

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
October 23, 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  
Nick Keck, AGS – Township Zoning Administrator  
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 25, 2023** regular Planning Commission meeting minutes. Sager moved to approve the minutes as presented. Bekes seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Presentation by Gull Lake Quality Organization (GLQO)

The next matter to come before the Planning Commission was a requested presentation by GLQO regarding the work of the Organization and the status of on-going water quality-related efforts on Gull Lake.

Snyder introduced GLQO member Mike Gallagher, previous Board President and current Chair of the Water Quality Committee. She further referenced his recent involvement in the ‘Score the Shore’ project on Gull Lake.

Gallagher thanked the Planning Commission for the opportunity to communicate the work of the Organization and expressed support for the Township’s interest and current efforts in water quality protection.

He offered the following Gull Lake ‘facts’ for reference:

- 6800 ft of shoreline
- 110 ft depth at deepest point
- Approximately 725 homes/buildings on the waterfront
- 887 docks
- 2 public lake access points
- 4 semi-private lake access points
- 1 boat wash facility

Gallagher explained the Organization’s roots in addressing the water quality and lack of clarity of Gull Lake associated with the nutrients being discharged into the Lake prior to the extension of public sewer to the area. He noted the \$12 million sewer extension project was initially the primary purpose of the Organization.

He explained that since the extension of sewer to the area, clarity levels on Gull Lake now average 32.5 ft in depth in May and 7.5 ft in depth in August. He explained that improved water clarity is a leading factor for improved plant growth in the lake. For comparison, he noted the clarity levels on area lakes:

Torch Lake	44 ft/21 ft	
Mullet Lake	17.5 ft/13 ft	
Higgins Lake	50 ft/30 ft	
Gun Lake	14 ft/12.5 ft	
Sherman Lake	19.5 ft/5.5 ft	(numbers expected to increase in response to recent sewer extension project to the lake)
Little Long Lake	13.5 ft/11 ft	

Gallagher provided details on the Cooperative Lakes Monitoring Program (involving ~ 300 lakes, including Gull Lake) noting that the program serves to measure elements such as lake clarity, chlorophyl and phosphorous levels, temperature and the presence of aquatic vegetation at 3 depths . . these factors serving as solid indicators of lake quality.

He also provided an overview of the Score the Shore program initiated on Gull Lake in 2016. He explained that shorelines have great impact on water quality. The program seeks to measure existing shoreline conditions in 1000 ft sections, noting elements such as buildings, seawalls, vegetative buffer width, and a

vegetation inventory. Gallagher explained that Gull Lake did not receive a very good score in 2016, which is typical of a densely populated lake. He noted that the program will be completed again next year in order to gauge areas/levels of improvement.

Bekes inquired how the Planning Commission (or the Township administration, in general) could assist in the shoreline preservation effort. Gallagher explained that 'natural shoreline' educational material is prevalent and that the Township is likely in a good position to communicate that information to waterfront property owners prior to shoreline modifications.

In Planning Commission discussion, it was suggested that the referenced educational material could be obtained from GLQO and provided to property owners through the building permit application process. Bekes offered to present the idea to the Township Board for support.

Gallagher suggested the Township share this practice with the other communities with Gull Lake water frontage and that GLQO would be happy to assist in the supply and delivery of the educational material.

Bruce Snyder, Lakeshore Restoration Specialist, added that the Kellog Biological Station (KBS) has examples of natural shoreline techniques available for inspection. It was agreed that this should also be included as a resource to waterfront property owners.

In response to a question by Sager, general discussion ensued regarding the value and impact of the existing boat wash station on Gull Lake.

The Planning Commission thanked Gallagher for his presentation and his offers of time and assistance.

2. Article 15, Footnote 11 / Section 22.9 – Rear Setback Requirement on Waterfront Lot

Chairperson Moore explained that in a recent ZBA consideration of a rear setback variance request on a nonconforming waterfront lot, the ZBA suggested that Planning Commission review of Article 15 (Footnote 11) and Section 22.9 may be in order.

Harvey referenced the PC Memo: Rear Setback Requirement on a 'Lake Lot' dated October 23, 2023. She provided an assessment of the applicable Ordinance provisions, noting the key questions of clarity are as follows:

Article 15, Footnote 11 establishes the rear yard setback requirement for principal buildings/structures on a 'lake lot' to be *'the same as the required minimum front yard setback within the respective residential zoning district'*.

The ZBA acknowledged that, as phrased, Footnote 11 could be interpreted to mean either the required minimum front yard setback for a 'lake lot' as established by Section 17.3 . . which is 50 ft, or the required minimum front yard setback for a non-'lake lot' as established by Article 15 . . which is 35 ft – 50 ft.

The same question of clarity raised with Article 15, Footnote 11 was also raised with Section 22.9 A.2., which allows the generally applicable minimum rear setback requirement on a lawful nonconforming waterfront lot to be *'reduced in direct proportion to the percentage of reduction of the nonconforming lot area dimension from the required lot area dimension, not to exceed a maximum reduction of 50% . . with a rear setback to be no less than 20 ft'*.

The ZBA again acknowledged that, as phrased, Section 22.9 A.2. could be interpreted to mean either the allowed percent reduction of the rear setback requirement is based on the required minimum front yard setback for a 'lake lot' (50 ft per Section 17.3) or the required minimum front yard setback for a non-'lake lot' (35 ft - 50 ft per Article 15)?

The following amendment options were suggested:

- If the intent is to establish the same front (waterfront) and rear (streetside) setback on a waterfront lot (unless otherwise reduced due to nonconformity), modify as follows:

Article 15, Footnote 11 – *The required minimum rear yard for principal buildings and structures located on a 'lake lot', as defined in Section 2.2, shall be the same as the required minimum front yard setback. ~~within the respective residential zoning districts.~~*

It was noted that this approach would treat a 'lake lot' similar to how a 'double frontage lot' is regulated . . where no matter how many or what kind of 'frontages' exist on a lot (street or water), said frontage serves to designate that yard as a 'front yard' . . with corresponding front setback requirements.

- If the intent is to treat the 'front yard' (water frontage) and the 'rear yard' (streetside) of a 'lake lot' differently, modify as follows:

Article 15, Footnote 11 – *The required minimum rear yard for principal buildings and structures located on a 'lake lot', as defined in Section 2.2, shall be the same as the required minimum front yard setback **for a non-'lake lot'** within the respective residential zoning districts.*

It was noted that this will serve to reduce the rear (streetside) setback requirement for principal buildings from 50 ft (or more) to anywhere from 35 ft to 50 ft. The rear setback requirement for accessory buildings would remain 25 ft.

Maslen opined that Footnote 11 is intended to apply the front setback required from a street for a non-‘lake lot’ in the noted district as the rear setback on a ‘lake lot’ in that same district.

Markillie agreed that such an approach is both reasonable and desirable.

General discussion ensued regarding the observation that streetside setback requirements on ‘lake lots’ are reduced for accessory buildings whereas streetside setback requirements on non-‘lake lots’ are not reduced for accessory buildings, suggesting that perhaps it is not the intent to apply the ‘front setback required from a street on a non-‘lake lot’ as the rear setback on a ‘lake lot’.

Maslen reiterated his opinion on the intent of Footnote 11 and accordingly expressed support for the proposed amendment to Article 15, Footnote 11 set forth on page 3 of the PC Memo.

Planning Commission members agreed and requested that the proposed amendment be included with the revised ‘viewshed’ related amendments for consideration in November.

#### UNFINISHED BUSINESS

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

#### REPORT FROM TOWNSHIP BOARD

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

#### REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that the ZBA did not meet in October but that the November 1, 2023 regular ZBA meeting will be held to consider a variance request from the waterfront setback requirement.

#### PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Planning Commission members expressed their thanks to Snyder for scheduling the presentation with GLQO.

Snyder inquired as to the status of the vacant seat on the Planning Commission. Bekes advised that the appointment process is in progress.

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