1	TYRONE TOWNSHIP PLANNING COMMISSION REGULAR MEETING & PUBLIC HEARING MINUTES
2	January 12, 2021 7:00 p.m.
4	Meeting Held Via Zoom Teleconference
5	The Meeting was Recessed at 7:30 pm for a Public Hearing
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8 9	PRESENT: Dan Stickel, Kurt Schulze, Rich Erickson, Bill Wood, Perry Green, and Jon Ward
10 11	ABSENT: Steve Krause
12 13	OTHERS PRESENT: Ross Nicholson
14 15	CALL TO ORDER: The meeting was called to order by Chairman Stickel at 7:01 pm.
16 17	PLEDGE OF ALLEGIANCE:
17 18 19	CALL TO THE PUBLIC:
20	Chairman Stickel asked if there were any members of the public in attendance who would like to
21 22	ask any questions or make public comment. No public questions or comments were received.
22 23 24	APPROVAL OF THE AGENDA:
25 26	Kurt Schulze made a motion to approve the agenda as presented. Rich Erickson supported the motion. Motion carried by unanimous voice vote.
27 28 29	APPROVAL OF THE MINUTES:
29 30 31	11/10/2020 Regular Meeting & Public Hearing Minutes
32	Kurt Schulze made a motion to approve the November 11, 2020 Regular Meeting and Public
33	Hearing minutes as presented. Perry Green supported the motion. Motion carried by unanimous
34	voice vote.
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36	OLD BUSINESS #1: Animal Units:
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38	Chairman Stickel indicated that the topic would be discussed during the upcoming public hearing
39	at 7:30 pm. He suggested temporarily deferring the item and moving on to Old Business Item
40	#2, Accessory Structure Standards, until the public hearing begins. No opposition was
41 42	expressed.
42 43	Rich Erickson made a motion to amend the agenda, moving Old Business Item #2 before Old
+5 44 45	Business Item #1. Kurt Schulze supported the motion. Motion carried by unanimous voice vote.
46	The item was temporarily deferred.

OLD BUSINESS #2: Accessory Structure Standards:

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Chairman Stickel opened discussion with a brief summary of the topic. He asked Ross Nicholson if he could guide the Planning Commission through the document he had prepared summarizing current accessory structure standards and noting areas that could potentially be improved.

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Ross Nicholson read through some of the existing accessory structure standards and made comments. He suggested that the Planning Commission could potentially look into the possibility of permitting accessory dwelling units (ADU's) concurrently with the review of accessory structure standards. He indicated that there have been, and continue to be, frequent inquiries from current and prospective residents regarding the possibility of permitting ADU's, primarily for the purpose of caring for elderly relatives as an alternative to senior living/care facilities. Kurt Schulze asked if potential ADU regulations could be applied to both attached and detached structures being utilized as ADU's. Ross Nicholson indicated that it is currently possible to create an attached addition to a dwelling that could potentially be utilized as an ADU, however, the Zoning Ordinance currently requires that the addition would share common access with the rest of the dwelling. He stated for clarification that the aforementioned method is essentially just adding an additional bedroom, cooking facilities, and restroom to a single-family dwelling. He stated that the majority of the requests the Township receives regarding ADU's are specific to detached structures. He indicated that one of the most common recent explanations as to why residents have a desire to build ADU's is for use by elderly/disabled relatives/friends as an alternative to retirement homes and similar facilities. Rich Erickson asked if rezoning of properties would be required in order to permit ADU's. Ross Nicholson indicated that most municipalities treat ADU's as accessory uses within single-family zoning districts which would not require properties to be rezoned. He stated that it is up to the Planning Commission and Township Board to determine the most appropriate method for regulating ADU's based on the specific conditions and needs of Tyrone Township. Dan Stickel asked if it would be more appropriate to include potential ADU regulations in the Accessory Buildings and Structures Provisions section of the Zoning Ordinance (Section 21.02) or to include them undier a different section. Ross Nicholson indicated that, in his opinion, he believes it would be most appropriate to include potential ADU regulations in Section 21.02. He stated that the latest amendment to the Section was to allow for detached accessory structures on adjacent lots under specific circumstances, which prescribes specific criteria for such uses. He indicated that he believes the Planning Commission can look at the standards in the section (21.02.H) as a reference to how they could potentially incorporate new regulations for ADU's into Section 21.02. He stated that he believes Section 21.02 to be the most appropriate area to include the potential regulations because ADU's are directly associated with accessory structures.

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Ross Nicholson continued to read through the accessory structure standards document. He read through the various subsections in Section 21.02 and noted areas which could potentially be considered for amendments. He noted that the setback requirements for accessory structures in most zoning districts appear to be working adequately. He suggested that the Planning Commission review the existing accessory structure setback requirements for each zoning district to ensure they are appropriate and sufficiently address the current needs of residents and

property owners. He noted that the Master Plan update would be occurring in the near future and 93 recommended that the Planning Commission incorporate a discussion on existing increased 94 setback requirements at certain intersections in the Township. Ross Nicholson continued to read 95 through the document. He made note that the accessory structure standards regarding sight lines 96 is likely deficient because it allows for the Planning Commission to require increased setbacks 97 for the purpose of preserving adjacent sight lines but does not prescribe a process which would 98 require the Planning Commission to review every application for accessory structures on 99 waterfront properties. He recommended that the Planning Commission draft amendments to 100 accessory structure sight line standards concurrently with principal structure sight line standards 101 (a separate item on the Planning Commission Action List). He moved on to the setback 102 103 requirement for docks and open boat storage structures. He noted that he has not had to deal with deck setbacks for the most part, primarily because they are typically considered temporary 104 structures which do not require Township or County permits. He stated that the Planning 105 Commission may want to discuss whether or not the current 10-foot setback for decks should be 106 changed. The Planning Commission briefly discussed. 107

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Chairman Stickel recommended closing discussion on the topic to hold the scheduled public hearing.

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112 *Kurt Schulze made a motion to recess the regular meeting to hold the scheduled public hearing.*113 *Rich Erickson Supported the motion. Motion carried by unanimous voice vote.*

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115 The item was temporarily closed.

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117 Chairman Stickel recessed the regular meeting and opened the public hearing at 7:31 pm.

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PUBLIC HEARING #1: Animal Units:

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121 Chairman Stickel brought up the public hearing agenda on the shared screen and read the public hearing notice:

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"Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, January 12, 2021, beginning at 7:30 pm via Zoom teleconference. Information to join this meeting will be posted to the Township's website prior to the meeting. The purpose for the Public Hearing is:

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- To receive public comments regarding proposed amendments to Zoning Ordinance #36:
 Animal Units: Article 21, Section 21.28 Stables and Animals, to revise the requirements and
 standards for keeping of animals that are not pets in the Farming Residential (FR), Rural Estate
- 131 standards for keeping of animals that are not pets in the Farming Residential (FR), Rural Estate (RE), and Single Family Residential (R-1) zoning districts.

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- 134 Additional information is available at the Tyrone Township Clerk's Office, 8420 Runyan Lake
- Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring
- auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least
- 137 seven days prior to the meeting."

Chairman Stickel brough the draft amendment document up on the shared screen. He explained that the intent of the proposed amendments is to allow the keeping of certain animals for private use on properties under three (3) acres in area, which would not be permitted under the current standards. He asked if anyone would like to add to his statement regarding intent. Ross Nicholson added that the proposed animal unit amendments are intended to improve the ability to regulate the keeping of animals for private by creating more specific categories and weighted unit factors. He stated that the proposed unit factors would allow for a mixture of different animals on smaller parcels which would not be possible under the current regulations. He cited an example for reference; under the current standards, if a property was three acres in area, a person could keep either one (1) horse or thirty (30) chickens. He stated that the proposed amendments would allow for animal categories to be "mixed" on similar-sized properties. Under the proposed regulations, a 3-acre parcel could accommodate 1 horse and 30 chickens as long as the standards are met. He stated that the proposed text amendments are intended to both better regulate the keeping of animals for private use and strengthen the ability to control potential nuisance factors.

Chairman Stickel brought up the draft Animal Unit Calculation Table on the shared screen. He explained how the proposed animal unit factors correspond to the various animal types and how it would allow the Township to better determine what a reasonable number of specific types of animals may be based on parcel size and the ability to prevent potential nuisance factors. Kurt Schulze noted that the proposed animal unit factors were determined by the Planning Commission based on the Michigan Department of Agriculture and Rural Development (MDARD) Generally Accepted Agriculture and Management Practices (GAAMPs) as well as research into similar ordinances. Ross Nicholson added that Dave Wardin, the former Planning Commission Secretary, put a great deal of time and effort into drafting the original draft amendment documents.

Chairman Stickel asked if there were any members of the public in attendance who wished to ask questions ort make public comment. Brian Hogue (resident) stated that he had no specific comments or questions but is interested in the outcome of the public hearing.

Chairman Stickel asked the Planning Commission if they had any questions or comments pertaining to the proposed amendments. Perry Green stated that he did not have any questions or comments. Rich Erickson stated that he believes the proposed amendments would benefit current and future residents because many people choose to move to the area for larger yards and a rural environment, including the ability to keep animals for private use.

Dan Stickel asked Ross Nicholson if he had any comments to questions. Ross Nicholson indicated that he believes the proposed amendments have been reviewed thoroughly and be a significant improvement over the existing standards. He stated that he has had the opportunity to provide the draft document to every resident/property owner who has inquired and, so far, has not received any negative feedback.

Dan Stickel indicated that, if recommended for approval, the draft amendments would be forwarded to the Livingston County Planning Commission (LCPC) for review and comment prior to being sent to the Township Board. The Township Board would then review the

recommendations from the Planning Commission and LCPC, prior to considering approval/adoption or denial of the proposed amendments.

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187 Chairman Stickel asked again if any members of the public or the Planning Commission had any 188 additional questions or comments prior to closing the public hearing. No questions or comments 189 were received.

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Kurt Schulze made a motion to close the public hearing. Rich Erickson supported the motion. Motion carried by unanimous voice vote.

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Kurt Schulze made a motion to return to the regular meeting agenda. Rich Erickson supported the motion. Motion carried by unanimous voice vote.

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Chairman Stickel closed the public hearing at 7:42 pm.

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OLD BUSINESS #2: Accessory Structure Standards (continued):

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Chairman Stickel brought up the accessory structure standards document on the shared screen. He indicated that the discussion left off on the topic of setbacks for waterfront docks and open boat storage structures. He asked the Planning Commission if there were any additional questions or comments on that topic. None were received.

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Chairman Stickel recommended that Ross Nicholson continue reading through the document. Ross Nicholson moved on to the topic of accessory structures constructed prior to principal structures. He indicated that the topic comes up fairly frequently, primarily in instances where property owners wish to move closer to their property during construction of new homes. He stated that most people who inquire about the ability to erect an accessory structure prior to completion of a principal structure wish to do so for the purpose of storing personal belongings, construction materials, and equipment while their dwelling is being constructed. He stated that the scenario is even more common for those property owners acting as general contactors for the construction of their homes. He stated that the current standards allow for accessory structures to be built prior to construction of a principal structure as long as the construction of principal structure is completed within one (1) year. He stated that, the current standards can sometimes be complied with but, in many cases, due to a number of variables such as availability of materials/labor and financial factors, it is not always possible. He stated that it is possible for the Township to allow for extensions, but there is not a clearly defined path for requesting such extensions. He recommended that the Planning Commission review the existing standards and determine whether or not the timeframe should be modified and evaluate whether or not there are any other deficiencies that should be addressed. Kurt Schulze agreed that the Planning Commission should consider amending the subsection especially because of current economic factors.

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Ross Nicholson continued reading through the document, moving on to the topic of temporary, incidental, and exempt accessory structures. He pointed out that he believes the current standards to be deficient in terms of clearly defining temporary structures. He stated that the current definition for temporary structures are those structures "that do not require permanent

attachment to the ground, but have similar characteristics to an accessory structure...". He indicated he believes the definition could possibly be expanded for clarification purposes. Kurt Schulze asked how large carport-like structures designed to store boats and recreational vehicles are treated under the current standards. Ross Nicholson explained that the current standards require that such structures comply with the same requirements as permanent structures including number, size, lot coverage, and setback requirements. He stated that the biggest difference between permanent and temporary accessory structures is that temporary structures do not require land use or building permits. The Planning Commission briefly discussed.

Ross Nicholson moved on to the topic of incidental accessory structures, which are currently defined as "One (1) accessory building or structure one hundred (100) square feet or less shall be allowed per lot without a land use permit, and shall not count as one of the permitted accessory structures on a lot." He stated that the Livingston County Building Department does not require building permits for accessory structures under two hundred (200) square feet in floor area and the need for storage for most residents is constantly increasing. He stated that allowing residents the ability to store belongings indoors could potentially alleviate some of the outdoor storage issues facing many people, especially in the higher density residential zoning districts (such as security and property aesthetics). He stated that he has not found the current standards to be problematic in his experience, but he recommended that the Planning Commission should discuss the maximum size and number of incidental accessory structures permitted to determine whether or not they could be improved. The Planning Commission briefly discussed.

Ross Nicholson moved on to the topic of exempt structures. He stated that he believes the Planning Commission should review the subsection and consider adding additional items such as whole-home generators and retaining walls. He stated that whole-home generators and retaining walls are not currently addressed in the Zoning Ordinance. He stated that the Planning Commission should discuss and determine if the aforementioned items should be considered as exempt structures or if they should otherwise be regulated in a separate section. The Planning Commission briefly discussed.

Ross Nicholson moved on to the topic of regulations for specific accessory structures, specifically gazebos. He stated that he is not certain as to why gazebos are regulated separately from all permanent accessory structures. He stated that his best guess is that gazebos were intended to be treated as incidental accessory structures. He provided the example that if a property owner was limited to 1 detached structure and wanted to build a detached garage and a gazebo, they would be forced to choose one or the other (assuming the gazebo exceeds 100 square feet in floor area). He stated that the Planning Commission should discuss the topic and determine whether or not gazebos should be treated as accessory structure or incidental accessory structures and determine whether or not the existing dimensional standards are appropriate. Ross Nicholson moved on to the topic of swimming pools. He indicated that the current setback requirements for swimming pools in all residential districts is a minimum of twenty (20) feet from the side and rear property lines. He stated that he has not received any objections or found any significant issues with the current setback requirements for swimming pools. He stated that he recommends that the Planning Commission review the setback requirements for pools because the current setback was adopted during a time when all pools required fully-fenced enclosures. He noted that the State of Michigan and Livingston County

now recognize the use of specific automatic pool safety covers to be used in lieu of full-fenced enclosures, so the setback requirement should be reviewed to ensure it is still adequate to protect public health and safety.

Chairman Stickel moved on to the topic of FR (Farming Residential) and RE (Rural Estate) zoning district accessory structure standards. He asked Ross Nicholson to read through the section and elaborate. Ross Nicholson stated that the Accessory Building & Structures Regulations Summary in the Zoning Ordinance (between Article 21 and Article 21A) states that accessory structures may be located in a front yard location on RE zoned waterfront properties. He stated that the summary document is intended as only a reference and indicates that the ordinance text should be referenced for applicable regulations. He stated that he believes, based on the summary page and common sense, that it was originally intended that accessory structures should be permitted in front yard locations on RE waterfront properties, which would be consistent with the standards for waterfront properties in all other residential zoning districts. He recommended that the Planning Commission should discuss whether or not a front yard location for detached accessory structures on waterfront properties is appropriate and, if so, insert language into the FR and RE accessory structure standards.

Ross Nicholson made note of a subsection regarding detached accessory structure yard location requirements based on the location of any attached accessory structures that are part of the principal structure. He stated that the language is mostly consistent in all residential zoning districts. He recommended that the Planning Commission review these yard location standards in all residential zoning districts to determine whether or not they should be clarified or modified.

Ross Nicholson continued through the document, moving on to the topic of front yard accessory structures. He stated that the topic frequently comes up due to a number of factors, the most common being that some properties cannot feasibly erect detached structures due to the location of a principal structure. He stated that there are many properties with principal structures set back towards the far rear of a property, creating extensive front yard area but limiting potential rear yard locations. He stated that he has seen many properties that are configured in such a way due to factors such as location of septic and well due to soil percolation test results, privacy, aesthetics, topography/significant natural features, etc. He stated that most of these properties are located in the FR and RE districts. He stated that under the current standards, front yard accessory structures are only permitted on waterfront properties and FR or RE zoned properties that are at least twenty (20) acres or more in area with at least four hundred and sixty-six (466) feet of road frontage, at least two hundred and fifty (250) feet separation from the principal structure, and at least one hundred and fifty (150) foot setback from the road right-of-way (ROW). He stated that front yard location variances have been very common over the past several years. He indicated that there are very few remaining properties that could be eligible for front yard accessory structures under the current standards. He noted that the current standards date back to the 1965 Zoning Ordinance and it is questionable as to whether or not the eligibility requirements are appropriate. He suggested that the Planning Commission should review the existing standards to determine whether or not they are still appropriate and propose revisions, if necessary.

Ross Nicholson moved on to the requirement for a minimum of ten (10) foot separation between all detached accessory structures and the principal structure. He stated that he has not yet researched whether or not the State Building Code requires a minimum setback between detached structures and dwellings. He recommended that, assuming there is not a specific separation required by the Building Code, the Planning Commission should review and determine whether or not 10 feet is the appropriate distance. Rich Erickson stated that the requirement may be in place to reduce potential risk of fire. Ross Nicholson indicated that he assumes the same. Chairman Stickel stated that the item can be discussed after determining whether or not it is controlled by either building code or fire code.

Ross Nicholson moved on to the topic of building size limitations in higher density residential zoning districts such as R-1 (Single Family Residential) and LK-1 (Lakefront Residential). He indicated that this is probably the most frequently brought up topic in terms of accessory structure standards. He stated that in R-1 and LK-1, there is a limit of 1 detached accessory structure that is limited in size to eight hundred (800) square feet or less in floor area. He stated that the is a mechanism in the Ordinance that would allow people to modify the maximum floor area requirement to allow up to twelve-hundred (1,200) square feet and modify the height requirement to up to two (2) feet greater than generally permitted as long as it is approved by the Planning Commission following formal review and public hearing (as described in Section 21.02.G). He stated that the process to modify requirements is frequently applied for and the applications are almost always approved. He stated that, in his experience, the vast majority of residents who are building detached accessory structures prefer to build the larges size possible. He stated that, there are people who dislike the appearance of accessory structures larger than 800 square feet in floor area, however, most people would prefer a large enclosed structure than equipment and belongings being stored outdoors. He indicated that it may be worth discussing whether or not the 800 square foot maximum size is still appropriate and whether or not the special process for permitting up to 1,200 square feet is still necessary. He explained that he has heard from some residents that large accessory structures can diminish the aesthetics/residential appearance of certain neighborhoods, so the topic is not simply black & white. There are definitely a number of important factors that should be considered when reviewing the existing standards and determining whether or not they should be modified.

Ross Nicholson moved on to the topic of design standards for accessory structures in the R-1, R-2, and LK-1 zoning districts. He stated that the standards are fairly relaxed and have not presented any significant issues historically. He stated that the biggest issue, in his opinion, is the fact that the text implies that some pole barns may not be permitted if they have industrial or agricultural finishes. He stated that there are now plenty of options for pole barns and steel buildings to be designed to be residential in appearance which may have not existed/been commonly used during the time that the subsection was written. He stated that the Township allows post and beam/pole barn construction to be utilized for single-family dwellings (subject to compliance with design requirements and State Building Code) and he has seen a number of new pole barn structures that are almost indistinguishable in exterior appearance than conventional stick-built detached accessory structures. He suggested that the Planning Commission review the text and determine whether or on to the language can be improved for the sake of clarity.

367 Ross Nicholson moved on to the next topic regarding the maximum number of detached accessory structures on properties zoned LK-1. He stated that this topic is another that comes up 368 frequently, specifically on the long narrow lakefront properties located on Runyan lake and Lake 369 370 Tyrone. He stated that he receives inquiries from property owners in LK-1 wishing to build secondary detached accessory structures for the purpose of storing watercraft and other 371 belongings. Many lakefront properties exist within the Township that are approximately forty 372 (40) to one hundred (100) feet in width and approximately one thousand (1,000) feet in length. 373 Many of the properties are wooded, screened, or have significant land area between road 374 frontage and where structure are/could be located. For this reason, owners of similar properties 375 often ask the question as to why it would be inappropriate to build a structure that would create 376 little to no adverse effect to the community but would benefit their property by allowing for 377 additional indoor storage. He recommended that the Planning Commission could research some 378 of these lakefront properties to determine whether or not it would be appropriate to establish 379 minimum eligibility requirements and standards to potentially allow for additional structures 380 where they would not negatively impact existing residential development. The Planning 381 Commission briefly discussed. 382

Ross Nicholson continued through the document. He summarized the existing standards for detached accessory structures on adjacent lots. He indicated that the mechanism to allow for such uses has only been utilized one time since it's adoption. He stated, in his opinion, that the text hasn't existed long enough/been utilized enough to accurately gauge its effectiveness. He stated that the Planning Commission can definitely review and potentially modify the standards if they find any deficiencies or others areas that could be improved.

Chairman Stickel thanked Ross Nicholson for preparing and presenting the information. He asked the Planning Commission if anyone had thoughts or opinions on how to proceed with future discussion on the topic of accessory structure standards. None were received. He suggested including the topic on the agenda consistently for future meetings and work on the potential amendments piece by piece as opposed to tackling everything all at once. Rich Erickson suggested asking the Township Board their feelings on prioritizing accessory structure topics. Chairman Stickel indicated that they intend to discuss the topic with the Township Board during the next joint meeting with the Planning Commission. Ross Nicholson indicated that the topic has been on the Planning Commission Action List for approximately four (4) years, during which time, the Township Board has consistently felt that it should be reviewed. He stated that he believes there to be some flexibility in terms of the timeframe to complete proposed amendments. Kurt Schulze indicated that, from the perspective of the Township Board, they believe the accessory structure standards should be a higher priority topic than some of the other items on the Action List, such as sign regulations. He continued, stating that any applications received by the Planning Commission would take priority over proposed text amendments. He stated that he believes it will be best for the Planning Commission to thoroughly review the topic to ensure the end result adequately meets the needs of the Township and its residents. Chairman Stickel agreed. He asked if the Planning Commission had any additional thoughts or comments on the topic. None were received.

OLD BUSINESS #1: Animal Units (Continued):

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413	Rich Erickson made a motion to recommend Township Board approval of the proposed Keeping
414	of Animals text amendments and Animal Unit Calculation Table (Animal Units). Kurt Schulze
415	supported the motion. Motion carried by unanimous voice vote.
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417	The item was closed.
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419	NEW BUSINESS #1: Agri-Business Special Land Use Standards:
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421	Chairman Stickel briefly summarized the topic. He stated that the Township Board has received
422	a request to consider limited United States Department of Agriculture (USDA) certified meat
423	processing operation in conjunction with a proposed Agri-business special land use for an
424	organic farm market (retail facility). The Township Board has requested that the Planning
425	Commission review the existing standards for such uses and determine whether or not it would
426	be possible to amend the standards to allow for the proposed uses. He indicated that research
427	into the topic has not yet started. He suggested deferring the item until the next workshop
428	meeting.
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430	The Planning Commission briefly discussed timing for reviewing recently received applications
431	and selection of a new planning consultant.
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433	The item was closed.
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435	CALL TO THE PUBLIC:
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437	Chairman Stickel asked if there were any public questions or comments. None were received.
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439	The item was closed.
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441	MISCELLANIOUS BUSINESS #1: Next Workshop Meeting:
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443	A Workshop meeting was scheduled for Wednesday, January 20, 2021, beginning at 6:00 pm.
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445	The item was closed.
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447	The meeting was adjourned at 8:37 pm by Chairman Stickel.