

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
November 28, 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
Pam Sager
Sherri Snyder

Absent: Michael Moore

Also Present: Bert Gale, Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **October 11, 2022** special Planning Commission meeting minutes and the **October 24, 2022** regular Planning Commission meeting minutes. Bekes 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 (Foster)

The next matter to come before the Planning Commission was consideration of the request by Marshall and Sandra Foster for special land use permit/site plan

review to construct a 700 sq ft residential accessory building that fails to meet the maximum building eave height and rear yard lot coverage standards. The subject property is located at 13161 East D Avenue and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

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

- Applicant proposes the construction of a 20 ft x 35 ft (700 sq ft) accessory building (carport) in the rear yard of the subject property.
- The maximum building eave height allowed is 10 ft; the building eave height proposed is 12 ft.
- The maximum rear yard lot coverage allowed is 10%; the rear yard lot coverage proposed is 11.5%.
- Building setback and overall building height and lot coverage requirements are met.

Marshall Foster was present on behalf of the application. He explained that the carport is proposed to provide shelter for a motor home, necessitating the need for the 12 ft eave height. He confirmed that a pole barn and wood shed are currently located in the rear yard and that the carport is proposed to be located in the northwest corner of the site, in general alignment with the existing accessory buildings.

In response to questions, Foster stated that the carport will not be located on a foundation, and shared that he hoped to construct the carport yet this winter to prevent any further weather damage to his motor home.

He added that he would prefer a 3 ft rear yard setback if possible, noting that the adjacent neighbors do not object. Gale advised that Section 18.4 requires a minimum 5 ft setback, which would indicate that a variance from the ZBA would be required to allow a 3 ft setback.

Township Attorney Thall noted that per Section 18.4D.3., an accessory building approved by the Planning Commission is not eligible for variance relief from any dimensional requirement by the ZBA. He advised that compliance with the 5 ft setback requirement would be appropriate. Foster agreed to meet the 5 ft rear yard setback requirement as proposed in the application.

Sager noted that the application diagram reflected 20 ft x 32 ft building dimensions, different than represented in the presentation. Foster noted that the 32 ft dimension is incorrect and the drawing should be revised to reflect 35 ft.

Chairperson Lauderdale referenced three (3) letters of support received from neighboring residents.

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 at least 5 ft from all lot lines;
- the accessory building is proposed for personal residential storage (parking of motor home);
- 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 accessory building standards of Section 18.4 D., with the exception of building eave height and rear yard lot coverage requirements. Compliance with the overall building height and lot coverage requirements was noted.
- b. Regarding impact on the natural environment, minimal disturbance to on-site land cover will result given the proposed location of the carport, the lack of a foundation, and no proposed modifications to the existing driveway.
- c. The proposed carport does not require service by utilities;
- d. Regarding compatibility with adjacent uses, it was recognized that the proposed carport will result in a minimal change of existing conditions; the carport is proposed for residential use by the applicant; the carport is proposed to be located in the rear yard in compliance with setback requirements; and, support from three neighboring property owners has been received.
- e. The general area is rural-residential in character and there are similarly-situated accessory buildings of comparable height 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 35 ft (700 sq ft) accessory building (carport) with a 12 ft eave height and 11.5% 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. Multiple Family Standards

Harvey referenced draft text dated November 28, 2022 prepared in response to Planning Commission request for a review of the existing standards specific to multiple family developments set forth in Section 8.5.

She provided an overview of the draft text, noting suggested updates and explaining alternative standards that may be of interest.

Lengthy Planning Commission discussion of the draft text ensued, wherein the following was noted:

- The revised outdoor lighting standards is preferred.
- There is general support for removing the requirement to provide an outdoor storage lot within a multiple family development.
- Though subsection 14 establishes operational standards not typically found in a zoning ordinance, there was support for keeping it to improve the ability for enforcement and to provide guidance on prospective development agreement issues.

Markillie suggested that a more comprehensive review of the R-3 District is warranted. Namely, the district fails to allow for higher density single-family development options, which could be argued is more appropriate for the R-3-zoned property in the Township than multiple family development.

3. Viewshed Protection/Structures

Harvey referenced draft text related to ‘structures’ dated November 28, 2022 and provided an overview of the Zoning Ordinance amendments necessary to remove ‘structures’ from being subject to the dimensional requirements of Article 15, except on waterfront lots, where the application of the dimensional requirements to ‘structures’ is supported.

General discussion of the draft text ensued. Markillie stated that he is interested in the Township Attorney’s opinion regarding the proposed amendment to Section 17.3 and the outlined amendments regarding ‘structures’. He expressed concern with the possible unintended consequences of the changes being considered.

Harvey was directed to combine the draft revisions to Section 17.3D. and the proposed amendments related to ‘structures’ into a single document for continued discussion in January, with feedback from Township Attorney Thall.

4. Condominium Standards

Chairperson Lauderdale noted that the proposed amendments to the Zoning Ordinance to improve the regulation of site condominium developments in the Township were discussed at the October 24, 2022 and November 14, 2022 meetings.

Township Attorney Thall reported that he had reviewed the draft text and found it to be in order. Sager noted that the text should be revised to reference the Township’s ‘Subdivision Development Ordinance’ instead of ‘Subdivision Control Ordinance’.

It was agreed that the draft text would be modified as noted and scheduled/noticed for public hearing at a special meeting on December 19, 2022.

5. 2023-2023 PC Budget

Chairperson Lauderdale referenced and provided an overview of the PC Budget Request for FY 2023-2024 and the PC Expenditure Report for 2022-2023.

Bekes noted that the Township Board supports the extra meetings required to move forward on priority agenda items and a budget that reflects an additional three meetings . . . or a total of 14 meetings, for the year. Snyder expressed concern with a standard schedule that involves two meetings/month.

The Commission then conducted a line-item review and identified amounts for each line item in the 2023-2024 budget. Confirmation from AGS, Harvey, and Attorney Thall regarding the adequacy of the budgets for the professional service line items was also noted.

Bekes stated that he will proceed working with the Township Board on the budget with the comments provided in mind.

UNFINISHED BUSINESS

Chairperson Lauderdale stated that no Unfinished Business items were scheduled for consideration.

REPORT FROM TOWNSHIP BOARD

Bekes reported on the Township Board's discussion/action regarding 1) the new contract for the police chief; 2) future extension of water service into the Township; 3) Trustee Sulka's proposal to advertise/announce the public hearing on the proposed 'viewshed protection/structures' text amendments; 4) the Township's credit card policy; and, 5) the November 29, 2022 special Township Board meeting scheduled to consider the 'medical marihuana caregiver' and 'development agreement' text amendment recommendations.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA did not meet in November.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale reminded that he will be stepping down from the Planning Commission at the completion of his term on December 31, 2022 and that the responsibilities of the Chairperson need to be delegated for the period of January through March, until the Planning Commission elects new officers.

It was agreed that Snyder, as Vice Chair, would serve as Acting Chairperson during the period of January through March, 2023.

The Planning Commission members individually expressed their thanks to Chairperson Lauderdale for his service to the Township and valuable leadership to the Commission.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:40 p.m.

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