

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, APRIL 24, 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

Absent: Betty Youngblood (excused)

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 presented.
MOTION carried.
3. APPROVAL OF MINUTES: January 24, 2018
MOTION by DeBuck supported by Penzien to approve the meeting minutes of January 24, 2018 as presented.
MOTION carried.
4. Scheduled Public Hearings-
 - A. Request for a variance to Township Zoning Ordinance: Section 400 (R-1 Agriculture Residential; Design Elements/Maximum Width to Depth Ratio); Located at 66840 Wolcott Road; Located on the east side of Wolcott Road, approximately 653 feet south of 31 Mile Road. Permanent Parcel No. 05-09-100-018. Alysha Puscas- 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 April 24, 2018. They are as follows:

The applicant is requesting a variance to allow a temporary parcel measuring 30 ft. x 585 ft. to be extracted from one parcel (05-09-100-019) in order to be added to the adjoining parcel to the south (05-09-100-018); resulting in one parcel that would exceed the Maximum Width to Depth Ratio permitted in Section 400 of the Zoning Ordinance. The Township land division ordinance specifies that any resultant parcels of a split/combination must meet all provisions of the zoning ordinance. Therefore, the split/combination as proposed would be prohibited from being approved without obtaining relief from the Zoning Board of Appeals.

The existing parcels currently do not meet the minimum width to depth ratio but were created prior to the current zoning regulations. (See aerial from Macomb County GIS on page 2)

Characteristics of the property can be summarized as follows:

Current zoning – R-1 agricultural Residential

Present Use – The ‘receiving’ parcel contains 11 acres with 184 ft of frontage on the east side of Wolcott Road. There is an existing single-family residence and pond located on the parcel. The ‘sending’ parcel contains 16.2 acres with 654 ft. of frontage; adjoins the north line of the ‘receiving’ parcel. A 30’x 585’ segment would be removed from the south line of the sending parcel and attached to the north property line of the ‘receiving’ parcel at the northwest corner of the ‘sending’ parcel at the street line.

The general description of the surrounding properties is as follows:

The properties to north and south along the east side of Wolcott Road contain single family residences on acreage parcels. The parcels to the west side of Wolcott are part of the HCMA Properties.



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 31 Mile Road 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: None identified, none impacted as being on Woodlands Map.
- Watershed: Subject parcels are within the North Branch and Tupper Brook Watersheds

Chairman DeMan read Kelly Timm, Assessor comments dated April 17, 2018 regarding the variance request, as follows:

“The existing parcels currently do not meet the minimum width to depth ratio but were created prior to the current zoning regulations. If the variance is granted, the applicant must submit a survey along with the application for split/combination to the Assessor’s office. The county will then assign new parcel numbers for each parcel.”

**MOTION by Mathews supported by DeBuck to open the public hearing at 7:15 p.m.
MOTION carried.**

Alysha Puscas, Petitioner was in attendance to answer any questions.

**MOTION by Penzien supported by Mathews to close the public hearing at 7:16 p.m.
MOTION carried.**

DeBuck asked who owns the parcel to the north. Further asked if there are any drainage issues on the property.

Alysha Puscas stated her father owns the parcel to the north. She stated they are requesting to add additional property, so they can construct a pole barn next to their pond so that it will be closer to their home.

Penzien stated by adding the additional property they are complying with the setback requirements.

DeBuck asked if they are aware that a new survey would be required for the property if the variance request was approved. Further asked if there are any drainage issues on the property.

Mr. Puscas stated the water drains to the pond and it has never over flown.

MOTION by Mathews supported by DeBuck to approve to vary Section 400 (R-1 Agriculture Residential; Design Elements/Maximum Width to Depth Ratio); Located at 66840 Wolcott Road; Located on the east side of Wolcott Road, approximately 653 feet south of 31 Mile Road for Permanent Parcel No. 05-09-100-018, Alysha Puscas-Applicant. This approval is based upon the Planners recommendation as follows:

It is recommended that although the parcel owned by the applicant land would remain without the minimum frontage to meet the required depth to width 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 existing parcels created prior to the existing ordinance that does not 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; they purchased subject property based on the record that the dimensions of subject parcels met the requirements of the Township Zoning Ordinance.

The existing buildings on both parcels 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 and verify that the resultant effect has 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.

This approval is conditioned on the applicant submitting documents and drawings to the satisfaction of the Township Assessor for a Split/Combination of subject properties in accordance with the Township Land Division Ordinance.

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

MOTION carried.

6. Report from the Planning Commission Representative

Penzien reported the Planning Commission is working on the Capital Improvement Plan which is a six-year plan and called a wish list. He explained by having a Capital Improvement Plan the Township would be eligible for grants.

Penzien stated the Planning Commission is also working on requiring a dedicated landscape area for lots that back up to a major road. He explained along 25 Mile Road, west of Romeo Plank in Macomb Township is what the dedicated landscape area would look like.

Mr. Schmeiser explained the twenty-foot dedicated landscape area is not part of the lot.

DeMan stated by requiring the landscape area it will also be a noise buffer along a major road.

7. Public Comments: None at this time.

8. Adjournment

MOTION by DeBuck supported by Mathews to adjourn the meeting at 7:32 p.m.

MOTION carried.

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

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