

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
August 26, 2019**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

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  
Sherri Snyder  
Mike Sulka

Absent: None

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

**APPROVAL OF AGENDA**

Chairperson Lauderdale noted that New Business Item #3 has been rescheduled to the September meeting due to noticing requirements and can be removed from the agenda. Bekes moved to approve the agenda as amended. Moore seconded the motion. The motion carried unanimously.

**APPROVAL OF PRIOR MEETING MINUTES**

The Commission proceeded with consideration of the **July 22, 2019** regular Planning Commission meeting minutes. Two clarifications were noted: Page 3, 4<sup>th</sup> paragraph – revise to read ‘It was noted that the budget for the Master Plan Update was previously approved.’ and Page 3, 6<sup>th</sup> paragraph – revise to read ‘Harvey provided an overview of the resource material.’ Bekes moved to approve the minutes as amended. Sager seconded the motion. The motion carried unanimously.

## NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Christine McClelland for special land use permit/site plan review for the proposed construction of a residential accessory building that fails to meet the locational requirements. The subject property is located at 8663 North 40<sup>th</sup> 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 864 sq ft accessory building to be located forward of the principal building on the subject site.
- The topographic map submitted with the application illustrates the extreme grade of the rear yard which is limiting locational options on the site.
- The proposal complies with applicable setback, lot coverage, and building height requirements.
- 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 front yard accessory building is allowable as a special land use.

Christine McClelland was present on behalf of the application. She stated that the proposed accessory building is needed for personal storage. She further noted that the proposed building location is off to the side so will not block the front of the house and will be behind those residences fronting on North 40<sup>th</sup> Street. McClelland confirmed that the slope of the property limits the available area on site suitable for an accessory building.

In response to Commission questions, McClelland stated that the accessory building will be of 'pole barn' construction but will match the existing house in exterior appearance. She further noted that neither the overhead or access doors will face the roadway; instead, the roadway facing wall will have windows. McClelland confirmed that the dead trees noted will be removed to facilitate the proposed construction.

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, building 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 will be compatible in character and design with other residential properties in the area; the proposed building location respects the grade of the property and will require minimal disturbance to the site; no utility connections to the accessory building are proposed; the proposed accessory building will not constitute a change in use of the property so will not alter traffic impacts or parking demands; the proposed front yard location will not create any negative sight lines from adjacent properties and will continue the existing alignment of buildings in the area; the proposed use will be residential storage; the finding of compatibility is further supported by the proposed continuity with area building exteriors; and, the proposal meets the standards of Section 18.4 D.

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.

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 A., B., C., I., and O. waived per Section 21.4 T. Moore seconded the motion. The motion carried unanimously.

Snyder opined that building elevations should be included with the application material to allow for an informed discussion of the impact-based special land use criteria. It was noted that the site plan content requirements currently include building elevations but that the application was simply processed without them.

## 2. Public Hearing – SLU/SPR for Residential Accessory Building (Scott)

The next matter to come before the Planning Commission was consideration of the request by David and Linda Scott for special land use permit/site plan review for the proposed construction of a residential accessory building that fails to meet the building height and rear yard lot coverage requirements. The subject property is located at 132 East Gull 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 applicant is proposing to expand the existing 10 ft x 20 ft accessory building on the site so as to result in a 576 sq ft (24 ft x 24 ft) accessory building.
- After further review of the proposal, it has been determined that the accessory building will comply with the 18 ft building height standard.
- The proposal complies with applicable setback requirements but exceeds the 10% maximum rear yard lot coverage standard with a proposed 24% rear yard lot coverage.
- Pursuant to Section 18.4 D., the proposed accessory building is allowable as a special land use.

David Scott was present on behalf of the application. He explained that the side setback was measured from the fence that exists along the side property line and that a 5 ft 3 in side yard setback will be provided. Scott noted that the adjacent property is used as a ‘marina’ with the house situated on the far side of the lot and that there has never been a dispute over the use of the fence line as the property line. He continued that a larger accessory building is needed to accommodate vehicle storage related to the recent use of the home as a permanent residence.

Attorney Thall clarified that the Zoning Ordinance requires that the requisite setback be measured from the property line. The establishment of the property line is a private property rights issue and not a matter for Planning Commission consideration. He noted that ultimately the side property line will have to be defined by the applicant for Township measurement.

In response to Commission questions, Scott stated that a new roof will be placed on both the existing accessory building and the proposed addition and will be provided new slopes. He added that the garage door will also be relocated with the proposed addition. Scott opined that he may end up removing the existing building entirely and simply constructing a new 24 ft x 24 ft building in the same location. He further noted the accessory building will match the existing house in style and color.

Moore stated that he would like to see a building elevation in order to confirm building style and materials.

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, building height and building location requirements but fails to comply with the rear yard lot coverage standard. The following was also noted:

- The proposed 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 will be compatible in character and design with other residential properties in the area (as described by the applicant); the proposed building location will require minimal disturbance to the site; the proposed accessory building will not constitute a change in use of the property so will not alter traffic impacts or parking demands, and in fact will improve safety in the area by adding off-street parking; the proposal will not result in an increase in density or a change in building character; the proposed use will be residential storage; the finding of compatibility is further supported by the proposed continuity with area building exteriors and off-street parking arrangements; and, the proposal meets the standards of Section 18.4 D.

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 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 A. and O. waived per Section 21.4 T. Bekes seconded the motion. The motion carried unanimously.

Snyder reiterated the request for building elevations with accessory building proposals, noting the specific relevance of same in the bay area.

### 3. Public Hearing – Zoning Ordinance Amendments

#### Section 18.4 D. – Residential Accessory Buildings/Structures

- Amend subsection 4. so as to add site plan content requirements specific to residential accessory building proposals.

#### Section 19.3 – Criteria for Decision (SLU)

- Amend so as to collapse and clarify the existing special land use standards.

Chairperson Lauderdale opened the public hearing. He gave an overview of the proposed amendments, noting that the Planning Commission had had extensive discussions on the draft text at previous meetings.

#### Section 18.4 D. -

Harvey noted that the proposed amendments to Section 18.4 D. should be modified to add ‘building elevations’ to the site plan content requirements consistent with the Planning Commission discussions earlier in the meeting. Specifically, subsection c. could be revised to remove ‘and proposed’ and a new subsection d. could be added that reads ‘The location, dimensions, height, and elevation of all proposed buildings.’

Snyder questioned if a ‘floor plan’ should also be required content.

Harvey suggested that the use-related criteria negates the need for a floor plan and cautioned that a floor plan may cause the Commission to infer a use that is contrary to the application, which may then arbitrarily impact the outcome of the review. Moore stated that a floor plan may be a preferred way to avoid the use question. Lengthy discussion ensued regarding the issues that may arise with the Planning Commission using a floor plan as the basis for determining use of an accessory building.

Sulka then noted that there may be merit in adding a provision similar to that set forth in Section 21.4 S. to allow the Planning Commission to respond to other needs that arise on a case by case basis. Commission members agreed with the addition of a subsection i. that would read ‘Any other information deemed necessary by the Township Planning Commission.’

A citizen inquired as to the Ordinance definition of ‘accessory building’ and questioned how one would know that an accessory building cannot be used as a dwelling. Harvey reviewed the definition of accessory building and referenced the provision that limits one dwelling unit per parcel in the Township. Largent further explained the role of Township staff in providing zoning assistance in response to inquiries.

No further public comment was offered on the matter and the public comment portion of the public hearing on Section 18.4 D. was closed.

Bekes moved to recommend approval of the proposed amendment to Section 18.4 D., with the proposed modification to subsection c.; the addition of a new subsection d.; and, the addition of subsection i. as agreed by the Planning Commission. Markillie seconded the motion.

Sulka wondered if there would be value in waiting for a few more accessory building proposals to be reviewed to determine if other changes were warranted. Sager added that she would need to see a clean copy of the proposed amendment to Section 18.4 D. before she could support a recommendation to approve. Snyder stated that the text has been under review for several months and that the public hearing discussion revealed consensus on the draft text with the 3 minor modifications. She opined that the work is ready to move forward.

The motion carried 4 to 3, with Moore, Sager and Sulka dissenting.

### Section 19.3 -

Chairperson Lauderdale referenced draft text Option #4 that was presented and discussed in July. He noted that the Commission had agreed that the draft text presents a good blend of Options #1, #2, and #3 and reflects the agreements reached on each of the provisions of Option #3.

Attorney Thall noted that the criteria set forth in Section 19.3 is applicable only to the special land use permit and that accompanying site plans would still be subject to the site plan review criteria set forth in Section 21.6.

No public comment was offered on the matter and the public comment portion of the public hearing on Section 19.3 was closed.

Sager moved to recommend approval of the proposed amendment to Section 19.3 (Option #4), as presented. Bekes seconded the motion. The motion carried unanimously.

### UNFINISHED BUSINESS

Chairperson Lauderdale noted that Item #2 – Solar Energy Facilities should be removed from the agenda pursuant to the Commission’s discussion in July. Due to the lateness of the hour, consideration of the remaining ‘Unfinished Business’ items will be postponed until September. Harvey was requested to resend the ‘solar energy facilities’ sample ordinances to allow for further consideration of the topic.

## REPORT FROM TOWNSHIP BOARD

Sulka reported that the Township Board received/has questions regarding a recent ZBA decision that involves the proposed modification of platted lot lines. He noted that a special meeting has been scheduled for Wednesday, August 28, 2019, to discuss the regulations regarding lot splits within approved plats and the elements of the ZBA decision.

Sulka also noted the Township's law enforcement committee will soon be providing a recommendation regarding police protection in the Township.

## REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals met on August 7, 2019 and considered a variance request to allow the reconfiguration of existing nonconforming lots so as to provide for one conforming lot and one less-nonconforming lot. He noted that only one neighboring property owner expressed objection to the proposal. The variance was granted after a finding of justification per Section 23.8.

## PUBLIC COMMENT

No public comment was offered.

## MEMBERS, CONSULTANTS, ADVISORS

No member/staff comments were offered.

## ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted  
Rebecca Harvey, AICP, PCP  
Township Planning Consultant