

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, November 24, 2020 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray, MI 48096

Present: Scott Mathews, Vice-Chairman
Marvin DeBuck, Secretary
Members: Tom Penzien

Absent: Harold DeMan, Betty Youngblood
Public –
Applicant Lauren Johnson
Ronald & Irmgard Bartold

Also, Present: Steve Cassin, Planning Consultant & Lisa Hall, Planning & Zoning Clerk
Attendance record on file.

1. CALL TO ORDER- PLEDGE OF ALLEGIANCE AND ROLL CALL.
Vice Chairman Mathews 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 Penzien supported by DeBuck to approve the agenda as presented.
MOTION carried.**
3. APPROVAL OF MINUTES: October 27, 2020
**MOTION Penzien supported by DeBuck to approve the meeting minutes of October 27, 2020 as presented.
MOTION carried.**
4. Scheduled Public Hearings-
 1. Request to vary Section 200, B, 2, Accessory Buildings and Section 402, Yard Dimensions, Minimum Front Yard setback for 62322 John Henry, Parcel 21-05-04-400-022, Lauren Johnson, Applicant.

Vice Chairman Mathews 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 comment remotely, state their name and address and state any comments they may have regarding the variance request.

**MOTION by Penzien supported by DeBuck to open the public hearing at 7:03 p.m.
MOTION carried.**

Mr. Cassin, Planning Consultant presented his findings and recommendation dated October 27,2020 as follows:
Variance Review

GENERAL INFORMATION

Applicant: Lauren Johnson
Location: 62322 John Henry Dr.
Zoning District: R-1, Agricultural Residential
Property ID: 21-05-24-400-022 (Case No. PZBA-20-004)

Size of Parcel: 11.14 acres
Action Requested: Variance to allow accessory structure in the front yard.

PROPERTY CHARACTERISTICS

The property, located on the southeast end of John Henry Dr. (east of North Ave., south of New Haven Rd.), is currently zoned R-1, Agricultural Residential. It is developed with a newly constructed single-family home. The home is set back approximately 425 feet from the front property line.

ANALYSIS OF VARIANCE REQUEST

The applicant is proposing to construct a 3,200 square foot pole barn within the front yard. Section 402 of the Ray Township Zoning Ordinance does not allow accessory structures within such front yard.

Therefore, the applicant is requesting a variance due to the unique characteristics of the property, being the shape of the property in relation to the street, the location of the septic field, and the existing natural features of the property, which makes construction of an accessory building in the rear yard difficult.



Approximate Location of the Existing Features on the Property in Relation to the
Proposed Accessory Building

AUTHORITY OF THE ZONING BOARD OF APPEALS

Section 2706 of the Ray Township Zoning Ordinance specifies that variances may be granted if the Zoning Board of Appeals finds that:

1. The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
3. The conditions and circumstances unique to the property were not created by the owner or his/her predecessors in title, within the time following the effective date of the provisions alleged to adversely affect such property.
4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
5. The requested variance will not be contrary to the spirit and interest of the Township Zoning Ordinance.

RECOMMENDATION

The requested variance is based upon conditions which are unique to property, and make construction of an accessory building in the rear yard difficult.

In addition, the granting the variance would not be contrary to the spirit and intent of the Zoning Ordinance. **Therefore, I recommend approval of the variance as requested.**

Mathews read correspondence as follows:

11-13-2020 Dennis LeMieux, Building Official, the building department has no objections to the barn location. However, it appears the barn could be located further to the south, not in front of the house and still meet the setbacks in the ordinance.

Mathews asked if the applicant or public had any comments,

Johnson stated when building the home, a lot of dirt had to be brought in due to the low-lying areas. If the barn were located in the rear more dirt would have to be brought in. The proposed location is offset to the side. Noted his neighbors are in attendance.

**MOTION by Penzien supported by DeBuck to close the public hearing at 7:07 p.m.
MOTION carried.**

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Board discussion:

Penzien asked if all the neighbors had been notified?

Hall stated all required letters were mailed.

Penzien asked neighbors in attendance if they have any comment.

Bartold stated no.

DeBuck asked application if he has potential wetlands in the rear of the property.

Johnson stated at the very rear of the property, but all the wooded area is wet at this time of year.

MOTION by Penzien supported by DeBuck to approve the request to vary Section 200, B, 2, Accessory Buildings and Section 402, Yard Dimensions, Minimum Front Yard setback for 62322 John Henry, Parcel 21-05-24-400-022, Lauren Johnson, Applicant.

FOR THIS MOTION: YES: Penzien, DeBuck, Mathews

NO: None

MOTION carried.

5. Report from the Planning Commission Representative:

Nothing to report

6. Public Comments. None

7. Adjournment

MOTION by Penzien supported by DeBuck to adjourn the meeting at 7:10p.m.

MOTION carried

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary