

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MEETING MINUTES  
April 28, 2025**

**CALL TO ORDER/PLEDGE**

Chairperson Sager called the meeting of the Ross Township Planning Commission to order at 6:00 PM at the Ross Township Hall. All rose to recite the Pledge of Allegiance.

**ROLL CALL**

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

Absent: None

Also Present: Bert Gale – AGS – Township Zoning Administrator  
Robert Thall – Township Attorney

**APPROVAL OF AGENDA**

Bekes motioned to approve the agenda as written, and Moore supported. The motion was unanimously approved with a vote of 7 – 0 .

**APPROVAL OF PRIOR MEETING MINUTES**

The Commission proceeded with consideration of March 24, 2025, Planning Commission meeting minutes. Snyder motioned to approve the minutes with one change on page one to remove the crossed-out word 'near' from the draft version and Price supported. The motion was unanimously approved with a vote of 7 - 0.

**NEW BUSINESS**

**The next matter** to come before the Planning Commission (PC) was a proposal for the construction of an accessory building and guest house. The review was conducted under Section 18.4.A.5.b and 18.4.D for and accessory building and guest house that does not comply with applicable location, height, or lot coverage requirements, and the special land use provisions in Article 19 of the Ross Township Zoning Ordinance. The applicant is also requesting review of a site plan for the proposed construction. This

property is in the Low-Density Residential District (R-1) and is a non-conforming lot at 5 Labelle Terrace, property number 3904-18-475-120.

Chairperson Sager opened the public hearing.

Gale provided an overview of the application, including passing out a copy of the GIS map for the respective property. Gale shared the property is considered contiguous per prior Zoning Board of Appeal decisions and described the two requests before the PC, including placing an accessory building on the lot and the second request for a guest house. Gale described his request to the builder to enter the home at 5 Labelle Terrace to determine if the home was a single-family dwelling or a multifamily dwelling without success as Gale was not granted access. The determination is necessary as a duplex does not qualify for a guest house.

Attorney Thall further declared per the Ordinance a guest house must be occupied by a family member or friend of the occupant of the single-family home.

The PC questioned if the guest home was constructed and the occupants of the guest home were not compliant with the Ordinance, what would happen? Thall said the case would be brought to Civil Court and a compliance order may be given in favor of the Ordinance. Then, if infractions continue, the homeowner would be considered in contempt of court.

The roadside setback would meet Ordinance at 20 feet, the request is for a five-foot set back. The lot coverage was considered allowable at 35%. The maximum height would meet Ordinance at 18 feet, the request is for 19 feet nine inches. Sager shared the affidavit received by the PC describing the reason applicant Barbara Walker would like approval should only be considered a letter of intent as the signature was not notarized on the submitted document.

Dylan Steele was present on behalf of the application. He explained the proposal to the PC and inquired about only having the accessory building as a garage with storage.

The PC members discussed several aspects of the project and determined the location of the requested structure, a new sewer hookup from GLWSA was understood as necessary by Steele, the back door would later be accessed by steps going up the back of the hill, an engineered storm water collection system was not presented, the five foot setback would create safety concerns for those who park in the area, parking constraints would be increased, the road is a private road resulting in no input from the Road Commission necessary, the 480 square foot maximum for the guest home is established as meeting Ordinance as one floor, a greater roadside set back would require excavation with a necessary retaining wall back into the large hill, and site lines to the lake by neighbors would be greatly impacted.

Chairperson Sager opened public comment.

Tammy Woodhams – neighbor – shared her home is her main investment and she is not in favor of the project. She submitted a written statement for the record prior to the meeting.

Amanda Rebebaugh – Renter at 5 Labelle Terrace – shared she is a long-term renter of the bottom floor and opined the structure is a duplex, as there is no staircase between the two floors.

Dan Margules – neighbor - Shared he was OK to hear of some scale back on the project, concern about viewshed, concern about trespassing with the intended layout, and a demand that an independent geological study be conducted on the hillside as in the past there was a collapse of the hillside at 11 Labelle Terrace.

Jim DeKruyter – Neighbor – shared his concern of the application being incomplete, asked the PC to consider Gale’s thoughts as conditions when making a decision, stated Option 2 with a nine-foot roadside setback versus five feet would be safer for the neighborhood and concern that parking is already very tight in the area.

Alexander Harris – Neighbor – shared a history of the project, his concern it is an illegal site and a question of ‘how is this moving forward’?

Chairperson Sager noted receipt of three letters from neighboring property owners (Tammy Woodhams, Alexander Harris and Richard Babel) with two supporting a denial of the application and one asking for a 3<sup>rd</sup> party geological and environmental impact assessment be made before a decision.

No further public comment was offered on the matter, and the public comment portion was closed at 6:59 pm.

Thall reiterated the need to determine if the home at 5 Labelle Terrace is a single-family residence or a multi-family residence before the PC proceeds to decision.

Bekes moved to postpone a decision on the application to build an accessory building/guest house at 5 Labelle Terrace to give the applicant time to get information the PC members need specifically:

- Access to 5 Labelle Terrace for Bert Gale to determine if 5 Labelle Terrace is a single-family residence or a multifamily residence.
- Develop a plan for a minimum nine-foot roadside setback with a target of 15 feet setback to alleviate road safety concerns.
- Confirmation from GLWSA the hook up to sewer is acceptable.
- A presentation on alleviating parking limitations in the area if the application is approved.
- A geological study of the hillside including a structural engineered retaining wall plan to address potential hillside strength after excavation, approved by the Township’s Engineering firm.
- All points of Article 18.4 D acceptable to Bert Gale except for Letter I, and
- An engineered plan for storm water runoff to remain on the property or controlled to not harm neighboring properties developed.

This postponement is based upon the review findings of Section 18.4.A.5.b, public comment and all material supplied by the applicant to the Planning Commission at the April 28<sup>th</sup> PC meeting. Price seconded the motion. The motion was unanimously approved with a vote of 7 – 0.

**The next matter** to come before the Planning Commission was a proposal for the construction of an accessory building and guest house. The review was conducted under Section 18.4.A.5.b and the special land use provisions in Article 19 of the Ross Township Zoning Ordinance. The applicant is also requesting review of a site plan for the proposed construction. This property is 12542 N. Sherman Lake Drive (a.k.a. 12542 Ross Lane), property number 3904-29-405-014 in the Low-Density Residential District (R-1).

Chairperson Sager opened the public hearing.

Gale provided an overview of the application of building the guest house which includes a large, covered porch area on the lakeside, which will be used primarily for storage by the owners. The setbacks, height, and the area of the structure/guest house with no kitchen facilities all meet Ordinance standards. The structure is on a private road, and all references to the structure as a guest house, office or studio are assumed to mean guest house.

Thall recommended the condition of a sewer connection should the PC move to approve the application.

Andrew Backes was present on behalf of the application. He and the applicant Brian Branstetter explained the property was part of the Sherman Lake sewer project a couple of years ago and when the property was hooked up to the sewer line a second opportunity for hook up, for this future guest house, was put in at that time.

Additional information after questions from PC members determined viewshed issues would not be present as the structure is not in line with any neighbors sight line to the lake, there would be no driveway to the structure but rather a pathway from the home to the structure, there are no kitchen facilities within the structure, there will be no commercial activities in this structure and only friends/family members of the residents of the single family home will occupy/use the guest house.

Chairperson Sager opened Public Comment at 7:11 pm and noted no written public comment was given by neighbors or other interested parties. No further public comment was offered on the matter and the public comment portion closed at 7:13 pm.

The Planning Commission proceeded with a review of the application.

Gale stated all provisions of 18.4 (D) were satisfied except for the following:

- C) The location, dimensions, and height of all existing buildings/structures on the subject property and any existing buildings on adjacent property within 100 feet of the subject property. The PC agreed to waive C as the building height given at the meeting by the builder was less than the maximum allowed.
- F) The location of the pavement and right-of-way width of all abutting roadways. The PC agreed to waive F as the builder and homeowners stated during the presentation there will be no driveway from the structure to the road.
- I) Any other information deemed necessary by the Township Planning Commission. The PC determined there was no need for other information regarding the application.

The PC reviewed Article 18.4.A.5.b:

Chairperson Sager read through the specific approval standards and related requirements including:

1. the guest house shall be located on a lot with an existing occupied single family dwelling as the principal use in a district in which a single family dwelling is a permitted use, or on a contiguous lot, and shall be accessory to such existing occupied single-family dwelling.
2. the guest house may be a separate accessory building, or a portion of an accessory building used for other lawful purposes.
3. the guest house shall be used only to house guests of the occupants of the principal single-family dwelling to which the guest house is accessory.
4. the guest house shall not:
  - a. contain kitchen facilities.
  - b. have more than one bathroom, or more than a total of three rooms, all of which shall be contiguous.
  - c. have an area exceeding 480 square feet.
  - d. be leased or rented for occupancy, or otherwise used for any commercial purpose.
5. the guest house shall be subject to all applicable lot, yard and area requirements in Article 15 of this Ordinance, or elsewhere in this Ordinance.
6. no more than one guest house shall be allowed on a lot.

The PC found all six criteria are met.

The PC then reviewed Section 19.3---Criteria for Decision with the following results:

Special land uses are not allowed to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Planning Commission approves or approves with conditions a special land use permit. Such approval shall be granted when the Planning Commission finds from the evidence produced at the hearing that the proposed land use or activity:

1. Will meet all of the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements. The PC found there was no issue meeting this standard by the applicant.
2. Will be compatible with the natural environment. The PC agreed there was no issue meeting this standard by the applicant.
3. Can be served adequately by essential on-site or public utilities, facilities and services. The PC found there was no issue meeting this standard by the applicant.
4. Will be located, designed, constructed, operated and maintained so as to be compatible with adjacent uses of land. The PC found there was no issue meeting this standard by the applicant.
5. Is consistent with the public health, safety, and general welfare of the community. The PC found there was no issue meeting this standard by the applicant.
6. Is consistent with and promotes the intent and purpose of the Zoning Ordinance. The PC found there was no issue meeting this standard by the applicant.

The PC reviewed Section 21.6 – Approval with the following results:

Criteria for Site Plan Review. The site plan shall be reviewed and approved by the Township Planning Commission upon a finding that:

1. The proposed use will not have a harmful effect on the surrounding neighborhood development. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects upon surrounding development. The PC found there was no issue meeting this standard by the applicant.
2. There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. The PC found there was no issue meeting this standard by the applicant.
3. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties. The PC found there was no issue meeting this standard by the applicant.
4. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township. The PC found there was no issue meeting this standard by the applicant.
5. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc., shall be retained where they afford a barrier or buffer between adjoining properties being put to different uses. The PC found there was no issue meeting this standard by the applicant.
6. That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent feasible. The PC found there was no issue meeting this standard by the applicant.
7. That the plan will not result in any additional run off of surface waters onto adjoining property. The PC found there was no issue meeting this standard by the applicant.

Bekes moved to grant approval for the construction of an accessory building/guest house for the application of Andrew Backes at 12542 Ross Lane with the following condition:

1. No commercial activity conducted within the structure.

The approval is based upon the review findings of Section 18.4.A.5.b, Section 19.3 – Criteria for Decision, Section 21.6 – Approval and all material supplied by the applicant to the Planning Commission at the April 28<sup>th</sup> PC meeting. Price supported the motion. The motion was unanimously approved with a vote 7 – 0 .

## **OLD BUSINESS**

**Chairperson Sager stated the next matter** to come before the PC was continuation of discussion regarding patios, landscaping and natural grade from a recent ZBA decision on lakefront lots.

Thall passed out a three-page document identifying areas within the Zoning Ordinance to clarify grade considerations when building patios and landscaping in front yards of lakefront properties.

Bekes shared the Ross Township Board asking for respective ordinance changes to be presented at the July or August Board meeting. As the discussions occur when time allows during regular Planning Commission meetings and that matters that come before the PC are not known at the prior meeting, the Board authorized the PC conduct Special Meetings to meet that deadline if the PC suspects delay due to other considerations. Bekes shared the PC needs to determine changes and conduct a Public Hearing on the matter by the June PC meeting to deliver said changes to the Ross Township board by their July meeting.

Discussion resulted in agreement the ordinance needs to be clear to constituents, AGS and not result in everyone having a need to come before the Zoning Board of Appeals before constructing a patio on lake front properties. ZBA member DeKruyter suggested a patio plan/landscape plan be submitted before an occupancy permit is given on new homes. Natural grade level needs to be better defined as this will be the focal point of the Ordinance changes. The PC committed to review Thall's document individually and funnel thoughts to him for consideration within two weeks. The intent, based on the PC member feedback, is for Thall to determine where consensus may be reached and areas where decisions still need to be made resulting in him bringing a working Ordinance change model to the May 2025 PC meeting for further discussion.

**The next matter** to come before the PC was continuation of discussion regarding rezoning of properties along 40<sup>th</sup> Street from R-1 to return to the R-R designation. Chairperson Sager postponed this matter as the time was already past 8 PM.

## **REPORT FROM TOWNSHIP BOARD**

Bekes reported the board met on April 15<sup>th</sup> in a special meeting to hear from the Fire Command regarding ambulance service. The board then went into regular session with a presentation from the current Ambulance service vender LifeCare and an update regarding the Village of Augusta not signing the proposed Internal Government Agreement for Fire Department operations.

## **REPORT FROM ZONING BOARD OF APPEALS**

Bekes reported the April ZBA meeting was cancelled.

## **SECOND PUBLIC COMMENT**

Dave Hyslop asked about the postponement of rezoning 40th Street from R-1 to RR and Chairperson Sager said it would be back on the agenda for the May 23<sup>rd</sup> PC meeting. Mr. Hyslop asked about a letter not received by neighbors regarding the subject and Thall shared the PC is only entering discussions at this time. Should the PC move forward with the idea, then letters would be sent, and a Public Hearing would need to be scheduled. Mr. Hyslop then asked for an explanation of the difference between RR and R1 zoning. Gale suggested Mr. Hyslop review the Ordinance book for education and invited him to visit him at AGS for a cup of coffee to go through the differences in detail.

## **CONSULTANTS, ADVISORS AND MEMBERS**

Gale asked about the tabled decision on The Bluffs application for the walkway build. Thall shared the Judge approved of the walkway as a permitted use, but it doesn't mean the walkway does not have to go through site plan review. The judge does not sit as a super zoning commission, meaning the judge doesn't have the authority to give the approval. However, if the project meets all standards, the PC must approve it. It is on The Bluffs to come forward with the information requested by the PC at the time of being tabled.

## **ADJOURNMENT**

There being no further business to come before the Commission, Moore motioned to adjourn the meeting and Sager supported it. The motion was unanimously approved and the meeting adjourned at 8:12 PM.

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