained that the Zoning Ordinance does not require a public
176 hearing for such determinations to be made and therefore, no public hearing notifications are
177 required.

178
179 *The item was closed at 8:26 pm.*

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181

182 **NEW BUSINESS #2 (8:27 pm): Betley Temporary Structure Use During Construction:**

183
184 Chairman Meisel introduced the topic and brought up the application documents on the overhead
185 screen. He summarized the application, which is a proposal to utilize the existing dwelling on
186 the Betley property during construction of the new proposed dwelling. The existing dwelling
187 would be removed from the property prior to or immediately following completion of the
188 proposed dwelling. The Planning Commission briefly discussed the site plan. There was a
189 question regarding construction vehicle access between the existing dwelling and the property
190 boundaries. Mark Betley indicated that there would be sufficient distance between the south side
191 of the existing dwelling and the south property line. He added that if it is found that there is not
192 sufficient space, he would have no issue with having the existing attached garage demolished to
193 open up more space for construction vehicle access. The Planning Commission briefly
194 discussed.

195
196 Chairman Meisel asked Greg Elliott to summarize the review letter he had previously prepared
197 for the application. Greg Elliott summarized the request, commenting the provided sketch does
198 not comply with the requirements of Section 21.31.A.3.a. for a Plot Plan and Written Statement,
199 and does not demonstrate how access to the property by construction equipment would occur.
200 The Planning Commission briefly discussed.

201
202 Chairman Meisel asked the Planning Commission if they had any additional questions or
203 comments. None were received.

204
205 Dave Wardin made a motion to table the Betley temporary dwelling during construction
206 application pending a formal written agreement with the Township Board regarding the
207 timeframe for removal of the existing dwelling as well as revisions to the site plan as noted in the
208 McKenna review letter. Dan Stickel supported the motion. Motion carried by unanimous voice
209 vote except Meisel, who abstained at the applicant's request.

210
211 *The item was closed at 8:41 pm.*

212
213 *There was a brief informal discussion amongst the Planning Commission.*

214
215 **NEW BUSINESS #3 (8:51 pm): Open Space Regulations Review and Consolidation:**

216
217 Chairman Meisel introduced the topic with a summary of where the Planning Commission had
218 previously left off in discussion. He suggested that the Planning Commission should focus on
219 discussing CDO (Cluster Development Option) open space regulations. He explained that the
220 Township has not received any Conditional Rezoning or CDO application in recent years. He
221 asked the Planning Commission their thoughts on whether or not the CDO should be applicable
222 to PUD (Planned Unit Development) developments. He explained that the current PUD
223 standards, as they are currently written, may apply to mixed uses only, but there are some
224 differences in interpretation. The Planning Commission briefly discussed.

225
226 The Planning Commission reviewed documents and correspondence from a recent CDO
227 application and discussed. They compared open space standards between the existing text and

228 those in other municipalities. Discussion amongst the Planning Commission followed. It was
229 determined that the discussion would continue at a future meeting.

230

231 No action was taken.

232

233 *The item was closed at 9:57 pm.*

234

235 **MISCELLANEOUS BUSINESS #1 (9:57 pm): Next Workshop Meeting:**

236

237 A workshop meeting was scheduled for February 20, 2020, beginning at 6:00 pm.

238

239 *The meeting was adjourned at 10:01 pm.*