

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
July 24, 2017**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regularly scheduled meeting of the Ross Township Planning Commission to order at 7:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Jim Lauderdale, Chairperson
Robb Blain
Victor Ezbenko
Russell Fry
Sherri Snyder

Absent: Greg Pierce
Jeff Price

Also present: Kelly Largent, AGS – Township Zoning Administrator
Bert Gale, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **June 26, 2017** Planning Commission meeting minutes. Snyder moved to approve the minutes as presented. Blain seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Residential Accessory Building (Temple)

The next matter to come before the Commission was consideration of the request by Laura and Nathan Temple for special land use permit/site plan review for the proposed construction of a 32 ft x 42 ft residential accessory building on the site of their existing dwelling. The subject property is located 6815 North 37th Street and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material and parcel maps for the request and provided an overview of the proposal. He noted that the proposed accessory building will exceed the 10% rear yard lot coverage and 18 ft building height standards and pursuant to Section 18.4 D., Zoning Ordinance is subject to the special land use permit process. Gale further noted that the proposal complies with all applicable setback and locational standards.

Laura and Nathan Temple were present on behalf of the application. Mr. Temple stated that a 32 ft x 40 ft pole barn currently exists on the site in the same general location but needs to be replaced due to tree damage. He noted that the new accessory building is proposed to continue to provide an enclosed area on the site for personal storage.

In response to questions, Gale noted that the existing pole barn also exceeds the 10% rear yard lot coverage standard, but does comply with the building height standard and applicable setback requirements. He confirmed that the proposed accessory building will have a gambrel roof with a height of 20 ft to the peak and 19 ft to the break line of the roof.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet locational and setback requirements but not applicable height and rear lot coverage standards. The following was also noted:

- the proposed accessory building is allowable as a special land use;
- the proposed accessory building is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed to be used for residential storage and activity;
- a variance is not requested/required for the proposed accessory building;
- and

- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed accessory building is consistent in size/design/use of buildings allowed within the R-1 District; the proposal meets all applicable locational and setback requirements; the proposed building will replace an existing building of similar size and will require minimal site disturbance and have limited impact on the natural environment; the proposed building will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed building will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given the proposed use and building size/design and the comparable land use/building patterns on properties in the surrounding area.

It was noted that the site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Fry then moved to grant Special Land Use Permit/Site Plan Approval for the proposed accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, and noting the following:

1. the site plan presented was acceptable, with the information required by Section 21.4 A., C. and N. waived per Section 21.4 T;
2. the proposed accessory building will replace an existing pole barn similar in size/height and location;
3. per the applicant, the dimensions set forth on the plan are not exact but will not be modified outside of the Ordinance standards.

Blain seconded the motion. The motion carried unanimously.

2. Public Hearing – SLU/SPR for Expansion of a Nonconforming Building/Structure (Cadwallader)

The next matter to come before the Commission was consideration of the request by Melanie Cadwallader for special land use permit/site plan review for the proposed construction of a ~~52~~ **10** ft x 7 ft roof over an existing ~~10 ft x 7 ft~~ front porch/steps that will constitute an expansion of a nonconforming building. The subject property is located 10095 North 40th Street and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material and parcel maps for the request and provided an overview of the proposal. He noted that a 50 ft front setback applies to the subject property and that the existing house is currently located 49 ft from the abutting right of way. Further, the existing ~~10 ft wide~~ porch/steps extend an additional 7 ft into the front setback (42 ft setback from abutting right of way). Accordingly, the house exists as a nonconforming building by virtue of setback. Gale explained that the proposed roof ~~is intended to extend the length of the house~~ **is 10 ft in width** ~~for a depth of~~ **and 7 ft in depth, which will extend** ~~well beyond~~ the area of the porch/steps.

Harvey stated that Section 22.3 B. requires that *‘A nonconforming building/structure shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted pursuant to Article 19. Any such alteration shall not result in an increase in any nonconformity.’* She noted that the proposed roof will serve to increase the area of the house within the required front setback area. . . which will constitute an increase in a nonconformity.

Harvey confirmed that Special Land Use Permit/Site Plan Approval is required for the proposed expansion of the nonconforming building, and that variance approval from the Zoning Board of Appeals will also be required for a proposed expansion that will result in an increase in a nonconformity.

Melanie Cadawallader was present on behalf of the application. She questioned if variance approval would be required if the size of the proposed roof was reduced to the size of the existing porch/steps. Harvey responded that a roof that did not extend beyond the parameters of the existing porch/steps would not serve to increase the area of the house within the required front setback area and so would not constitute an increase in a nonconformity. Accordingly, variance approval would not then be required.

~~In response to questions~~ **Following discussion regarding the differences in the dimensions reflected on the sketch plan and the building elevation,** the applicant ~~confirmed that the specific dimensions of the porch/steps are 10 ft 1 in x 7 ft 4 in. She then advised~~ **stated** that she would like to amend her proposal and reduce the size of the proposed roof to not exceed the size of the existing porch/steps.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the amended proposal pursuant to the Special Land Use Criteria set forth in Section 19.3. The following conclusions were noted: the proposed roof is consistent in size and design of structures allowed within the R-R District; the proposed roof will not exceed the

size of the existing porch/steps nor extend further into the front setback than the existing porch/steps . . . resulting in a lack of change to an existing situation; the proposed roof will require no site disturbance and have limited impact on the natural environment; the proposed roof will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed roof will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood; and, the proposed roof will be in character with the existing development of the property.

It was noted that the amended site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Fry then moved to grant Special Land Use Permit/Site Plan Approval for the expansion of a nonconforming building based upon a finding that the proposed roof will not result in an increase in any nonconformity (Section 22.3 B.) and the review findings of Section 19.3 – Special Land Use Criteria and Section 21.6 – Site Plan Review Criteria, and noting the following:

1. the amended site plan presented was acceptable, with the information required by Section 21.4 A., C. and N. waived per Section 21.4 T;
2. the proposed roof will not exceed the size of the existing porch/steps so as not to result in an increase in the setback nonconformity.

Snyder seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

1. Discussion – Placemaking/Destination Zoning

Chairperson Lauderdale referenced Planning Commission discussion of the matter in June wherein support for exploring zoning amendments designed to accommodate destination-type land use was noted. He advised that the Township Board subsequently expressed support for continued Planning Commission work in this area. Chairperson Lauderdale stated that he then requested that Harvey provide information to the Planning Commission regarding ‘destination-type’ zoning approaches used across the State.

Harvey distributed material from MSU Extension on the use of the PUD option allowed by the Michigan Zoning Enabling Act to foster ‘destination-based’ land use, such as a ski resort. She also provided sample ‘recreation district’ text from 2-3 communities in Michigan.

Following general discussion, the Commission agreed to study the Township's existing PUD provisions in light of the material provided for continued discussion in August.

2. Watershed Protection Strategies

Chairperson Lauderdale referenced the Planning Commission's June decision to 'continue to support the efforts of the 4TWRC and GLQO' and the position that there is 'no desire to develop waterfront-related zoning standards at this time, but (that the Planning Commission) looks forward to the opportunity to apply the storm water management review procedures just adopted.'

Planning Commission members agreed to consider the matter 'on hold' at this time.

3. Sign Ordinance

Harvey reported that MTA's model ordinance has not yet been released and that the review of draft sign ordinance remains on hold.

REPORT FROM TOWNSHIP BOARD

Blain reported the following:

The Township Board remains focused on the road issue and are nearing completion on obtaining final numbers.

The Township Board is scheduled to hold interviews to fill the vacant seat of Township Supervisor on August 1, 2017.

The Township Clerk has resigned, effective October 3, 2017 and Township Board member Rick King has resigned due to relocation. The Township Board will be considering appointments for the 2 vacant seats.

Emergency service calls for the year have increased from previous years.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals did not meet in July.

MEMBERS, CONSULTANTS, ADVISORS

Snyder reported that the first Trucks & Tunes event in the Township Park was well attended. Fry noted that the three park master plan concepts were on display during the event and that good feedback was received.

Fry provided an update on the KRVT fundraising efforts and the status of the proposed trail parking area on M-89/39th Street.

Chairperson Lauderdale reminded Commission members of the opportunity to attend the 'Tour of Green Infrastructure' scheduled for August 17, 2017.

Largent advised of recent interest in Brook Lodge and the initiation of the zoning review process.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
Township Planning Consultant