

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, DECEMBER 7, 2021 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

Absent: None.

Also Present: Steve Cassin, Planning Consultant & Lora Maue, Planning & Zoning Clerk
Steve Dalton, Petitioner
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.

Chairman DeMan asked for a moment of silence for the eighty year anniversary of Pearl Harbor and for the four Oxford High School students that were murdered on November 30, 2021.

Chairman DeMan reported to the Board that Betty Youngblood has been appointed to the Planning Commission and will no longer be serving on the Zoning Board of Appeals.

2. APPROVAL OF AGENDA

**MOTION by DeBuck supported by Mathews to approve the agenda as presented.
MOTION carried.**

3. APPROVAL OF MINUTES: May 25, 2021

**MOTION by Penzien supported by Mathews to approve the meeting minutes of May 25, 2021 as presented.
MOTION carried.**

4. Scheduled Public Hearings-

a. Request to vary Section 400, Design Elements – Principal Structure, lot dimensions, maximum width to depth ratio 1:4 at 23891 28 Mile Road. Permanent Parcel No. 21-05-24-300-028. Stephen Dalton, Applicant.

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

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 variance request.

Mr. Cassin, Planning Consultant presented his findings and recommendation dated November 28, 2021, they are as follows:

Applicant: Stephen Dalton
Location: 23891 28 Mile Road
Zoning District: R-1, Agricultural Residential
Property ID: 21-05-24-300-028
Action Requested: Request variance of lot width to depth ratio
Date of Review: November 28, 2021

PROPERTY CHARACTERISTICS

The applicant's property is located on the north side of 28 Mile Road, east of North Avenue. It contains 11.22 acres of land, has a width of 230 feet, and a depth of 2131 feet. It is developed with a single family home, accessory structure, and pond.

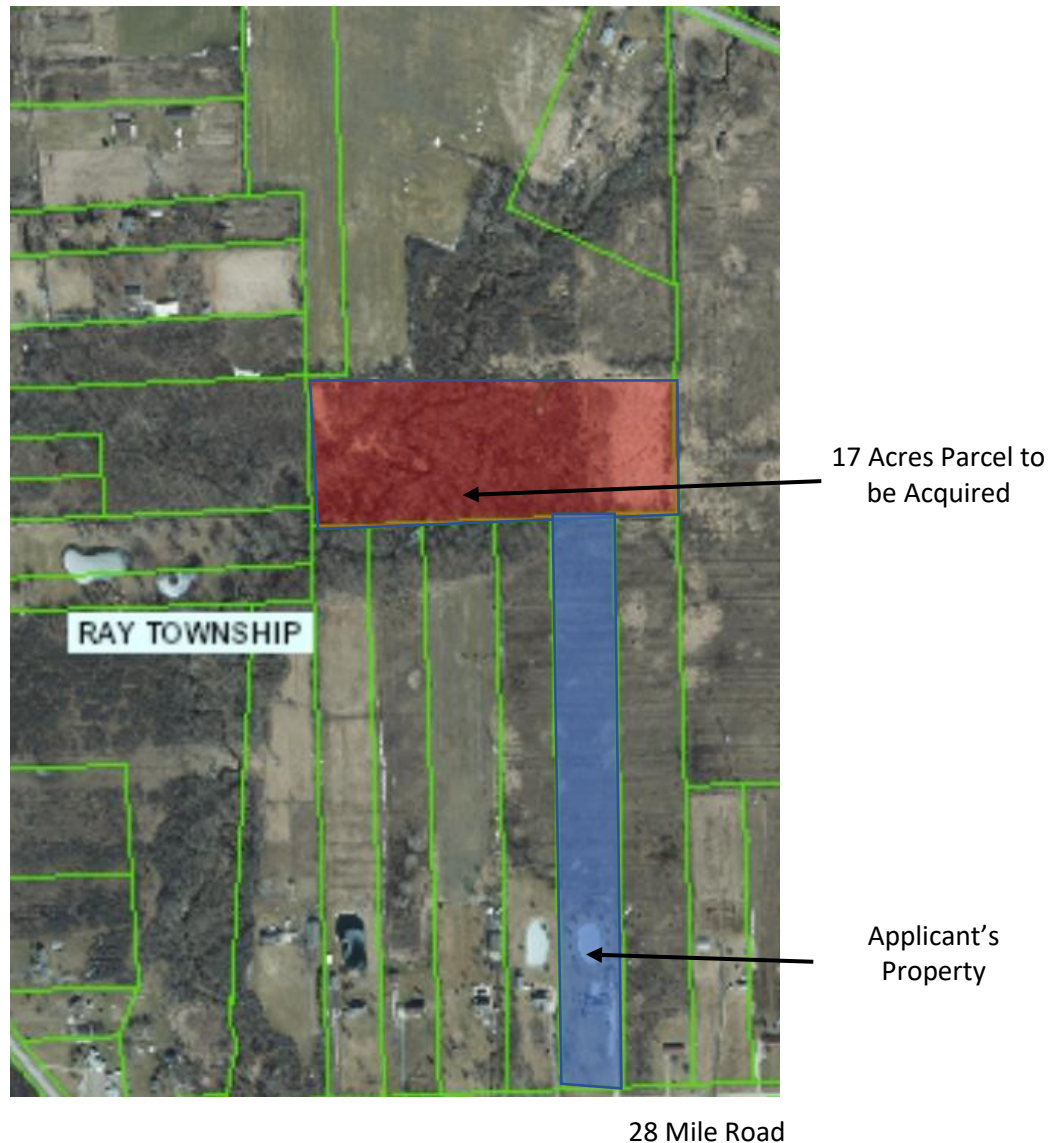


The applicant desires to purchase a 17 acre parcel of property on the north, which will be split from the original property (having access to New Haven Road) and combined to the applicant's parcel.

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ANALYSIS OF VARIANCE REQUEST

The applicant desires to purchase a 17 acre parcel of property on the north, which will be split from the original property (having access to New Haven Road) and combined to the applicant's parcel.



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.

Section 400 of the Ray Township Zoning Ordinance specifies a maximum 1:4 width to depth ratio for parcels within the R-1 zoning district. If the variance was granted the combined parcel would have a width (at the front setback line) of 230 feet, and a depth of 2685 feet (1:11.67 width to depth ratio).

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 situation 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 applicant's property currently has a 1:9.26 width to depth ratio. Many of the properties in the immediate vicinity also exceed the current width to depth area requirement. Furthermore, adjacent properties are developed, making it very difficult to acquire property to provide additional width.

It is my opinion that a practical difficulty exists, the request is not contrary to the spirit and intent of the ordinance, and, therefore, recommend approval.

Chairman DeMan read the correspondence from the Township Assessor, Shawn Biernat, dated 11-18-21 as follows: Applicant owns 23891 28 Mile Road (parcel no. 21-05-24-300-028) and has indicated his interest in purchasing approximately 17 acres from the parcel to the north of him (parcel no. 21-05-24-100-020) and combining said acres with his parcel. If applicant's variance request is not approved, the listed parcels will not be eligible for the land division/combination.

Steve Dalton, Petitioner was present to answer any questions. He stated he would like to purchase approximately 17 acres that abuts his property in the rear for hunting property and for firewood.

Scott Brewer of 1490 Mill Race, Rochester stated he is the current property owner and is interested in selling the property.

**MOTION by Penzien supported by Mathews to close the public hearing at 7:05 p.m.
MOTION carried.**

Discussion was held on the variance request and the depth to width ratio.

MOTION by Penzien supported by DeBuck to approve the variance request to vary Section 400, Design Elements – Principal Structure, lot dimensions, maximum width to depth ratio 1:4 at 23891 28 Mile Road, Parcel 21-05-24-300-028. The variance was granted with the understanding that a practical difficulty exists, the request is not contrary to the spirit and intent of the ordinance, and, therefore, recommend approval.

**FOR THIS MOTION: Yes: Penzien, DeBuck, Mathews, DeMan
 No: None**

MOTION carried.

5. Report from the Planning Commission Representative -Penzien reported at the last Planning Commission meeting an accessory building was approved at 27 Mile Road and North Avenue for Unique Clips. Further stated the Commission is reviewing amendments for the zoning ordinance and approved a Resolution for the Master Plan.

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6. Public Comments: None.

7. Adjournment

**MOTION by Mathews supported by DeBuck to adjourn the meeting at 7:14 p.m.
MOTION carried.**

Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

Lori R. Lascoe, MiPMC
Township Clerk
Recording Secretary