

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 28, 2021**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Pam Sager
Sherri Snyder

Absent: None

Also Present: Bert Gale, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **May 24, 2021** regular Planning Commission meeting minutes. Sager requested that the first line of the 4th full paragraph on page 2 be modified to read ‘spite fence regulations are not generally upheld by the courts . . .’. Bekes moved to approve the minutes as modified. Snyder seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – SLU/SPR for Alteration of Nonconforming Accessory Building

The next matter to come before the Planning Commission was consideration of the request by Louis and Suzanne Remynse for special land use permit/site plan review for the proposed alteration of a nonconforming residential accessory building. The subject property is located at 12212 East D Avenue and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the request, explaining the proposal to replace a wooden deck located on the flat roof of an existing residential accessory building that is situated within the required rear (street side) setback. As a residential accessory building that 'does not comply with the applicable location requirements', Section 18.4 will apply to the proposed deck reconstruction.

Gale noted that, pursuant to Section 18.4 D., the proposed reconstruction of the wooden deck on the roof of the accessory building (within the required rear setback) is allowable as a special land use

Peter Bosch, attorney for the applicant, was present on behalf of the application. He stated that the flat roof of the accessory building is currently leaking and the existing deck on the roof is proposed to be removed for the purpose of repairing the leak, and then reconstructed. Bosch noted that the accessory building is located within the rear yard of the waterfront lot and is set back 6 ft 8 in from the abutting street right-of-way line, within the required rear setback. He added that the proposed deck reconstruction will not expand the existing building nor modify the existing setback.

No 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. The following was noted:

- the proposed deck reconstruction (existing accessory building) fails to comply with the rear setback requirement and is allowable as a special land use;
- the proposed deck (existing accessory building) is located in excess of 5 ft from all lot lines;
- the proposed deck (existing accessory building) is proposed for accessory residential use;
- a variance is not requested/required for the proposed deck (existing accessory building); and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21, noting the clarification provided by the applicant regarding existing conditions and the deck proposal.

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., with the exception of the rear setback requirement; the proposed deck reconstruction will not increase the existing lot coverage nor modify existing conditions on the site; the proposed deck reconstruction will not require nor impact current utilities/facilities serving the site; the proposed deck will not modify the existing accessory building and will continue to be similar to construction on neighboring property; and, the proposed reconstruction will allow for improvement in the condition of the existing accessory building and the safety of the deck itself.

It was noted that the site plan presented was acceptable (per Section 18.4 D.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 representations made by the applicants at the meeting.

Bekes then moved to grant Special Land Use Permit/Site Plan Approval for the proposed deck reconstruction on the existing accessory building 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. Maslen seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

1. Master Plan Action Plan (Section VIII) – Technical Review of Zoning Ordinance

Chairperson Lauderdale reminded that the Planning Commission members had agreed at the May meeting to review the Master Plan goals/objectives outlined in Section VI to identify those of highest interest/impact to help focus and guide the conduct of the Technical Review. He noted that then the Zoning Ordinance would be reviewed to determine if there are standards present that: 1) effectively advance implementation of the goal/objective; or 2) prohibit or disrupt implementation of the goal/objective.

Chairperson Lauderdale suggested that the Commission begin discussion on Page VI-8 and move forward through the Supplementary Goals section. He noted that Lauderdale, Markillie, Sager and Snyder submitted written review notes and that same have been provided to all members for reference.

The following comments/findings were noted:

Goal 1: Conserve the Township's Farmland

Objectives:

- a. *Support the active conservation of large parcels within areas of prime farmland.*
 - The R-R District standards do not achieve this objective.
 - The AG-P District was developed to achieve this objective through the use of the sliding scale approach to land divisions.
 - The AG-P District has currently only been applied to institutional lands; intended to be available to interested property owners, but not mandated.
 - Sager – how can use of the AG-P District be promoted as a zoning option when there is a change in ownership? **Idea placed on hold.**
- b. *Establish the ‘purchase of development rights’ as a viable option in the Zoning Ordinance.*
 - This option is not available in the Zoning Ordinance.
- c. Deleted
- d. *Provide zoning incentives for active farms to retain large parcels for agricultural production.*
 - The Zoning Ordinance was amended to add the Open Space Preservation Development and Clustered Land Development options in the R-R, R-1 and R-2 Districts, both of which implement this objective.
 - Commission members questioned if the Zoning Ordinance could be amended to offer additional options.
- e. *Adopt zoning standards that support viable agri-business land use opportunities.*
 - Lengthy discussion regarding what is ‘agri-business’.
 - Zoning Ordinance likely in need of amendments to better address.
 - General support for the concept expressed if it assists in keeping use of the land as agricultural productive.
 - Sager – reintroduced the concept of ‘agri-hoods’ or ‘agricultural neighborhoods’. Harvey noted the OSPD provision allows for a version of this concept to be implemented.
 - **Requested to be placed on PC Work Plan.**
- f. *Market the agricultural base of the Township as part of the local tourism trade.*
 - Not a Planning Commission or Zoning Ordinance issue.
- g. *Provide for natural vegetation buffers separating active farmland from encroaching development on adjacent parcels.*

- **Requested to be placed on PC Work Plan.**

Due to the lateness of the hour, it was agreed that the discussion of implementation of the Goals/Objectives of Section VI, Master Plan would be continued at the next available meeting.

Public Comment:

Jean Hanson stated that the bay area is very congested and active with walkers, bikers, and vehicles. She advised that there is inadequate parking available and a lack of public restrooms in the area. She further noted that the increase of rental homes in the area is adding boats to the local docks. She suggested that the current conditions be considered by the Planning Commission in their discussion of the Master Plan.

Stephanie Walbridge stated that she was attending out of interest in the Master Plan project and she thanked the Planning Commission for their hard work on the document.

REPORT FROM TOWNSHIP BOARD

Bekes reported the following:

- The July Township Board meeting has been moved to July 13.
- The Allendale Park Conditional Rezoning recommended for approval was adopted by the Township Board.
- The request to distribute the draft Master Plan for review (the first step in the adoption process) was approved; Township Board members have agreed to review the draft Plan and provide feedback to the Planning Commission prior to the public hearing.

Snyder requested an update on the Township's current staffing given recent events, noting that routine communication on the topic to the Planning Commission would be helpful.

Bekes advised that due to the recent passing of Linda Walters, Township Clerk, Norm Kellogg (former Township Clerk) has been appointed to serve as Interim Township Clerk and Tim Snow is serving as Deputy Clerk. The position has been posted and a July 6, 2021 application deadline established. He stated that the Township Board intends to announce the appointment at the July 13, 2021 meeting, said appointment to serve until November, 2022 when the position will be up for election.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA met on June 2, 2021 and considered a variance request from the 338 ft waterfront setback requirement (Kalamazoo River) to

allow a 247 ft setback for a proposed dwelling/accessory building. The variance was granted after a finding of justification per Section 23.8.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Bekes questioned if the PC's work on the technical review would delay the adoption of the Master Plan. Harvey indicated it would not.

In response to a question by Chairperson Lauderdale, the Planning Commission noted that they are satisfied with the pace of the 'technical review' discussion. It was agreed that it may likely move faster in the future but supported that robust discussion will make for a more impactful Work Plan.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:52 p.m.

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