

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
October 28, 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 Jim Lauderdale
Michael Bekes
Mark Markillie
Michael Moore
Pam Sager
Sherri Snyder
Mike Sulka

Absent: None

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

Moore moved to approve the agenda as presented. Sager seconded the motion. The motion carried unanimously.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **September 23, 2019** regular Planning Commission meeting minutes. Moore moved to approve the minutes as presented. Bekes seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – Site Plan Amendment for Residential Accessory Building (Becker)

The next matter to come before the Planning Commission was consideration of the request by Mark Becker for amendment of an approved site plan for the proposed construction of a residential accessory building that fails to meet the rear yard lot coverage requirement. The subject property is located at 12235 South Sherman Lake Road 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 was granted special land use permit/site plan approval on February 25, 2019 for the construction of a 1096 sq ft detached garage that resulted in a 13.2% rear yard lot coverage in excess of the 10% rear yard lot coverage standard.
- The applicant now proposes to reduce the size of the detached garage by 46 sq ft; reconfigure the entry/garage doors; and reposition the building on the site approximately 30 ft to the west.
- The reconfigured detached garage will result in a 12.6% rear yard lot coverage in excess of the 10% rear yard lot coverage standard. The previously granted special land use permit is still required and remains applicable.
- Pursuant to Section 21.11 A. 4., the relocation of a building by more than 10 ft requires an amendment of the site plan by the Planning Commission.
- The application material includes both the previously approved site plan and the proposed amended site plan, in addition to new building elevations and floor plan.

John Bishop was present on behalf of the application. He explained that he was a neighboring property owner and was representing Becker in his absence. Bishop confirmed that the proposed garage has been reduced in size and will continue to comply with applicable setback requirements.

Mark Rogers, adjacent property owner, stated that he had supported the February application and that there is no substantial change with the current proposal. He noted that the size, appearance, and general location of the proposed garage remain consistent with the surrounding neighborhood.

In response to a Planning Commission question, Attorney Thall confirmed that the proposed changes do not modify the nature of what was covered by the original special land use permit and so an amendment of same is not required. However, the proposed changes to the site plan do not qualify for administrative site plan review (Section 21.11) so Planning Commission amendment of the site plan per Section 21.6 is required.

Sulka opined that the increased separation between the garage and the existing landscape wall may positively impact on-site storm water drainage.

Sager questioned the impact of the proposed driveway alterations. Largent noted that the amended proposal will result in a reduced paved area and will increase the lawn area on the east side of the garage.

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

It was noted that the site plan presented was acceptable (per Section 21.4); there is no change to the special land use element of the proposal; the proposal will result in a reduced building size, reduced lot coverage, and reduced paved driveway; the proposal meets applicable locational and setback requirements; and, 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 Site Plan Amendment for the proposed accessory building on the subject site based upon the review findings of Section 21.6 – Site Plan Review Criteria, noting that the site plan presented is acceptable per Section 21.4 – Site Plan Content. Snyder seconded the motion. The motion carried unanimously.

2. Public Hearing – Expansion of Nonconforming Building (Helmbold)

The next matter to come before the Planning Commission was consideration of the request by Chris and Paulette Helmbold for special land use permit/site plan review for the proposed expansion of a nonconforming building pursuant to Section 22.3 B. – Expansion of Nonconforming Use or Building/Structure. The subject property is located at 6477 North 39th Street and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

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

- The existing 12 ft x 16 ft deck located on the waterfront side of the existing house is setback 87 ft from the high water line of Sherman Lake.
- Per Section 17.3, the applicable front (waterfront) setback requirement on the subject site is 113 ft (average setback of principal buildings on each side of the lot).
- The existing house/deck is a lawful nonconforming building due to setback.
- The applicant proposes the construction of a 12 ft x 16 ft sunroom on top of the existing deck.
- The proposed sunroom will be provided the same 87 ft front (waterfront) setback as the existing deck . . . and will be provided the same siding/roofing as the house.
- The proposed construction represents an expansion of a nonconforming building.
- Pursuant to Section 22.3, a nonconforming building shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted.

Silas Mulder was present on behalf of the application. He explained that he was representing the Helmbolds in their absence. Mulder stated that the proposed sunroom will allow greater use of the existing deck area. He further noted that the existing 87 ft front

(waterfront) setback is greater than the minimum 50 ft standard and is only insufficient because the adjacent lot is provided a front (waterfront) setback of 139 ft. Mulder stated that the sketch plan provided shows that view lines will be maintained and that project impact will be minimal. He added that written support of the project has been provided by the two adjacent neighbors.

Chairperson Lauderdale referenced written correspondence received from John Elieff (dated 9.12.19) and David and Kathleen Vaughn (dated 9.11.19), both adjacent property owners, in support of the proposal.

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 the Special Land Use Criteria set forth in Section 19.3. The following conclusions were noted: the proposed sunroom will not increase the size or encroachment of the existing deck area and will be generally compatible in size and height with other residential buildings in the area; the sunroom will be located on the existing deck so will require minimal disturbance to the site; the proposed sunroom will not constitute a change in use of the property so will not alter public service demands, traffic impacts or parking needs; the proposed sunroom will not alter existing setbacks, lot coverage, or view lines and will not result in a change in use or of the landscape so will not create any negative impacts on adjacent properties; and, written correspondence provided by neighboring property owners further supports a finding of compatibility with the surrounding area.

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 expansion of a nonconforming building such to allow the proposed construction of a 12 ft x 16 ft sunroom on the existing deck 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 is acceptable, with the information required by Section 21.4 A. waived per Section 21.4 T. Bekes seconded the motion. The motion carried unanimously.

3. Public Hearing – Expansion of Nonconforming Building (Nolin)

The next matter to come before the Planning Commission was consideration of the request by James Nolin for special land use permit/site plan review for the proposed expansion of a nonconforming building pursuant to Section 22.3 B. – Expansion of Nonconforming Use

or Building/Structure. The subject property is located at 1805 Wild Drive and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

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

- The subject property is bisected by Wild Drive, with the larger portion of the lot provided frontage on Gull Lake and Wild Drive, and the rear portion of the lot provided frontage on the opposite side of Wild Drive.
- The waterfront portion of the lot is currently occupied by a two-story residence; the 'back' portion of the lot is currently occupied by a largely one-story garage.
- The existing one-story garage is located within the required front, side and rear setbacks.
- The existing one-story garage is a lawful nonconforming building due to setbacks.
- The applicant proposes the construction of a second-story addition on the one-story portion of the garage to result in a full second-story on the building.
- The proposed second-story addition will be provided the same setbacks as the existing garage.
- The proposed construction represents an expansion of a nonconforming building.
- Pursuant to Section 22.3, a nonconforming building shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted.

In response to a request for clarification, Gale noted that the existing house and garage are both situated on Lot 29, with the 'back' lot boundaries essentially established 'around' the garage. He noted that the land divisions involving the property have been researched and confirmed for compliance.

Stacy Pennock was present on behalf of the application. She explained that she was representing the Nolans in their absence. Pennock stated that the second-story addition is proposed to be used for storage. She confirmed that the garage will not be provided plumbing and that use of the building as a dwelling is not proposed. Pennock added that the residence located behind the garage is on a hill and will not be impacted by the increase in building height.

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

Sulka expressed concern that the addition of a second story on the existing garage will encourage additional building within an already congested area where access is limited and building separation is minimal.

General discussion ensued regarding the concept of lawful nonconformities and the use of the special land use process to determine the merit (safety, compatibility, etc) of proposed expansions and/or extensions of same.

The Commission then proceeded with a review of the application pursuant to the Special Land Use Criteria set forth in Section 19.3. The following conclusions were noted:

- 1) The proposed second-story addition will not increase the footprint of the existing garage nor decrease existing building separation. Further, the proposed two-story accessory building will be generally compatible in height and appearance with other residential buildings in the area.
- 2) The proposed second-story addition will not increase the building footprint so will involve minimal disturbance to the site.
- 3)
- 4) The proposed second-story addition will not constitute a change in use of the building or property so will not alter public service demands, traffic impacts or parking needs.

Sulka stated that it could be argued that an increase in building size/height could put greater demands on public services, such as fire protection, in an area where emergency vehicle accessibility is already limited because of road width and building coverage.

Snyder noted that no concerns have been expressed by the Fire Department to date regarding building expansions around the lakes. She stated that a Planning Commission position to limit the modifications to nonconforming buildings in the Township will negatively impact the many historic buildings on the lakes.

- 5) The existing garage is well below-grade of the residence adjacent to the rear limiting the impact of the proposed second-story addition on the view shed. It was further noted that the existing houses situated on the waterfront have higher roof lines than the proposed addition. Planning Commission members also made reference to a lack of public objection to the proposal.
- 6) In reference to the preceding findings, the proposed second-story addition will not adversely affect public health, safety or welfare of the community.

Sulka noted that his stated concerns regarding building expansion in a congested area and emergency vehicle access raise questions regarding the impacts of the proposal on public safety.

- 7) The proposed second-story addition will not alter existing setbacks, lot coverage, or view sheds and will not result in a change in use or of the landscape suggesting consistency with the existing character of the area.

Chairperson Lauderdale questioned if Criteria #3 and #6 required more discussion for Planning Commission consensus. Sulka and Moore stated that they remain concerned with the application. The remaining members stated they were supportive of the conclusions rendered.

It was noted that the site plan presented was acceptable (per Section 21.4). It was clarified that sewer/water services are not provided to the site (Subsection I.) and that the material provided was adequate but was lacking a building floor plan (Subsection O.). Snyder stated that she continues to feel that building elevations that detail exterior finishes should be submitted with applications so that the Commission may make a finding as to consistency with the character of the area. Pennock offered that the existing building and the proposed second story addition will be given a new roof and that the entire garage will be re-sided to match the existing house.

It was further noted that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B., with specific reference to the following findings:

- The proposed addition to the garage will not alter the residential character of the area.
- The subject property is situated within a congested area but the proposed second-story addition will not alter these existing conditions.
- The proposed building expansion will be similar in exterior appearance to the general neighborhood and will not result in decreased building separations or blocked views.

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 expansion of a nonconforming building such to allow the proposed construction of a second-story addition on the existing largely single-story garage 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 is acceptable, with the information required by Section 21.4 I. and O. waived per Section 21.4 T., conditioned upon the following:

- 1) use of the garage for personal residential storage;
- 2) no approval for use of the garage as a dwelling; and
- 3) submission of building elevations that detail the proposed building exterior improvements (roofing, siding, etc.)

Bekes seconded the motion. The motion carried 6 to 1, with Moore dissenting.

UNFINISHED BUSINESS

1. Master Plan Update

Harvey distributed the revised/updated pages of the Master Plan completed to date. She noted that the revisions/updates are reflected in ~~strike-through~~ and **yellow highlight**. She then provided an overview of the revised/updated elements. In response to questions,

Harvey clarified that all of the data tables have been updated but were not highlighted in yellow like the text. She further noted that the section on ‘Migration’ is yet to be updated due to data availability and is shown in red.

Harvey advised that updates to Sections 3 and 4 require some degree of outside research and are currently in progress. However, Sections 5 – 8 have been reviewed/ revised and those changes to the document are underway. She noted that she hopes to have a preliminary draft of the updated Plan ready for distribution at the November meeting.

Planning Commission members thanked Harvey for the thorough update of Sections 1 and 2 and noted they look forward to receipt of future section updates.

Sager stated through a half hour of research she was able to locate a digital version of the Master Plan and emailed it to Harvey in a format which could be altered to allow for editing so that the long-awaited updates could proceed.

2. Sign Standards

Due the lateness of the hour, it was agreed that continued review and discussion of the draft sign regulations would be scheduled for November.

3. GAAMPS

Chairperson Lauderdale noted that he had spoken with the Township Supervisor in an effort to gain clarity on the budgeting process given last month’s action by the Planning Commission to seek Township Board approval of funding to complete a review of the Zoning Ordinance for compliance with current law on zoning for agricultural use and recent changes to the GAAMPS.

He reported that the Township Supervisor has confirmed that the Planning Commission operational process has not been altered and that the Commission remains free to determine how best to use their approved budget without seeking Township Board approval.

Sulka added that the Township Board did approve adding the requested \$1000 to the Planning Commission cost center so that the cost of the requested review would not come out of the originally approved budget.

Bekes then moved to request/authorize Township Attorney Thall to complete a review of the Township Zoning Ordinance for compliance with current law on zoning for agricultural use and recent changes to the GAAMPS. Sager seconded the motion. The motion carried unanimously.

REPORT FROM TOWNSHIP BOARD

Sulka reported that the Parks Committee has completed the update of the Ross Township Parks and Recreation Plan and that the draft Plan is currently in the required review period. He noted that a copy of the draft Plan is available on the Township's web page.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals did not meet in October, 2019.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale advised that the requested material on solar energy facilities was provided by Harvey in the October meeting packet.

Snyder opined that new construction presents the opportunity to address existing problem areas in the Township; correction in these areas should not be accomplished through tackling existing land uses/buildings.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

Respectfully Submitted
Rebecca Harvey, AICP, PCP
Township Planning Consultant