

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
November 27, 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
Jeff Price
Pam Sager
Sherri Snyder

Absent: None

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

Chairperson Moore welcomed Jeff Price as the new (and returning) member of the Planning Commission.

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **October 18, 2023** special Planning Commission meeting minutes. Chairperson Moore moved to approve the minutes as presented. Markillie seconded the motion. The motion carried unanimously.

The Commission continued with consideration of the **October 23, 2023** regular Planning Commission meeting minutes. Bekes moved to postpone consideration of the minutes to the next Planning Commission meeting. Price seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Expansion of a Nonconforming Building

The next matter to come before the Planning Commission was consideration of the request by Kurt and Tara Ford for special land use permit/site plan review for the proposed expansion of a nonconforming single-family dwelling. The subject property is located at 3856 E. Gull Lake Drive and is within the R-1 District.

Snyder advised that the applicant is a client and that she will be abstaining from participating in the public hearing due to a conflict of interest.

Chairperson Moore opened the public hearing.

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

- The subject site is a lawful conforming lot.
- The existing single-family dwelling on the site is nonconforming due to setback. Specifically, the existing waterfront setbacks on the lots adjacent to the east and west are 200 ft and 120 ft, respectively. Accordingly, pursuant to Section 17.3, the required waterfront setback on the site is 160 ft. The existing dwelling is provided a 110 ft waterfront setback.
- Applicant proposes the demolition of a small portion of the existing garage to accommodate a 2-story addition with a 1050 sq ft footprint on the south side of the dwelling.
- On November 1, 2023, the applicant received variance approval from the 160 ft waterfront setback requirement so as to allow a 93.44 ft waterfront setback for the proposed addition.
- The proposed addition will extend approximately 20 ft closer to the waterfront than the existing nonconforming dwelling, resulting in an expansion of a nonconforming building and an increase in an existing nonconformity.
- Per Section 22.3, a special land use permit is required for the expansion.

Kurt and Tara Ford were present on behalf of the application. He explained that the proposed demolition/construction is for the purpose of adding a bedroom and bathroom to the house. Ford stated that the existing dwelling was built in 1910, prior to the construction of the homes on the two adjacent lots, noting that the construction of the two homes within the last 20-60 years created the increased waterfront setback requirement and the existing nonconforming situation.

Chairperson Moore noted receipt of two letters from neighboring property owners expressing support for the proposal.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

Sager inquired regarding the proposed kitchen addition. Gale advised that said addition did not serve to expand the nonconforming building and so did not require a special land use permit.

Commission members expressed thanks for the accurate and detailed plans.

The Commission proceeded with a review of the application. In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following:

- a. In light of the waterfront setback variance granted by the Zoning Board of Appeals, the proposal meets the standards of Section 22.3.B.
- b. Regarding impact on the natural environment, the subject dwelling is existing and the proposed expansion will occupy a previously developed area, resulting in limited site disturbance. Further, the proposed waterfront setback of 93.44 ft exceeds the minimum 50 ft waterfront setback established by Section 17.3.
- c. The proposed addition will, similar to the existing dwelling, be adequately served by public and on-site utilities.
- d. Regarding compatibility with adjacent uses, it was recognized that the proposed addition will comply with all other applicable standards; the building elevations reflect construction and aesthetic consistency with the surrounding area; and, general support from neighboring property owners was offered.
- e. Regarding consistency with public safety and general welfare, it was recognized that adequate side setbacks address safety and accessibility concerns; and, the existing driveway/parking arrangement will remain unchanged.

It was noted that the site plan presented was acceptable per Section 21.4, with content requirements C., I, L. O. and U. being waived due to a lack of change to existing conditions and the adequacy of the site plan, 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 Moore moved to grant Special Land Use Permit/Site Plan Approval for the proposed expansion of a nonconforming building and an increase in an existing nonconformity. Approval is granted based upon the review findings of Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Bekes seconded the motion. The motion carried 6-0, Snyder abstaining.

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 November.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that the ZBA met on November 1, 2023 and considered the variance request by the Fords from the waterfront setback requirement referenced in the special land use public hearing held under Agenda Item 5.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Snyder welcomed Price back to the Planning Commission.

Chairperson Moore advised that he will not seek re-election as Chair in March, 2024. He wanted to give advance notice to allow other members opportunity to consider serving.

Attorney Thall cautioned the Planning Commission to stay attuned to the solar issue in play in Michigan. Noting the 2025 effective date of recent legislation, solar facility proposals may begin to surface. General discussion ensued regarding the role of local ordinances in facility proposals and the local fire/safety response capacity.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 6:45 p.m.

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