

Location: Ray Township Hall
64255 Wolcott, Ray MI 48096

Present: Tom Hancock, Chairman
Harold DeMan Jr., Vice-Chairman
Members: Kevin Brown, Alternate
Gary Engel
Betty Youngblood

Absent: Marvin DeBuck.

Also Present: Jerome Schmeiser, Planning Consultant & Lisa Hall, Planning & Zoning Clerk
Attendance record on file.

1. CALL TO ORDER- PLEDGE OF ALLEGIANCE AND ROLL CALL

Chairman Hancock called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited. Hancock, DeMan, Engel, Youngblood and Brown were in attendance. Marvin DeBuck was absent.

2. APPROVAL OF AGENDA

**MOTION by DeMan supported by Engel to approve the agenda as presented.
MOTION carried.**

3. APPROVAL OF MINUTES: January 24, 2017

**MOTION by Brown supported by Youngblood at approve the meeting minutes of January 24, 2017 as presented.
MOTION carried.**

4. Scheduled Public Hearings-

- a. Request for a variance to Township Zoning Ordinance: 200, A, 6, a, Accessory Buildings and/or Structures: a, shall not be located in the front yard or within the required side yard setback. An accessory building may be located in the non-required side yard or the rear yard, provided they are not located closer than fifteen (15) feet to any lot line. Robert Lee, Applicant/Contractor for property owner Hussein Safa. Permanent Parcel No. 05-15-401-005; Address of subject property- 63401 Indian Trail Road; Located on the west side of Indian Trail Road, approximately 200 feet north of Indian Trail North

Chairman Hancock explained the public hearing procedure to come to the podium and state their name and address and state any comments they may have regarding the agenda item.

**MOTION by Youngblood supported by DeMan to open the public hearing at 7:32 p.m.
MOTION carried.**

Robert Lee, Contractor Representing the Property Owner, stated they are requesting to encroach 5 feet into the required side yard for a roof covered dog run because of the location of the geo-thermal field.

Mr. Schmeiser presented his findings dated March 24, 2017, as follows:

The applicant is requesting a variance to allow a section of lean-to roof to extend within the required fifteen (15) foot side yard setback. (see attached drawings that illustrate "Existing Conditions" and "Proposed Conditions")

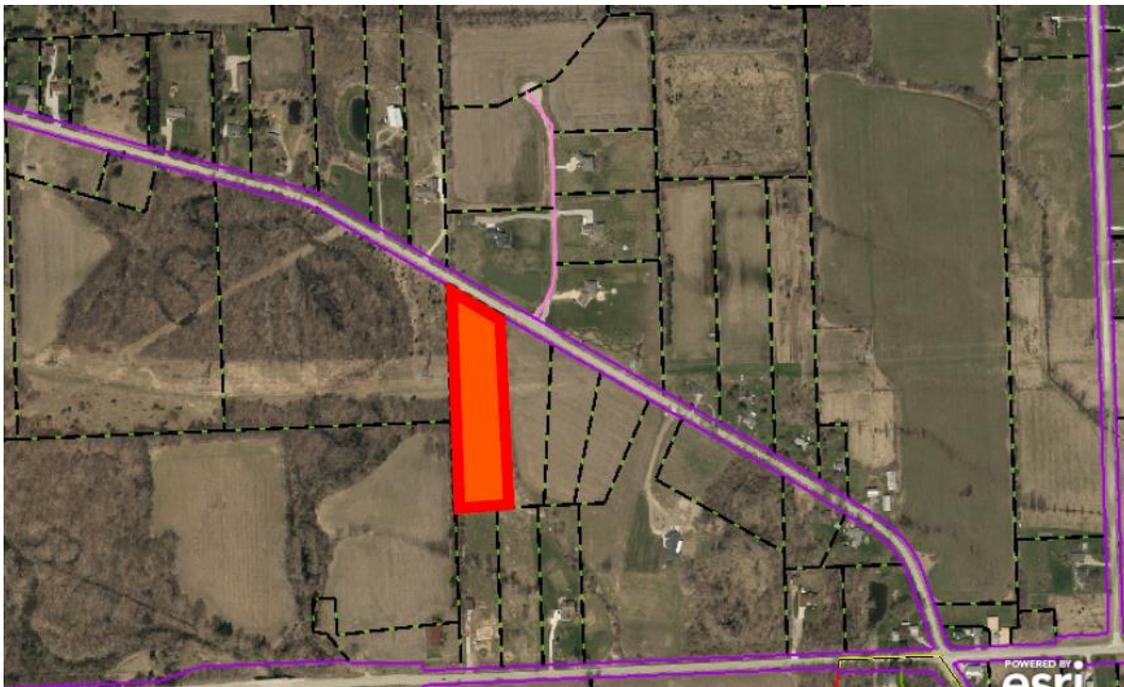
Characteristics of the property can be summarized as follows:

Size and dimensions of property: Subject parcel has a trapezoidal shape with 258.08 feet of frontage along the west side of Indian Trail Road and depth of 948.52 feet on the west property line and 811.09 feet on the east property line contains 4.44 acres. Aerial maps illustrate the surrounding parcels and closer view of the subject parcel on the following page.

Current zoning – R-1 agricultural Residential; Present Use – single family residence with an attached garage. The existing residence is setback 700 feet from Indian Trail Road and approximately 80 feet from south or rear property line. The access drive to service the residence is located near to the west line parallel with the ditch that runs through parcel in north-south direction and exists the parcel near the southeast corner.

The applicant seeks to construct an (8' x 20') dog run to be attached to the south 20 ft. of an existing (30' x 40') accessory structure. The accessory structure is to be 18 ft. off the west property line; therefore, the proposed covered dog run would encroach 5 ft. into the required side yard setback.

The placement of the accessory structure was limited because of existing geo-thermal fields adjoining and encroaching into subject parcel.





The general description of the surrounding properties is as follows:

The properties to the north across Indian Trail are zoned R-1 and are part of the residential development with parcels fronting on Indian Trail N; parcels in excess of 3.5 acres.

The parcels to the south fronting on 29 Mile Road also zoned R-1 with residence adjoining to south; and

The parcels to the west are within the HCMA Park

The parcels to the east front on Indian Trail are zoned R-1 and undeveloped

The Township Master Plan impacts subject property and the request as follows:

The Master Land Use Plan depicts the area as AGRICULTURAL/RESIDENTIAL 90,000 Sq. Ft.

The Master Thoroughfare Plan indicates that the future of Indian Trail Road is planned as a Collector Road with 86' of future R-O-W.

Wetlands: None identified

Gas Fields: None identified

Natural Features: waterway identified runs north/south cutting through approximate center of parcel; does not impact request

Floodplain: None identified

Woodlands: None identified, none impacted as being on Woodlands Map.

Watershed: Subject parcel is within the North Branch of Clinton River Watershed

Public Comment:

Anthony Virgo, 63251 Indian Trail, property owner to the east has no problem with the lean-to as requested.

**MOTION by Engel supported by Youngblood to close the public hearing at 7:40 p.m.
MOTION carried.**

Engel asked if Mr. Virga would see the dog run from his property.

Mr. Virga stated the dog run would be facing the HCMA property and have no impact on his property.

Lisa Hall, Planning/Zoning Clerk stated HCMA received three notices regarding the variance request and did not reply to the notice.

Chairman Hancock stated in all of the training the Zoning Board of Appeals has received the Board has to consider if there is a hardship and if the petitioner created the hardship.

Robert Lee, stated the geo-field is for the house and the septic field is located in the front yard.

MOTION by DeMan supported by Brown to approve the variance request to vary Section 200, A, 6, a, of the Zoning Ordinance for Accessory Buildings and/or Structures to allow a section of lean-to roof to extend within the required fifteen (15) foot side yard for Permanent Parcel No. 05-15-401-005; a.k.a. 63401 Indian Trail Road which is Located on the west side of Indian Trail Road, approximately 200 feet north of Indian Trail North; Section 15. This variance was granted based upon the Planners recommendation, as follows:

It is the opinion of the undersigned that although in subject appeal an existing accessory structure (storage building) on the applicants' land would remain inside the minimum setback line; if granted the impact of granting the request is mitigated by the following factors:

The approval of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district as noted above given that the variance is necessitated by the existence of geothermal fields adjoining the parcel and the existence of the ditch that was referenced above. The construction as proposed within the required setback does not impact any adjoining parcels, buildings or public ways either on subject site or adjacent parcels. The adjoining parcel nearest the proposed encroachment is public land that will never be built upon.

The applicants did not create the need for a variance; the physical and natural features on subject parcel limit the building area.

The Zoning Board may give relief with full belief that the spirit of the ordinance will be observed and public safety and welfare secured. The public record would rightfully recognize and verify that the resultant effect is no negative impact on future purchasers of subject parcel or adjoining parcels.

Finally, the Zoning Board would be granting the request with full assurance that the action will not be inconsistent with any element of the Township Master Plan as adopted by the Planning Commission in 2010 including the Land Use Plan, Master Thoroughfare Plan, Wetlands, Gas Fields, Natural Features, Woodlands, and Flood Plains.

6. Report from the Planning Commission Representative

Chairman Hancock stated the Commission is reviewing amending the medical marijuana ordinance based upon the changes of the law and the Commission will be asking for input from the residents. Further stated the biggest issue will be asking the public for input on if the Township should opt-in or opt-out. Further stated there are many parts of the medical marijuana laws that will go in effect in December of this year, which involved commercial growing houses, testing of marijuana facilities, transporting and dispensaries.

Kevin Brown inquired with the new law how that will affect the existing growers in the Township.

Jerry Schmeiser, Planner stated no one has ever received approval from the Township and they would be operating illegally.

DeMan stated in last Sundays Detroit Free Press there was a good article regarding medical marijuana.

7. Public Comments:

Mr. Virga stated there is someone growing medical marijuana near his home and he does not want it grown in residential areas. Further stated he and his neighbors don't want their children riding their bikes in that area and smelling the medical marijuana.

Discussion was held that the State Police visited the site and the occupant will vacate the location by May.

8. Adjournment

MOTION by DeMan supported by Engel to adjourn the meeting at 8:07 p.m.

MOTION carried.

Tom Hancock, Chairman

Marvin DeBuck, Secretary

Date

Respectfully submitted,
Lori R. Lascoe, Recording Secretary
Township Clerk