

RIVES TOWNSHIP ZONING BOARD OF APPEALS MINUTES

REGULAR MEETING & HEARING July 3, 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&2, 2024 meeting. Jan Hayward made a motion to review and approve the minutes of July 1,2,3 2024 at the regular meeting, on July, 10 2024. Motion supported by Roger DeCamp, vote all aye,

ZBA members report: No Report

Planning Commission: No Report

Business: Anthony Baker Variance Hearing for Garage

Introduction and Procedure of Public Hearing was explained

Applications read by Secretary Rae Pierce

Public Hearing: open at 7:08 PM

Anthony Baker requested a Variance for 9 ft setback on north property line side yard for proposed 32 x 48 ft attached garage at 8587 Rives Junction Rd. He explained in detail how the north boundary line was found by a professional Surveyor. He said the chain link fence on the North was the property line. He has had a conversation with the neighbor to the north and east which they verbally indicated no problem with the new building. Anthony Baker said any water run off would be taken care of by proper Grading at time of construction.

Receive Public Comments opened 7:14 PM. No public in attendance for Hearing.

Public Comments. Close 7:21PM. ZBA agree to close by consent. No public in attendance for Hearing.

Documents received: ZBA Application for Appeal and Site Plan Application received.

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.
- Anthony Baker is requesting a 9 ft, North side yard variance.

- Reviewed lot coverage. Cannot be more than 25% of the total lot. Anthony Baker 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 ZBA application dated Jun 12, 2023 was submit to the ZBA, Application read by Rae Pierce Appeal received, Jun 12, 2024. Public notice mailed Jun 14, 2024. Public notice published June 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 would have 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, for lot 8 in Struckman subdivision

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

Chair asked members, did you consider other sites? No. Answered by each Board member.

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 all agree by consent all items passes the test

C: The zoning board of appeals shall determine the reason set forth in the application justifying 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 states 25 ft setback, Board agrees a minimum 9 ft variance giving 16 ft for the applicant to use

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

Motion to grant Variance. The ZBA heard the comments that have been made. we have read and considered the material submitted, in addition we have visited the site, measured, understood boundaries and the lay of the land, furthermore we have referenced the Master Plan zoning map C – 16 the Zoning Ordinance section 17.58 and section 17.112 and the Michigan law MCL 125.3606. The ZBA has determined this application for variance passes the variance test and section 17.112 therefore I, Roger DeCamp move the ZBA approves the variance for the 32 x 48 Ft. garage as proposed at 8587 Rives Junction Road also known as Lot 8 with the following conditions: a variance of 9 ft from the 25 ft. requirement be granted. Giving the applicant 16 ft. from the north lot line to the garage, in addition a hard surface apron is approved for the entrance of the proposed structure you shall not exceed the variance stated of 16 ft from North Lot line, furthermore the applicant hired a Surveyor to find the lot line, the North Boundary is accurate for the purposes of determining this variance. Motion support by Jan Hayward, roll call vote, Rae Pierce, Jan Hayward, Roger DeCamp, all Vote aye motion carried.

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

ZBA public comment time opened 8:22pm closed 8:40 pm comments were heard.

Next regular meeting: July 10, 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 8:41 P.M



Respectably Rae Pierce

Rives Township ZBA Secretary