

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
May 20, 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
Steve Maslen
Michael Moore
Jeff Price
Sherri Snyder

Absent: Mark Markillie

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

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

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the March 25, 2024, regular Planning Commission meeting minutes. It was noted that page 5, 4th paragraph, 1st bullet should be completed to read ‘ . . . the enclosure of a portion of the new deck.’ Snyder moved to approve the minutes as amended. Bekes seconded the motion. The motion carried unanimously.

The Commission continued with consideration of the April 22, 2024, regular Planning Commission meeting minutes. Chairperson Sager moved to approve the minutes as presented. Bekes seconded the motion. The motion carried unanimously.

The Commission then considered the May 6, 2024, special Planning Commission meeting minutes. Chairperson Sager moved to approve the minutes as presented. Price seconded the motion. The motion carried unanimously.

NEW BUSINESS

Chairperson Sager stated that no New Business is scheduled for consideration.

UNFINISHED BUSINESS

1. Zoning Ordinance Amendment – Viewshed Protection/Structure

Chairperson Sager reminded that the public hearing on the proposed amendments related to viewshed protection on waterfront lots and requirement 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 postponed action on the proposed amendments, primarily due to questions regarding the application of proposed subsection 17.3 D. Attorney Thall and Harvey were requested to consider the concerns noted and revise subsection 17.3 accordingly.

In April, 2024, the requested revised text was considered by the Board and the matter was returned to the Planning Commission with a request for ‘further discussion/modification . . with revised text to be provided for reconsideration in June.’

Harvey then referenced draft text dated May 20, 2024 wherein Draft #1 and Draft #2 of Section 17.3 D., along with a new version of the standard (Draft #3), was presented for Commission consideration.

Harvey explained that the Draft #3 text uses the approach currently applied to fences in Section 18.6. Specifically, instead of regulating how much of the viewshed can be blocked . . and thereby creating questions on how to measure the blocked viewshed . . it regulates the percent of the screen that can be solid (or opaque).

Maslen expressed agreement with the approach used in the Draft #3 text. He distributed draft text that he had developed using a similar approach, proposing amendments to the definition of ‘fence’ and Section 18.6 – Screening and Fencing to address the viewshed question instead of using Section 17.3. He opined that the approach he is suggesting would eliminate the concerns associated with the

‘10% blocked viewshed’ standard and would not place limitations on what vegetation can be established within the front yard.

Attorney Thall noted that the approaches detailed by Harvey and Maslen would be consistent with the approach codified by the ZBA’s interpretation.

Bekes questioned how a ‘living fence’ approach would treat existing vegetation present along a property line not intended to be a ‘fence’. It was agreed that the definition of ‘fence’ should likely be modified to address this question.

Bekes expressed concern with the ‘living fence’ approach and expressed a preference for the viewshed approach. In response to questions, he produced sketches to illustrate how viewshed could be measured using the draft text initially recommended.

Price stated that he feels the viewshed approach is too difficult to apply and may be too restrictive regarding on-site plantings in its application. He suggested the ‘living fence’ approach avoids both of those problems.

Chairperson Sager noted she liked that the ‘living fence’ approach was consistent with how the Ordinance addresses other similar issues.

Snyder cautioned against the Township getting too strict and controlling with its regulations. She further reminded that either approach should be constructed so as not to limit vegetation near the waterfront in that shoreline vegetation is crucial for erosion control, water quality, and water life.

Stephanie Walbridge offered comment on the discussion. She stated that viewshed protection is a prime objective and is supported by the Master Plan. She noted that the ‘living fence’ approach would address the issue and is preferred.

In conclusion, the Planning Commission noted consensus on the use of the ‘living fence’ approach conceptualized in the text options presented by Harvey and Maslen. Harvey was then directed to prepare proposed revisions to the definition of ‘fence’ and Section 18.6 – Fencing and Screening that reflects the Commission’s discussion. Harvey advised she will also review the initial and full body of recommended amendments on ‘structures/viewshed’ to confirm consistency with the ‘living fence’ amendments being developed.

Gale noted that Section 16.5 requires a ‘zoning compliance permit’ from the Zoning Administrator for all buildings and structures, other than an accessory structure. He noted further that pursuant to Section 2.2, a ‘fence’ is not considered to be a ‘structure’. Accordingly, the establishment of a fence does not currently require a ‘zoning compliance permit’. He suggested that such a

requirement could be added to Section 18.6 at this time if desired. No Planning Commission comment on this observation was offered.

It was determined that Harvey would prepare the requested draft text and distribute same to the Planning Commission for review by May 30, 2024. Comments could then be directed to Harvey and Attorney Thall 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.

Snyder then moved to schedule the public hearing on the proposed amendments to Sections 2.2, 17.3 and 18.6 for the June 24, 2024, Planning Commission meeting. Bekes seconded the motion. The motion carried unanimously.

REPORT FROM TOWNSHIP BOARD

Bekes reported that the Township Board report for May had been previously presented at the May 6, 2024, special Planning Commission meeting.

REPORT FROM ZONING BOARD OF APPEALS

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

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No Commission/staff member comment was offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:29 p.m.

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