

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, JUNE 26, 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 Youngblood to approve the agenda as presented.
MOTION carried.**

3. APPROVAL OF MINUTES: April 24, 2018

**MOTION by Penzien supported by Mathews to approve the meeting minutes of April 24, 2018 as presented.
MOTION carried.**

4. Scheduled Public Hearings-

Request for the following variances to Township Zoning Ordinance: Section 400 (R-1 Agricultural Residential; Design Elements/Maximum Width to Depth Ratio); and Section 200 Accessory Buildings in Residential Districts; to allow an accessory building to be located in the front yard. Permanent Parcels 05-01-400-002 and -008; Addresses of subject property 24995 31 Mile Road; Located on the north side of 31 Mile Road, approximately ft. 1,100 west of Omo Road. Timothy Pflueger, 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 June 26, 2018. They are as follows:

The applicant is requesting two variances in order to and combine two parcels and construct an accessory building in the front yard of the to be newly created parcel; 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)

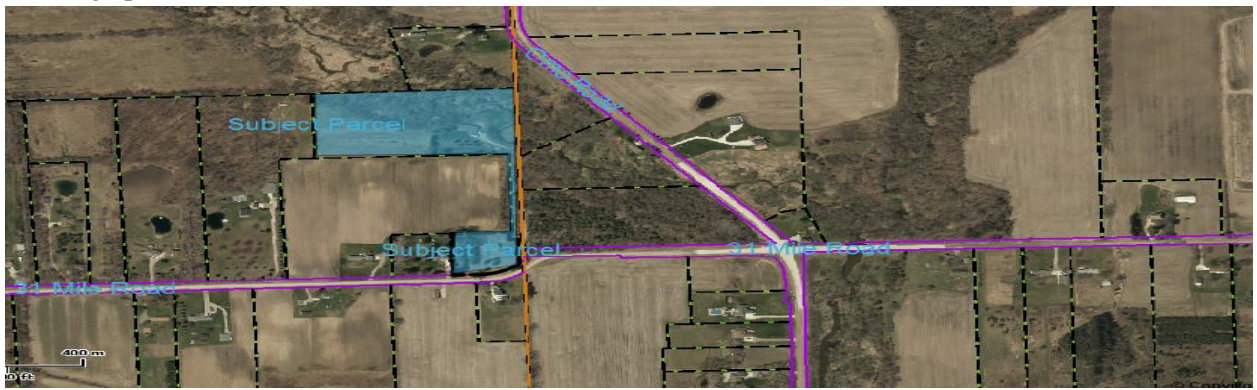
Characteristics of the property can be summarized as follows:

Current zoning – R-1 agricultural Residential

Present Use – The ‘receiving’ parcel (05-01-400-002) is a flag pole lot that contains 10.01 acres with 20 ft of frontage on the north side of 31 Mile Road. There is an existing single-family residence located 1,022 ft north of 31 Mile Road on the parcel. The ‘sending’ parcel 05-01-400-008 contains 2.01 acres with 294.55 ft. of frontage on the north side of 31 Mile Road and adjoins the west line of the ‘receiving’ parcel for the south 324 ft of parcel (05-01-400-002). The applicant proposes to locate a 40’x 60’ accessory building on the new parcel. The proximity of the Coon Creek to the parcel restricts and limits the area in which to locate an accessory building so that it would be useable.

The general description of the surrounding properties is as follows:

The properties on either side of 31 Mile Road in the vicinity of subject parcels contain single family residences on acreage parcels.



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 Coon Creek Watershed

Chairman DeMan read the following correspondences:

6-12-2018 Kelly Timm, Assessor, advised parcel 05-01-400-002 currently does not meet the minimum 150’ of frontage. By combing the two parcels together, it would meet the requirement, however would exceed the depth to width ratio of 4:1. The existing parcel currently exceeds the depth to width ratio as it stands today. If the variance is granted, the applicant must submit a survey along with the application for combination to the Assessor’s office. The county will then assign one new parcel number for the entire parcel.

6-13-2018 Dennis LeMieux, Building Official had no issues with the variance for the property.

MOTION by Penzien supported by DeBuck to open the public hearing at 7:13 p.m.

MOTION carried.

Tim Baber, 24855 31 Mile Road stated he is neighbor of the applicant and he has no issue with the request so he can build a pole barn. Further stated he talked to other neighbor and she did not come to the meeting because she has no issue with the request.

**MOTION by Penzien supported by DeBuck to close the public hearing at 7:26 p.m.
MOTION carried.**

DeBuck asked the applicant if he was aware that a new survey would be required.

Timothy Pflueger, Applicant stated he is requesting to combine his two parcels so he can construct a pole barn on the property.

Penzien questioned if the applicant was aware of the Planners recommendation of the setback of 220 feet from the center line of 31 Mile Road. Further stated the setbacks are more stringent than the ordinance requirements.

Mr. Pflueger stated he would like the pole barn setback as far as possible on the property. Further stated he plans to clean up the property, the dead trees and make the property useful.

MOTION by Penzien supported by DeBuck to Approve to vary Section 400 – Agricultural Residential; maximum width to depth ratio 1:4 for the combination of Permanent Parcel Nos. 05-01-400-008 & 05-01-400-002 to exceed the width to depth ratio.

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

No: None.

MOTION carried.

MOTION by Penzien supported by Mathews to Approve to vary Section 200 – Accessory Buildings in Residential Districts; to allow an accessory building to be located in the front yard for Permanent Parcel 05-01-400-002 based upon the Planners recommendation dated June 14, 2018, as follows:

That the following conditions should be imposed in order to assure that the spirit of the Zoning Ordinance is met given the existing restrictions on-site and respecting the existing residence on the adjoining parcel to the west fronting on 31 Mile Road:

- 1. Any future accessory building to be constructed on the 31 Mile Road frontage of the newly created parcel must meet the size limitations of Section 200 of the Zoning Ordinance as amended and further;**
- 2. The accessory building shall be setback a minimum of 220 ft. from the centerline of 31 Mile Road and further;**
- 3. The accessory building shall be setback a minimum of 150 ft. from the west property line that adjoins the existing single family residence and further;**
- 4. The accessory building shall be setback a minimum of 30 ft. from the north property line and further;**
- 5. The accessory building shall be setback a minimum of 75 ft. from the east property line and further;**
- 6. That the existing accessory building on parcel 05-01-400-002 shall be removed to the satisfaction of Ray Township Building Official.**

FOR THIS MOTION: Yes: Penzein, Mathew, Youngblood, DeBuck, DeMan.

No: None.

MOTION carried.

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6. Report from the Planning Commission Representative
Penzien reported no meeting was held in June and they are still working on the economic development plan.
7. Public Comments: None at this time.
8. Adjournment
MOTION by DeBuck supported by Youngblood to adjourn the meeting at 7:34 p.m.
MOTION carried.

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

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