

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
October 24, 2022**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale
 Michael Bekes
 Mark Markillie
 Steve Maslen
 Michael Moore
 Pam Sager
 Sherri Snyder

Absent: None

Also Present: Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **September 12, 2022** special Planning Commission meeting minutes. Bekes moved to approve the minutes as presented. Moore seconded the motion. The motion carried unanimously.

The Commission then proceeded with consideration of the **September 26, 2022** regular Planning Commission meeting minutes. Moore moved to approve the minutes as presented. Sager seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Residential Accessory Building (Gull Lake Island)

The next matter to come before the Planning Commission was consideration of the request by 1st Choice Services LLC, on behalf of Loren and David Waddington, for special land use permit/site plan review to construct a 729 sq ft residential accessory building and guest house that fails to meet the setback and lot coverage standards. The subject property is located at 391 Gull Lake Island and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Scott Cleveland, project contractor, was present on behalf of the application. He provided an overview of the application, noting the following:

- The original proposal was for a 27 ft x 27 ft (729 sq ft) accessory building . . . but the building size has been reduced to 20 ft x 27 ft (540 sq ft).
- The maximum rear yard lot coverage allowed is 10%; the original building size proposed a rear yard lot coverage of 15.8% . . . but the reduced building size results in a rear yard lot coverage of 11.7%.
- A 5 ft rear setback is proposed where before there was an encroachment; a 20 ft rear setback is required.
- Building height, overall lot coverage, and remaining setback requirements are met . . . along with all applicable ‘guest house’ requirements.

A neighboring property owner stated that the subject site is adjacent to association-owned property and that the proposed accessory building location will not impact views.

Snyder referenced two (2) letters of support received from residents of Gull Lake Island.

In response to Commission questions, Cleveland explained that there is inadequate area in the rear yard to locate the proposed accessory building in compliance with the 20 ft rear setback requirement . . . unless it were attached to the residence.

He further provided confirmation that the proposed building size and lot coverage have been reduced and that the ‘guest house’ is intended for use only by ‘guests’ of the family. The remainder of the accessory building is proposed for personal residential storage.

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. The following was noted:

- the accessory building is proposed to be located in excess of 5 ft from all lot lines;
- the accessory building is proposed as a ‘guest house’ and for personal residential storage;
- 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:

- a. The proposal meets the ‘guest house’ use standard and the accessory building standards of Section 18.4 D., with the exception of rear yard lot coverage and rear setback requirements.
- b. Regarding impact on the natural environment, minimal disturbance to on-site land cover and adequate separation from the waterfront is proposed.
- c. The proposed accessory building can be adequately served by on-site utilities;
- d. Regarding compatibility with adjacent uses, it was recognized that the adjacent property to the rear is undeveloped association-owned property; the proposed building represents the replacement of an existing building . . . with limited change in existing conditions, except the removal of the existing rear lot line encroachment; the building is proposed for residential use; and, support from several neighboring property owners has been received.
- e. The general area is rural-residential in character and there are similarly-situated accessory buildings on nearby properties.

It was noted that the site plan presented was acceptable (per Section 18.4 D.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 representations made by the applicant at the meeting.

Chairperson Lauderdale moved to grant Special Land Use Permit/Site Plan Approval for the proposed construction of a 20 ft x 27 ft (540 sq ft) accessory building and ‘guest house’ with a 5 ft rear setback and 11.7% rear yard lot coverage. Approval is granted 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.

Bekes seconded the motion. The motion carried unanimously.

2. Viewshed Protection

Harvey referenced the memo on ‘viewshed protection’ dated October 24, 2022, prepared in response to Planning Commission direction at the October 11, 2022 special meeting.

She provided an overview of the memo, noting that Page 1 cites existing Zoning Ordinance provisions related to ‘viewshed protection’ and Page 2 sets forth proposed amendments to Section 17.3 in response to Planning Commission ideas generated on October 11, 2022.

For context, Bekes provided an update on the Township Board’s recent discussion regarding ‘structures’. He advised that they have expressed support for removing ‘structures’ from being subject to building setback requirements, except on waterfront lots, where they support the application of waterfront and side setback requirements to ‘structures’. He feels the proposed amendment to Section 17.3 codifies that position.

Moore questioned if it was fair to selectively apply the setback requirement to structures.

Sager stated that waterfront property is unique in that 1) what happens in the ‘front yard’ affects both a valuable viewshed (the lake) and impacts the shoreline and water quality, and 2) what happens in the ‘side yard’ on waterfront lots that are often very narrow affects safety and accessibility.

Snyder and Maslen expressed concern that the proposed subsection D. was too restrictive and would discourage ‘front yard’ landscaping and shoreline vegetative buffers, as well as call into question existing trees that exceed the standards.

Lengthy discussion then ensued regarding potential revisions to subsection D. to address all noted concerns. Upon consensus of identified revisions, Harvey was directed to revise subsection D. to reflect the agreed upon revisions and to prepare draft text identifying the remaining amendments required to remove ‘structures’ from the setback requirements. It was noted that the draft text would be scheduled for consideration by the Planning Commission at the special meeting on November 14, 2022.

3. Condominium Standards

Harvey referenced the memo on ‘regulation of site condominiums’ dated October 24, 2022, prepared as requested by the Planning Commission.

She provided an overview of the memo, highlighting the discussion of ‘what is a site condominium’ and reviewing suggested amendments to the Zoning Ordinance to improve the regulation of site condo developments in the Township.

Planning Commission members indicated they found the memo on the subject helpful. Bekes stated that the Township Board also wanted the design standards applicable to multiple-family dwellings reviewed and improved. The Planning Commission agreed to place that matter on the November 28, 2022 meeting agenda.

UNFINISHED BUSINESS

Chairperson Lauderdale stated that both Unfinished Business Items, medical marihuana caregivers and development agreements, are scheduled for public hearing at the November 14, 2022 special Planning Commission meeting.

REPORT FROM TOWNSHIP BOARD

Bekes reported on the Township Board's continued discussion regarding the expenditure of ARPA funds in the Township and work on the development of a Motor Vehicle Code Ordinance.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA met on October 12, 2022 and considered variance requests for an expansion of a nonconforming building and from the rear setback requirement on a waterfront lot. Both variances were granted based on the findings of the Board under Section 23.8 A. - #1, #3 and #6.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale advised that he will be stepping down from the Planning Commission at the completion of his term on December 31, 2022. He suggested that the responsibilities of the Chairperson be delegated to the Vice Chair (or the member who volunteers) from January through March, the month the Planning Commission elects the new Chair, Vice Chair, and Secretary.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:55 p.m.

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