

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
September 25, 2023**

CALL TO ORDER/PLEDGE

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

Absent: None (1 vacant seat)

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

Chairperson Moore advised that Mary Stage was recently appointed to fill the open position as Township Clerk and so can no longer serve on the Planning Commission. He noted that the Township Board is currently working to fill the now vacant seat on the Planning Commission.

Mary Stage thanked the Planning Commission for the enjoyable opportunity to serve as a member. She expressed her appreciation and respect for the hard work of the Commission, and acknowledged the Planning Commission's consistent dedication to the residents of the Township.

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **August 28, 2023** regular Planning Commission meeting minutes. It was noted that the minutes should be corrected to

reflect that Pam Sager was absent. Bekes moved to approve the minutes as corrected. Chairperson Moore seconded the motion. The motion carried 5-0, Sager abstaining.

NEW BUSINESS

1. Public Hearing – SLU/SPR for ‘Guest House’ (Kiss)

The next matter to come before the Planning Commission was consideration of the request by Corby and Mindy Kiss for special land use permit/site plan review to convert an existing accessory building into a 468 sq ft ‘guest house’ with a garage. The subject property is located at 12111 South Sherman Lake Drive and is within the R-1 District.

Chairperson Moore opened the public hearing.

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

- The accessory building in question was converted to a duplex by the previous owners.
- The applicant, who resides on property opposite the subject site, has recently purchased the property and desires to use the accessory building as a ‘guest house’/garage.
- The applicant worked with the Township Assessor to ensure that the subject site was established lawfully through the applicable land division process.
- Pursuant to ZBA interpretation (in the early 2000’s), the subject site is considered ‘contiguous’ to the applicant’s site of principal residence across the street, which allows the subject site and the site of principal residence to be considered a single lot.
- Accordingly, a ‘guest house’ is allowable on the site as a special land use pursuant to Section 18.4 A.5.b., Zoning Ordinance.

Corby Kiss was present on behalf of the application. He stated that he is a 15-year resident of the Township and desires to use the accessory building for needed boat storage (first floor) and guest quarters for visiting family/friends (second floor).

In response to Commission questions, Kiss confirmed that the building is provided sewer (public), water (private) and electric service. He further noted that the subject site has been combined with his property across the street as a single tax parcel and that he understands a ‘guest house’ cannot be rented/leased for occupancy.

Gale explained that the site/accessory building will be inspected for existing building and zoning violations and compliance with applicable standards required.

Chairperson Moore stated that three letters of support from neighboring property owners had been received.

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 A.5.b. – ‘guest houses’. The following was noted:

- (1) – Given the applicant’s approved land division/combination involving his property of residence and the subject site . . . and the interpretation of the ZBA regarding ‘contiguosness’, the proposed ‘guest house’ will be located on a lot with an occupied single-family dwelling as the principal use.
- (2) – A portion of the accessory building is proposed to be used as a ‘guest house’, as allowed.
- (3) – The applicant notes that use of the ‘guest house’ will be solely by ‘out of town guests’ and will not be leased or rented for occupancy or other commercial purpose.
- (4) – The proposed renovations will result in compliance with the ‘guest house’ design requirements.
- (5) – The recent land division/combination has been determined to be in compliance with applicable requirements in Article 15.
- (6) – Only one ‘guest house’ is proposed on the site.

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

- a. The proposal, as presented by the applicant, meets the standards of Section 18.4 A.5.b.
- b. Regarding impact on the natural environment, the subject site is not a waterfront lot; the proposed building is existing; and, no expansion of the building or change to the site/land cover are proposed.
- c. The proposed accessory building will be adequately served by public and on-site utilities.
- d. Regarding compatibility with adjacent uses, it was recognized that the building is proposed for a lawful residential accessory use . . . which represents bringing the use of the building/site into compliance with the Ordinance; building improvements for aesthetic consistency with the principal residence are proposed; and, general support from neighboring property owners was offered.

- e. Regarding consistency with public safety and general welfare, it was recognized that the building location and 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.

Bekes moved to grant Special Land Use Permit/Site Plan Approval for the proposed use of the existing accessory building on the subject site as a ‘guest house’/garage. Approval is granted based upon the review findings of Section 18.4 A.5.b. – Residential Accessory Buildings/Structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, with specific reference to the following:

- 1) Approval is limited to use of the accessory building as a ‘guest house’/garage . . not as a ‘dwelling’; and
- 2) The ‘guest house’ shall not be leased/rented for occupancy or for any commercial purpose.

Markillie seconded the motion. The motion carried unanimously

UNFINISHED BUSINESS

Chairperson Moore stated that no Unfinished Business is scheduled for consideration. He noted that he did not feel the procedural issues discussed in August needed any further discussion by the Commission and so were not placed on the agenda, as originally suggested.

REPORT FROM TOWNSHIP BOARD

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

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that the ZBA met on September 6, 2023 and considered the following requests:

- Variance approval from the 30% lot coverage requirement – 2029 Idlewild Drive – granted
- Variance approval from the 25 ft rear (streetside) setback requirement on a nonconforming waterfront lot – 1445 Burlington Drive

Bekes noted that in consideration of the variance approval on the nonconforming waterfront lot, there was discussion regarding the method of application of Article 15 (Footnote 11) and Section 22.9 A. It was suggested that a review of these provisions by the Planning Commission may be in order.

PUBLIC COMMENT

Dominique Preston, a resident of East D. Avenue, explained he had been directed by the Township Office to share his concerns regarding tree removal activity related to the development of the Bluffs at Gull Lake. He presented a lengthy chronology of events regarding the removal of trees on the development site and concerns of off-site tree removal. He then provided the Commission with a written account of the events noted.

The Planning Commission explained their lack of authority regarding Zoning Ordinance enforcement, but noted that the Zoning Administrator was present and would respond to the complaints filed.

MEMBERS, CONSULTANTS, ADVISORS

No member/staff comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 6:52 p.m.

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