

RIVES TOWNSHIP ZONING BOARD OF APPEALS MINUTES

REGULAR MEETING & HEARING July 2, 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 & approve Minutes: Not available at this time from July 1, 2024 meeting

ZBA members report: No Report

Planning Commission: No Report

Business: Michael Thulin Variance Hearing for Pole Barn Garage

Introduction and Procedure of Public Hearing was explained

Applications read by Secretary Rae Pierce

Public Hearing: open at 7:10 PM

Michael Thulin requested a Variance for 14 ft setback on north property line side yard for proposed 24 x 24 pole barn garage 12004 Country River Dr. He explained in detail how the north boundary line was found. He then marked it with a line, his neighbor was in agreement of his findings.

Public Comments opened at 7:22 PM, Rae Pierce read letters received from Jim Austin and William Devers Jr. in support of Michael Thulin's proposed pole barn garage. (see attached letters) No public in attendance for Hearing.

Public Comments closed 7:25 PM

Documents received: Application for Plan Review received Feb 21, 2024 and was denied by Zoning Inspector. An Email sent to the building dept stated the address as 12004 Byrde Dr. this address is a typo.

A motion was made by Chairman Roger DeCamp that reads: With the power and full authority of the ZBA, the ZBA amends and corrects the Email dated May 23, 2024 6:35 AM from Ron Tripp to the Building Dept. The address of 12004 Bryde Dr is incorrect and should be and from now on be 12004 Country River Dr so says the Rives Township ZBA Board. Supported by Jan Hayward, roll call vote taken; Rae Pierce, Jan Hayward, Roger DeCamp all voted aye motion carried.

Application for site plan review received Feb 21, 2024 and was denied by Ron Tripp, Building & Zoning Inspector, site is too close to side lot we'll need variants per zoning code. Section 17.58

Rives Zoning Ordinance:

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

- Reviewed setbacks: Front yard 50 ft; Back yard 50 ft; Side Yards 25 ft.
- Michael Thulin is requesting a 14 ft, North side yard variance.
- Reviewed lot coverage. Cannot be more than 25% of the total lot. Micheal Thulin 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 Jun 12, 2024 was submitted to the ZBA read by Rae Pierce, 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 it was in the Ag. district, and that is it a non-conforming lot less than 2 Acres. Section 17.58 does not provide regulations for this lot size or for a subdivision lot, In Ag. District

2: Would literal interpretations of this Ordinance deprive applicant? The board agreed 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 was caused any special condition, for lot #2 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

Asked did you consider other sites? No. 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.

We the ZBA members all agree by consent all items passes the test

C: The zoning board of appeals shall determine the reason set forth in the in the application the granting of a variance, and the variance is a minimum variance that will make it possible for the reasonable use of land building or structure, the Board agreed that it passes the test

Section 17.58 said 25 ft. Setback, Board agrees a minimum 14 ft variance giving 11 ft. for the applicant to use,

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

Motion to grant variance: The ZBA has heard the comments that have been made and we have read and considered the material submitted, the ZBA members have visited the property, and taken measurements, we have referenced: Master Plan page C-16 Zoning maps, the and Zoning Ordinance Section 17.58 and 17.112 and the Michigan Law MCL 125.3606 furthermore the ZBA has determined this application for a variance passes the variance test in this Zoning Ordinance, Section 17.112, therefore, I, Roger DeCamp move that the ZBA approve the variance for a 24x24 pole barn garage at 12004 Country River Drive as proposed with the following conditions: a variance of 14 ft be granted from the property line to the structure, this gives the applicant 11 ft from the structure to the side yard property line. Furthermore, the North Side yard property line was found, measured and a line stretched in place by the applicants to the best of his ability to show the ZBA members. Therefore this line illustrated the North property boundary was determined accurate by the homeowner, the neighbor and the ZBA for the 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 8:10pm closed 8:16 pm comments were heard.

Next regular meeting: July 3, 2024 7:00 pm

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 8:17 P.M



Respectably Rae Pierce

Rives Township ZBA Secretary