

**ROSS TOWNSHIP
PLANNING COMMISSION
FINAL MEETING MINUTES
May 6, 2024**

CALL TO ORDER/PLEDGE

Chairperson Sager called the Special Meeting of the Ross Township Planning Commission to order at 6 p.m. at the Ross Township Hall. The Pledge of Allegiance was recited by all.

ROLL CALL

Present: Chairperson Pamela Sager
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Jeff Price

Absent: Sherri Snyder
Rebecca Harvey – Township Planner

Also Present: Bert Gale, AGS – Township Zoning Administrator
Nick Keck, AGS - Township Zoning Administrator
Rob Thall – Township Attorney

APPROVAL OF AGENDA

Bekes made a motion to approve the agenda as written with one additional agenda topic (Viewshed Ordinance Discussion). Maslen supported. Sager, Bekes, Markillie, Maslen, and Price voted Aye, Moore voted Nay. The motion was approved.

NEW BUSINESS

The next matter to come before the Planning Commission (PC) was consideration of the request by Jeffrey Alan Cope for special land use permit/site plan review to construct a 32' x 56' accessory building (pole barn/garage) on parcel 3904-35-180-019 at 15200 Fort Custer Drive, Augusta MI 49012.

Bert Gale provided an overview of the application. The proposal is to construct the accessory building on the parcel in the front yard, with a 96-foot setback from the front yard property line which is double the minimum front yard requirement. The subject property is in the Rural Residential Zoning District (R-R).

Chairperson Sager opened the public hearing.

Jeffrey Cope, applicant, reviewed the project to the PC members sharing he would be removing the existing old barn after installing the new pole barn, create a turnaround driveway consisting of crushed asphalt or other permeable material to accommodate access to the building, and will place rock around the foundation. Mr. Cope also shared he is asking for approval to place the pole barn in the front yard as he is surrounded by Federal land, there is water immediately in his back yard and there is no neighbor that is close enough for any viewshed issue. He also stated there is no plan to add electricity to the barn as he plans to only use the barn to house his equipment and personal belongings and the building will not be tied into a septic system.

Landscaping was discussed and the PC Members opined the two large oak trees currently located between the road and where the new building would be installed is adequate to soften the view at present time. Applicant Cope shared there will be no commercial activity in the pole barn.

Chairperson Sager noted there was no written correspondence presented. No further public comment was offered on the matter and Chairperson Sager closed public comment at 6:10 pm.

The Commission proceeded with their review and agreed all requirements in Section 18.4 D have been met, per Bert Gale's initial assessment.

The Commission continued their review of Section 21.6 Approval and determined all requirements of 21.6B have been met per the following findings:

- A) The proposed use will not have a harmful effect on the surrounding neighborhood development and there is not a need to require additional screening.
- B) The existing driveway from the road will not be changed maintaining the proper relationship between the major thoroughfares and the driveway.
- C) No adverse effects were determined that would result from the building placement.
- D) No additional utilities would be constructed, whereby the general health, safety and welfare of the citizens of the Township would be protected.
- E) There would be no changes to the natural features of the landscape.
- F) The features of the current landscape (two large oak trees) will be retained.
- G) The plan will not result in any additional runoff of surface waters onto adjoining properties.

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

- A) The proposal meets all the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements.
- B) The proposal will be compatible with the natural environment.
- C) The proposed accessory building will only be used as cold storage.
- D) Regarding compatibility with adjacent uses, it was recognized the proposal provides more than adequate separation and buffering as the property is in the R-R Zoning District and neighbors do not have line of sight to the subject property.
- E) The project was deemed consistent with the public health, safety, and general welfare of the community.
- F) The project was deemed consistent with and promotes the intent and purpose of the Zoning Ordinance.

Markillie moved to approve the construction of the 32' x 56' pole barn in the front yard with a front yard setback of 96 feet for the application of Jeffrey Cope at 15200 Fort Custer Dr., Augusta, MI 49012 with the condition the building will be residential accessory use only. The motion to approve is for both the approval of Special Land Use and the Site Plan. The approval is granted based upon the review findings of Section 18.4D – Residential Accessory Buildings/Structures, Section 19.3 – Special Land Use Criteria, Section 21.6B – Site Plan Review Criteria and all material supplied by the applicant to the Planning Commission at the May 6, 2024 meeting. Moore supported. The motion carried unanimously.

The next matter to come before the Planning Commission was consideration of the request by Ed Overbeck for special land use approval for the expansion of a non-conforming garage. The applicant is looking to alter the roof line to have it match better to their home's rooflines on parcel 3904-07-276-061 at 3442 Oakdale Ave, Hickory Corners, MI 49060.

Bert Gale provided an overview of the application. The proposal is to only alter the roof structure of the existing garage whereby the expansion of the non-conforming building is up, not sideways. The subject property is in the Low-Density Residential Zoning District (R-1). Section 22.3B is the controlling section of the ordinance that requires this to be approved as a Special Land Use. Section 22.3B states a nonconforming building/structure shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted pursuant to Article 19. Any such alteration shall not result in an increase in any nonconformity.

Chairperson Sager opened the public hearing.

Ed Overbeck, applicant, reviewed the project to the Planning Commission Members sharing he would like to replace the current roof (described as more of a hitch roof as there are four surfaces that constitute the roof) to a standard gable end roof (described as two surfaces that constitute the roof). The result would be an aesthetic improvement as the new would match the roof design of his home and an improvement in water handling as the current design does not allow consistent water runoff (leaks). With the approval, he would remove the entire roof structure and build the new one starting with new trusses. The water runoff would remain the same as the current gutter system would remain in place. The building is currently used as an exercise room and will continue to be an exercise room post construction. There are electricity and gas utilities already to the building and no change to utilities will be made.

The PC members opined all questions were addressed and answered satisfactorily during the exchange with applicant Overbeck.

Greg and Linda Clarkin, neighbors at 3472 Oakdale spoke in support of the project. Chairperson Sager noted there was no written correspondence presented. Chairperson Sager closed public comment at 6:31 pm.

The Commission continued their review of Section 21.4 Site Plan Review and agreed with Bert Gale's assessment that all criteria are met with the exceptions of Section 21.4 Letters L, N, O, T and W. After discussion on each, the Planning Commission agreed to waive L, O, and W as these criteria are drainage related and there is no change to the drainage of rainwater regarding the property. The Planning Commission also agreed to waive 21.4 N and T as all information deemed necessary was obtained during the presentations.

The Commission continued their review of Section 21.6 Approval and determined all requirements of 21.6B have been met per the following findings:

- A) The proposed use will not have a harmful effect on the surrounding neighborhood development.
- B) The existing driveway from the road will not be changed maintaining the proper relationship between the major thoroughfares and the driveway.
- C) No adverse effects were determined as the existing footprint of the building will remain the same.
- D) No additional utilities would be constructed, whereby the general health, safety, and welfare of the citizens of the Township would be protected. It was recognized the building is already serviced by both electricity and gas.
- E) There would be no changes to the natural features of the landscape.
- F) The features of the current landscape will be retained.
- G) The plan will not result in any additional runoff of surface waters onto adjoining properties as the gutter system that will be installed will continue to handle the rain runoff from the new roof.

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

- A) The proposal meets all the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements.
- B) The proposal will be compatible with the natural environment.
- C) The use of the existing building (exercise room) will remain unchanged.
- D) Regarding compatibility with adjacent uses, there is no change to the footprint from the existing building once the new roof is installed.
- E) The project was deemed consistent with the public health, safety, and general welfare of the community.
- F) The project was deemed consistent with and promotes the intent and purpose of the Zoning Ordinance.

Markillie moved to approve the construction of the redesigned roof for the application of Ed Overbeck at 3442 Oakdale, Hickory Corners, MI 49060 with no conditions. The motion to approve Special Land Use is based upon the review findings of Sections 21.4, 21.6B, 19.3, and all material supplied by the applicant to the Planning Commission at the May 6, 2024 meeting. The motion specifically noted the Planning Commission waiving the criteria of Section 21.4 letters L, N, O, T and W. Price supported. The motion carried unanimously.

The next matter to come before the Planning Commission was discussion on the Viewshed Ordinance, specifically Section 17.3 D – regarding vegetation and landscape elements as they pertain to waterfront viewshed and horizontal sight lines.

Bekes reiterated the Board's desire to have the ordinance addressed by the Planning Commission and presented to them by the June Board Meeting date of June 18th for approval. As the May 20th meeting will be the last regularly scheduled PC Meeting before the June Board Meeting, if consensus on the ordinance is not accomplished at the May 20th Planning Commission Meeting, a Special PC meeting may be necessary.

Bekes outlined a proposed measurement system to support the original conclusion by the Planning Commission that vegetation and landscape elements within the required front yard on a 'lake lot', as defined in Section 2.2, shall not restrict the viewshed/horizontal sight lines from adjacent properties by more than 10%, with the thought if the 10% criteria can be measured, the Board would adopt the change and approve the entire ordinance. Bekes agreed to come to the May 20th Planning Commission Meeting with examples.

Further discussion included examples for 'living fence' language, canvassing similar ordinances from other communities for input and frustrations regarding both the process/progress of addressing this ordinance to date and not having all information at hand as of the May 6th meeting.

The Committee decided to table further conversation on the topic until the May 20th, 2024 regular PC Meeting.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported the ZBA did not have a meeting on May 1, 2024.

PUBLIC COMMENT

No further public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No questions or comments were given by members, consultants, and advisors.

ADJOURNMENT

There being no further business to come before the Commission, Moore motioned to adjourn, and Price supported. The motion passed unanimously, and the meeting adjourned at 7:02 PM.

Respectfully Submitted,
Michael Bekes
Board Liaison to the Planning Commission
Acting Recording Secretary