

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
April 22, 2019**

CALL TO ORDER/PLEDGE

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

ROLL CALL

Present: Chairperson Lauderdale  
Mike Bekes (by phone)  
Mark Markillie  
Michael Moore  
Pam Sager  
Sherri Snyder  
Mike Sulka

Absent: None

Also Present: Kelly Largent, AGS – Township Zoning Administrator  
Bert Gale, AGS – Township Zoning Administrator  
Rebecca Harvey – Township Planning Consultant  
Robert Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **March 25, 2019** regular Planning Commission meeting minutes. It was noted that the date of the February meeting minutes referenced under Approval of Prior Meeting Minutes on page 1 be corrected to read '2019'. Snyder moved to approve the minutes as corrected. Moore seconded the motion. The motion carried unanimously.

NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Gordon and Kathy Yesh for special land use permit/site plan review for the proposed construction of a 32 ft x 42 ft (1344 sq ft) residential accessory building that fails to meet the rear yard lot coverage requirements. The subject property is located at 8926 North 40<sup>th</sup> Street and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the request, noting the following:

- The proposed accessory building will be located entirely within the side yard and will comply with all applicable setback requirements.
- The proposed 1344 sq ft accessory building will result in lot coverage that is 10.6% of the rear yard area.
- The proposed accessory building will exceed the 5% rear yard lot coverage standard.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Gordon Yesh was present on behalf of the application. He explained that the existing garage is too small for two vehicles and that the new accessory building is proposed for both vehicle and residential storage. He noted that the shape of the property and the location of the house have created a small rear yard, which has established a very small lot coverage standard for the ample-sized side yard where the building is proposed to be located.

No further 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 applicable setback, height and locational requirements but will exceed the rear yard lot coverage standard. The following was also noted:

- the proposed accessory building is allowable as a special land use;
- the proposed accessory building addition is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed for accessory residential use;
- 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 use of the property will

continue to be residential; no modification to the existing driveway location or reduction in off-street parking is proposed; construction will require minimal site disturbance thereby having limited impact on the natural environment or existing storm water drainage patterns; the proposed accessory building will be in character with the existing house and the general neighborhood and will not adversely affect public services or facilities serving the area; the proposed accessory building complies with all applicable setback, height and locational requirements and will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given its proposed use, size and location; and, the proposal meets the standards of Section 18.4D.

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.

Chairperson Lauderdale 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, noting that the site plan presented is acceptable, with the information required by Section 21.4 A., B., C., I., N. and O. waived per Section 21.4 T. Sulka seconded the motion. The motion carried unanimously.

## 2. Public Hearing – SLU/SPR for Residential Accessory Building (Gordon)

The next matter to come before the Planning Commission was consideration of the request by James D. Gordon for special land use permit/site plan review for the proposed construction of a residential accessory building on a vacant lot that fails to meet the rear yard lot coverage requirements. The subject property is located at 2198 Midlake Drive and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the request, noting the following:

- The existing 960 sq ft house on the subject site is proposed to be demolished.
- A 1143 sq ft accessory building is proposed to be situated on the vacant lot, partially using the foundation of the demolished house.
- The subject site is small; the existing house currently exceeds the 20% maximum lot coverage standard applicable to principal buildings. (31.4% lot coverage exists)

- The proposed accessory building will exceed the 10% maximum rear yard lot coverage standard applicable to accessory buildings. (43.7% rear yard lot coverage proposed)
- The property is provided frontage on Midlake Drive; vacant property is adjacent to the rear property line.
- The proposed accessory building will comply with all applicable setback and building height requirements.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Gordon Lucas, project contractor, was present on behalf of the application. He explained that the proposed accessory building will serve the residence located opposite the site (2172 Midlake Drive), noting that 2172 Midlake Drive is not currently provided a garage. Lucas stated that the accessory building is proposed for vehicle and residential storage. He also corrected that the existing house is actually greater in area than 960 sq ft if the deck is included, indicating that the proposed accessory building will have a smaller footprint than the existing house. Lucas opined that the proposed use of the site for an accessory building will differ little in impact from its existing use as a home site.

In response to questions, Lucas advised that the ‘laundry/bath/bonus room’ noted on the floor plan will only be roughed-in. Future use will be subject to Township approval. He confirmed that the well and septic that currently serve the house will also serve the proposed accessory building.

Lengthy Planning Commission discussion ensued regarding the ownership and arrangement of surrounding properties; the distinction between a ‘principal building’ and an ‘accessory building’; a ‘guest house’ vs. the proposed inclusion of a laundry/bath/bonus room in the accessory building; and, the relationship of the subject site and proposed accessory building to the principal building site.

Mary Carol Wilkins, a neighboring property owner, questioned how the Zoning Ordinance addressed accessory use of vacant property.

Chairperson Lauderdale then referenced a letter received by Jim Miles expressing opposition to the requested approval.

No further 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 applicable setback and height requirements but will exceed the rear yard lot coverage standard and fail to comply with locational requirements (vacant lot). The following was also noted:

- the proposed accessory building is allowable as a special land use;
- the proposed accessory building addition is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed for accessory residential use;
- 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 use of the property will continue to be residential; the proposal will allow for increased on-site parking in an area where the road is narrow; construction will require minimal site disturbance or change existing land cover thereby having limited impact on the natural environment or existing storm water drainage patterns; buildings in the area are largely nonconforming while the proposed accessory building will comply with applicable setback and height requirements and be smaller in size; the proposed accessory building will be in character with the general neighborhood and will not adversely affect public services or facilities serving the area; the proposed accessory building will be served by existing facilities and will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood; and, the proposal meets the standards of Section 18.4D.

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.

Moore referenced current congestion levels in the area and expressed concern with such a large deviation from the lot coverage requirement. Markillie agreed, noting an acceptance of the previous overage in lot coverage as an acceptable benchmark but an objection to an increase in building mass in such a close and congested area.

Bekes offered that the proposed use of the property as accessory is less intensive than the previous use and that the proposed building will be provided increased setbacks and an improved off-street parking arrangement . . . which would not seem to increase congestion in the area.

Chairperson Lauderdale 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, noting that the site plan presented is acceptable, with the information

required by Section 21.4 A., B. and N. waived per Section 21.4 T., and subject to the following conditions:

1. The proposed accessory building is recognized as serving the principal building (residence) located at 2172 Midlake Drive.
2. The proposed accessory building is approved only for residential storage.
3. Kalamazoo County Health Department approval of the well and septic systems proposed to serve the accessory building.

Snyder seconded the motion. The motion carried 6 – 1, with Moore dissenting.

### 3. Public Hearing – Zoning Ordinance Amendments

#### Section 2.2 – Definition of Terms

- *Yard, Front-Rear-Side*
- *Yard Diagram*

#### Article 15 – Schedule of Lot, Yard and Area Requirements

- *Add Footnote #14 – minimum rear yard for principal buildings*
- *Add Footnote #14 – minimum rear yard for accessory buildings*
- *Add Footnote #15 – rear yard lot coverage for accessory buildings*

#### Section 18.4E. – Accessory Uses and Accessory Buildings/Structures

Chairperson Lauderdale opened the public hearing. He gave an overview of the proposed amendments, noting that the Planning Commission had had extensive discussions on the draft text in previous meetings.

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

Snyder moved to recommend approval by the Township Board of the proposed amendments to the Ross Township Zoning Ordinance as set forth in the April 22, 2019 Public Hearing Notice. Bekes seconded the motion. The motion carried unanimously.

### 4. Public Hearing – Zoning Ordinance Amendment

#### Section 16.1 B. – Limitations on All Land and Structures

- *Allow more than 1 principal use/parcel, except SF and 2F dwellings*

Chairperson Lauderdale opened the public hearing. He gave an overview of the proposed amendment, noting that the Planning Commission had had extensive discussions on the draft text in previous meetings. In response to questions, he confirmed that the proposed amendment does not change the number of dwelling units allowed per parcel.

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

Bekes moved to recommend approval by the Township Board of the proposed amendment to the Ross Township Zoning Ordinance as set forth in the April 22, 2019 Public Hearing Notice. Snyder seconded the motion. The motion carried unanimously.

## UNFINISHED BUSINESS

### 1. 2018-2019 Planning Commission Annual Report

Chairperson Lauderdale stated that the Annual Report had been reviewed at the March meeting. In response to questions, Attorney Thall noted (in reference to Item #7) that there likely will not be a MI Model Sign Ordinance in the near future and that it would be appropriate that the draft sign ordinance initially prepared by Harvey instead be moved forward for review.

Sulka then moved to accept the 2018-2019 Planning Commission Annual Report, with the noted revision to Item #7. Bekes seconded the motion. The motion carried unanimously.

Sulka asked that the Report be available for the upcoming Joint Township Board/Planning Commission meeting.

### 2. ZO Text Amendments – Section 18.4 D./Section 19.3

Harvey presented draft text that would modify the submittal requirements for an accessory building requiring special land use permit (Section 18.4 D.) and amend the Special Land Use Criteria set forth in Section 19.3.

She stated that Section 18.4 D. 4. currently requires a special land use accessory building proposal to meet the site plan submittal requirements of Article 21. Harvey noted that these site plan content requirements are very detailed and largely intended to apply to principal development proposals. As such, it requires both the Zoning Administrator and Planning Commission to review and waive each requirement that doesn't apply to an accessory building proposal seeking a special land use permit.

Harvey referenced the draft text and noted that the proposed amendment to Section 18.4 D.4. removes the reference to the site plan submittal requirements of Article 21 and instead provides a list of required information specific to an accessory building proposal. She commented that the proposed amendment will provide better direction to applicants in the preparation of the site plan; reduce the time/effort by staff and the Planning Commission in determining the completeness of the site plan; and, improve the ability to obtain a site plan that includes the necessary data. Largent shared that AGS has been using a site plan content list similar to that proposed for codification to guide applicants in developing site plans that have the essential information. She agreed that the proposed amendment will remove the need for AGS and the Planning Commission to waive unnecessary site plan content requirements during each review.

Harvey then presented proposed amendments to Section 19.3 – Criteria for Decision designed to collapse and clarify the nine special land use standards. Attorney Thall agreed that modification of Section 19.3 was in order and would serve to streamline the special land use permit reviews.

Planning Commission discussion ensued regarding the proposed amendments and the special land use approach/process in general. It was agreed that the proposed amendments would give better direction to applicants in the preparation of a site plan and may improve understanding of the special land use approval process. It was noted that continued review of the draft text would be scheduled for the next Planning Commission meeting.

#### REPORT FROM TOWNSHIP BOARD

Sulka gave a brief update on the matters under consideration by the Township Board, including the approval of improvements to the Park.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals did not meet in April, 2019.

#### PUBLIC COMMENT

No public comment was offered.



MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale reminded members of the Joint Township Board/Planning Commission meeting scheduled for May 20, 2019 at 6:30 p.m.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:24 p.m.

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