

RIVES TOWNSHIP ZONING BOARD OF APPEALS MINUTES

REGULAR MEETING & HEARING July 1, 2024 AT 8682 LANSING AVE. FIRE STATION

Meeting called to Order at 7:00 pm

Members: Roger DeCamp Chr., Rae Pierce Sec., Jan Hayward PC Liaison.

Roll call was taken, members present: Jan Hayward PC Liaison, Rae Pierce Sec., Roger DeCamp Chr.

All present.

The agenda was placed before the Board for changes or approval. Motion, was made by Jan Hayward and supported by Rae Pierce to approve the agenda. Vote taken: All Ayes; motion carried.

Review & Approval of minutes: motion was made by Roger DeCamp to approve the Jun 12, 2024 regular meeting and hearing minutes as printed, supported by Rae Pierce. Vote taken; motion carried.

ZBA members report: No Report

Planning Commission: No Report

Business: Greg Johnson Variance Hearing for Garage

Public Hearing: Greg Johnson requested a Variance for a garage because of the location of drain field on the northside and the water well is set in a position that would interfere with entrance of the building. Variance for a South side yard setback.

Introduction and Procedure of Public Hearing was explained.

Application was read by Rae Pierce

Open Public Hearing at 7:28

Application for site plan review received Jun 12, 2024 and was denied by Ron Tripp, Building & Zoning Inspector. The application had two typos that affected the hearing. Two motions were made to correct application.

Rae Pierce made a motion, Application Site Plan Review to be corrected, North should read South in two places to correct typo. ZBA so amends this application to read as stated. Supported by Jan Hayward, roll call vote, Jan Hayward, Rae Pierce, Roger Decamp all voted aye

Jan Hayward made a motion to correct the Site Plan Application # 2024-4 to read as: corner 14ft at back corner, 16 ft at front corner of south west property line. Motion supported by Rae Pierce, roll call vote Rae Pierce, Jan Hayward, Roger DeCamp, all voted aye.

Zoning Board of Appeals Application received May, 23 2024 by V. Hart, Township Clerk. Payment was made May 23, 2024 receipt number 012526. Advertisement of Public Hearing was published with Mlive Media Group on, Jun 16, 2024.

Public Comments opened at 7:32 PM

Rae Pierce read letters from John & Carlene Konopka, and Jim Austin in support of Greg Johnson's request for a variance (see attached documents.) Stacy Stoner, attendee, commented on the form of one of the motions. She wanted to know if there was a garage on the property presently. She liked that the ZBA Board visited the property in question.

Public Comment closed at 7:37 pm

Closed Public Hearing 7:38 pm

ZBA deliberations: Referring to the Master Plan Book C-16 Zoning Map

Rives Zoning Ordinance:

Reference: Page 76 Section 17.58 District area yard and bulk regulations, no regulation listed for the non-conforming lot less than 2 acres or subdivisions in AG. District ZBA will judicate

- Reviewed setbacks: Front yard 50 ft; Back yard 50 ft; Side Yards 25 ft.
- Greg Johnson is requesting a 9 ft and 11 ft South side yard variance.
- Reviewed lot coverage. Cannot be more than 25% of the total lot. Grege Johnson is within the allowable amount.
- The ZBA then referenced Section 17.112

Section 17.112 Variance Test

A: A written application was submitted. the Board agrees it passes the test.

The application dated May 23, 2024 was submitted to the ZBA. Application read by Rae Pierce Appeal received Jun 23, 2024, public notice mailed Jun 14, 2024 public notice published Jun 16, 2024

1: Are there Special Conditions? This lot is a legal non-conforming property. The Board agrees it passes the test.

ZBA identified that the property is in the AG. District, and that it is a non-conforming lot less than 2 Acres Section 17.58 does not provide regulations for this lot or subdivision lots, in Ag. district

2: Would literal interpretations of this Ordinance deprive applicant? The board agrees that it passes this test.

This lot has 0% chance of complying

3: Do the special conditions and circumstances result from the action of the applicant? The Board agreed that it passes the test.

No action of the applicant has caused any special condition at 12016 Country River Dr.

4: Granting the variance requested will not confer on to any applicant any special privilege that is denied by this ordinance? The Board agreed that it passes the test.

It does not confer any special privilege

5: No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other district shall be considered grounds for the issuance of a variance? The Board agreed that it passes the test

ZBA Members did not consider other sites. Answered by each member of the board.

B: The Zoning Board of Appeals has determined that the requirements of this Ordinance has been met by the applicant for a variance.

Greg Johnson's intent is to conform to zoning laws and utilize his property (parcel 000-03-04-375-005-00). He has requested a Variance because of the location of the drain field on the north and his water well would interfere with the entrance to proposed building.

We the ZBA all agree by consent all item passes the test

C, D, E, F. of all items were explained in detail. All passes

Motion: Reads: We have heard the comments that have been made, we have read and considered the material submitted. We have referenced, Master plan, Zoning maps, the Zoning Ordinance Sec. 17.41, 17.42, 17.58 and Michigan Law MCL 125.3606. Furthermore the ZBA has determined this application for a variance passes the Variance Test in this zoning ordinance, sec 17.112 Therefore I, Roger DeCamp move the ZBA approve the variance for a 24 x 22 garage at 12016 Country River Drive with the following conditions: A Variance of 9 ft be granted at the front corner of structure from the south side property line, this gives the applicant 16 ft at the front corner of structure, in addition a variance of 11 ft be granted on the south side back corner of structure from the same property line, this gives the applicant 14 ft at the back corner of structure measured from same property line, furthermore, the south side property line was found, measured by home owner and neighbor and determined to be accurate by all parties involved for the purpose of determining this variance. Motion made by Roger DeCamp supported by Jan Hayward, discussion followed, a roll call vote was taken, Rae Pierce, Jan Hayward, Roger DeCamp all voted aye motion carried


The appeals process was read to the applicant. from MCL 125.3603 and explained.

ZBA public comment time opened 8:13pm closed 8:16 pm comments were heard.

Next regular meeting: July 2, 2024 7:00 pm tentative hearing dates July ,3

The chairman called for a motion to adjourn the meeting. Motion by Jan Hayward to adjourn and supported by Rae Pierce. Vote was taken: all Ayes, motion carried

Meeting adjourned at 8.37 P.M



Respectably Rae Pierce

Rives Township ZBA Secretary