

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
April 25, 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  
Victor Ezbenko  
Russell Fry  
Greg Pierce  
Jeff Price  
Sherri Snyder

Absent: Jon Scott

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

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **March 28, 2016** Planning Commission meeting minutes. Pierce moved to approve the minutes as presented. Snyder seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vince Carahaly was present and announced his candidacy for Kalamazoo County Board of Commissioners (District 6). He stated that he is a current member of the Southcentral

Michigan Planning Council and an appointed member of the Kalamazoo County Planning Commission.

No further public comment on non-agenda items was offered.

## NEW BUSINESS

1. 2015 Planning Commission Annual Report  
2016-2017 Planning Commission Work Plan

Price moved to accept the 2015 Annual Report and 2016-2017 Annual Work Plan (as revised per the March 28, 2016 Planning Commission discussion) and approve the submission of same to the Township Board. Fry seconded the motion. The motion carried unanimously.

2. Public Hearing - Heimbold

The next matter to come before the Commission was consideration of the request by Chris Heimbold for Special Land Use Permit/Site Plan Review for the proposed construction of a residential accessory building (detached garage) that fails to meet applicable setback and lot coverage requirements. The subject property is located at 6477 North 39<sup>th</sup> Street and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material and Site Plan Review Summary (dated March 17, 2016) provided on the request. He stated that the proposed garage has been relocated to meet the 10 ft side setback requirement (15 ft proposed) but will continue to result in a lot coverage of 9%, in excess of the 5% maximum rear yard coverage allowed. Gale noted that Section 18.4 D. allows an 'accessory building that does not comply with the location, height or lot coverage requirements' as a special land use.

Chris Heimbold was present on behalf of the application. He stated that the proposed garage is intended for vehicle storage and a personal workshop. He further noted that the proposed lot coverage (9%) is consistent with that allowed for adjacent properties (10%) that are located within the R-1 District.

David Vaughn, adjacent property owner, stated that he supports the project and noted that it will add value to the property and the neighborhood.

Carahaly noted that the proposed garage will allow for enclosed storage which will provide the applicant with better insurance coverage on vehicles.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

In response to Commission questions, Heimbold confirmed the following:

- the proposed garage can be entered on two levels through three different access points;
- the existing paved drive and gravel drive will serve the garage - a new/additional driveway is not proposed;
- the existing overhead electrical wires exceed the required 10 ft separation and have been approved by Consumers Energy

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was confirmed that the proposed building will meet building height and location requirements . . . but will exceed the 5% rear yard coverage requirement. The proposed 27 ft x 40 ft garage will result in a 9% rear yard coverage. It was further noted that the accessory building is proposed for uses incidental to the residential use of the property and that the site plan presented is acceptable (per Section 21.4).

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Board concluded the following: the proposed accessory building will be compatible with other uses/buildings allowed within the District; its separation from the waterfront and the limited grading required for the project will minimize negative impacts on the natural environment; its location on the subject site will not adversely affect public services or facilities serving the area; adequate parking will be provided on the site; and, the proposed accessory building will not be detrimental to adjacent properties, the public health, safety and general welfare of the community, or the character of the site given its proposed use, height, and location on the site.

It was further concluded that the proposed accessory building meets the Site Plan Review Criteria set forth in Section 21.6 B. The lack of an existing accessory building on the site; the use of the existing driveway; the provision of adequate parking area; compliance with setback requirements; and, minimal change to the existing land cover were also noted in application of the review criteria.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Lauderdale then moved to grant Special Land Use Permit/Site Plan Approval for the proposed 27 ft x 40 ft accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures and noting its deviation from the 5% rear yard coverage requirement, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Price seconded the motion. The motion carried unanimously.

## UNFINISHED BUSINESS

### 1. Article 22 - Nonconforming Uses, Buildings/Structures and Lots / Section 23.8 - Variance Standards

Chairperson Lauderdale provided an overview of the draft text dated April 25, 2016, summarizing the proposed revisions to Sections 22.3, 22.4 and 23.8 and the basis for the changes.

Harvey stated that the draft text had been provided to the Zoning Board of Appeals as requested. She noted that the Zoning Board of Appeals expressed support for the efforts of the Commission and of the specific text proposed.

In response to questions from members of the public, the definition of a 'nonconformity' was provided and the 'front yard' of a waterfront lot identified.

Commission review of the draft text ensued with particular reference to the revisions incorporated in response to the March 28, 2016 discussion. Fry questioned how the modified criteria would affect previous decisions by the Zoning Board of Appeals, specifically regarding nonconforming buildings. Attorney Thall confirmed that an applicant would have the ability to apply for reconsideration given the 'change in conditions' if they felt that the revised text would modify the outcome. The Commission agreed that the public hearing notice should be added to the Township website to assist in informing residents of the proposed text changes.

Price then moved to accept the draft text dated April 25, 2016 for public hearing. Pierce seconded the motion. The motion carried unanimously.

### 2. 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.

Chairperson Lauderdale stated that the Planning Commission had determined in March that the request should be forwarded to the Zoning Board of Appeals for interpretation and that no changes to the existing text would be considered until the request had been addressed by the Board.

He advised that the matter has been forwarded to the Zoning Board of Appeals as directed and has been placed on their May 4, 2016 agenda for consideration.

### 3. Gull Harbor Point

Referencing a letter from the applicant (Michael Sullivan) dated April 7, 2016, Gale advised that a modification to the approved landscape plan for the project has been requested. He explained that the berm proposed for the 'northerly portion of the open space' is proposed for approval as 'currently landscaped' to avoid stormwater runoff problems.

Gale stated that Attorney Thall advised that an administrative approval of the requested modification is authorized by Section 21.11, upon consultation with the Planning Commission Chair. After discussing the request with Chairperson Lauderdale, it was determined that the matter would be presented to the Planning Commission for direction.

The Planning Commission agreed that it would be reasonable for the Zoning Administrator to be able to consider an alternate proposal by the applicant for landscaping in the noted area that would provide similar buffering as the approved berm but not present runoff problems.

### 4. Screening Standards

Chairperson Lauderdale referenced draft text dated November 23, 2015 (Draft #2). He noted that lengthy discussion regarding the 'buffer zone requirements' had occurred in January and February, with continued discussion scheduled for April when absent Board members would be in attendance.

Fry reiterated his desire to require a 'B' Buffer Zone in the C-1 District when located adjacent to residential zoning, specifically the R-1 and R-2 Districts. He again explained his concern that the proposed 'C' Buffer Zone does not include a 'wall/berm' requirement. He presented photos of existing situations within the C-1 District where a buffer for the adjacent residential property would be desirable.

Following Commission consideration of the buffer zone width requirements and the wall/berm standards set forth in the Buffer Zone Chart, it was determined that a solution to the concern expressed by Fry may be the development of a fourth buffer zone (ie. 'D') that would be 10 ft in width but include the option for a berm/wall. It was reasoned that such a zone could be more appropriate for the C-1 District (when adjacent to the R-1/R-2 Districts) given its narrower width requirement and also include the option for a wall/berm . . . without affecting the 'C' Zone standards and how they may be applied elsewhere.

Harvey was directed to modify the proposed draft text pursuant to the suggestions outlined for Planning Commission consideration in May.

#### 5. Watershed Protection Strategies

Due to the lateness of the hour, discussion of the matter was postponed to a future meeting.

#### REPORT FROM TOWNSHIP BOARD

In the absence of Scott, a Township Board report was not provided.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals met on April 6, 2016 and considered variance requests from the front, side and rear yard setback requirements, the lot coverage requirement, and the nonconforming building alteration requirement as they applied to a proposal to renovate an existing nonconforming house and reconstruct a nonconforming garage. He advised that the requests were granted.

#### MEMBERS, CONSULTANTS, ADVISORS

No comments were offered.

#### ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:55 p.m.

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