

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, JANUARY 23, 2018 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray MI 48096

Present: Harold DeMan Jr., Chairman
Scott Mathews, Vice-Chairman
Marvin DeBuck, Secretary
Members: Tom Penzien
Betty Youngblood

Absent: None.

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 DeMan called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. All members were present.
2. APPROVAL OF AGENDA
**MOTION by DeBuck supported by Mathews to approve the agenda as printed.
MOTION carried.**
3. APPROVAL OF MINUTES: October 24, 2017
**MOTION by Penzien supported by Youngblood to approve the meeting minutes of October 24, 2017 as presented.
MOTION carried.**
4. Scheduled Public Hearings-
 - A. Request for a variance to Township Zoning Ordinance: Section 400 (R-1 Agriculture Residential; Maximum Width to Depth Ratio); Located on the east side of Ray Center Road, approximately 1/3 mile north of 28 Mile Road. Permanent Parcel No. 05-23-300-026. James S. Michael- Applicant.

Chairman DeMan explained the public hearing procedure, the planner would explain the variance request so the audience will be informed on the variance request. Then the public hearing would be open for the public to come to the podium, state their name and address and state any comments they may have regarding the agenda item.

Mr. Schmeiser, Planning Consultant, provided the Board with two drawings of the property in question. He presented his findings and recommendation, dated January 18, 2018. They are as follows:

The applicant is requesting a variance to allow two parcels to be created that will have a width to depth ratio of (1:5.4) rather than 1:4 as required in the R-1 zone. The parcels would be created as part of four splits off an existing parcel as described below.

The subject parcels are illustrated as Parcel #1 and Parcel #2 as shown on the sketch below and on the drawings attached to the Certificate of Survey in the application packet. Parcel #1 is a 5.30-acre parcel and Parcel #2 is proposed with 5.18 acres. Each parcel is provided with 206.85 ft. of frontage on the east side of Ray Center Road with a slight difference in depth. The subject parcels are part of a 36.84-acre parcel. The parent parcel will be further split into two additional parcels; a third parcel would contain 5.51 acres and be created sharing the east 483 ft. of the proposed north line of Parcel #1. The fourth parcel will share the entire south line of Parcel #2 and contain 20.85 acres. The other two parcels created would be in compliance with the Zoning Ordinance.

The Township Land Division Ordinance specifies that any resultant parcels of a split must meet all provisions of the Zoning Ordinance. The 1:4 Ratio requirement of Section 400 of the Zoning Ordinance would allow a depth of no greater than 827 feet; therefore, the split would be prohibited from being approved without obtaining relief from the Zoning Board of Appeals. It should be noted that when the application for variance was filed the width to depth requirement was at 1:5. However, on January 16, 2018 following a recommendation from the Planning Commission the Township Board adopted an amendment to the Zoning Ordinance that requires the Depth to Width Ratio to be 1:4 in order to meet minimum State standards.



Characteristics of the property can be summarized as follows:

Current zoning – R-1 agricultural Residential

Present Use – The subject parcels are current vacant including the remaining two parcels referenced above.

The general description of the surrounding properties is as follows:

The properties to the east, are zoned R-1 and contain single family residences on acreage parcels fronting Indian Trail.

The properties to the north are zoned R-1 and are part of the parent parcel. The west half of the adjoining parcel fronts on Ray Center the east half fronts on Indian Trail.

The property to the west across Ray Center contains single family homes fronting Ray Center on acreage parcels. The Hartway Dobson Subdivision is approximately 350 ft. north of Parcel #1 on the west side of Ray Center.

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

The Master Land Use Plan depicts the area as Agricultural Residential with 90,000 Sq. Ft. minimum parcel size.

The Master Thoroughfare Plan indicates that the future of Ray Center is planned as a major thoroughfare with 120' of future R-O-W.

Wetlands: None identified

Gas Fields: None identified

Natural Features: None identified, none impacted

Floodplain: None identified

Woodlands: identified, as being on Woodlands Map.

Watershed: Subject parcel is within the Coon Creek Watershed

MOTION by Penzien supported by Mathews to open the public hearing at 7:12 p.m.

MOTION carried.

Mr. Michaels, Petitioner stated the proposed parcels are just a little short to comply with the ordinance. Further stated his request is to square up the proposed parcels.

David Youngblood, 61829 Ray Center Road asked what the intent is of the remanding twenty-acre parcel. Further questioned if the twenty acres would be split in the future.

Mr. Michaels stated he does not feel he would be allowed any more splits on the parcel.

David Youngblood, 61829 Ray Center Road, stated the intent of Ray Township is to keep the area rural. He stated he owns a large vineyard farm and he receives complaints from his neighbors for the noise of his tractor and for spraying his crops. He stated if the split is granted it would change the character of the area and he would have more neighbors complaining about his farm activities as when he sprays his vines. Further stated the Township wants to preserve the natural characters and there is no reason to allow the split.

MOTION by Penzien supported by Mathews to close the public hearing at 7:20 p.m.

MOTION carried.

Discussion was held by the Board on the proposed split and straightening out the property line as proposed by the applicant. The Board discussed based according to the plat act on how many splits are allowed. Further discussed the Planners recommendation according to the ordinance.

MOTION by Penzien supported by DeBuck to Approve the Variance Request to vary Section 400 (R-1 Agriculture Residential; Maximum Width to Depth Ratio) for Permanent Parcel No. 05-23-300-026; Located on the east side of Ray Center Road, approximately 1/3 mile north of 28 Mile Road. James S. Michael, Petitioner. This approval was based upon the Planner's recommendation as follows:

It is recommended that the variance as requested be approved.

It is the opinion of the undersigned that although in subject appeal a parcel would be created that does not meet the minimum requirement for width to depth ratio; 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 will acknowledge measurement that does not negatively impact any adjoining parcels, buildings or public ways either on subject site or adjacent parcels.**
- **The applicants did not create the need for a variance. The need for the variance was created when the parcel to the east that fronts Indian Trail did not allow for additional depth thus setting the need for the depth of subject parcels to exceed the maximum depth to width ratio. The present owner is faced with the option of creating one 10-acre parcel that would adjoin 5-acre parcels on all sides if the split as proposed is not allowed.**
- **The remainder of the parent parcel will conform in all respects with the Zoning Ordinance.**

- **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 the resultant effect is no negative impact on future purchasers of subject parcel.**

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.

**FOR THIS MOTION: Yes: Penzien, DeBuck, Mathews, Youngblood, DeMan.
 No. None.**

MOTION carried.

5. Other matters to be Reviewed by the Zoning Board of Appeals
 - a. Election of Officers.

**MOTION by Penzien supported by Youngblood for Harold DeMan to be Chairperson, Scott Mathews as Vice-Chairperson and Marvin DeBuck as Secretary.
MOTION carried.**

6. Report from the Planning Commission Representative – Penzien reported the Planning Commission held a public hearing for a special land use request for a church to located at the southeast corner of Romeo Plank and 28 Mile Road. He explained the existing home on the eleven acre site would remain. He explained the item was tabled to try to address the neighbors’ concerns even though the plan met all of the Township ordinances. Further stated the Pastor stated they wanted to work with the community.
7. Public Comments: None at this time.

8. Adjournment
**MOTION by DeBuck supported by Mathews to adjourn the meeting at 7:42 p.m.
MOTION carried.**

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

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