

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING MINUTES**

3 **July 14, 2020 7:00 p.m.**

4 *Note: This meeting was held via electronic remote access, in accordance with the Michigan*
5 *Governor’s Executive Orders 2020-75, 2020-99, and 2020-100.*

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7
8 **PRESENT:** Mark Meisel, Dave Wardin, Kurt Schulze, Rich Erickson, and Dan Stickel

9
10 **ABSENT:** Bill Wood and Perry Green

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

14
15 **CALL TO ORDER (7:01 pm):** The meeting was called to order by Chairman Mark Meisel.

16
17 **PLEDGE OF ALLEGIANCE (7:02 pm):**

18
19 **CALL TO THE PUBLIC (7:03 pm):**

20
21 No public comments or questions were received.

22
23 **APPROVAL OF THE AGENDA (7:03 pm):**

24
25 Chairman Meisel suggested removing the meeting minutes from the agenda. Dan Stickel made a
26 motion to remove approval of the meeting minutes from the agenda. Dave Wardin supported the
27 motion. Motion carried by unanimous voice vote.

28
29 **APPROVAL OF THE MINUTES (7:03 pm):**

30
31 Deferred.

32
33 **OLD BUSINESS #1 (7:05 pm): Sign Regulations Update:**

34
35 Chairman Meisel asked Greg Elliott for an update on the status of the sign regulations draft.
36 Greg Elliott indicated that he had not had a chance to work on the draft since the last discussion
37 on the topic. He indicated that he has requested an assistant be assigned to the project to assist in
38 completing the draft.

39
40 *The item was closed at 7:07 pm.*

41
42 **NEW BUSINESS #1 (7:07 pm): Eastin Accessory Structure Floor Area Increase:**

43
44 Chairman Meisel asked if the applicant(s) were present. No response was received. Chairman
45 Meisel brought up the application on his shared screen and summarized the request. He stated
46 that the proposal also included a Zoning Board of Appeals (ZBA) variance request for a detached

47 accessory structure in a side yard location, which had been granted. He explained that the
48 proposed structure in the Planning Commission application is consistent with the drawings that
49 were consistent with those submitted for the ZBA variance. He stated that the neighborhood
50 homeowner's association has indicated that they will require the proposed accessory structure to
51 be designed to look residential in appearance, consistent with Tyrone Township accessory
52 structure standards for the R-1 (Single Family Residential) zoning district.

53
54 The applicants, Dan & Vera Eastin, arrived to the Zoom meeting. Chairman Meisel recapped the
55 proposal. Chairman Meisel asked the applicants if they had any comments to add. Dan Eastin
56 stated that he has talked to a number of neighbors regarding his proposal. He stated that many of
57 those neighbors he spoke to had detached accessory structures that are around eight hundred
58 (800) square feet in size, which they believed to be too small for their single-family residences.
59 He indicated that none of the neighbors opposed his proposal. He stated that he would intend to
60 use the structure for storage of his family's belongings so they are secure and not stored outdoors
61 where they would be exposed to the elements.

62
63 Chairman Meisel read through the Zoning Ordinance standards pertaining to the proposal. He
64 indicated that he believes all requirements to have been met by the applicants. He asked the
65 Planning Commission if they had any questions or comments. Dan Stickel commented, stating
66 that he believes the applicants have met the requirements.

67
68 *The item was closed at 7:24 pm.*

69
70 **NEW BUSINESS #2 (7:25 pm): Bombe Accessory Structure Floor Area Increase:**

71
72 Chairman Meisel brought up the application on his shared screen and summarized the request.
73 He asked the applicants in attendance, Nicholas & Nicole Bombe, if they could explain the
74 request.

75
76 *There were some brief connectivity issues with Zoom making it difficult to hear the applicants.*
77 *The connection issues were resolved following some troubleshooting.*

78
79 Nicholas and Nicole Bombe summarized the request. They indicated that they were hoping to
80 receive approval for a gambrel-style roof to better accommodate their needs for storage.
81 Chairman Meisel stated that a gambrel roof is a question of style. He indicated that the type of
82 roof on a detached accessory structure would fall under the general architectural standards,
83 which would require the accessory structure to be residential in appearance. He stated that the
84 most important part of the architectural design standards is they type and style of siding used.
85 Nicholas Bombe indicated that the proposed structure would be sided and painted to match the
86 dwelling. The Planning Commission briefly discussed the question of whether or not a gambrel
87 roof could be considered to be residential in appearance. Nicholas Bombe pointed out that a
88 neighboring dwelling has a gambrel-style roof, as well as a number of other dwellings and
89 accessory structures in the area. Chairman Meisel brought up Google Street View on the shared
90 screen. The Planning Commission continued discussion. The general consensus was that a
91 gambrel-style roof on the proposed accessory structure would likely be compatible with existing
92 adjacent residential development.

93
94 *The item was closed at 7:36 pm.*

95
96 *Chairman Meisel temporarily recessed the regular meeting and opened the Public Hearing at*
97 *7:36 pm.*

98
99 *Chairman Meisel read from the Public Hearing Notice:*

100 *“Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, July 14,*
101 *2020, beginning at 7:30 p.m. via Zoom teleconference. Information to join this meeting will be posted to the*
102 *township’s website prior to the meeting. The purpose for the Public Hearing is:*

103
104 *1. To receive public comments regarding a request by Daniel & Vera Eastin for an increase in the permitted*
105 *accessory building floor area up to a maximum of 1,200 square feet (reference Section 21.02.G), subject to*
106 *compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulations, located at*
107 *9616 Longmeadow Street, Fenton, Michigan 48430, Parcel ID: 4704-04-102-005. The property is zoned R-1,*
108 *Single Family Residential.*

109
110 *2. To receive public comments regarding a request by Nicholas & Nicole Bombe for an increase in the*
111 *permitted accessory building floor area up to a maximum of 1,200 square feet (reference Section 21.02.G), subject*
112 *to compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulations, located*
113 *at 9383 Bennett Lake Road, Fenton, Michigan 48430, Parcel ID: 4704-05-202-020. The property is zoned R-1,*
114 *Single Family Residential.”*

115
116 **PUBLIC HEARING #1 (7:38 pm): Eastin Accessory Structure Floor Area Increase**

117
118 Chairman Meisel asked the Planning Commission if they had any questions pertaining to the
119 request or additional items to review. Dave Wardin asked the applicants for verification that
120 they plan to match the design of their dwelling in terms of roofing and siding. Dan Eastin
121 confirmed.

122
123 Dan Eastin asked if it would be possible to change the design of his proposed structure to utilize
124 a gambrel-style roof to accommodate for additional storage. Chairman Meisel stated that a
125 potential challenge is that there may not be any existing adjacent development with gambrel-
126 style roofs. Dan Eastin indicated that there is a structure across the street with a gambrel-style
127 roof. Chairman Meisel brought up an aerial image and identified the structure in question. Dan
128 Eastin indicated that the structure is around 800 square feet in floor area, but the style of roof
129 accommodates additional storage above.

130
131 Chairman Meisel addressed the Planning Commission. He stated that, in order to answer the
132 applicant’s question on whether or not a gambrel roof would be acceptable on the proposed
133 accessory structure, they may need to obtain consent from the homeowner’s association
134 regarding the architectural design of the proposed structure. He asked the Planning Commission
135 if they had any thoughts or comments. Dave Wardin indicated that he agrees that the proposed
136 structure with a gambrel roof could be considered residential in appearance and compliant with
137 the Zoning Ordinance standards as long as the homeowner’s association grants consent. Kurt
138 Schulze agreed with Dave Wardin’s statement. Dave Wardin stated that there are only around
139 three (3) or so other single-family residences that would be typically have a view of the proposed
140 accessory structure because the subject property is located at the end of a cul-de-sac. Dan Eastin

141 indicated that he does not believe the homeowner's association would have any objection to
142 using a gambrel-style roof on the proposed structure.

143
144 Chairman Meisel asked the Planning Commission and Planner whether or not they had any
145 additional questions or comments. Greg Elliott indicated that he agrees with Dave Wardin's
146 statement that consent from the homeowner's association should be granted prior to Township
147 approval of a gambrel-style roof on the proposed accessory structure.

148
149 Chairman Meisel opened the floor to public questions or comments regarding the request. No
150 public questions or comments were received. Chairman Meisel asked if any written
151 communications were received regarding the request. Ross Nicholson indicated that no
152 additional communications were received.

153
154 Rich Erickson asked for clarification on whether the Planning Commission was making a
155 decision on the design of the structure as depicted on the drawings or a modified structure with a
156 gambrel-style roof. Dan Eastin indicated that he would like a decision on the structure as
157 proposed and possibly make a decision on a modified design at a later date. Dave Wardin
158 suggested possibly making the decision on the structure as proposed and contingent approval for
159 the modified design with gambrel roof pending approval from the homeowner's association.
160 Chairman Meisel agreed that a conditional approval on a modified design would be the best
161 route so an additional public hearing would not be required if the applicants choose to use a
162 gambrel roof.

163
164 Chairman Meisel asked the Planning Commission if they had any additional questions or
165 comments pertaining to the application. No questions or comments were received.

166
167 *The item was closed at 7:47 pm.*

168
169 **PUBLIC HEARING #2 (7:47 pm): Bombe Accessory Structure Floor Area Increase**

170
171 Chairman Meisel brought up the application documents on the shared screen. He asked the
172 Planning Commission and Planner whether they had any questions or comments regarding the
173 application. Kurt Schulze asked if there would be a new driveway approach or extension of the
174 existing driveway to the proposed structure. Nick Bombe indicated that there was no plan to
175 modify the driveway in the immediate future. He stated that the purpose of the structure would
176 be for storage of boats, trailers, etc., so they can park their personal vehicles in the attached
177 garage.

178
179 Chairman Meisel asked if there were any additional questions or comments from the Planning
180 Commission or Planner. Greg Elliott asked if there was any active homeowner's association that
181 has architectural control over the subject property. Nick Bombe indicated that there is no
182 homeowner's association with jurisdiction over his property that he is aware of. Chairman
183 Meisel confirmed that there is no known association in the area with jurisdiction.

184
185 Chairman Meisel opened the floor to public questions or comments. No questions or comments
186 were received. Chairman Meisel asked if any additional written communications had been

187 received regarding the request. Ross Nicholson indicated that he had not received any written
188 communications. He stated that he had received several inquiries regarding the request
189 following the public hearing notifications, to which he indicated that if they would like to submit
190 any public comments or questions they may do so in writing prior to the meeting or during the
191 public hearing. Chairman Meisel asked Ross Nicholson if he had received any verbal opposition
192 or concerns regarding the request. Ross Nicholson indicated that the calls he had received were
193 general inquiries on the proposal and requirements for approval and no opposition was
194 expressed.

195
196 Chairman Meisel asked the Planning Commission and Planner if they had any additional
197 questions or comments. Dave Wardin asked for confirmation that the proposed structure would
198 be designed to match the house. Nick Bombe indicated that the structure would have metal
199 siding painted to match the exterior of the dwelling and the roof would also be designed and
200 shingled to match the dwelling. Chairman Meisel asked if the metal siding is of an industrial
201 “V” type or substantially similar to the vinyl siding on the dwelling. Nick Bombe indicated that
202 he has not actually seen the siding in-person, however he believed it to be more residential than
203 industrial in appearance. He added that the design of the siding would be substantially similar to
204 the siding of the detached accessory structure two properties over, which had previously been
205 approved by the Planning Commission.

206
207 Chairman Meisel asked if there were any additional public questions or comments. None were
208 received.

209
210 *The item was closed at 7:53 pm.*

211
212 **NEW BUSINESS #1 (7:54 pm): Eastin Accessory Structure Floor Area Increase:**

213
214 Chairman Meisel summarized the request. He indicated that there is some additional information
215 resulting from the public hearing, specifically a proposal by the applicant to potentially utilize a
216 gambrel-style roof on the proposed accessory structure to accommodate additional storage space.
217 He stated that the Planning Commission has identified a structure in the immediate area with a
218 gambrel-style roof. He stated that the ZBA variance approval and consent from the
219 homeowner’s association is based on the current proposed design without a gambrel roof. He
220 suggested that, as long as the Planning Commission is agreeable to a modified design, and
221 consent/approval is granted by the homeowner’s association for the modified design, they should
222 be able to approve the structure. Dan Stickel indicated that he has no objection to the modified
223 roof design. Kurt Schulze stated that he would like the Planning Commission to review
224 drawings of the modified design before granting final approval. Chairman Meisel stated that
225 with a conditional approval, the applicants would be required to submit the modified drawings to
226 the Township with the approval of the homeowner’s association, which could then be reviewed
227 administratively by the Planning Commission Subcommittee prior to granting final approval.

228
229 Dan Eastin indicated that he has been looking into gambrel-style roofs and is having difficulty
230 finding a way that it would work with the structure he is proposing. He stated that he would not
231 want the structure towering over the dwelling solely to accommodate additional storage.
232 Chairman Meisel indicated that it would be possible for the Planning Commission to grant

233 conditional approval for the modified design as well as approval of the proposed design just in
234 case he finds a way to make the roof work for the structure.

235
236 Dave Wardin made a motion to conditionally approve the Eastman accessory structure floor area
237 increase from 800 square feet to 1,200 square feet in accordance with Section 21.02.G of the
238 Zoning Ordinance and the variance granted by the Tyrone Township ZBA on June 22nd, 2020.
239 The structure is required to be sided and roofed in a manner similar to the existing residence on
240 the property. If the proposed roof design is to change, the HOA shall submit a revised approval
241 letter and the applicant must submit revised architectural drawings for administrative review and
242 approval by the Zoning Administrator or the Planning Commission Subcommittee via email.
243 Kurt Schulze supported the motion. Motion carried by unanimous voice vote.

244
245 *The item was closed at 8:00 pm.*

246
247 **NEW BUSINESS #2 (8:01 pm): Bombe Accessory Structure Floor Area Increase:**

248
249 Chairman Meisel summarized the application. He indicated that there is not an active
250 homeowner’s association having architectural control associated with the subject property, there
251 is no new driveway or extension of the existing driveway proposed, and grey metal siding is
252 proposed with a vertical orientation. He stated that there are similar gambrel-style roofs in the
253 area so the proposed design could be considered to be compatible with existing adjacent
254 development. Dan Stickel stated that there is a detached accessory structure of a similar size two
255 properties down from the subject property which is also sided with vertical metal siding.

256
257 Chairman Meisel asked the Planning Commission and Planner if they had any additional
258 questions or comments. None were received.

259
260 Dan Stickel made a motion to approve the proposed increase in accessory structure floor area
261 from 800 square feet to 1,200 square feet to build 30’ by 40’ accessory structure at 9383 Bennett
262 Lake Road in accordance with Section 21.02.G of the Zoning Ordinance as depicted in the
263 application drawings. Dave Wardin supported the motion. Motion carried by unanimous voice
264 vote.

265
266 *The item was closed at 8:05 pm.*

267
268 **NEW BUSINESS #1 (8:05 pm): MMMA Caregiver Regulations:**

269
270 Chairman Meisel brought up the latest version of draft amendments to the MMMA (Michigan
271 Medical Marihuana Act) caregiver regulations on the shared screen. He briefly explained the
272 history of the draft amendments. He indicated that several years ago, the proposed amendments
273 were drafted in an attempt to correct some potential compatibility issues with medical marijuana
274 caregiver operations in the FR (Farming Residential) zoning district. He stated that, during the
275 amendment process prior to adoption of the proposed text, the Michigan Court of Appeals made
276 a decision that effectively said municipalities could not regulate caregiver operations. He stated
277 that, based on the court decision, the Township decided not to move forward with the adoption of
278 the proposed amendments as drafted. He stated that, since that time, the Michigan Supreme

279 Court has ruled that local municipalities can control MMMA caregiver operations in accordance
280 with the Michigan Zoning Enabling Act (MZEA). He stated that he has recently reach out to the
281 Township Board to see whether or not they would like the Planning Commission to resume work
282 on the draft amendments, to which they indicated yes.

283
284 Chairman Meisel asked the Planning Commission if they had any questions or comments. Kurt
285 Schulze asked if there is any reason that the Planning Commission can simply restart the
286 amendment process with the draft amendments as they are currently written. Chairman Meisel
287 stated that it is possible that the Planning Commission could proceed with the amendments as
288 proposed, but feels it would be beneficial to read through and discuss since almost two years
289 have passed since the initial amendment process.

290
291 Chairman Meisel read through the proposed amendments. The Planning Commission and Greg
292 Elliott discussed the proposed amendments based on the latest Supreme Court decision. Greg
293 Elliott explained that, since recreational marijuana use has been legalized and retail facilities
294 have been approved, most qualifying medical marijuana patients can more easily obtain
295 medication than they previously could under the MMMA. He stated that the demand for
296 caregiver operations has significantly decreased since the draft amendments were initially
297 proposed several years ago. Kurt Schulze asked Greg Elliott if proceeding with the proposed
298 amendments would be a waste of time if there is no real demand for caregiver operations. Greg
299 Elliott indicated that it is not likely that anyone would be interested in applying for a caregiver
300 special land use, however, it is possible that someone may. He indicated that it may be
301 beneficial to continue through the amendment process since most of the work has already been
302 done. Ross Nicholson indicated that he had not received any inquiries regarding caregiver
303 operation special land uses since adult recreational use had been legalized.

304
305 Discussion amongst the Planning Commission continued. The Planning Commission reached a
306 consensus that they might as well continue through with the amendment process since the
307 majority of the work has already been completed. Chairman Meisel suggested that the Planning
308 Commissioners and Greg Elliott read through the proposed text to ensure the text is still
309 appropriate due to the amount of time that had elapsed since the initial amendment process had
310 taken place. Chairman Meisel asked Greg Elliott whether or not the draft text would need to be
311 re-sent to the Livingston County Planning Commission for review. Greg Elliott suggested that
312 they hold a new public hearing for the proposed amendments and re-send to the Livingston
313 County Planning Commission for review. Dave Wardin asked if they should schedule the public
314 hearing now wait until the Planning Commission and Greg Elliott has read through the proposed
315 text again. Chairman Meisel suggested scheduling the public hearing for the next available
316 meeting. Discussion amongst the Planning Commission and Greg Elliott continued.

317
318 The Planning Commission determined that they would schedule a public hearing for the
319 proposed amendments for the August 11, 2020 meeting. Chairman Meisel asked if there were
320 any additional questions or comments. None were received.

321
322 *The item was closed at 8:52 pm.*

323 **MISCELLANEOUS BUSINESS #1 (8:52 pm): Next Workshop Meeting:**

324

325 A workshop meeting was scheduled for July 22, 2020, beginning at 6:00 pm.

326

327 **CALL TO THE PUBLIC (9:03 pm):**

328

329 No public comments or questions were received.

330

331 *The meeting was adjourned at 9:04 pm.*