

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, AUGUST 28, 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
Members: Tom Penzien
Betty Youngblood

Absent: Marvin DeBuck, Secretary

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. DeMan, Mathews, Penzien and Youngblood were present. DeBuck was absent.
2. APPROVAL OF AGENDA
**MOTION by Penzien supported by Youngblood to approve the agenda as presented.
MOTION carried.**
3. APPROVAL OF MINUTES: June 26, 2018
**MOTION by Penzien supported by Mathews to approve the meeting minutes of June 26, 2018 as presented.
MOTION carried.**
4. Scheduled Public Hearings-
 - A. Request to vary the following Sections of the Township Zoning Ordinance; variance to Section 208 (Farm, Fish and Recreation Ponds or Aesthetic Landscaping Ponds); and Section 400 Lot Dimensions (R-1) District; Maximum Width to Depth Ratio. Permanent Parcels 19350 29 Mile, Parcel 05-21-100-023, and 19240 29 Mile Parcel 05-21-100-019; are the parcels affected. 50.648 acres. Applicant VanHaverbeck

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 drawings of the property in question. He presented his findings and recommendation, dated August 16, 2018. They are as follows:

The applicant proposes to split 20.452 acres from 19350 29 Mile (Parcel 21-05-21-100-023) and combine upon approval with 19240 29 Mile (Parcel 21-05-21-100-019) resulting in 2 parcels. The parcel with the 19350 29 Mile address would be reduced to 7.017 acres while the new parcel at the 19240 29 Mile address would be increased from 23.179 acres to 43.631 acres.

With respect to the 19240 29 Mile address; parcel (-019) the split as proposed would be in violation of Section 208 D; pond minimum distance of fifty (50) ft from property lines and Section 400; the Width/Depth requirement.

With respect to the 19350 29 Mile address; parcel (-023) the split as proposed would be in violation of Section 208 D; pond minimum distance of fifty (50) ft from property lines

The 19240 29 Mile parcel split as proposed would retain the exact frontage and depth but would increase in size by receiving 20.452 acres from the rear of the adjoining parcel to increase its size to 43.631 acres. The existing ponds on-site would remain exactly in their present state and relationship to exiting property lines.

The 19350 29 Mile parcel split as proposed would also retain the exact frontage of the existing parcel but would be reduced in size to 7.017 acres by sending 20.452 acres to the adjoining parcel to the east. The existing ponds on-site would also remain exactly in their present state and relationship to exiting property lines.

If approved one (1) variance will allow the existing pond on Parcel (-023) to remain less than fifty (50) feet from the abutting parcels. If approved three (3) variances on parcel (-019) will allow the existing ponds to remain less than fifty (50) feet from the abutting parcels; AND If approved one (1) variance will result in the creation of one parcel exceeding the Maximum Width to Depth Ratio of 1:4.

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 parcel 19240 29 Mile currently does not meet the minimum width to depth ratio but was 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 existing residential parcels as discussed above.

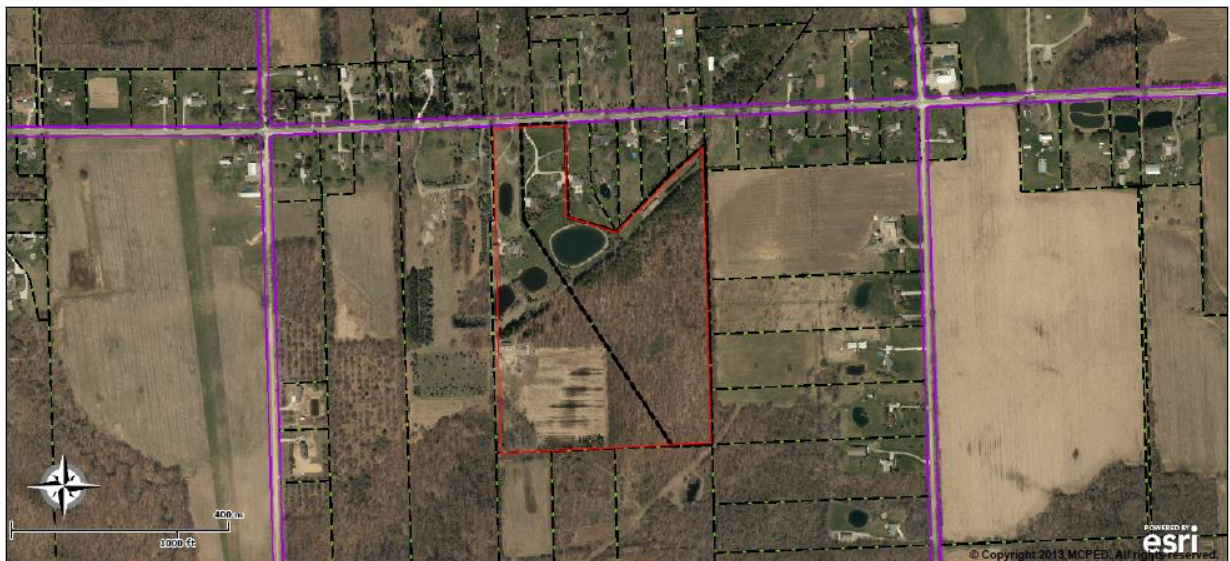
The general description of the surrounding properties is as follows:

The properties to east and west along both sides of 29 Mile Road contain single family residences on acreage parcels.

Macomb County GIS

05-21-100-023

Sat Aug 4 2018 01:33:31 PM.



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 29 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 Coon Creek Watershed

Chairman DeMan read the following correspondences:

8-9-2018 Kelly Timm, Assessor, The assessing Department has the following comments in regards to the variance request for the Pond Setback Variance requested and the Depth to Width Ratio variance requested:

The 2 parcels as they exist now already exceed the Depth to Width ratio

Address 19240 29 Mile Road would now be conforming to the Depth to Width Ratio with approval of the proposed variance.

The ponds as they exist now already exceed the 50' required setback.

Assessor advised would recommend approval of the variance based on the fact that each parcel currently does not meet the setbacks for existing ponds. Also, approval of the variance would make 19240 29 Mile Road conform to the current 4:1 depth to width ratio.

8-9-2018 Dennis LeMieux, Building Official had no issues with the variances for the properties.

**MOTION by Penzien supported by Youngblood to open the public hearing at 7:17 p.m.
MOTION carried.**

Public comments: None.

Chairman DeMan asked the applicant if he had any comments – Mr. VanHaverbeck stated no.

**MOTION by Penzien supported by Youngblood to close the public hearing at 7:18 p.m.
MOTION carried.**

Penzien asked questions regarding the setbacks of the ponds and meeting the ordinance.

Mr. Schmeiser advised that the existing ponds are less than the required fifty feet from the abutting parcels and do not meet the ordinance.

MOTION by Penzien supported by Mathews to Approve to vary Section 400 – Agricultural Residential; maximum width to depth ratio 1:4 for the combination of Permanent Parcel 05-21-100-019. 19240 29 Mile to exceed the width to depth ratio and to Approve to three (3) variances of Section 208 - (Farm, Fish and Recreation Ponds or Aesthetic Landscaping Ponds) to allow two (2) existing ponds to remain less than fifty (50') feet from the abutting parcels. Finally, the Zoning Board's approval however must be 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: Penzien, Mathews, Youngblood, DeMan
No: None**

MOTION carried.

MOTION by Penzien supported by Mathews to Approve to vary Section 208 – (Farm, Fish and Recreation Ponds or Aesthetic Landscaping Ponds); to allow an existing pond to remain less than fifty (50′) feet from the abutting parcels. Finally, the Zoning Board’s approval however must be 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: Penzein, Mathews, Youngblood, DeMan

No: None

MOTION carried.

4B. Scheduled Public Hearings-

Request for the following variance to Township Zoning Ordinance: Section 200 Accessory Buildings in Residential Districts; to allow an accessory building to be located in the front yard of Parcel 21-05-06-227-008. Address of subject property 68499 Romeo Plank; located on the West side of Romeo Plank road, approximately 1,080 ft. South of 32 Mile road. Jennifer Scarsella, 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 drawings of the property in question. He presented his findings and recommendation, dated August 16, 2018. They are as follows:

The applicant is requesting a variance in order to construct an accessory building in the front yard of an existing parcel. Section 200-6 of the zoning Ordinance requires that Accessory Buildings and/or Structures Shall not be located in front yard or within the required side yard setback.

Characteristics of the property can be summarized as follows:

Current zoning – R-1 agricultural Residential

Present Use – The parcel (05-06-227-008) contains 10.027 acres with 409 ft of frontage on the west side of Romeo Plank Road. The North Branch of the Clinton River traverses the parcel in a north/south direction entering the parcel approximately 40 ft. from the road right of way at the north property line and exiting approximately 220 ft from the road right of way at the south property line. There is an existing single-family residence and accessory structure located in the south east segment of the parcel. The location of the North Branch on the parcel in relationship to Romeo Plank Road on the parcel restricts and limits the area in which to locate an additional accessory building so that it would be useable.

The general description of the surrounding properties is as follows:

The properties to the north and to the east across Romeo Plank Road are undeveloped.

The properties to the south with frontage on the west side of Romeo Plank are developed with single family residences on acreage parcels.

The parcel to the west is developed for a storage yard.



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

The Master Land Use Plan depicts the Subject area as Single Family Residential 60,000 Sq. Ft.

The area on the east side of Romeo Plank Road as Single Family Residential 30,000 Sq. Ft.

The area to the west of Subject Property as Industrial

The Master Thoroughfare Plan indicates that the future of Romeo Plank Road is planned as a major thoroughfare with 120' of future R-O-W. The plans for the pole barn are outside the future road right-of-way as adopted.

Wetlands: Per Macomb County GIS Mapping wetlands are identified on Subject Property as follows based on drawing prepared and submitted by the civil engineering firm of Fenn and Associates, Inc;

At the top of the bank and below immediately west of proposed pole barn down to the stream.

At the top of the bank and below on the west side of the North Branch stream.

It must be noted that the area east of the top bank which is where the proposed barn is to be located there are no wetlands identified.

Gas Fields: None identified

Natural Features: As noted above the subject parcel is traversed by the North Branch of the Clinton River.

Floodplain: The Fenn drawing indicates that subject area is located outside the 0.2% chance of flooding.

Woodlands: The Fenn drawing identified woodlands west of the River and therefore outside the area of proposed development.

Watershed: Subject parcels are within the North Branch Watershed

It is recommended however that the plans submitted for review and approval to the Building Official should be amended so that the Concrete Pad to be installed to service the proposed pole barn should line up with the pole barn and not extend to the future right of way line.

The Zoning Board's approval therefore, should be conditioned on the applicant submitting documents and drawings to the satisfaction of the Township Building Official for subject property in accordance with the Township Building Ordinance and amended to reflect the condition noted regarding the concrete pad if so moved and approved as part of the motion regarding the variance request.

Chairman DeMan read the following correspondences:

8-9-2018 Kelly Timm, Assessor, The assessing Department does not have any comments in regards to the variance request for the Accessory Building setback varaince request.

8-7-2018 Dennis LeMieux, Building Official had no issues with the variance request.

**MOTION by Penzien supported by Youngblood to open the public hearing at 7:39 p.m.
MOTION carried.**

Public comments:

Petitioner inquired the change according to the planners recommendation.

**MOTION by Penzien supported by Youngblood to close the public hearing at 7:42 p.m.
MOTION carried.**

Penzien asked petitioner an option is to build west of the river.

Petitioner replied building west of the river is not an option.

MOTION by Penzien supported by Mathews to Approve to vary Section 200 – Accessory Buildings in residential Districts; to allow the construction of an accessory building in front of the primary residence at 68499 Romeo Plank, Permant Parcel # 05-21-06-227-008. The Zoning Boards approval is conditioned on the followings:

The applicant must submit documents and drawings to the satisfaction of the Township Building Official in relation to the design of the concrete pad to service the accessory building.

FOR THIS MOTION: Yes: Penzein, Mathews, DeMan, Youngblood

No: None

MOTION carried.

6. Report from the Planning Commission Representative – There was no report.

7. Public Comments: There were no public comments.

8. Adjournment

MOTION by Penzien supported by Youngblood to adjourn the meeting at 7:46 p.m.

MOTION carried.

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

Respectfully submitted,
Lisa C. Hall, Recording Secretary