

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
March 27, 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  
Steve Maslen  
Michael Moore  
Pam Sager  
Mary Stage

Absent: Mark Markillie

Also Present: Nick Keck, AGS – Township Zoning Administrator  
Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

Chairperson Snyder requested the removal of Agenda Item 5.(2) – public hearing for Jones SLU/SPR application, noting the item intends to be re-noticed for a future meeting. The agenda was approved as amended.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **February 27, 2023** regular Planning Commission meeting minutes. It was noted that the second full paragraph on page 5 should be revised to reference March instead of April. Moore moved to approve the minutes as modified. Stage seconded the motion. The motion carried 5-0, with Bekes abstaining.

NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Robert Essex for special land use permit/site plan review to construct a 2520 sq ft residential accessory building forward of the principal building (in the front yard). The subject property is located at 6862 N. 44<sup>th</sup> Street and is within the R-R District.

Chairperson Snyder opened the public hearing.

Keck provided an overview of the application, noting that the proposed accessory building meets all applicable setback, height and lot coverage requirements but is proposed to be located forward of the dwelling on the site, or in the front yard. Pursuant to Section 18.4 D., the proposed accessory building location is allowed only as a special land use.

Robert Essex was present on behalf of the application. Referencing the plot plan submitted, he highlighted the following:

- The subject property is 67 acres in area.
- The accessory building is proposed to be set back 160 ft from 44<sup>th</sup> Street . . but in that the existing dwelling on the site is setback further than 160 ft, the accessory building location is in the ‘front yard’.
- The grade change that exists to the rear of the existing dwelling limits the ability to located the accessory building in the rear yard.
- The proposed accessory building location is approximately 450 from side property lines, and greater than 600 ft from the nearest adjacent dwelling.
- The proposed location meets the intent of the front yard limitation in that adequate separation will be provided and existing on-site vegetation will limit visibility from the abutting roadway and adjacent properties.
- The proposed accessory building will be of pole barn construction and used for the storage of farm equipment and as a personal workshop; no commercial use is proposed.

In response to questions, Essex confirmed that underground electric service will be installed; no living space is proposed; and the building exterior will match the existing house.

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. 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 storage and workshop use; further, the applicant has confirmed that the accessory building will not be used as a 'dwelling' or for commercial activities;
- 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 that the few items of information missing from the plot plan were adequately 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 front yard location.
- b. Regarding impact on the natural environment, the subject site is large (67 acres) and is not a waterfront lot; the proposed building location far exceeds all setback requirements; no new driveway is proposed; and, limited grading and removal of vegetation 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 subject site is 67 acres in area; the proposal provides more than adequate separation and buffering from adjacent properties/dwellings and the abutting roadway; the building is proposed for residential accessory use; and, no comments from neighboring property owners were offered.
- e. Regarding consistency with public safety and general welfare, it was recognized that the proposed building location far exceeds minimum setback requirements and that the existing driveway/parking arrangement will remain unchanged.

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 2520 sq ft accessory building to be located forward of the principal building (in the front yard) on the subject 67-acre site. 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. 2022-2023 PC Annual Report

Chairperson Snyder provided an overview of the draft 2022-2023 Annual Report distributed in February. Bekes inquired as to the inclusion of March agenda items/decisions into the Annual Report. Chairperson Snyder confirmed that, if accepted, the draft Report will be updated per the results of this meeting and then presented to the Township Board in April.

Bekes moved to accept the 2022-2023 Annual Report and 2023-2024 Work Plan as presented, with the addition of the results of this meeting. Sager seconded the motion. The motion carried unanimously.

3. 2023-2024 PC Meeting Schedule

Bekes moved to adopt by resolution the proposed 2023-2024 Planning Commission Meeting Schedule. Stage seconded the motion. The motion carried unanimously

4. Election of Officers

Bekes moved the nomination and election of Moore as Planning Commission Chairperson for the 2023-2024 fiscal year. Stage seconded the motion. The motion carried unanimously.

Moore thanked the Commission for the opportunity to serve the Commission as its Chairperson.

Moore moved the nomination and election of Snyder as Vice Chair for the 2023-2024 fiscal year. Stage seconded the motion. The motion carried unanimously.

Bekes moved the nomination and election of Sager as Secretary for the 2023-2024 fiscal year. Moore seconded the motion. The motion carried unanimously. It was noted that the Planning Commission Bylaws authorize the use of a recording secretary.

Commission members thanked Snyder for very effectively serving as the Chairperson since January.

5. Viewshed Protection/Structures

Chairperson Snyder reminded that in January there was Planning Commission consensus to consider 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.' The Planning Commission further agreed as to what 'structures' should be allowed to encroach.

She noted that following Planning Commission consideration of revised draft text in February, the following additional revisions were requested for review/discussion in March:

- The term 'permanent' should be deleted from the definition of 'structure'.
- Revise proposed Section 17.3 D. to refer to 'lake lots' instead of 'waterfront lots'.
- Eaves troughs should be allowed to encroach into any yard.
- 'Ground mounted mechanical units' should not be subject to a height restriction to qualify for encroachment . . and should be required to be 'associated with the principal or accessory building on the site'.
- The reference to 'generators' should include 'and associated equipment'.

Harvey provided an overview of the revised draft text dated March 27, 2023. Snyder commented that she found the 'text box' in Section 17.3 very helpful and suggested that it be retained. Bekes agreed but suggested that it be labeled so that it is clear that it is referencing definitions already established in Section 2.2 of the Ordinance. Moore stated that he found the March 27, 2023 draft text to be nicely done.

Moore then moved to accept the March 27, 2023 draft text as presented and schedule same for public hearing at the regular April Planning Commission meeting. Stage seconded the motion. The motion carried unanimously.

## 6. Development Agreements

Chairperson Snyder reminded that Attorney Thall had distributed draft revisions to the originally proposed Section 21.6 D. in February for Planning Commission consideration. He had explained that the draft revisions represent his thoughts on how to respond to the wishes expressed by the Township Board and that he is seeking feedback from the Planning Commission and Harvey. General discussion occurred in February, with agreement to continue the discussion at the March meeting.

Harvey stated that she had reviewed the draft text as requested and provided review comments to Attorney Thall. She noted initial thoughts on the need to retain the Sketch Plan Review option as a valuable review tool and highlighted various procedural clarifications.

Lengthy Planning Commission discussion ensued wherein the following was noted:

- There is support for retaining the Sketch Plan Review option in that it is a useful tool for an applicant and aids in communication/transparency in the development review process.
- A 'twist' on the Staff/Township Board review process outlined in the draft text was offered. . . that would look something like this:

When an applicant is in conversation with AGS regarding a development, and/or at such time as a site plan is submitted, the following steps would be taken:

- AGS informs the Supervisor about the proposed development and shares the details of the development and/or a copy of the site plan
- AGS would be available to answer any technical zoning questions about the proposal at that time . . . and to receive the Supervisor's comments
- the Supervisor could opt to provide feedback to AGS on the development on behalf of the Township Board . . . or, could schedule to present the development proposal and/or site plan to the Township Board for comment
- if presented to the Township Board, AGS would be available to answer any technical zoning questions . . . and to receive the Board's comments
- AGS would provide the Supervisor's/Township Board's feedback to the applicant . . . the applicant could respond w/ design modifications as desired
- the site plan would then be scheduled for Planning Commission review/action per the established process

It was noted that the meeting w/ the Supervisor could instead be a meeting w/ a Township Board committee of sorts, if that is preferred.

- This revised process would address concerns regarding the cost and delay that may be associated with involving all members of the professional staff in a preliminary review meeting, and still offers a process that affords Township Board comment on a development proposal. Further, the presence of AGS during this preliminary review would both provide the necessary zoning resource to the Township Board during the discussion and serve to establish the liaison between the Township Board and the applicant.
- There was general discussion about whether all projects should be subject to this process.

The Commission agreed to continue the discussion in April and requested that Harvey provide their thoughts to Attorney Thall for possible incorporation into the proposed text.

## UNFINISHED BUSINESS

Chairperson Snyder stated that no Unfinished Business is scheduled for consideration.

## REPORT FROM TOWNSHIP BOARD

Trustee Bekes provided a detailed overview of the issues considered and actions taken by the Township Board in February and March.

## REPORT FROM ZONING BOARD OF APPEALS

Chairperson Snyder reported that the ZBA did not meet in March.

## PUBLIC COMMENT

Tom Schultz stated that he was in attendance due to interest in the Jones SLU/SPR application (Delmar Street) that was postponed. He posed questions related to the status of the application and the applicable review process.

No further public comment was offered.

## MEMBERS, CONSULTANTS, ADVISORS

No member/staff comment was offered.

## ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:02 p.m.

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