

Location: Ray Township Hall  
64255 Wolcott. Ray, MI 48096

Present: Tom Penzien, Chairman  
Justin Lease, Vice-Chair  
Randy Forro, Secretary  
Members: Justin Marberg  
Doug Stier  
John Zoccola

Absent: Cynthia Banach (excused)

Also Present: Lisa Hall, Planning and Zoning Clerk,  
Jack Dailey and Jerry Schmeiser, Township Planners.  
Attendance record on file

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

Chairman Penzien called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. All members were present.

2. APPROVAL OF MINUTES – April 10, 2018

Chairman Penzien stated the Commission each received a revised page 2.

**MOTION by Stier supported by Lease to approve the April 10, 2018 minutes as revised.  
MOTION carried.**

3. APPROVAL OF AGENDA-

**MOTION by Marberg supported by Zoccola to approve the agenda as presented.  
MOTION carried.**

4. SCHEDULED PUBLIC HEARING:

A. Request for Special Land Use Permit to construct Accessory Building in the front yard at 63158 Romeo Plank, Permanent Parcel #05-17-300-048, Vincent Panichella, Applicant.

Chairman Penzien explained the public hearing procedure to the residents that the Planner will present his finding for the application. The correspondences from the departments would be read into the record. Then the public should come to the podium, state their name, address and state any concerns or comments they have on the item.

Mr. Dailey, Planning Consultant presented his findings and recommendations dated April 19, 2018, as follows:

The purpose of this request as noted on the APPLICATION FOR SPECIAL LAND USE APPROVAL is to allow an accessory building to be constructed within the front yard. The subject parcel is zoned R-1 (Agricultural-Residential). The parcel is located approximately 400 ft. north of 29 Mile Road on the east side of Romeo Plank Road.

Section 200 of the Zoning Ordinance provides that the use as requested may be permitted after special land use approval has been granted by the Township Planning Commission; see Section 200-C which states: Accessory buildings may only be located within the non-required front yard as a Special Land Use by the Planning Commission.

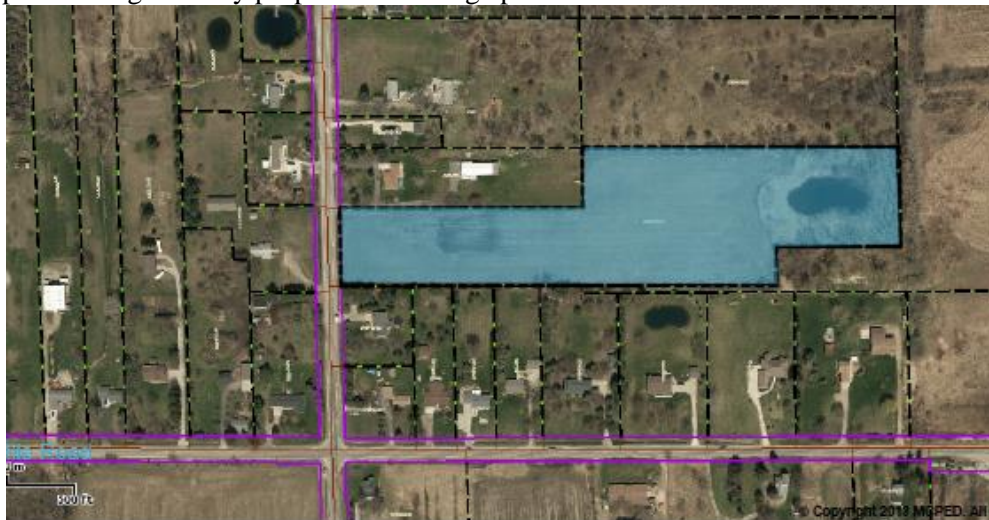
Special Land Use (SLU) is the use of a lot or parcel of land for an activity which, under usual circumstances, might be detrimental to other permitted land uses and cannot be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land use.

The Zoning Ordinance has vested the power to grant special land use approval to the Planning Commission. The Planning Commission must as part of its review and consideration conduct a public hearing regarding the merits of this request. The Planning Commission shall make a determination as to whether the proposed use as discussed below meets all ordinance requirements applicable to the Special Land Use requested in addition to the required review standards found in Section 2202 of the Zoning Ordinance. The Commission must also find that there are no more adverse effects than would normally be associated with the subject district which in the opinion of the Planning Commission cause injury to the adjacent properties or residents, or the Township as a whole.

The Special Land Use Standards itemized in Section 2202 of the Zoning Ordinance will be referenced individually later in this report.

The general description of the surrounding properties is as follows:

- A. The parcels adjoining on the north and to west across Romeo Plank Road are zoned R-1 and developed for single-family purposes on acreage parcels.
- B. The parcel to the east is zoned R-1 and contains acreage that is part of the Huron Clinton Metropolitan Authority.
- C. The parcels to the south front on the east side of Romeo Plank and the north side of 29 Mile Road are also developed for single family purposes on acreage parcels.



The site plan sketch submitted indicates the following;

- A. Subject parcel is an eight-sided polygon that is provided with 200 ft. of frontage on the east side of Romeo Plank Road and extends for a maximum depth of 1475 ft.; for a total site size of 8.937 acres.
- B. The parcel is presently vacant. The applicant intends to build the future residence approximately 1,020 ft. east off Romeo Plank Road and behind (to the east of) the proposed accessory building. The proposed septic field and reserve field will be between the barn and the residence and south of the proposed 16 ft. wide entrance drive off Romeo Plank Road.
- C. The proposed barn 50 ft. x 80 ft. (4,000 sq. ft.) would be setback 670' from the centerline of Romeo Plank Road; 10 ft off the east line of the adjoining residential parcel to the north that fronts Romeo Plank; setback 62' from the north property line;(HCMA property) and 300' from the south property line. An amendment to the Zoning Ordinance regarding accessory buildings would allow a garage up to 4,600 sq. ft. on subject parcel.
- D. The proposed accessory building would be approximately 440 ft. from the nearest existing residence (16875 29 Mile Road) to the south and in excess of 480 ft. from the residence fronting Romeo Plank Road.

III. Applicable Sections of the Zoning Ordinance relating to the Special Land Use Request are cited below for reference:

Discussed below is a review of how the use of a garage to be located in front of the proposed location of the future primary residence on subject property comports with the Special Land Use Standards itemized in Section 200-C and Section 2202 of the Zoning Ordinance.

IV. Section 200-C Required Standards and Design by Use for Accessory Buildings:

Section 200 C-6 a. of the Zoning Ordinance states: "Accessory Buildings shall not be located in the front yard...However,

Section 200 C-3. of the Zoning Ordinance states: "Accessory buildings located in the front yard may be permitted as a Special Land Use subject to the following:..."*In reviewing the special land use application the Planning Commission shall take into account the proposed accessory structure, the location of the proposed structure the size of the subject property and the proximity of neighboring homes, existent vegetation, topography, and any other conditions specific to the property which the Commission determines is pertinent to their review.*

The required front yard for subject parcel is 110' from the centerline of Romeo Plank. The barn is proposed to be 670' from the centerline, therefore it is outside the REQUIRED front yard.

IV. Section 2202 Special Land Use Standards. The Planning Commission shall also review the request as to its conformity to each of the following standards:

Discussed below is a review of how the use of subject property for an accessory building in front of a future primary residence to be located on subject parcel comports with the special land use standards itemized in Section 2202 of the Zoning Ordinance.

STANDARD NO. 1-The proposed special approval land use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

Comments relative to Standard No. 1: The Application for SLU to use subject parcel for an accessory building to be located in a residential district as discussed above would be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, since the area is planned and zoned for Residential Development which would be consistent with the Township Master Plan and the Township Zoning Ordinance.

STANDARD NO. 2-The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian vehicle conflicts.

Comments relative to Standard No. 2: The Application for SLU to use subject parcel for an accessory building to be located in a residential district as discussed above would be consistent with the R-1 District. The parcel in question is of sufficient size to accommodate the proposed use and has been designed with respect to access to the public right-of-way to safely and efficiently move vehicles on and off the parcel with no impact on either vehicular or pedestrian traffic.

STANDARD NO. 3-The proposed use will be designated so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any excessive nuisance emanating there from which might be objectionable to the occupants of any other nearby permitted uses.

Comments relative to Standard No. 3: The Application for Special Land Use to construct an accessory building to be located on a residential district as discussed above would NOT be out of character with the District and adjoining parcels with respect to issues of noise, fumes lights, and vibration. Given that the residence to the south is approximately 440' and the residence to the west fronting Romeo Plank is more than 450' from the proposed accessory building there should be no negative impacts relating to noise, lights, fumes and other potential nuisance factors.

STANDARD NO. 4-The proposed use will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. No Comments Applicable or Related to the Request.

STANDARD NO. 5-The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

Comments of Dailey/Schmeiser relative to Standard No. 5: The Application for SLU to use subject parcel to construct an accessory building to be located on in a residential district as discussed above can and is designed to be operated in such a manner that the public health and safety would be adequately protected.

STANDARD NO. 6-The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

Comments of Dailey/Schmeiser relative to Standard No. 6: The Application for SLU to use subject parcel to construct an accessory building to be located on in a residential district as discussed above would operate as a complement to future land uses permitted with said zoning district.

Recommendation:

As the Planning Consultants for Ray Township we have reviewed the application for the special land use permit for the Construction of an accessory building to be located in the front yard on the above-described property and recommend APPROVAL for the following reasons:

- The proposed use as described herein is consistent with or not in conflict with any of the Special Land Use standards found in Section 2202 of the Zoning Ordinance.
- The proposed use as described herein can be designed to comply with the special requirements imposed by Section 200 as noted below;
- The accessory building will NOT encroach into the REQUIRED FRONT YARD OF 110 FT.
- Given the size of the parcel, the vegetation on site and the proposed building's location in relation to structures on adjoining parcels the proposed location is reasonable in relation to adjoining parcels

The Special Land Use however, should be approved subject to the following Conditions:

1. That the front or west facing elevation shall be brick faced.
2. That all requirements of the Zoning Ordinance be met.
3. That a building permit may not be obtained until the proposed house is completely enclosed.
4. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.

Chairman Penzien read the Building Official correspondence dated 4-23-18 regarding the special land use.

Vincent Panichella, Petitioner stated the design of the accessory building is to have 4' of pho-brick on the front elevation. Further questioned the recommendation for the brick faced on the west elevation.

Zoccola questioned the dimension of the accessory building from the property line.

Chairman Penzien explained the zoning ordinance amendment for the side yard requiemment for an accessory was amended to ten feet.

Public Hearing: There were no comments.

Mr. Panichella showed the Planning Commission drawings of the faux-brick proposed for the accessory building. Further showed the front elevation of the home they will be building.

Stier stated the accessory building will not be visible from the road. Further stated there are accessory building that are visible from the road and brick is not required for the facade.

Discussion was held on requiring arborvitae instead of the brick facade.

Forro stated on the west property line there should be a swale on the property so it does not drain onto the adjoining parcel.

Mr. Dailey stated the petitioner has to provide drainage on his property, which is required by the building code.

**MOTION by Lease supported by Forro to Approve the Special Land Use for Accessory Building in the front yard for Permanent Parcel 05-17-300-048; 63158 Romeo Plank. This approval is based upon the Planners recommendation and the following conditions:**

1. **The ten (10') foot required setback shall be planted with Arborvitae at a distance not greater than height (8') feet on center in lieu of brick on West elevation of accessory building.**
2. **That all requirements of the Zoning Ordinance be met.**
3. **That a building permit may not be obtained until the proposed house is enclosed.**
4. **That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
5. **The Building Official shall review the accessory building plans and verify the drainage on the west side of the accessory building shall not drain onto the adjacent property.**

**FOR THIS MOTION: Yes: Lease, Forro, Stier, Marberg, Zoccola, Penzien.**

**No: None.**

**Absent: Banach.**

**MOTION carried.**

5. NEW BUSINESS. – None.

6. OLD BUSINESS.

A. Discussion Capital Improvements Plan

Chairman Penzien stated the Commission compiled a list for the capital improvement plan at the last meeting. Further stated one of the items on the capital improvement plan is a new Township hall.

Jerry Schmeiser, Planning Consultant presented the Commission with a drawing of the Township hall, park and library which will be included in the capital improvement plan. He stated the property south of the library is HCMA property and suggested trying to acquire some of the land for a building.

Stier advised the Commission that funds would have to be ear-marked for the capital improvement plan.

Lease inquired if each department has provided the cost involved for the projects they provided for the capital improvement plan.

Mr. Dailey stated the cost has not been submitted at this time.

Stier stated he contacted Richmond Township and they got their building plans from St. Clair. Further stated he would be going to Richmond Township to view the building.

Chairman Penzien recommended the capital improvement plan be on the next Board agenda to give direction to the Planning Commission regarding a building size and square footage.

7. PRESENTATION: None.

8. REPORT OF THE BOARD REPRESENTATIVE:

Stier reported the Board approved for the Township Attorney to begin working on a sewer ordinance which is part of the adopted Master Plan.

Stier reported the building department fees have been increased to be comparable with the surrounding communities. Further stated the building department cannot make money but must be self-supporting.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penzien reported the Zoning Board of Appeals approved a variance for 30 feet x 585 feet to be extracted from one parcel and added to the adjoining parcel. He explained the parcels involved were family and the daughter would like to construct a pole barn to meet the side yard requirements because of the location of the existing pond on the property. Further advised the variance was approved with the condition that the applicant must submit documents and drawings to the satisfaction of the Assessor for a split/combination in accordance with the land division ordinance.

10. CORRESPONDENCE – None.

11. PLANNING CONSULTANTS REPORT.

Chairman Penzien stated the Commission received the Planners monthly report.

The Commission concurred they appreciate the monthly report.

12. PUBLIC COMMENTS

Sharilyn Kaniuk, 16200 27 Mile Road, inquired what property the Township owns.

Stier reported the Township owns vacant land on the east side of Romeo Plank, north of 27 Mile Road which was going to be a subdivision, which was purchased on a tax diversion. He stated the Township also owns approximately three acres of vacant land on North Avenue between 27 and 28 Mile Road.

Sharilyn Kaniuk stated she worked for an architectural firm and developers and would be attending the meetings.

Chairman Penzien suggested she submit a letter of intent to the Supervisor of her interest in being on the Planning Commission.

13. ADJOURNMENT.

**MOTION by Stier supported by Marberg to adjourn the meeting at 7:50 p.m.**  
**MOTION carried.**

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Tom Penzien, Chairman

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Randy Forro, Secretary

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Date

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