

**ZONING BOARD OF APPEALS  
ROSS TOWNSHIP  
APPROVED MEETING MINUTES  
January 7, 2026**

The Ross Township Zoning Board of Appeals (ZBA) held its regular meeting on January 7, 2026, at the Ross Township Hall. Chairperson DeKruyter called the meeting to order at 5:30 PM.

Present: Jim DeKruyter, Chairperson  
Michael Bekes, ZBA Member  
Bonnie Sawusch, ZBA Member

Absent: Cheryl Duffy-Geiger, ZBA Member

Also present: Nick Keck, AGS – Township Zoning Administrator  
Josh Thall – Township Attorney

**APPROVAL OF AGENDA**

Bekes moved to approve the agenda as presented and Sawusch supported. The motion carried with a 3-0 vote.

**APPROVAL OF MINUTES**

DeKruyter moved to approve the minutes of November 5, 2025, ZBA meeting as written and Sawusch supported. The motion carried with a 3 – 0 vote.

**OLD BUSINESS**

**The next item on the agenda is a request for a variance to Article 15 (Schedule Lot, Yard and Area Requirements) and Section 22.9 (Building/Structure Setback and Building Coverage Requirements Applicable to Lawful Nonconforming Lots) for a new home build at 445 S Gull Lake Drive. Subject Parcel Property Tax Identification Number 04-17-354-240 is a lawful nonconforming property located in the R-1 Zoning District.**

Chairperson DeKruyter stated the request is for variances for lakeside, roadside setback, and total lot coverage for a new home construction by Mallory and Jason Varner.

Keck stated the proposed new home would have total lot coverage of 37.4% with the Ordinance requirement of 32.2% maximum, lakeside setback of 35 feet with the Ordinance requirement of 50 feet minimum and, street setback of 7.5 feet with the Ordinance requirement of 20 feet minimum. Side yard setbacks proposed at 10 feet meet the Ordinance requirement of 10 feet minimum and is not a consideration on this application.

Questions by ZBA members based on the information supplied by the applicant determined that all setbacks discussed at the November 5<sup>th</sup> 2025 ZBA meeting are now met with the updated proposal, the home has not been designed yet and height will need to be within Ordinance

requirement to proceed without further review, the intent of the design is to have a side entry garage and the applicant understands parking is not allowed within the 7.5 feet roadside setback. Keck also confirmed side yard setbacks are measured from the eaves of the structure.

Jason Varner and Mallory Varner were present on behalf of the application. Jason stated the 7.5 feet roadside setback is the existing roadside setback with the current structure.

Bekes moved to open public comment and Sawusch supported. The motion passed with a vote of 3-0.

No public comment at the meeting was offered. Chairman DeKruyter gave an overview of three pieces of written communication received on the matter which included:

- Written Communication #1 – Suggested a side load garage and no parking within the 7.5 feet roadside setback be conditions of whatever is approved. Also to remind the applicants that setbacks apply to eaves, decks, stairs, generators, AC units, etc.
- Written Communication #2 – Neighbor statement of not wanting a structure blocking their view to the North and that a 35 feet setback would do that.
- Written Communication #3 – Neighbor expression of approval for the requested setbacks for the 445 S Gull Lake Drive home build.

With no further public comment offered, Bekes motioned to close public comment and Sawusch supported. The motion carried with a vote of 3 – 0 and the public comment period was closed.

Attorney Thall opined the ZBA only needs to review #3 and #6 outlined in Section 23.8 as #'s 1, 2, 4 and 5 were fully discussed and decisioned at the November 5<sup>th</sup> ZBA Meeting. Bekes reminded the members that #1 was determined to be a 'yes', and #'s 2, 4 and 5 were determined to be a 'no' at said meeting. The ZBA proceeded to review the application per Section 23.8, criteria #3 and #6.

Section 23.8 – 'Variance Standards and Conditions' gives the Zoning Board of Appeals the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the Ordinance where there are practical difficulties in the way of carrying out the strict letter of the Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured and substantial justice done.

**#3 That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.**

The ZBA determined that a 7.5 feet roadside setback would give substantial justice, noting the existing home has a roadside setback of 7.5 feet, while neighboring homes have 12.5 feet and 2 feet roadside setbacks, respectively.

The ZBA found the lakefront setback of 35 feet would offer substantial justice to both the applicant and neighbors as viewshed issues to neighbors would be minimized and shoreline preservation would be enhanced as the lake would be better protected by the setback versus the original request of a 20-foot lakeside setback.

The ZBA found the 37.4% lot coverage request would do substantial justice to the applicant as the 10 feet side yard setbacks and lakeside setback of 35 feet with a side load garage will be similar to total lot coverage of several neighboring properties.

**#6 That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety and health is secured, and substantial justice done.**

The ZBA found with setbacks of 10 feet for each side yard setback meets the Ordinance requirement and mitigates certain safety concerns. The 35 feet lakeside setback, 7.5 feet on roadside setback to match the current home and total lot coverage of 37.4% would ensure the spirit of the ZO is observed as public safety and health is secured from a fire safety perspective, allows easier access to the lake for emergency entry, and substantial justice to both the applicant and neighboring properties is done. Conditions to ensure a side load garage as part of the structure and no parking within the 7.5 feet roadside setback gives the ZBA confidence that the final design of the home will ensure the spirit of the Zoning Ordinance is observed.

Bekes stated the above findings are based on the documentation presented by the applicant and the representations made at the meeting.

With no further questions or comments by ZBA members, Bekes moved to approve a variance for a 7.5 feet roadside setback, 35 feet lakeside setback, and lot coverage of 37.4% for the applicant to build a new home at 445 S Gull Lake Drive with the following restrictions and conditions:

- 1 A side entry garage is built as part of the home.
- 2 No parking in the 7.5 feet roadside setback per Zoning Ordinance 18.1.C.3 to occur post construction.

This approval is based upon the stated findings of the ZBA members on variance criteria of #1, #3, and #6 set forth in Section 23.8 of the Zoning Ordinance with greater weight given to #3 and #6, all public comment received, discussions from the November 5<sup>th</sup>, 2025 ZBA meeting of which the meeting minutes were approved at the start of this ZBA meeting, and all material supplied by the applicant to the Zoning Board of Appeals for this January 7, 2026 meeting.

Sawusch supported and the motion carried with a 3-0 vote.

**NEW BUSINESS**

Chairperson DeKruyter reported there is no new business.

### **PUBLIC COMMENT TIME**

No public comment was offered.

### **BOARD MEMBER TIME**

There are three applications for consideration at the upcoming February 4, 2026, ZBA meeting. Sawusch and Bekes reported they will not be able to attend to which Bekes reported Cheryl Duffy-Geiger has already offered to scribe the respective meeting minutes. Sawusch volunteered to scribe the March 4<sup>th</sup> ZBA meeting minutes as Bekes reported he will miss that meeting.

General discussion on recent ZBA related events ensued.

### **ADJOURNMENT**

There being no further business to come before the ZBA, Bekes motioned to adjourn, and Sawusch supported. Passing unanimously, the meeting adjourned at 6:13 pm.

Respectfully Submitted,

Michael Bekes  
Acting Recording Secretary