

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 22, 2020**

CALL TO ORDER/PLEDGE

Acting Chairperson Bekes called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. The Planning Commission meeting was conducted through electronic remote access due to Executive Order.

ROLL CALL

Present: Acting Chairperson Bekes
 Mark Markillie
 Michael Moore
 Pam Sager
 Sherri Snyder
 Mike Sulka

Absent: Chairperson Lauderdale

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

APPROVAL OF AGENDA

Acting Chairperson Bekes advised that the public hearing for the GAAMPS-related text amendment (Section 1.3) accepted in May is on hold pending receipt of additional public hearing items.

He then suggested that the agenda be amended so as to reorder the Unfinished Business items to consider the preliminary draft of the Master Plan after discussion of the lot coverage and outdoor furnace text amendments. Commission members concurred and the agenda was approved as amended.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **May 18, 2020** regular Planning Commission meeting minutes. Moore noted that the address for the Gilbert application considered in May was reflected inaccurately on page 2. Sager moved to approve the

minutes with the noted address correction on page 2. Snyder seconded the motion. The motion carried unanimously.

NEW BUSINESS

Acting Chairperson Bekes noted that no New Business or Public Hearing Item was scheduled for consideration.

UNFINISHED BUSINESS

1. Discussion – Lot Coverage Standard for Nonconforming Lots

Acting Chairperson Bekes noted that following discussion in May, it was determined that Markillie, AGS, and Harvey would consult on Markillie's calculations in applying the existing sliding scale standards and the historic application of the standard. Further, Harvey would apply both approaches to the sample variances studied earlier by the Commission and, in consultation with Markillie and AGS, offer recommendations for 1) amended text that clarifies use of the existing approach, and 2) amended text that applies the alternate approach raised by Markillie.

Harvey referenced the report provided, highlighting how the existing standards are applied; the intent of the sliding scale approach; a summary of findings specific to the question of whether the sliding scale approach on lot coverage has provided the intended relief and reduced the need for variances; and, alternative approaches to consider.

In lengthy Commission discussion, the following findings were referenced:

- *A total of 9 variance requests from the lot coverage standard have been considered over the last 6 years. This represents an average of 1.5 requests/year.*
- *6 of the 9 requests considered since 2014 were for an increase of less than 6% (average of 4%).*

It was agreed that the number and degree of variance requests from the lot coverage standard considered since the sliding scale standard was adopted in 2014 do not seem excessive.

It was noted that the Summary of Findings details the variance requests received, but does not reflect the number of permits issued for construction on nonconforming lots that did not require variance relief (due to the sliding scale

approach). This strengthens the initial finding that ZBA activity on this issue is not excessive.

It was also acknowledged that all of the requests for relief from the lot coverage standard considered by the ZBA have involved nonconforming lots, suggesting that the lot coverage standard as it applies to lawful, conforming lots is not excessive.

Markillie stated that after further consideration he felt that the alternate way of calculating the sliding scale formula he presented in May may result in increasing the allowed lot coverage greater than desired. He stated that he remains concerned with excessive lot coverage on small waterfront lots and that the current approach seems to be effectively limiting lot coverage in keeping with the intent of the standard.

Largent noted that the current use of the sliding scale approach has allowed for administrative approval of lot coverage proposals for most nonconforming properties considered.

In discussion of suggested alternatives, Commission members agreed that the current method of calculation in applying the sliding scale approach limits lot coverage consistent with the intent of the standard and no change is required. It was further agreed that the sliding scale approach is generally providing the desired relief and that no change to the approach or the standard is necessary at this time.

Snyder stated that the current metrics and method of calculation seem to be working and that the variance process appropriately allows for consideration of unique circumstances.

Sulka moved to recommend no change to the current standard at this time and to continue to monitor the results of the application of the sliding scale approach. Snyder seconded the motion. The motion carried unanimously.

2. Discussion – Outdoor Wood Furnaces

Acting Chairperson Bekes stated that the Planning Commission initiated a detailed review of the draft ‘outdoor furnace’ text (dated April 27, 2020) in May. He noted the following points of consensus had been reached:

- Remove ‘wood’ from the term; reference as ‘Outdoor Furnaces’.
- Subsection 1 – use 200 ft
- Subsection 2 – include reference to Mechanical Code
- Subsection 3 – no change

- Subsection 4 – 1) only use setbacks to limit location; 2) no change; 3) no change

He requested a discussion of the rest of Subsection 4 and Subsection 5 to complete the Commission's review of the first draft of the 'outdoor furnace' text and allow for a review of revised text in July.

Markillie noted that he supports the use of setbacks as a way of limiting where an 'outdoor furnace' can be established, as opposed to limiting by district or by parcel size. He added that he is undecided as to what the appropriate setback should be but feels that the standard is designed to protect the neighbors and should be determined accordingly.

Sager, Sulka and Snyder agreed that a 200 ft setback from property lines would provide a desired degree of separation as well as serve to limit 'outdoor furnaces' to low density areas where impact would be minimal.

Moore stated that a 200 ft setback requirement from property lines would prohibit an 'outdoor furnace' on a standard 330 ft x 1320 ft (10 acre) parcel. He felt this was too limiting and that a setback standard from existing buildings on adjacent parcels should instead be considered.

Snyder expressed concern that using 'existing buildings' as the point of measurement creates problems for adjacent lots that are vacant and their future desirability for building.

Moore suggested applying the 'residential accessory building' standards to outdoor furnaces instead of a separate set of standards. It was noted that such an approach would result in allowing outdoor furnaces on small waterfront lots, and not provide the operational standards necessary.

Acting Chairperson Bekes requested Commission consensus on the question of setbacks. Sager, Snyder, Sulka and Markillie voiced support for a 200 ft setback from property lines. Markillie noted that the MDEQ model regulations recommend a minimum 200 ft setback requirement from property lines, adding a level of defensibility to the standard.

Acting Chairperson Bekes and Snyder added that since the standards will be in the Zoning Ordinance, relief due to unique circumstances would be available through the variance process.

The following additional points of consensus were then noted:

- add a definition of 'outdoor furnace'
- do not apply the new standards to existing 'outdoor furnaces'
- do not include date/time limits for operation of 'outdoor furnaces'

- prohibit 'outdoor furnaces' in the front yard

Harvey was then directed to revise the draft text per the Planning Commission's discussion for review at the July meeting.

Moore added that he will attempt to talk with an 'outdoor furnace' installer to obtain additional information for consideration in July.

3. Master Plan Update

Acting Chairperson Bekes referenced the Preliminary Draft of the Master Plan Update distributed to Commission members in May. He noted that there had been agreement that a review of the Draft Plan would be conducted in June. Commission members agreed on a page by page review, with a focus on the proposed changes.

The following review comments were provided:

Cover:

- remove Gove logo
- replace/update photos

Introduction:

- pg 5: '5800' or '6000' estimated 2040 population?
- pg 5: change 'target population' to 'estimated population'
- pg 6: correct typo

Section 1

- add 'soils map'
- pg 13: define 'EGLE'

Section 2

- pg 3: change 'target population' to 'estimated population'
- pgs 3/4: update or remove 'migration' table/discussion
- pg 7: update projections
- pg 8: '5800' or '6000' estimated 2040 population?

Section 3

- pg 4: how should 'Brook Lodge site' be referenced? – keep as is
- pg 6: define 'wireless internet'

It was then agreed that review of the Preliminary Draft would continue in July, starting with Section 4.

REPORT FROM TOWNSHIP BOARD

Sulka reported that the Township Board adopted the proposed amendments to Section 18.2 – Signs (and related amendments to Section 2.2 – Definition of Terms), with a modification to subsection K.1. adding ‘Temporary signs do not require a permit.’

REPORT FROM ZONING BOARD OF APPEALS

Harvey reported that the Zoning Board of Appeals did not meet in June.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member or advisor comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:53 p.m.

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