

**ROSS TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
MAY 19, 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
Michael Moore
Steve Maslen
Jeff Price

Absent: Mark Markillie
Sherri Snyder

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

APPROVAL OF AGENDA

Bekes motioned to approve the agenda with a proposed change to discuss the rezoning of properties along 40th Street from Low Density Residential District (R1) to Rural Residential District (RR) designation first as it was noted a citizen was present with a known interest in the matter, when the Planning Commission (PC) reaches Unfinished Business in the meeting agenda and Price supported. The motion was unanimously approved with a vote of 5 – 0 in favor.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of April 28, 2025, Planning Commission meeting minutes. Maslen motioned to approve the minutes as written and Moore supported. The motion was unanimously approved with a vote of 5 – 0 in favor.

NEW BUSINESS

Chairperson Sager stated there was no new business to discuss.

OLD BUSINESS

The next matter to come before the PC was the continued discussion regarding the rezoning of parcels along 40th Street from R1 to the RR designation.

Commission members discussed the history of the original change from RR to R1 with one opining the change was not noticed in a manner where neighbors had been aware. The year of the change was 1986, or 39 years ago. The differences between RR and R1 per the Ross Township Zoning Ordinance were discussed in detail, with an emphasis on animal, farming criteria and accessory uses.

Thall stated the Right to Farm act will control agricultural production for commercial purposes. The only permitted use in the RR district is agricultural production and everything else, such as having horses, is considered accessory use in the district. At the time of the prior rezoning to R1 and the owner had horses, that accessory use runs with the land. The point was made the next owner of the property can also have horses if the accessory use was continuous. If there was a period when horses were not being raised on the property, the accessory use would be considered abandoned, and horses would not be allowed going forward.

The path forward was defined if the PC considers rezoning is in order, a public hearing would be scheduled with a mailed notice going to all who live within 300 feet of the intended rezoning area, inviting them to attend and make comment. The PC would then act with a recommendation to the Ross Township board to rezone. The Ross Township board has the responsibility for rezoning decisions.

The PC requested the following before further discussion and prior to scheduling a public hearing on the matter:

- Thall to provide an expanded GIS map of the parcels in the area.
- Thall to provide a copy of the zoning map prior to 1986 to confirm the actual change that occurred with the 1986 rezoning.
- Identification of parcels that could be rezoned to RR without becoming nonconforming.
- Identification of parcels that would become nonconforming if the entire area is rezoned to RR, or those parcels less than one acre in size with lot widths less than 200 feet.

PUBLIC COMMENT

No written correspondence was received.

Dave Hyslop stated his history of living on 40th Street, described new owners of parcels over the prior four years, talked about the history of allowing chickens in the past and opined on a new neighbor who started raising chickens within a privacy fence who was told to stop when another neighbor lodged a complaint.

Public comment was closed as no one else approached the podium.

The PC agreed to continue discussions on this matter at their regularly scheduled meeting on June 23rd, if time allows.

The next matter to come before the PC was the continuation of discussion regarding Zoning Ordinance (ZO) changes to align with a recent Zoning Board of Appeals (ZBA) decision on interpretation of the ZO by the Zoning Administrator regarding patios, landscaping and natural grade on lakefront lots.

Discussion on the matter at the April 28, 2025, meeting included a handout by Thall identifying several areas of focus in the ZO for consideration whereas all PC members were to review the information and share feedback with Attorney Thall with the intent for Thall to bring back a consensus view working ordinance change document to the May 19th PC meeting.

Thall presented the resulting working ordinance change document to the PC for further discussion. The document included adding five definitions to the ZO, specifically:

Existing natural grade: the grade prior to excavating, filling, grading, or other similar changes or improvements to the land. On an individual, vacant lot that is between two (2) adjacent improved properties, the established existing grade shall be based in part on the established grade of the adjacent properties. For subdivisions, site condominiums, PUDs, and similar developments, that require the approval of a grading plan for the overall development, preliminary grading in accordance with the approved grading plan shall be permitted prior to establishing the existing grade on the lots or units within the development.

Grade: the surface of the land including the surface contours and slope. The grade is depicted by elevations of the surface of the land.

Finished grade: the level of the ground adjacent to the walls of the building after excavating, filling, grading, or other similar changes or improvements to the land.

Patio: a structure consisting primarily of flooring at existing natural grade.

Deck: a structure consisting primarily of flooring which is raised above the existing natural grade, which may be constructed as part of the principal structure (or building) or may be constructed as an accessory structure.

In addition, Thall recommended adding the following to the ZO:

17.3.D – For purposes of this section, a patio is not required to meet these setbacks if it meets all of the following: begins within two feet of the principle dwelling; extends into the setback no more than 12 feet; is no higher than three (3) feet above existing natural grade; the sides being covered with dirt with a slope ratio of one (1) foot vertical height to ten (10) foot horizontal run; and grass to cover the sloped area.

Thall explained the definitions and 17.3.D in detail. Thall addressed feedback regarding a requirement of a permit for landscaping, patios and decks with new construction on lakefront front yards. He offered adding 17.3.E that would say on a lake front parcel in the front yard (lakeside) if one wanted to do landscaping, patios or decks a permit would be required. The Zoning Administrator would review the proposed project to the ZO. Language to include the submission of a landscape plan with new construction would be included in 17.3.E.

The PC discussed latitude for homeowners with lower sloped lots, size of patios, setback considerations (hard numbers or percentages in some manner), the addition of checking landscape plans during the permitting process, hardscaping together with landscaping, the initial grade point of measurement for the application of the proposed 17.3.D, and what should be included in the drawings such as elevations, ingress and egress points, locations of generators, hot tubs, grills, etc.

Gale was asked if the ZO were updated with the five new definitions and adding both 17.3.D and 17.3.E, would it help him as the Zoning Administrator apply the interpretations made by the ZBA decision regarding the matter? Gale affirmed they would be helpful not only to him, but also to developers and builders as the changes would offer tools to them to use during the design phase of their project.

Thall committed to update the working document for the ZO updates taking all discussion points into account. Thall asked for any additional feedback from commission members to be sent to him by May 23rd. The new document will be presented to the PC at the upcoming PC Special Meeting on June 9, 2025. A public hearing could be scheduled as early as the July 28th Planning Commission meeting, keeping the initiative timely to get proposed changes in front of the Ross Township board by their August 19th board meeting.

REPORT FROM TOWNSHIP BOARD

Bekes reported a board meeting had not been conducted since the last Planning Commission meeting so there was nothing to report.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported that the ZBA approved a variance request at their May 7th meeting to add two feet to an approved six-foot fence around the Sanctuary.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Sager stated her attendance at the upcoming MTA seminar on May 28th and the Liberty Solar Farm presentation on the same date will be attended by Price.

Chairperson Sager stated a quorum is established for the upcoming PC Special Meeting on June 9th at 6:00 pm.

ADJOURNMENT

There being no further business to come before the Commission, Price motioned to adjourn the meeting and Maslen supported. The motion was unanimously approved with a vote of 5 – 0 in favor and the meeting adjourned at 7:34 pm.

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