

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
March 25, 2024**

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

Absent: Jeff Price
Sherri Snyder

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

APPROVAL OF AGENDA

Chairperson Moore stated that he would like to postpone the last item under New Business ('Review Revised Landscape for The Bluffs') to the April meeting due to the length of the agenda and receipt of the application information on March 20, 2024. Bekes moved to approve the agenda as amended. Maslen seconded the motion. The motion carried unanimously.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **February 26, 2022** regular Planning Commission meeting minutes. Chairperson Moore moved to approve the minutes as presented. Markillie 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 Justin Ridderman for special land use permit/site plan review for the proposed reconstruction/expansion of a nonconforming deck. The subject property is located at 180 E. Gull 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 existing dwelling/deck is nonconforming due to setback. A 50 ft waterfront setback is required; a 19.4 ft waterfront setback exists.
- The existing dwelling/deck is also nonconforming due to lot coverage. A 34.5% maximum lot coverage is allowed; a 47% lot coverage exists.
- Applicant proposes the reconstruction and expansion of the nonconforming deck with a 19.4 waterfront setback and a 48.8% lot coverage.
- On February 7, 2024, the applicant received variance approval from the 50 ft waterfront setback requirement so as to allow a 19.4 ft waterfront setback and variance approval from the 34.5% lot coverage requirement so as to allow 48.4% lot coverage.
- The proposed reconstruction/expansion will result in an expansion of a nonconforming building and an increase in existing nonconformities (extend approximately 10 ft closer to the waterfront than the existing nonconforming dwelling and increase the lot coverage to 48.8%).
- Per Section 22.3, a special land use permit is required for the expansion.

Carolyn Ridderman was present on behalf of the application. She confirmed the details of the proposal, also noting that the new design will reduce the number of support posts, square off the deck, and remove the steps. She opined that the proposal will clean up the appearance of the waterfront side of the house and remove the side setback encroachment.

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. In light of the waterfront setback and lot coverage variances 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 deck reconstruction/expansion will occupy a previously

developed area, resulting in limited site disturbance and minimal impacts on stormwater runoff and area natural resources.

- c. The proposed deck 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 waterfront decks are characteristic of the area and that the proposed 19.4 ft waterfront setback and 48.8% lot coverage are similar to waterfront setbacks/lot coverages in the area that range from 7 ft – 44 ft and 28%-50%, respectively. It was further noted that the proposed reconstructed/expanded deck will have improved aesthetics and remove the steps that encroach into the side setback.
- e. Regarding consistency with public safety and general welfare, it was recognized that the proposed reconstruction will improve the safety of the deck and that adequate side setbacks address safety and accessibility concerns. Further, the proposed reconstruction will not significantly modify the existing nonconforming setback/lot coverage situation on the site.

It was noted that the site plan presented was acceptable per Section 21.4 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 reconstruction/expansion of a nonconforming deck 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. Markillie seconded the motion. The motion carried unanimously.

2. 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 Linda Markee for special land use permit/site plan review for the proposed reconstruction/expansion of a nonconforming deck. The subject property is located at 11962 Yorkshire Drive and is within the R-1 District.

Chairperson Moore opened the public hearing.

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

- Applicant proposes the reconstruction of an existing 11 ft x 16 ft (176 sq ft) deck (with stairs) that was removed for Gull Lake Sewer and Water to facilitate connection to public sewer.
- Pursuant to Section 17.3, a 56.5 ft waterfront setback is required; a 47 ft waterfront setback is proposed.

- The existing house is provided a 50 ft waterfront setback. The deck is proposed to align with the leading edge of the waterfront side of the house, with the stairs extending 3 ft beyond, for a proposed waterfront setback of 47 ft.
- On February 7, 2024, the applicant received variance approval from the 50 ft waterfront setback requirement so as to allow a 47 ft waterfront setback.
- The proposed reconstruction will result in an expansion of a nonconforming building and an increase in an existing nonconformity (extend approximately 3 ft closer to the waterfront than the existing nonconforming dwelling).
- Per Section 22.3, a special land use permit is required for the expansion.

Linda Markee was present on behalf of the application. She confirmed the details of the proposal. Markee explained that the existing deck was deteriorating and was removed to facilitate a sewer connection, but is now proposed for reconstruction using the same post holes that served the previous deck

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. 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 deck reconstruction/expansion will occupy a previously developed area, resulting in limited site disturbance and minimal impacts on stormwater runoff and area natural resources.
- c. The proposed deck 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 waterfront decks are characteristic of the area and that the proposed 47 ft waterfront setback will not negatively impact the waterfront viewshed or horizontal sight lines.
- e. Regarding consistency with public safety and general welfare, it was recognized that the proposed reconstruction will improve the safety of the deck and overall accessibility concerns. Further, the proposed reconstruction will not significantly modify the existing nonconforming setback on the site.

It was noted that the site plan presented was acceptable per Section 21.4 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 reconstruction/expansion of a nonconforming deck 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. Chairperson Moore seconded the motion. The motion carried unanimously.

3. 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 Dylan Steele, representing Barbara Walker, for special land use permit/site plan review for the proposed reconstruction of a nonconforming deck. The subject property is located at 5 LaBelle Road and is within the R-1 District.

Chairperson Moore opened the public hearing.

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

- Applicant proposes the reconstruction of the existing 160 sq ft deck with the same footprint/configuration and in the same location and the enclosure of a portion of the **new deck**.
- Pursuant to Section 17.3, a 50 ft waterfront setback is required; a 20 ft waterfront setback is proposed.
- Pursuant to Section 22.9, a maximum lot coverage of 37.3% is allowed; a 40% lot coverage is proposed.
- On February 7, 2024, the applicant received variance approval from the 50 ft waterfront setback requirement so as to allow a 20 ft waterfront setback and variance approval from the 37.3% lot coverage requirement so as to allow 40% lot coverage.
- The proposed reconstruction will result in an expansion of a nonconforming building and an increase in existing nonconformity.
- Per Section 22.3, a special land use permit is required for the expansion.

Dylan Steele was present on behalf of the application. Steele reiterated that the proposed replacement deck is the same size, configuration and location as the previous deck, adding that the deck supports the porch roof. He confirmed that a portion of the new deck will be enclosed.

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. In light of the waterfront setback and lot coverage variances 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 deck reconstruction will occupy a previously developed area, resulting in limited site disturbance and minimal impacts on stormwater runoff and area natural resources.
- c. The proposed deck 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 waterfront decks are characteristic of the area and that the proposed 20 ft waterfront setback and 40% lot coverage are similar to waterfront setbacks/lot coverages in the area.
- e. Regarding consistency with public safety and general welfare, it was recognized that the proposed reconstruction will improve the safety of the deck and that adequate side setbacks address safety and accessibility concerns. Further, the proposed reconstruction will not significantly modify the existing nonconforming setback/lot coverage situation on the site.

It was noted that the site plan presented was acceptable per Section 21.4 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 reconstruction/expansion of a nonconforming deck 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. Sager seconded the motion. The motion carried unanimously.

4. Site Plan Review – Sherman Lake YMCA

The next matter to come before the Planning Commission was consideration of the request by Mark Rimes, representing Sherman Lake YMCA, for site plan review for the proposed replacement of four existing Yurt structures and the construction of two additional Yurt structures/Yurt bases at the existing YMCA Outdoor Center.

Zach Klipsch and Cody Newman were present on behalf of the application. They provided an overview of the proposal, noting the following:

- The four replacement Yurts are proposed to be located on the existing Yurt bases; the two new Yurts will be located in close proximity to the existing Yurts.
- The existing Yurts are approximately 20 years old and require replacement.

- The new Yurts will be provided with water and electricity.
- The four replacement Yurts will continue to sleep 48; the two new Yurts will sleep an additional 24
- The two new Yurts are slightly larger and have an expanded deck.
- The Yurts are used primarily as sleeping quarters.
- The proposal includes the paving of the existing parking lot and access drive.
- No exterior lighting is proposed.
- The Yurts will be used primarily during the summer but they can be heated and used year-round.

In response to questions, the applicant confirmed that the Yurts are for YMCA campers only.

It was noted that the site plan presented was acceptable per Section 21.4 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 Site Plan Approval for the proposed replacement of four Yurt structures and the addition of two new Yurt structures/bases as presented. Approval is granted based upon the review findings of Section 21.6 – Site Plan Review Criteria and conditioned upon the following:

1. Submission of a revised site plan that provides the required engineering detail for the paved drive/parking area.
2. Township Engineer review/approval.
3. Township Fire Department review/approval.

Markillie seconded the motion. The motion carried unanimously.

5. 2024-2025 PC Meeting Schedule

The adoption of the meeting schedule was postponed to the April Planning Commission meeting to allow for preparation of the requisite resolution.

6. Election of Officers

Bekes moved the nomination and election of Sager as Planning Commission Chairperson for the 2024-2025 fiscal year. Chairperson Moore seconded the motion. The motion carried unanimously.

Bekes moved the nomination and election of Snyder as Vice Chair for the 2024-2025 fiscal year. Sager seconded the motion. The motion carried unanimously.

Markillie moved the nomination and election of Maslen as Secretary for the 2024-2025 fiscal year. Bekes seconded the motion. The motion carried unanimously. It was noted that the Planning Commission Bylaws authorize the use of a recording secretary.

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 March.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that the ZBA did not meet in March, 2024.

Bekes shared that the ZBA has raised concerns regarding the delay and cost associated with the process that applies when both variance requests and expansions of nonconforming buildings are involved.

Lengthy discussion ensued regarding options for amending the nonconforming building provision that maintain the integrity of the decision-making process applicable to expanding nonconformities.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Attorney Thall stated that the noise and viewshed ordinances will likely be presented to the Planning Commission in April for discussion.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:57 p.m.

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