

RAY TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, OCTOBER 25, 2022 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
Steve Dalton

Absent: None.

Also Present: Karen LaVere, Planner & Lora Maue, Planning & Zoning Clerk
Roger and Donna Swantek, Petitioners
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 introduced the newest Zoning Board of Appeals member, Steve Dalton, and also introduced Karen LaVere, the planner, who was filling in for Mr. Steve Cassin.

2. APPROVAL OF AGENDA
**MOTION by Mathews supported by DeBuck to approve the agenda as presented.
MOTION carried.**
3. APPROVAL OF MINUTES: December 7, 2021
**MOTION by Penzien supported by Mathews to approve the meeting minutes of December 7, 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 Parcel 21-05-11-100-020, Roger and Donna Swantek, Applicants.

**MOTION by Penzien supported by DeBuck 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.

Ms. LaVere presented Mr. Steve Cassin's findings and recommendation dated October 17, 2022, they are as follows:

GENERAL INFORMATION

Applicant: Roger and Donna Swantek
Location: South side of 31 Mile Road, east of Hartway Road
Zoning District: R-1, Agricultural Residential
Property ID: 21-05-11-100-020
Action Requested: Request variance of lot width to depth ratio
Date of Review: October 17, 2022

PROPERTY CHARACTERISTICS

The applicant's property, located on south side of 31 Mile Road and east of Hartway Road, is currently vacant. The property is zoned R-1 Agricultural Residential.



ANALYSIS OF VARIANCE REQUEST

The applicant desires to split two 2.847 parcels from the current parent parcel. Each of the new parcels will have a width of 162 feet and a depth of 765 feet.



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 permits a maximum 1:4 width to depth ratio for parcels within the R-1 zoning district. The proposed splits (if granted) would have a width to depth ratio of 1:4.7 which exceeds the maximum ratio allowed, and, therefore, requires a variance.

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 application for variance, as submitted, does not indicate a practical difficulty nor elaborate on the need for the variance. Unless the applicant can satisfy to the Zoning Board of Appeals that the above conditions have been met, I am unable to recommend approval.

Chairman DeMan read the correspondence from the Township Assessor, Shawn Biernat, dated 10-13-22 as follows: The Assessing Department is unable to make a suggestion regarding the variance being sought for the subject property. Additional details regarding the need or existing hardship are required for a fair and reliable determination.

Roger Swantek, Petitioner, was present to answer any questions. He stated the intent is to extend the rear property line to the neighboring parcel so there would be a continuous straight line across the rear.

**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 Dalton to approve the variance request to vary Section 400, Design Elements – Principal Structure, lot dimensions, maximum width to depth ratio 1:4 at Parcel 21-05-11-100-020.

**FOR THIS MOTION: Yes: Penzien, Dalton, Mathews, DeMan
 No: DeBuck**

MOTION carried.

5. Report from the Planning Commission Representative
Penzien reported the Planning Commission has been busy with requests for rezoning and outdoor/indoor storage. Penzien also reported the Planning Consultant and the Planning Commission are currently working on the Master Plan.
6. Public Comments: None.
7. Adjournment
**MOTION by DeBuck supported by Mathews to adjourn the meeting at 7:22 p.m.
MOTION carried.**

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Harold DeMan, Chairman

Marvin DeBuck, Secretary

Date

Lora Maue, Recording Secretary