

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, April 27, 2021 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray MI 48096

Present: Harold DeMan, Chairman
Scott Mathews, Vice-Chairman
Members: Betty Youngblood

Absent: Marvin DeBuck, Secretary
Member, Tom Penzien

Also Present: Steve Cassin, Planning Consultant & Lora Maue, 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.
A quorum of the board was present.
2. APPROVAL OF AGENDA
**MOTION by Mathews supported by Youngblood to approve the agenda as presented.
MOTION carried.**
3. APPROVAL OF MINUTES: November 20, 2020
**MOTION by Mathews supported by Youngblood to approve the meeting minutes of November 20, 2020 as presented.
MOTION carried.**
4. Scheduled Public Hearings-
 1. Request to vary Section 400, Design Elements – Principal Structure, Yard Dimensions, Minimum Front Yard Setback. 23075 30 Mile Road, Parcel ID 21-05-12-300-009, Roger Cunningham, Applicant.

Chairman DeMan explained the public hearing procedure, the planner will 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 variance request.

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

Mr. Cassin, Planning Consultant presented his findings and recommendation dated April 14, 2021 as follows:

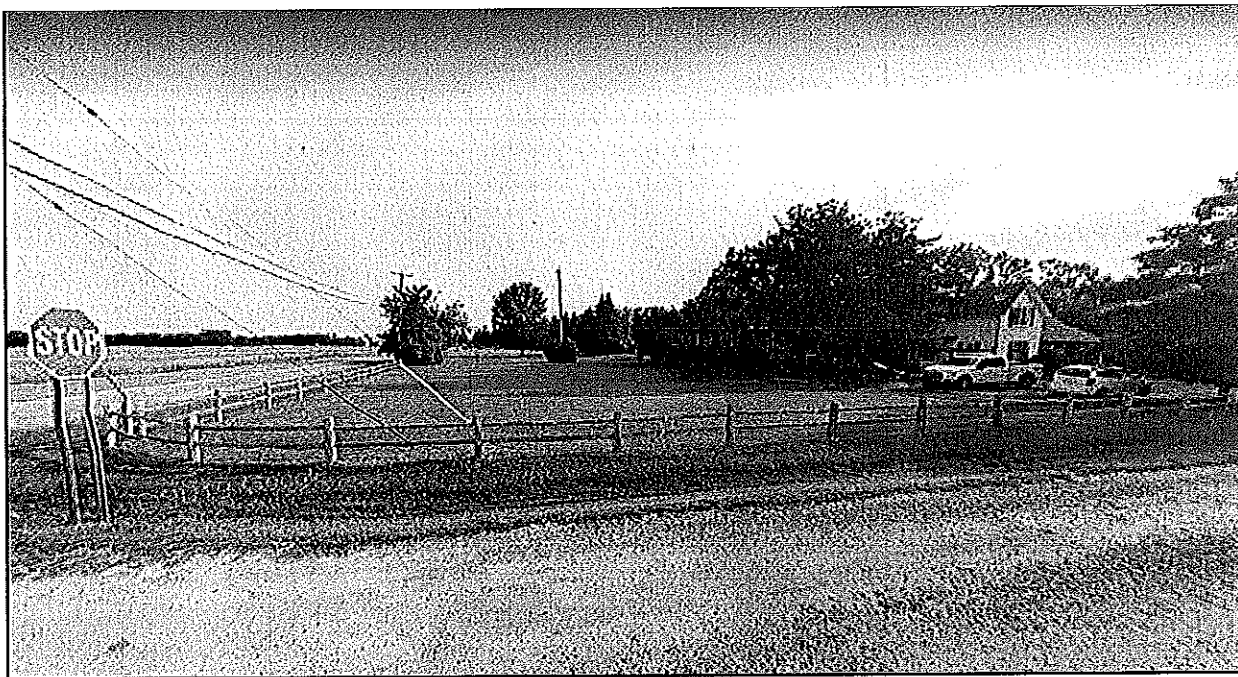
GENERAL INFORMATION

Applicant: Roger Cunningham
Location: 23075 30 Mile Road

Zoning District: R-1, Agricultural Residential
Property ID: 21-05-12-300-009
Action Requested: Request variance of front yard setback (30 Mile Road)

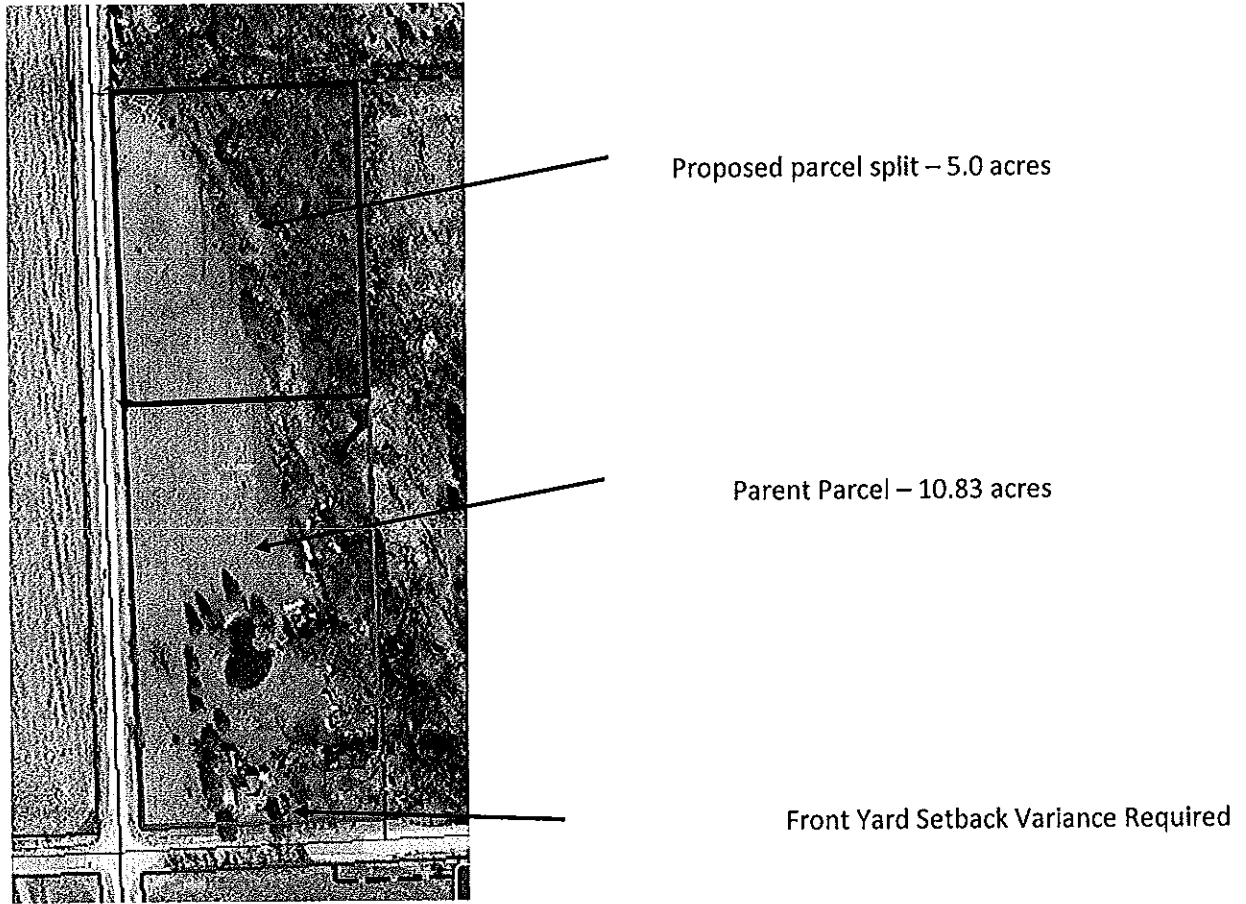
PROPERTY CHARACTERISTICS

The property is located on the northeast corner of North Avenue and 30 Mile Road. It is developed with a house, barn, and storage building.



ANALYSIS OF VARIANCE REQUEST

As indicated on the maps below, the applicant is proposing to divide the land into 2 separate parcels. A 5 acre parcel with 532' of frontage on North Avenue would be taken from the northern portion of the existing property. The remaining parcel would be 5.72 acres and have 620 feet of frontage on North Avenue, and 410 feet of frontage on 30 Mile Road.



Section 6.00-E-1 of the Ray

Township Land Division Ordinance states that no division of land shall be approved by the Township Assessor unless all township ordinance requirements, including zoning ordinance provisions, are met. In this regard, a front yard variance is necessary.

Section 400 of the Ray Township Zoning Ordinance requires a minimum front yard setback of 110 feet from the center line of the 30 Mile Road. The existing home is setback approximately 65 feet from the center line of the road. Therefore, a setback variance of 45 feet is required.

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 existing conditions are unique to the property, have not been self-created, and are not contrary to the spirit and intent of the Zoning Ordinance. Therefore, I recommend approval of the variance, as requested.

Cassin stated this variance is a formality but is required by the ordinance to allow the split. The house was built long before the zoning ordinance was created.

DeMan asked if there was any correspondence?

DeMan also stated the home existed before the ordinance

Cunningham stated the house was built in 1880.

**MOTION by Mathews supported by Youngblood to close the public hearing at 7:06 p.m.
MOTION carried.**

DeMan asked if any planning commission members had questions?

MOTION by Mathews supported by Youngblood to approve the request to vary Section 400, Yard Dimensions, Minimum Front Yard Setback, existing home located with minimum front yard setback at 23075 30 Mile Road, Parcel ID 21-05-12-300-009

**FOR THIS MOTION: YES: Mathews, Youngblood, DeMan
NO: None
ABSENT: DeBuck, Penzien**

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MOTION carried

5. Report from the Planning Commission Representative: None

6. Public Comments: None

7. Adjournment

MOTION by Youngblood supported by Mathews to adjourn the meeting at 7:08p.m.

MOTION carried.

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary