

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
March 28, 2016**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regularly scheduled meeting of the Ross Township Planning Commission to order at 7:00 p.m. at the Ross Township Hall.

ROLL CALL

Present:        Jim Lauderdale, Chairperson  
                  Greg Pierce  
                  Jeff Price  
                  Jon Scott  
                  Sherri Snyder

Absent:         Victor Ezbenko  
                  Russell Fry

Also present:        Bert Gale, AGS – Township Zoning Administrator  
                          Kelly Largent, AGS – Township Zoning Administrator  
                          Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **February 22, 2016** Planning Commission meeting minutes. Price moved to approve the minutes as presented. Snyder seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

## NEW BUSINESS

### 1. 2016-2017 Planning Commission Meeting Schedule

Snyder moved to adopt by resolution the proposed 2016-2017 Planning Commission Meeting Schedule. Scott seconded the motion. The motion carried unanimously.

### 2. Election of Officers

Price moved the nomination and election of Lauderdale as Planning Commission Chair for the 2016-2017 fiscal year. Pierce seconded the motion. The motion carried unanimously.

Pierce moved the nomination and election of Price and Fry as Planning Commission Co-Chairs for the 2016-2017 fiscal year. Scott seconded the motion. The motion carried unanimously.

Snyder moved the nomination and election of Fry as Planning Commission Secretary for the 2016-2017 fiscal year. Price seconded the motion. The motion carried unanimously.

### 3. 2015 Planning Commission Annual Report

In review of the Annual Report, it was noted that Item 2 should be updated to reflect the comments provided by Fry in an email to Chairperson Lauderdale dated March 28, 2016. It was further noted that amendments recommended to Section 18.4 – Accessory Structures should be added to *Issues Subsequent to Work Plan*.

The Commission noted the accuracy and completeness of the remainder of the 2015 Annual Report prepared by Chairperson Lauderdale and accepted same as amended.

### 4. 2016-2017 Planning Commission Work Plan

Chairperson Lauderdale referenced the draft Planning Commission Work Plan and noted that the proposed work items were not prioritized.

In response to questions, it was confirmed that the Master Plan was reviewed and updated in 2012. It was agreed that the Planning Commission would review same and determine if further review/update was necessary.

The Planning Commission accepted the draft Work Plan and scheduled adoption of same for the April Planning Commission meeting.

## UNFINISHED BUSINESS

### 1. Dock Rental Issue - Section 17.2 Boathouses and Dock Regulations.

Chairperson Lauderdale stated that the Commission had requested legal review/opinion regarding proposed changes to Section 17.2 and the existing provisions applicable to access lots/access lot beneficiaries set forth in Section 17.1. He noted that at the March meeting, Harvey provided the following summary of the consult with Attorney Thall:

- Adopting new text implies that the existing text (Sections 17.1 or 17.2) does not address the matter of dock rental. This has the potential impact of creating claims of lawful nonconformity upon the adoption of the 'new' standard.
- If the Planning Commission concludes that Section 17.1 requires clarity in its regulation of dock rental . . . a request to the Township Attorney for review would be appropriate and, if necessary, the text could be directed to the ZBA for formal interpretation. This would allow any subsequent revision to Section 17.2 to be declared a confirmation or clarification of an already existing standard.

Further, the following conclusions/suggestions were offered:

- 1) As written, Section 17.1 does not allow a nonconforming waterfront lot to serve more than one access lot beneficiary. Many waterfront lots in Ross Township are nonconforming lots and so do not have the ability to provide lawful access to other than the owner/occupant.
- 2) Consider a revision to the current definition of 'access lot beneficiary' so as to add 'Members of the same family as defined by Section 2.2 of this Ordinance shall be collectively considered as one access lot beneficiary.'
- 3) Consider simply amending Section 17.1 A.7. to limit the use of an approved dock by a qualified 'access lot beneficiary' . . . to address the potential for access/use of a dock from the waterway instead of the access lot.

Following Board discussion, Harvey was directed to develop draft text pursuant to the suggestions outlined. Chairperson Lauderdale referenced the requested draft text provided by Harvey.

General Board discussion ensued. Scott stated his agreement with the attorney's suggestion to direct the existing text to the Zoning Board of Appeals for an interpretation of its application to the matter of dock rental. Planning Commission members agreed. It was determined that the request would be forwarded to the Zoning Board of Appeals for placement on a future agenda and that no changes to the existing text would be considered until the request had been addressed by the Board.

## 2. Horse Boarding Facility

Chairperson Lauderdale noted that the Planning Commission had forwarded the proposed draft text changes applicable to a 'horse boarding facility' to the Township Attorney for review/comment.

Harvey provided the following summary of the consult with Attorney Thall:

- Replace the term 'property' with 'lot' given a definition of 'lot' currently exists in the Ordinance.
- Consider deleting 'existing' from Article 20, Item 13., B. 8.
- It is likely that most 'horse boarding facilities' will fall under the Right to Farm Act GAAMPS given the commercial nature of their operation.

The Planning Commission noted their agreement with the assessment and suggestions made by Attorney Thall. Pierce then moved to accept the draft text, as revised, for public hearing. Scott seconded the motion. The motion carried unanimously.

## 3. Nonconforming Uses, Buildings/Structures and Lots / Variance Standards

Chairperson Lauderdale advised that pursuant to Board discussion/direction in February, Harvey provided suggested revisions to Sections 22.3, 22.4, and 23.8 for Commission review and discussion.

Harvey provided an overview of the information, noting that sample text from nearby communities regarding nonconforming uses and building/structures and variance criteria were included for Board reference. She noted that guidelines for the granting of variances published by the Michigan Association of Planning (MAP) were also included.

Lengthy Board discussion ensued wherein the following was noted:

*Nonconforming Uses and Buildings/Structures:*

- There is interest in addressing the alteration of a nonconforming use or building/structure similar to Prairieville Township.
- Such an approach would allow for a reasonable approach to many situations in Ross Township.
- It would be consistent with the approach recently adopted for accessory buildings.

*Variance Criteria:*

- The criteria set forth in the Richland and Prairieville Township ordinances seems to make more sense.
- The noted criteria follows the recommendations of the MAP Guidelines.
- It would be a positive change to make the criteria clear and to have a similar approach as adjacent communities.

Harvey was directed to draft the suggested revisions to Sections 22.3, 22.4 and 23.8 for Commission consideration in April. It was suggested that the draft text also be submitted to the Zoning Board of Appeals and the Township Attorney for review.

4. Gull Harbor Point

Gale stated that the Township Supervisor recently met with the applicant and his landscape contractor and reviewed the specific landscaping requirements of the project and the June 1, 2016 deadline for completion.

5. Screening Standards

Chairperson Lauderdale noted that continued discussion of the proposed screening standards has been scheduled for April.

6. Watershed Protection Strategies

Chairperson Lauderdale noted that discussion of this Work Plan Item has been scheduled for April.

REPORT FROM TOWNSHIP BOARD

Scott provided updates on the status of the new Township Hall; the continuing work of GLAT and the funding efforts related to the extension of non-motorized pathways into

Ross Township; consideration of the adoption of noise and trespassing ordinances to address Gull Lake issues; and the adoption of the Township budget.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals did not meet in March.

#### MEMBERS, CONSULTANTS, ADVISORS

Snyder stated that she applauds the work of the Township Supervisor and what he has been able to accomplish in the last year.

#### ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP  
Township Planning Consultant