

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 24, 2024**

CALL TO ORDER/PLEDGE

Chairperson Sager 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 Sager
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Jeff Price
Sherri Snyder

Absent: None

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

APPROVAL OF AGENDA

Bekes moved to approve the agenda as presented. Moore seconded the motion. The motion carried unanimously.

APPROVAL OF PRIOR MEETING MINUTES

The Commission continued with consideration of the May 20, 2024, regular Planning Commission meeting minutes. Moore moved to approve the minutes as presented. Bekes 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 Andrew Haines for special land use permit/site plan review for the proposed expansion of a nonconforming accessory building. The subject property is located at 591 South Gull Lake Drive and is within the R-1 District.

Chairperson Sager opened the public hearing.

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

- Per Section 18.4 D., a side setback of 5 ft is required for a residential accessory building.
- The existing detached garage is located 4 ft from the side (east) property line; the existing garage is nonconforming due to setback.
- Applicant proposes the reconstruction of the existing steps located on the rear (north side) of the garage that are aging and in disrepair.
- The existing steps extend the width of the garage and are also located within the required side setback.
- The proposed reconstruction will provide a 5ft 8in side setback for the new steps/platform, in compliance with the 5 ft side setback requirement.
- However, the proposed reconstruction will result in an expansion of a nonconforming building.
- Per Section 22.3, a special land use permit is required for the proposed expansion.

Andrew Haines was present on behalf of the application. He confirmed the details of the proposal, noting that the existing steps meet neither the zoning ordinance nor the building code. Haines explained that the existing steps are rotting and have a very narrow run making them dangerous to use. The new steps and platform will meet the building code and be brought into compliance with the side setback requirement.

In response to Commission questions, Haines advised that the proposed stairs provide access to the second story of the garage that is used for cold storage. He further noted the garage has a footprint of approximately 12 ft x 16 ft and is serviced only by electric.

In discussion of site grade and viewshed, Haines noted that the platform is proposed in response to the grade to allow for steps that meet the building code. He further explained that the steps have been ‘curved’ in response to the window locations on the side wall of the house on the adjacent lot, which is located closer to the lot line than the subject garage.

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. 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 18.4D.
- b. Regarding impact on the natural environment, the subject garage is existing and the proposed stairs/platform will occupy a previously developed area, resulting in limited site disturbance and minimal impacts on stormwater runoff and area natural resources.
- c. The existing garage is served only by electric; the proposed stairs/platform will not alter service conditions.
- d. Regarding compatibility with adjacent uses, it was recognized that the proposed stairs/platform is provided a 5 ft 8 in setback in compliance with the 5 ft side setback requirement and has been designed/located in consideration of the house on the adjacent lot. It was further noted that no surrounding property owners had raised objections to the proposal.
- e. Regarding consistency with public safety and general welfare, it was recognized that the proposed reconstruction will improve the safety of the stairs and overall accessibility concerns. Further, the proposed reconstruction will remove the existing nonconforming setback of the existing stairs.

It was noted that the site plan presented was acceptable per Section 18.4 D. 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 expansion of a nonconforming building to allow for the reconstruction of the stairs/platform as proposed. Approval is granted based upon the review findings of Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Price seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

1. Public Hearing - Zoning Ordinance Amendment (Section 18.6)

The next matter to come before the Planning Commission was the public hearing on the proposed amendment of Section 18.6 – Screening and Fencing to address viewshed protection on waterfront lots.

Chairperson Sager opened the public hearing.

Chairperson Sager reminded that the public hearing on the proposed amendments related to viewshed protection on waterfront lots and requirements for structures was initially held on April 24, 2023, during which the Planning Commission recommended Township Board approval of the proposed amendments as presented.

The Township Board subsequently postponed action on the proposed amendments, primarily due to questions regarding viewshed protection and the application of proposed subsection 17.3 D. The Board returned the matter to the Planning Commission with a request for ‘further discussion/modification . . . with revised text to be provided for reconsideration in June.’

Attorney Thall reminded that the public hearing on the larger amendment proposal is still postponed. The public hearing being held today is for the proposed amendments to Section 18.6, not previously included in the larger amendment proposal. A Planning Commission recommendation to approve the proposed amendments to Section 18.6 will then be added to the larger amendment proposal for Township Board consideration.

Harvey then referenced the follow up discussions on Section 17.3 D. held by the Planning Commission and the resulting modifications to both Section 17.3 D. and Section 18.6 (Draft #3) presented for Commission consideration in May. She noted that, after lengthy discussion of Draft #3, the Commission requested the draft text be revised per the discussion and distributed by May 30 for final review . . . to allow ‘finalization of the draft text and the development of the required public hearing notice so as to facilitate a public hearing on the proposed amendments at the June meeting.’

Harvey then provided an overview of Draft #4, highlighting the revised elements of the text in response to Planning Commission feedback.

Stephanie Walbridge stated that she thought the proposed text to be well-thought out. Regarding the question of measuring fence height from ‘natural grade’ or as established by optional Subsection G., she offered that she did not support Subsection G. in that she felt it would lead to problems similar to what was experienced in her neighborhood.

Overall, Walbridge voiced agreement with the points of consensus previously raised by the Planning Commission. She suggested that waterfront property owners be advised of Section 18.6 to prevent future problems related to the use of ‘living vegetation’ as a barrier.

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

The Planning Commission noted support for the revisions reflected in Draft #4, specifically the addition of ‘living vegetation’ to the definition of ‘fence’ (Section 2.2). Discussion continued on the definition of a ‘fence’, including what qualifies as a ‘fence’ and the role of the Zoning Administrator and the ZBA on questions of interpretation.

In consideration of the options provided for measuring fence height, there was a consensus of support for the fence height to be ‘as measured from natural grade’. In response to questions, Gale stated that he did not feel that it was difficult to determine ‘natural grade’ and that he agreed it would improve the ability to limit artificial increases to barrier height.

Gale then noted that currently the Zoning Ordinance (per Section 16.5) does not require a zoning compliance permit for an ‘accessory structure’. This, in effect, does not require a zoning compliance permit to establish a fence. He questioned if this was desired by the Planning Commission.

The Planning Commission agreed that it would be desirable to require a zoning compliance permit for the establishment of a fence. To that end, they noted a preference for adding such a requirement to Section 18.6 rather than modifying Section 16.5 to address.

Snyder reminded that the proposed modifications to Section 18.6 will not be retroactive.

Bekes then moved to recommend approval by the Township Board of the proposed amendments to Sections 2.2, 17.3 and 18.6 as presented in Draft #4, with the removal of optional Subsection G. regarding fence height and the addition of a zoning compliance permit requirement for fences. Maslen seconded the motion. The motion carried unanimously.

2. Planning Commission 2024 Work Plan

Chairperson Sager requested the Commission discuss the 2024 Work Plan and identify the next items of priority for consideration.

Bekes opined that he felt the discussion previously initiated by the Commission regarding the process that applies when variance requests are related to the expansion of nonconforming buildings should be the next priority but suggested that a continuation of that discussion should occur after the joint meeting with the Township Board.

Snyder suggested that the Planning Commission develop and present a Work Plan to the Township Board and Zoning Board of Appeals at the joint meeting to get feedback on priority items. Planning Commission members agreed.

Moore commented on the time and money attributed to special land use applications. He questioned the need for the special land use approach when they are typically granted.

Attorney Thall and Harvey reminded how the special land use approach functions in a zoning ordinance and how it can be/has been used to provide a preferred approach to addressing deviations from standards as opposed to the variance process. It was noted that if there is concern regarding the cost of the process, the Township has the option of modifying the fee structure. If there is a desire to allow for deviations from standards without a review process, it would be better to modify or remove the standard all together.

Markillie stated that he liked the practice of using the special land use approach to consider deviations from the standards in that it allowed consideration on a case-by-case basis. He stated that he would not be supportive of eliminating the standards as a way of addressing the need for deviations.

There was general agreement that there would be value in conducting an assessment of the types of special land use requests considered, and the degree of the deviations requested, over the last 5 or so years. It was noted that such an assessment would likely give direction on what standards may need to be studied/modified.

Markillie and Price agreed to prepare a detailed compilation of the special land use requests considered by the Planning Commission over the last 5 years for continued discussion in July.

REPORT FROM TOWNSHIP BOARD

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

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that that the ZBA met on June 5, 2024 and considered/granted requests for variance approval from the waterfront and side setback requirements and the maximum lot coverage requirement for the construction of a new house on property located on South Gull Lake Drive.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Snyder advised of a GLQO ‘natural shoreline’ workshop scheduled for July 11, 2024.

Snyder then noted that she visited the site of The Bluffs and is of the opinion that the landscaping established in those areas where a modified landscape plan was recently approved does not include the change in plant species recommended by the Township’s landscape architect that was required by the Planning Commission. Gale noted he would address.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

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