

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
January 27, 2020**

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 (by phone)
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

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **November 25, 2019** regular Planning Commission meeting minutes. Snyder moved to approve the minutes as presented. Moore seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Expansion of a Nonconforming Building (Kempe)

The next matter to come before the Planning Commission was consideration of the request by David and Karen Kempe 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 543 South 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 existing dwelling is located 32 ft from the high water line of Gull Lake.
- Per 17.3, the applicable front (waterfront) setback requirement on the subject site is 50 ft.
- The existing dwelling is a lawful nonconforming building due to setback.
- The applicant proposes a second-story addition on the south (street) side of the dwelling, within the existing footprint of the building, and a change in the pitch of the roofline on the north (waterfront) side of the building.
- The proposed construction constitutes 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.

David Kempe, owner and Dave DeVries, project contractor, were present on behalf of the application. They explained that the building alterations proposed will stabilize the building foundation and improve the appearance of the dwelling. It was further noted that the renovated building will be more in character with the surrounding area, and will still be lower in height than many homes in the area.

Chairperson Lauderdale referenced written correspondence received from Gregg Pierce (dated 1.09.20), a neighbor, in support of the proposal.

In response to Commission questions, Largent confirmed that the proposed construction will comply with applicable building height and lot coverage requirements.

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 second-story addition and modified roof line will not decrease the existing waterfront setback nor increase the area of the dwelling currently located within the required waterfront setback (ie. increase the nonconformity); the proposed construction will not increase the footprint of the dwelling so will require minimal disturbance to the site; the proposed addition will not constitute a change in use of the property so will not alter public service

demands, traffic impacts or parking needs; the dwelling will remain compatible in size and height with other residential buildings in the area; the proposed addition will not alter the existing use, setbacks, lot coverage, view lines or land cover so will not create any negative impacts on adjacent properties; and, written correspondence provided by a neighboring property owner 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.

Sulka 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 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 provides the information required by Section 21.4 – Site Plan Content. Moore seconded the motion. The motion carried unanimously.

2. Public Hearing – SLU/SPR for Residential Accessory Buildings (Waldorf Trust)

The next matter to come before the Planning Commission was consideration of the request by the Carl Michael Waldorf Trust for special land use permit/site plan review to allow residential accessory buildings on vacant lots that will occur as a result of a land division proposal. The subject property is located at 11240 East D Avenue 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 property consists of the following parcels:

Parcel 1 – 13.47 acres – dwelling; garage; storage barn; shed

Parcel 2 – (east of Parcel 1 – D Ave frontage) – 1.83 acres - vacant

Parcel 3 – (west of Parcel 1 – M-89 frontage) – 4.69 acres – vacant

- Per the site plan, the following land divisions are proposed:

Divide Parcel 1:

: Parcel 1A – 0.69 acres – dwelling

: Parcel 1B – 1.6 acres – garage; storage barn (to remain accessory to the existing dwelling)

: Parcel 1C – 11.18 acres – shed (to remain accessory to the existing dwelling)

Adjust Boundary of Parcel 2:

: shift west boundary 48 ft to the west (increases road frontage to 150 ft; increases parcel size to 1.53 acres)

: to remain vacant

Parcel 3 – no change

- The proposed land divisions will comply with applicable dimensional requirements.
- The proposed land divisions will leave the garage and storage barn (Parcel 1B) and shed (Parcel 1C) on otherwise vacant lots.
- Pursuant to Section 18.4 E., a residential accessory building is allowable on an otherwise vacant lot only as a special land use.

Patrick Lennon, attorney, was present on behalf of the application. He confirmed the elements of the proposed land division and stated that special land use approval is requested to authorize leaving the residential accessory buildings on the two otherwise vacant lots (Parcels 1B and 1C). Lennon explained that if the Special Land Use Permits are granted, the applicant will then proceed with the requisite land division applications/approvals. He added that no new structures are proposed at this time, and that the applicant is willing to agree to a condition that the three existing accessory buildings remain accessory to the existing residence on Parcel 1A, unless otherwise removed. Lennon stated that the proposal meets the Special Land Use Criteria set forth in Section 19.3.

Markillie questioned if the proposal will allow for compliance with Section 18.4 E.2., which requires that an accessory building on a vacant lot *'shall be located to the rear of the site with sufficient room provided within the required setbacks to construct a principal building in front of the accessory building.'* It was determined that adequate area exists on Parcel 1B to allow the attachment of a principal building to the existing garage and forward of the storage barn so as to comply with Section 18.4 E.2.

It was also confirmed that Parcel 1C would be provided frontage only along M-89, which would offer plenty of space to construct a dwelling on the site forward of the existing shed.

Chairperson Lauderdale questioned the purpose for the property line adjustment on Parcel 2. Lennon explained that the line adjustment will bring the setback of the storage building situated on Parcel 1B into compliance with applicable side line setback requirements. He advised that Parcel 2 will continue to comply with applicable dimensional requirements.

Scott and Mary Aldridge, neighboring property owners, requested confirmation that the land division proposal will only result in one additional parcel with frontage/access onto D Avenue. They expressed concern with the potential for

development on Parcel 1C or Parcel 3 to gain access to (and generate traffic onto) D Avenue.

Attorney Thall and Harvey explained that Parcels 1C and 3 are not provided frontage onto D Avenue and that future access would likely be provided from the abutting M-89. It was clarified, however, that the requested Special Land Use Permit was specific to allowing accessory buildings on vacant property and will not constitute approval of the proposed land division or future building options.

In response to concerns noted, Lennon reiterated that the applicant is willing to agree to a condition that, although proposed to be located on otherwise vacant parcels, the three existing accessory buildings remain accessory to the existing residence on Parcel 1A, unless they are removed. He noted that the applicant is aware that such a condition will require an amendment of the Special Land Use Permit for any proposed modification of that arrangement.

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. and E. – residential accessory buildings/structures. The following was noted:

- the proposed location of the accessory buildings on otherwise vacant parcels is allowable as a special land use;
- the accessory buildings are proposed to be located in excess of 5 ft from all lot lines;
- the accessory buildings are proposed to remain accessory to the existing residence on Parcel 1A and proposed for accessory residential use;
- a variance is not requested/required for the accessory buildings; and,
- adequate application material has been presented to allow for site plan review pursuant to Section 21.6 B.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposal meets the standards of Section 18.4 D. and E.; the use of the accessory buildings will continue to be residential; the proposal will involve no construction or site disturbance thereby having no impact on the natural environment or existing storm water drainage patterns; the proposal does not constitute a change in use or include proposed construction so will not adversely affect public services or facilities serving the area; the accessory buildings will not be modified and are proposed to remain accessory to the existing residence on Parcel 1A thereby remaining compatible with adjacent uses of land; and, the accessory buildings will comply with all applicable setback, height and locational requirements consistent with the intent of the Zoning Ordinance.

It was noted that the site plan presented was acceptable (per Section 18.4) 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 based upon the review findings of Section 18.4 D. and E. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, and subject to the following conditions:

1. The existing accessory buildings (garage, storage barn, and shed) approved for location on vacant Parcels 1B and 1C shall remain accessory to the existing residence on Parcel 1A, unless removed.
2. Any action or construction on Parcels 1B or 1C that modifies the accessory building status shall require an amendment of the Special Land Use Permit.
3. Township Board approval of the proposed land divisions and boundary line adjustment.

Moore seconded the motion. The motion carried unanimously.

3. Discussion – Outdoor Furnaces/Outdoor Burning

Chairperson Lauderdale explained that the Township Supervisor has requested Planning Commission consideration of the development of an ordinance to address complaints being received regarding smoke and odor from outdoor furnaces.

Chairperson Lauderdale referenced the October 28, 2013 Planning Commission minutes provided and noted that this matter has been considered previously and it was concluded at that time that outdoor furnaces would more appropriately be regulated through a Township general ordinance and not the Zoning Ordinance. The matter was returned to the Township Board with a request for direction.

Attorney Thall explained that communities generally regulate outdoor furnaces/outdoor boilers through a police power or general ordinance so that existing installations can be addressed. He stated that such an ordinance can also establish standards specific to setbacks, smoke stack height, removal, etc.

Moore opined that it would be unreasonable to establish standards that would apply to existing installations, especially in the rural areas of the Township. In response to questions, Attorney Thall noted that any established regulations would not apply to an installation used in conjunction with an agricultural operation consistent with the Right to Farm Act.

General discussion ensued wherein the issues/merits related to the use of outdoor furnaces were outlined.

Sulka stated that the Township Board has not yet vetted the subject and that it would seem to make sense to request Township Board guidance on the matter before proceeding. Planning Commission members concurred. Sulka agreed to request the item be placed on an upcoming Township Board agenda.

UNFINISHED BUSINESS

1. Master Plan Update

Harvey reported that the updates to the Master Plan are nearly complete. She noted that a preliminary draft of the updated Plan is tentatively scheduled to be ready for discussion in February.

2. GAAMPS

Chairperson Lauderdale reminded that Attorney Thall had been requested to conduct a review of the Zoning Ordinance for compliance with current law on zoning for agricultural use and recent changes to the GAAMPS.

Attorney Thall advised that the review is being conducted by Attorney Kaufman (from their office) due to her expertise on the subject and that the review would be presented at the February meeting.

3. Sign Standards

Chairperson Lauderdale referenced the draft sign regulations prepared by Harvey per the request of the Planning Commission (dated 4.24.27). He noted that review of the draft text had been initiated at the September, 2019 meeting and completed at the November, 2019 meeting, concluding with direction to Harvey to revise the draft text per the Commission's discussion.

Harvey referenced Draft #2 of the sign standards (dated 1.27.20) and provided an overview of the revisions made per the Commission's review. Commission members agreed that the revised draft text reflects the discussion of the Commission.

Bekes then moved to accept the proposed amendments to Sections 2.2 and 18.2 set forth in Draft #2 and dated January 27, 2020 for public hearing. Markillie seconded the motion. The motion carried unanimously.

REPORT FROM TOWNSHIP BOARD

No Township Board report was offered.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals met on January 8, 2020 and considered an application for variance approval from applicable front, rear and side setback and lot coverage requirements (845 Fairview). Variance approval was granted for the requested front and rear setbacks but was denied for the requested side setbacks and lot coverage, pursuant to findings of justification per Section 23.8.

Chairperson Lauderdale stated that the recent application caused him to study the variance requests considered by the ZBA in the last several years. He stated that the frequency of requests for relief from the lot coverage requirement, especially on waterfront lots, suggests that the standard may warrant Planning Commission review.

It was agreed that discussion of the lot coverage requirement in the Township would be placed on the February agenda for discussion. It was noted that information related to the history of lot coverage variance requests and standard lot sizes/building patterns in waterfront areas would be helpful. Chairperson Lauderdale agreed to compile the requested information.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member or advisor comments were 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