

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
September 25, 2017**

CALL TO ORDER/PLEDGE

Acting Chairperson Fry 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: Russell Fry, Acting Chairperson
Victor Ezbenko
Greg Pierce
Jeff Price
Jesse Zamora

Absent: Jim Lauderdale
Sherri Snyder

Also present: Kelly Largent, AGS – Township Zoning Administrator
Bert Gale, 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 **August 28, 2017** Planning Commission meeting minutes. Price moved to approve the minutes as presented. Pierce 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. Public Hearing – Expansion of Nonconforming Building (Roehr)

The next matter to come before the Commission was consideration of the request by Bernard and Nydia Roehr for special land use permit/site plan review for the proposed alteration/expansion of a legal nonconforming dwelling. The subject property is located at 1542 Burlington Drive and is within the R-1 District.

Acting Chairperson Fry opened the public hearing. Gale gave an overview of the proposal, noting that the existing dwelling is a lawfully nonconforming building due to lot coverage and setbacks. He stated that the applicant proposes a 212 sq ft addition to the existing house which constitutes an expansion of a nonconforming building and is subject to special land use permit/site plan review pursuant to Section 22.3 – Expansion of Nonconforming Use or Building. Gale further noted that the proposed addition will serve to increase the lot coverage and be located within the required rear setback area and so will also require variance approval from the Zoning Board of Appeals.

Attorney Thall questioned why 2 sets of drawings were presented in conjunction with the application and requested clarification as to which drawing was being requested for consideration.

Richard Schramm, project architect, and Nydia Roehr were present on behalf of the application. Mr. Schramm stated that 2 different drawings (dated 8.11.16) had been submitted with the application to demonstrate 2 different sizes/dimensions for the proposed building addition. He then presented a third drawing (dated 9.18.17) showing a revised proposal for the building addition.

Mr. Schramm stated that the proposed addition has now been reduced to approximately 114 sq ft. He noted the following:

- The addition is small but will enhance the livability of the residence.
- The upgrade will increase the life of the house and represent an improvement to the neighborhood in general.
- The expansion is being proposed only where space allows.
- The proposed addition will meet the side (south) yard setback requirement.
- Modifications to the roof are also proposed that will remove an existing encroachment along the east property line.
- The proposed addition will extend into the rear yard setback, similar to the existing house, and increase the already nonconforming lot coverage on the site.
- The ‘promenade’ along the waterfront cannot be included in the lot area for the site which has created a ‘lot coverage’ limitation.

No public comment was offered on the matter. Acting Chairperson Fry referenced a letter of support received from Richard and Joanne Chamberlin and comments of support provided from Kai Free to the Township Office. He then closed the public comment portion of the public hearing.

The Commission proceeded with a review of the proposal pursuant to the Special Land Use Criteria set forth in Section 19.3. The following conclusions were noted: the existing house is the smallest house in the neighborhood and the proposed addition will not appear out of character with the area; the proposed addition will meet the waterfront setback requirement and result in minimal change to the existing lot coverage on the site; the proposed addition will not result in an increase in density or a change in required parking; neighboring properties have expressed support for the proposal; and, the proposed addition is small and will represent an improvement to the property.

In review of the site plan pursuant to Section 21.4, the following was noted:

- b. – the setback lines are not shown; but AGS confirmed the measurements provided
- c. – the heights of buildings within 100 ft of the property are not shown; it was noted that the buildings in the area are currently taller than the subject house
- e. – the parking area is shown but is located entirely within the abutting road right-of-way; no change to the existing layout is proposed
- o. – building elevations have been provided; the floor plan is missing but is not necessary for a residence.

In review of the site plan pursuant to Section 21.6, it was highlighted that the proposal will result in the removal of an existing encroachment; the existing house is small but already exceeds the maximum lot coverage allowed and extends into the rear setback – the small addition will have no significant impact on existing conditions; and, neighbors have expressed support for the proposal.

In response to Commission questions, Mr. Schramm confirmed that the most recent site plan with the reduced building addition will result in an increase in the lot coverage from 44% to 48% and provide for a 15 ft rear setback. He added that eaves/gutters will be used along the west roof line to direct the storm water toward the lake and avoid runoff onto the property adjacent to the west.

It was determined that the site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6.

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

Price then moved to grant Special Land Use Permit/Site Plan Approval for the proposed expansion of a nonconforming building based upon the review findings of Section 19.3 – Special Land Use Criteria and Section 21.6 – Site Plan Review Criteria, noting that the site plan presented was acceptable, with the information required by Section 21.4 B., C. and O. waived per Section 21.4 T., and subject to the following conditions:

- Variance approval from the maximum lot coverage and rear setback standards by the Zoning Board of Appeals.
- The inclusion of eaves/gutters along the west side of the roof of the addition to prevent storm water runoff onto the property adjacent to the west.

Pierce seconded the motion. The motion carried unanimously.

2. Section 16.7 A. 3. – Depth to Width Ratio Requirement

Attorney Thall stated that Section 16.7 A. 3. establishes a 4 to 1 depth to width ratio requirement for both lots and parcels (of less than 10 acres in area). He explained that a depth to width ratio requirement is already set forth in the Land Division Act and Ross Township’s Land Division Ordinance and that there is no need to establish such a requirement in the Zoning Ordinance as well. He added that it is unusual to apply a depth to width ratio requirement to platted lots, so deleting Section 16.7 A. 3. would also correct that application.

Attorney Thall added that the depth to width ratio requirement in Ordinance #138 should be modified from 3 to 1 to 4 to 1, to be consistent with the Land Division Act. He noted that such an amendment would be the responsibility of the Township Board given that Ordinance #138 is a general ordinance.

Commission members agreed to schedule the public hearing for the amendment of Section 16.7 A.3. for the October Planning Commission meeting.

UNFINISHED BUSINESS

1. Discussion – Placemaking/Destination Zoning

Acting Chairperson Fry referenced Planning Commission discussion in September regarding the use of the PUD option allowed by the Michigan Zoning Enabling Act to foster ‘destination-based’ land use, such as a ski resort, vs. the establishment of a ‘recreation district’. He noted that Harvey was directed to develop outlines of an overlay district approach and a PUD approach for addressing resort and recreational-type facilities (destination land use) to give clarity to the vision on how these approaches would work and allow for comparison between the two.

Harvey distributed an outline for a Recreation & Resort Overlay District and provided an overview of its distinctions from a PUD approach.

Lengthy Commission discussion ensued wherein it was noted that the outline and presentation were helpful in answering the questions posed in September. It was agreed that the outline should be provided to absent Commission members and scheduled for continued discussion in October.

2. Watershed Protection Strategies

Planning Commission members agreed to continue to consider the matter ‘on hold’ at this time.

3. Sign Ordinance

Harvey and Thall reported that MTA’s model ordinance has not yet been released and that the review of draft sign ordinance remains on hold.

REPORT FROM TOWNSHIP BOARD

Price reported the following:

- The Township Board expressed unanimous support at the September 12, 2017 meeting for the establishment of an assessment district to provide needed road improvements within the Township.
- The public hearing on the assessment district has been scheduled for October 10, 2017.
- An update on recent bills introduced on the topic of ‘vacation rentals’ was given. Attorney Thall noted that the identified impacts of short term rentals can be addressed through nuisance ordinances. He also explained the concept of a ‘rental registration ordinance’ and the ability to use related registration fees for the enforcement of the ordinance.

REPORT FROM ZONING BOARD OF APPEALS

Gale stated that the Zoning Board of Appeals met on September 6, 2017 and considered an appeal of an interpretation made by the Township Zoning Administrator that Section 22.8 A., Zoning Ordinance does not allow splitting out a nonconforming platted lot that is part of a ‘zoning lot’ to stand as a separate buildable lot. He noted that the Zoning Board of Appeals moved to accept the interpretation of the Zoning Administrator.

Gale stated that the Zoning Board of Appeals is scheduled to meet on October 4, 2017 to consider the variance requests associated with the Roehr application.

MEMBERS, CONSULTANTS, ADVISORS

Acting Chairperson Fry noted that a date for the joint Township Board/Planning Commission meeting is currently under consideration.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

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