

Ray Township Zoning Board of Appeals  
Meeting Minutes  
Tuesday October 25, 2016 at 7:30 p.m.

Location: Ray Township Hall  
64255 Wolcott, Ray, Michigan 48096

Present: Tom Hancock, Chairman  
Harold DeMan, Jr., Vice Chairman  
Rita Harman, Secretary  
Marvin DeBuck  
Gary Engel

Also present - Lisa Hall, Planning, Zoning and Building, Jerry Schmeiser, Township Planner, and 4 residents.

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

Mr. Hancock called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited.  
Hancock, DeMan, Harman, DeBuck and Engel present.

2. APPROVAL OF AGENDA.

**MOTION by Ms. Harman to approve the agenda as presented, supported by Mr. DeBuck. Motion carried.**

3. APPROVAL OF THE MINUTES, September 27, 2016.

Mr. DeMan made a minor correction to the minutes.

**MOTION by Mr. DeMan to approve the minutes of September 27, 2016, as amended, supported by Ms. Harman. Motion carried.**

4. SCHEDULED PUBLIC HEARING – a. Ronald L. Powers – 60800 North Avenue- 05-25-100-018 – The variance request, if approved, will allow the construction of a 2500 square foot accessory building on a parcel containing 4.86 acres which is less than the required minimum lot size of 5.0 acres.

**MOTION by Ms. Harman to open the public hearing on the request from Ronald Powers, 60800 North Avenue-05-25-100-018 – The variance request if approved will allow the construction of a 2500 square foot accessory building on a parcel containing 4.86 acres which is less than the required minimum lot size of 5.0 acres. Motion supported by Mr. Engel. Motion carried.**

Mr. Hancock reviewed the rules and summarized the process for a public hearing.

Ronald Powers explained his request is to build a 40'x64' pole barn with a storage attic at the back of his property. He stated he would like to put the largest building he could on the property as he would only be building once.

Jerry Schmeiser, Township Planner, explained the petitioner's request on the drawing provided to the Board.

Mr. Schmeiser, explained the Planners' findings and recommendations to the Board:

The applicants are requesting a variance to allow the construction of a 2,500 square foot accessory building on a parcel containing 4.86 acres which is less than the required minimum lot size of 5.00 acres.

Characteristics of the property can be summarized as follows:

Current zoning: R-1 agricultural Residential Present Use : single family residence

Size and dimensions of property: Subject parcel has a trapezoid-like shape with 249.36 ft. of frontage along North Ave. and depth of 961 ft. on the north property line and 837.47 on the south property line. The parcel contains 4.846 acres.

**The general description of the surrounding properties is as follows:**

1. The properties to the north are zoned R-1 and contain acreage parcels fronting to 28 Mile Road and backing to subject parcel.

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2. The properties to the west across North Ave are zoned R-1 and contain single family residences on acreage parcels.
3. The property to the south is a vacant residential parcel containing 4 acres.

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

1. The Master Land Use Plan depicts the area as AGRICULTURAL/RESIDENTIAL 90,000 sq. ft.
2. The Master Thoroughfare Plan indicates that the future of North Avenue is planned as a major thoroughfare with 150' of future R-O-W.
3. **Wetlands:** None identified  
**Gas Fields:** None identified  
**Natural Features:** A north/south stream cuts through parcel approximately 280 ft. east of North Avenue; approximately 260 ft. west of the existing residence. There is no impact by the proposed accessory structure which would be further east of the residence.  
**Floodplain:** None identified  
**Woodlands:** Woodland is identified on parcel between the North Avenue ROW and the north/south stream that cuts through parcel. The proposed accessory building does NOT impact the Woodland.  
**Watershed:** Subject parcel is within the Coon Creek Watershed

The applicant is seeking to construct a 2,500 sq. ft. accessory structure to the rear of the residence. The zoning ordinance as written would allow an accessory structure to be 2,000 sq. ft. since subject property is less than 5 acres.

Parcels between 1- 4.99 acres may construct a 2,000 sq. ft. accessory structure. A five (5) acre parcel may construct a 3,000 sq. ft. accessory structure.

The table below depicts the sizes of accessory structures permitted based on parcel size and the size of that accessory structure expressed in % of lot coverage. It can be seen that in terms of lot coverage parcels of one (1) or two (2) acres allow the greatest percentage of lot coverage (.023%) whereas the subject parcel is permitted an accessory structure with the lowest percentage of lot coverage (.009%). It can be seen from this Table that the request if granted would allow lot coverage less than what would be permitted for a full 5 acre parcel.

Parcel Size	Accessory Structure Permitted	% Lot Coverage
1 acre	1,000 sq. ft.	.023
2 acre	2,000 sq. ft.	.023
5 acre	3,000 sq. ft.	.014
Subject Parcel 4.846 acre	2,000 sq. ft.	.009

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Subject Parcel 4.846 acre	PROPOSED 2,500 sq. ft.	.012
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RECOMMENDATION TO THE ZONING BOARD OF APPEALS:

It is recommended by the Township Planners that the variance as requested should be approved.

It is the opinion of the Township Planners that although in subject appeal the accessory structure as proposed would exceed the size permitted based on the parcel size 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. The % of lot coverage for accessory structures is skewed unfavorably for subject parcel in relationship to parcels with less and greater size. The variance as requested would give fair and reasonable justice to the parcel as it relates to size of the accessory structure proposed.

The applicants did not create the need for a variance; they purchased subject property based on the record that the primary building was constructed prior to the existence of the Township Zoning Ordinance. The parcel shape is determined by the curve in the road which causes the south line to be 118 ft. less than the north line which results in a parcel of less than 5 acres.

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.

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.

Finally, this recommendation is subject to the following conditions:

- That existing outbuilding must be removed from the parcel prior to receiving a building permit for the new accessory structure.
- That materials stored outside on the parcel shall be removed or stored within the new barn.

There were no comments from the audience.

**MOTION by Ms. Harman to close the Public Hearing, supported by Mr. DeMan. Motion carried.**

Ms. Harman asked the petitioner what his hardship was. Mr. Powers said he would like a larger barn to store his vehicles and for the storage of his hobby equipment and the materials he stores outside. He said he does not run a business on the property.

The size of the pole barn to be built was discussed. The ratio of his property and the size Mr. Powers will build was discussed. The petitioner stated he would love to build the biggest barn he could, as he would only be doing this once on his property.

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Mr. Hancock inquired about other item stored outside on the property and additional buildings (storage buildings) on the property. The petitioner said those will be removed. The antique cars and motorcycles will be stored in the barn. Mr. Hancock said the Board needs to stay with the initial request, although a larger barn was considered and discussed. Mr. Engel said he did not have an issue with the request. He felt for curb appeal it would be an advantage to have a larger pole barn.

Mr. DeBuck asked about the RV on the property. Mr. Powers said he would be storing the RV in the pole barn. Discussion continued regarding the size of the pole barn and the structures on the property.

**MOTION by Ms. Harman to approve the request for a variance of petitioner, Ronald L. Powers, 60800 North Avenue-05-25-100-018 – to allow the construction of a 2560 square foot accessory building (pole barn) on a parcel containing 4.86 acres which is less than the required minimum lot size of 5.0 acres, based on the Zoning Boards’ discussion and based on the Planners’ recommendations:**

**The approval of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district. The % of lot coverage for accessory structures is skewed unfavorably for subject parcel in relationship to parcels with less and greater size. The variance as requested would give fair and reasonable justice to the parcel as it relates to size of the accessory structure proposed.**

**The applicants did not create the need for a variance; they purchased subject property based on the record that the primary building was constructed prior to the existence of the Township Zoning Ordinance. The parcel shape is determined by the curve in the road which causes the south line to be 118 ft. less than the north line which results in a parcel of less than 5 acres.**

**The Zoning Board gives 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.**

**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.**

**Finally, this recommendation is subject to the following conditions:**

- That existing outbuilding must be removed from the parcel prior to receiving a building permit for the new accessory structure.**
- That materials stored outside on the parcel shall be removed or stored within the new barn.**

**Motion supported by Mr. DeMan.**

**A Roll call vote was taken:**

<b>Ms. Harman</b>	<b>Yes</b>
<b>Mr. DeMan</b>	<b>Yes</b>
<b>Mr. DeBuck</b>	<b>Yes</b>
<b>Mr. Engel</b>	<b>Yes</b>
<b>Mr. Hancock</b>	<b>Yes</b>

**Motion carried. Vote of 5-0.**

5. Other Matters to be reviewed by the Zoning Board of Appeals - none.

6. Report of Planning Commission Representative – none.

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- 7. Public Comments – none
  
- 8. Adjournment –  
**MOTION by Mr. DeMan to adjourn the meeting at 8:10 p.m., supported by Ms. Harman. Motion carried.**

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Tom Hancock, Chairman

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Rita Harman, Secretary

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Date

**Respectfully submitted,  
Marcia Jamroz  
Recording Secretary**