

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
February 25, 2019**

CALL TO ORDER/PLEDGE

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

ROLL CALL

Present: Chairperson Lauderdale
Mike Bekes
Mark **Markillie**
Michael Moore
Pam Sager
Mike Sulka

Absent: Sherri Snyder

Also Present: Kelly Largent, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Robert Thall – Township Attorney

Chairperson Lauderdale welcomed new Planning Commission members Mike Bekes (who initially served on the Planning Commission Aug – Nov, 2018), Michael Moore, Pam Sager, and new Township Board liaison, Mike Sulka.

Referencing an informational memo, Chairperson Lauderdale noted that new members should have been provided copies of the PC By-laws and the 2017-2018 PC Annual Report (which includes the 2018-2019 PC Work Plan). He noted that the PC fiscal year is April 1 – March 31, which accordingly will place the election of officers, approval of the PC Annual Report/Work Plan and adoption of the 2019-2020 PC meeting schedule on the March meeting agenda.

Chairperson Lauderdale gave a brief overview of the roles and responsibilities of the Planning Commission and its rules of procedures for meetings.

Each member then gave a brief introduction and offered a perspective of the Planning Commission.

APPROVAL OF AGENDA

Chairperson Lauderdale noted the deletion of Item 5) – ZO Text Change under New Business, explaining that the matter had already received administrative attention. The agenda was approved as modified.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **November 26, 2018** regular Planning Commission meeting minutes. Chairperson Lauderdale moved to approve the minutes as presented. Bekes seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Residential Accessory Building (Reisman)

The next matter to come before the Planning Commission was consideration of the request by Ronald Reisman for special land use permit/site plan review for the proposed construction of a 172 sq ft addition to a residential accessory building that will result in an accessory building that fails to meet the rear yard lot coverage requirement. The subject property is located at 409 Gull Lake Island and is within the R-1 District.

Chairperson Lauderdale noted that the matter was postponed from the November, 2018 Planning Commission by request of the applicant.

Chairperson Lauderdale opened the public hearing.

Largent provided an overview of the request, noting the following:

- The applicant is proposing the addition of a 172 sq ft addition to an existing 712 sq ft accessory building for the purpose of adding restroom facilities.
- With the application of the maximum 10% rear yard lot coverage standard established by Article 15, a 713 sq ft accessory building is allowed on the subject site.
- The proposed building addition will result in a total building area of 884 sq ft and a 12.4% rear yard lot coverage.
- The proposed addition will result in an accessory building that will exceed the 10% rear yard lot coverage standard.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Ronald Reisman was present on behalf of the application. He stated that he is a 26-year resident of the subject property and that his entire family uses the existing

accessory building as an art/pottery studio. He explained that the proposed restroom addition would be helpful in the current use of the building. Reisman noted that the proposed addition will be largely screened by surrounding woodlands and will not block the view of adjacent properties. He added that adjacent land use consists of two storage sheds.

In response to questions, Reisman confirmed that the art/pottery studio is used by family members only and is not a business operation. He further noted the proposed addition will meet all required setbacks.

Mark Rodgers, **a resident of the Township**, questioned the criteria that will be used to evaluate the applicant's request. Harvey explained that Section 18.4 allows the Planning Commission to consider residential accessory building proposals that deviate from the dimensional standards as 'special land uses'. This allows the application of the impact-based special land use criteria to the overall proposal instead of application of the variance criteria to the proposed lot coverage deviation.

Chairperson Lauderdale noted the receipt of four letters with three noting support of the proposal and one expressing concerns about the request.

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

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet applicable front/side/rear setback, height and locational requirements but will exceed the rear yard lot coverage standard. The following was also noted:

- the proposed accessory building addition is allowable as a special land use;
- the proposed accessory building addition is located in excess of 5 ft from all lot lines;
- the proposed accessory building addition is proposed for accessory residential use;
- a variance is not requested/required for the proposed accessory building addition; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed accessory building addition is small and will not result in a total building size out of character with the area; the rear yard lot coverage deviation is minimal; the proposed use will continue to be residential; construction will not involve tree removal and will require minimal

site disturbance thereby having limited impact on the natural environment; the proposed addition will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the accessory building will remain in compliance with applicable setback requirements and meet the overall lot coverage requirement; the proposed addition will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given the proposed use, size and location of the accessory building; the finding of compatibility is supported by the statements received by neighboring property owners; and, the proposal meets the standards of Section 18.4D.

It was noted 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 B.

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

Sulka then moved to grant Special Land Use Permit/Site Plan Approval for the proposed addition to the existing accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, noting that the site plan presented is acceptable, with the information required by Section 21.4 C. and I. waived per Section 21.4 T. Moore seconded the motion. The motion carried unanimously.

2. Public Hearing – SLU/SPR for Residential Accessory Building (Eernisse/Gantz)

The next matter to come before the Planning Commission was consideration of the request by Steve Eernisse and Patricia Gantz for special land use permit/site plan review for the proposed construction of an 840 sq ft residential accessory building that fails to meet the locational requirements. The subject property is located at 6015 North 37th Street and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Largent provided an overview of the request, noting the following:

- The applicant is proposing the construction of an 840 sq ft pole barn to be located forward of the principal building on the subject site.
- Pursuant to Section 18.4 C., an accessory building shall only be located in the rear and/or side yard.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Steve Eernisse was present on behalf of the application. He stated that he only recently built the house but has already discovered a need for additional storage space. Eernisse explained that placement of the proposed accessory building in the rear yard is limited by the location of the well and propane tank, the presence of eight mature trees, and grading/drainage challenges. He advised that the front yard is relatively flat and offers an ideal building site at least 140 ft back from the abutting roadway.

In response to questions, Eernisse confirmed that the accessory building is not proposed to be served by a driveway. He further noted that the exterior of the storage building will match the house and that the existing trees on the property and along the property line are proposed to be retained.

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

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet applicable front/side/rear setback, height and lot coverage requirements but fails to comply with the side/rear yard locational standard. The following was also noted:

- the proposed front yard accessory building is allowable as a special land use;
- the proposed accessory building is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed for accessory residential use;
- a variance is not requested/required for the proposed accessory building; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed accessory building is in compliance with applicable setback requirements; the accessory building is proposed to be located near the house with a 140 ft separation from the abutting roadway; several neighboring properties with attached garages also have accessory buildings situated in the front yard; the proposed use will be residential storage and a personal work area; construction will not involve tree removal and will require minimal site disturbance thereby having limited impact on the natural environment; the proposed addition will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed front yard location will not create any negative sight lines from adjacent properties or be detrimental to the public health, safety or general welfare of the general neighborhood; the finding of compatibility is supported by

the proposed continuity of building exteriors; and, the proposal meets the standards of Section 18.4D.

It was noted 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 B.

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

Markillie questioned how the Planning Commission should move forward on these accessory building ‘deviations’ through the special land use process without setting a pattern. Harvey explained that reviewing each proposal using the special land use criteria allows for findings of compatibility and lack of negative impact, which ensures that the intent of the accessory building standards is met. Such approvals essentially allow for land use patterns consistent with the standards. . and are not considered to be deviating from the standard.

Bekes then moved to grant Special Land Use Permit/Site Plan Approval for the proposed accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, noting that the site plan presented is acceptable, with the information required by Section 21.4 B., C., I., N. and O. waived per Section 21.4 T. Sulka seconded the motion. The motion carried unanimously.

3. Public Hearing – SLU/SPR for Residential Accessory Building (Becker)

The next matter to come before the Planning Commission was consideration of the request by Mark and Patience Becker for special land use permit/site plan review for the proposed construction of a 964 sq ft detached garage that fails to meet the rear yard lot coverage requirement. The subject property is located at 12235 South Sherman Lake Drive and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Largent provided an overview of the request, noting the following:

- The subject site is currently occupied by an existing house.
- The applicant proposes the demolition of the existing house and the construction of a new house and detached garage.
- The proposed detached garage will have a footprint of 1096 sq ft, including the overhangs, and will result in a 13.2% rear yard lot coverage.
- The proposed accessory building will exceed the 10% rear yard lot coverage standard.

- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

David Mills, project contractor, was present on behalf of the application. He stated that the subject site is small and with the new house proposed to be setback 60 ft from the lake, the rear yard area is limited. He noted that the proposed 2.5-car detached garage is for residential use and is desired for enclosed storage.

Mark Rodgers, a neighboring property owner, expressed his support for the proposal. He noted that the proposed garage will not block the view and offers a building design with positive aesthetics that is very consistent with the surrounding neighborhood. Rodgers emphasized that the limited rear yard area is a positive tradeoff for moving the house back on the site to preserve the lake/water frontage. He further noted that moving the house back reduces the slope from the garage to the lake and minimizes the amount of grading required.

In response to questions, Attorney Thall advised that the Planning Commission can condition approval of the request upon use of the garage as residential in the absence of confirmation by the applicant.

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

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet applicable front/side/rear setback, height and locational requirements but will exceed the rear yard lot coverage standard. The following was also noted:

- the proposed accessory building (garage) is allowable as a special land use;
- the proposed accessory building (garage) is located in excess of 5 ft from all lot lines;
- the proposed accessory building (garage) is proposed for accessory residential use;
- a variance is not requested/required for the proposed accessory building addition; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed size of the garage will not be out of character with the area; the rear yard lot coverage deviation is minimal; the proposed use will be residential; construction will not involve tree removal and will require minimal site disturbance thereby having limited impact on the natural environment; the proposed garage will not adversely affect public services or

facilities serving the area; adequate parking will continue to be provided on the site; the accessory building will comply with applicable setback requirements and meet the overall lot coverage requirement; the proposed garage will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood; the finding of compatibility is supported by the statements received by a neighboring property owner; and, the proposal meets the standards of Section 18.4D.

It was noted 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 B.

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

Chairperson Lauderdale then moved to grant Special Land Use Permit/Site Plan Approval for the proposed detached garage on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, noting that the site plan presented is acceptable, with the information required by Section 21.4 B., C., I. and N. waived per Section 21.4 T., conditioned upon use of the accessory building as residential. Bekes seconded the motion. The motion carried unanimously.

4. 2019-2020 Planning Commission Budget Request

Chairperson Lauderdale referenced the Department Budget Request used for FY 2018-2019 and the Revenue and Expenditure Report for Ross Township (Balance as of 12.31.18) provided. The Commission conducted a line item review and noted the following:

- The budget does not reflect the review/update of the Master Plan but a \$4800 expenditure for the update of the Plan, per the approved Plan update proposal, has been approved by the Township Board, and is reflected elsewhere in the budget.
- The expenditure for Professional Services exceeded the 2018 budgeted amount due to the medical marijuana-related work done by staff in 2018. A similar overage is not anticipated in 2019.
- The amounts for each line item in the 2018 budget remain acceptable for 2019, noting that the review/update of the Master Plan has been addressed separately.

UNFINISHED BUSINESS

1. Article 15 – Maximum Lot Coverage Requirement (% of Rear Yard) – applicable to Accessory Buildings

Due to the lateness of the hour, it was agreed that final review of the draft text and related diagram would be postponed to the March Planning Commission meeting.

2. Discussion – RT/RC Resort/Recreation District

Due to the lateness of the hour, it was agreed that continued review of the draft RT/RC District and related rendering would be postponed to the March Planning Commission meeting.

3. Master Plan Update

Due to the lateness of the hour, a progress report on the update of the Master Plan was not offered.

4. Watershed Protection Strategies

The matter continues remains ‘on hold’.

5. Sign Ordinance

The draft sign ordinance remains ‘on hold’.

REPORT FROM TOWNSHIP BOARD

~~Sulka gave a brief update on the matters under consideration by the Township Board. A report from the Township Board was not offered.~~

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals did not meet in December, 2018, January, 2019 or February 2019.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member or staff comment was offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:04 p.m.

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