

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
January 23, 2023**

CALL TO ORDER/PLEDGE

Chairperson Snyder 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 Snyder
Michael Bekes
Mark Markillie
Steve Maslen
Pam Sager
Mary Stage

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 **November 28, 2022** regular Planning Commission meeting minutes. Bekes moved to approve the minutes as presented. Sager seconded the motion. The motion carried unanimously.

The Commission proceeded with consideration of the **November 14, 2022** special Planning Commission meeting minutes. Bekes moved to approve the minutes as presented. Stage seconded the motion. The motion carried unanimously.

The Commission proceeded with consideration of the **December 19, 2022** special Planning Commission meeting minutes. Sager moved to approve the minutes as presented. Markillie seconded the motion. The motion carried unanimously.

NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Jamie and Jalynn Schnurr for special land use permit/site plan review to construct a 4557 sq ft residential accessory building that fails to meet the lot coverage standards. The subject property is located at 4362 East Gull Lake Drive and is within the R-R District.

Chairperson Snyder advised that she will be abstaining from consideration of this request due to a conflict of interest. Motion by Bekes, seconded by Sager, that Markillie serve as Acting Chairperson during consideration of the Schnurr request. The motion carried unanimously.

Acting Chairperson Markillie opened the public hearing

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

- The subject property is a 3-acre site bisected by East Gull Lake Drive.
- The portion of the site on the southwest side of the road (1.35 acres) is within the R-1 District and is occupied by the principal building (single-family dwelling).
- The portion of the site on the northeast side of the road (1.63 acres) is within the R-R District and is the location of the proposed accessory building.
- Pursuant to Section 16.1, *'when a single lot is divided by a public street/private road, the divided portions of the lot shall be treated as a single lot in the application of the use limitations of the District.'* Accordingly, use of the portion of the lot on the northeast side of the road for a building accessory to the existing principal building on the portion of the lot on the southwest side of the road is allowed.
- Section 16.1 further requires that *'the divided portions of the lot shall be treated as separate lots in the application of lot coverage, setback, and rear yard requirements.'*
- The maximum lot coverage allowed for the 1.63 acres on the northeast side of the road is 5% (R-R District); the proposed 4557 sq ft accessory building will result in a lot coverage of 6.96%.
- The proposal complies with all other applicable requirements.
- The request is similar to the Guzy accessory building proposal recently considered and approved by the Planning Commission on property adjacent to the site.

In response to a question, Gale confirmed the 6.96% calculation to be correct given the definition of 'lot area' in the Ordinance.

Pat Lennon, attorney, was present on behalf of the application. He confirmed the elements of the proposal outlined by Gale, reiterating that the proposal only requires a lot coverage waiver of 1.96% and complies with all other applicable requirements. He raised the following:

- A lot coverage standard is not intended to regulate building size, but rather to preserve open space, protect viewshed, and, affect the on-site' experience'. A building proposal should be reviewed in light of those objectives.
- The proposed accessory building is well-designed; is located so as not to interrupt the continuity of the site or block the viewshed; and, will include extensive on-site landscaping.
- A single building is proposed, avoiding a checker-board use of the site by several accessory buildings.
- The proposed building is in scale with the size of the site and buildings on surrounding properties.
- The accessory building of similar size on the adjacent lot was allowed a lot coverage of 12%.
- The proposed accessory building will be used for personal residential storage and personal recreational use.
- The proposal meets the objectives of the lot coverage standard, as well as all other standards applicable to an accessory building and the special land use criteria.

Lennon further referenced a letter of support provided by the adjacent property owner. (Guzy)

In response to questions, Lennon confirmed that on-site utilities will be located underground; the accessory building will be provided a private well and public sewer connection separate from the principal dwelling; and, the accessory building will not be used for commercial purposes or as a dwelling.

Ron Flax, neighboring property owner, stated that he would prefer if the proposed accessory building was located the same distance from the roadway as the large accessory building on the adjacent site. Gale noted that the Guzy building was approved with a 99 ft front setback.

Lennon noted that a 50 ft front setback is required in the R-R District and that a 63 ft setback is proposed. He advised, however, that the applicant is willing to consider the requested alignment.

Chairperson Markillie referenced the letter of support received from Guzy, the adjacent property owner.

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 for personal residential storage and recreational use; further, the applicant has confirmed that the accessory building will not be used as a ‘dwelling’ or for commercial activities . . . nor can it be separated from the principal dwelling;
- 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, noting the utility and off-site building height information provided by the applicant in the presentation.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following:

- a. The proposal meets the standards of Section 18.4 D., with the exception of rear yard lot coverage.
- b. Regarding impact on the natural environment, the subject site is not a waterfront lot; the proposal exceeds all setback requirements; and, an extensive landscape plan is proposed.
- c. The proposed accessory building will be adequately served by on-site utilities;
- d. Regarding compatibility with adjacent uses, it was recognized that the proposed building is similar in size to the building on the adjacent site and located in excess of required building setbacks; the proposal includes extensive landscaping; the building is proposed for residential use; and, support from ~~several~~ neighboring property owners has been received.
- e. The request for building alignment was noted, but it was recognized that the proposed building location exceeds the 50 ft minimum setback and poses no safety issues.

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.

Maslen moved to grant Special Land Use Permit/Site Plan Approval for the proposed construction of a 4557 sq ft accessory building on the portion of the subject site on the northeast side of the road with a 6.96% 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, and subject to the following conditions:

1. The proposed accessory building is approved for use for personal residential storage and recreation associated with the principal dwelling and may not be used as a 'dwelling' or for commercial activities, nor separated from the site of the principal dwelling.
2. The proposed accessory building may be relocated to align with the Guzy accessory building located on the adjacent lot at the discretion of the applicant. Such a proposed relocation shall require submission of a revised site plan for review/approval by the Township Zoning Administrator.

Sager seconded the motion. The motion carried unanimously

UNFINISHED BUSINESS

1. Multiple Family Standards

Chairperson Snyder 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 noted that an overview of the draft text had been provided by Harvey in November and a lengthy review discussion had occurred.

In continued discussion of the draft text, the following was noted:

- Note the MF standards as subsection A. of Section 8.5
- Revise subsection A.9. to note the Planning Commission may require sidewalks on both sides of the interior drive from a public street.
- Support the revision to Subsection A.13. . . as proposed.

Bekes moved that the draft text be revised as noted and the proposed amendment be scheduled for public hearing at the February meeting. Sager seconded the motion. The motion carried unanimously.

2. Viewshed Protection/Structures

Chairperson Snyder referenced draft text related to 'structures' dated November 28, 2022 and noted that following discussion in November, Harvey was directed to combine the draft revisions to Section 17.3D. and the proposed amendments related to 'structures' into a single document (January 23, 2023 draft) for continued discussion in January, with feedback from the Township Attorney.

The Planning Commission conducted a page-by-page review of the new draft. Markillie expressed continued concern with removing 'structures' from Article 15 and not subjecting them to any setback standards. Attorney Thall agreed that

removing all 'structures' from compliance with setback standards may not be the best answer.

Lengthy discussion was held again regarding the definition of 'structure'; on what basis should 'structures' subject to setback requirements be distinguished; and the appropriate role of the ZBA in addressing questions that may arise through these distinctions.

Harvey suggested consideration of an approach that leaves the current regulatory framework for 'structures' intact, and instead adds a provision that identifies those 'structures' that 'may project into a required setback.' Planning Commission members expressed support for this approach, noting that it has the potential to address all of the issues raised to date. General discussion ensued as to what 'structures' should be allowed to encroach.

Harvey was directed to revise the draft text in response to the Planning Commission's discussion for review in February.

REPORT FROM TOWNSHIP BOARD

Attorney Thall reported that the Township Board has reviewed the recommended text amendment regarding development agreements and has indicated a desire for the Township Board to have more input into the development agreement drafting process. To that end, the matter will be returned to the Planning Commission for further consideration.

It was agreed that Attorney Thall and Harvey would work together to develop amended text for Planning Commission consideration in February.

Bekes then raised the question about Planning Commission representation on the Zoning Board of Appeals. He requested clarification on how the seat left vacant by former Planning Commission member Lauderdale should be filled. Attorney Thall clarified that the Planning Commission representative on the ZBA is not required to be the Planning Commission Chair, nor would it be a problem for the Township Board representative to the Planning Commission to serve as the Planning Commission representative to the ZBA.

Bekes expressed a willingness to serve as the Planning Commission representative to the ZBA. Planning Commission members expressed support.

REPORT FROM ZONING BOARD OF APPEALS

Gale reported that the Zoning Board of Appeals met on January 4, 2023 whereat they considered and granted requests for:

- 1) Variance approval from the front setback requirement for the reconstruction of a deck. (Burlington Drive)
- 2) Variance approval from the waterfront and side setback requirements for the reconstruction of a retaining wall. (Gull Lake Drive)
- 3) Variance approval from the waterfront and rear setback requirements for the construction of a residence. (Midlake Drive)

PUBLIC COMMENT

Connie Lavender noted that she found the discussion on 'structures' very interesting and supported the findings/conclusions noted by the Planning Commission.

She also noted that the parties associated with the Schnurr request privately voiced their appreciation for how responsive the Planning Commission was to both the applicant and the neighboring property owner in the consideration of the request.

No further public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Bekes advised he will be absent for the February Planning Commission meeting.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

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