

RIVES TOWNSHIP ZONING BOARD OF APPEALS MINUTES

REGULAR MEETING & HEARING JUNE 12, 2024 AT 8682 LANSING AVE. FIRE STATION

Meeting called to Order at 7:00 pm

Welcome & Introduction:

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, Roger DeCamp requested that the review of the new ZBA Application be added, motion was made by Rae Pierce and supported by Jan Hayward to approve the agenda with changes. Vote taken: All Ayes; motion carried.

Review & Approval of minutes: motion was made by Jan Hayward to approve the May, 8, 2024 regular meeting minutes as printed, supported by Rae Pierce. Vote taken; motion carried.

ZBA members report: No Report

Planning Commission: No Report

Business:

Public Hearing: Brandy McNew requested

Variance for a back yard and side yard setback.

Introduction and Procedure of Public Hearing was explained.

Documents received:

Application for site plan review received Oct 26, 2020, and was denied by Ron Tripp, Building & Zoning Inspector, per zoning code. Article 9, section 17.104 and 17.107

Zoning Board of Appeals Application received Nov 18 2020 by J. McCord, Township Clerk. Payment was made Nov 18, 2020 receipt number 78 403-40307. Rives Township ZBA received again on Mar 18 2024. Advertisement of Public Hearing was published with Mlive media group on, May 30, 2024. (see attached Documents) The Chairman addressed the dated 2020 application and circumstances involved with it.

The Application was read by Rae Pierce (see attached Application)

Open Public Hearing at 7:19 pm

property parcel 000-03-20-227-001-00. Her intent is to conform to zoning without removing deck and pool.

Public Comments opened at 7:52. Attended by Brandy McNew, Michael Thulin, Anthony Baker, Gregg Johnson, Comments were heard. Public Comments closed at 7:52pm

ZBA deliberations: Referring to the Master Plan Book

- C-16 Agricultural District

All members agreed the property is in the Ag district as listed.

Rives Code of Ordinance:

Reference: Page 76 Section 17.58 District area yard and bulk regulations

- Reviewed setbacks: Front yard 50 ft; Back yard 50 ft; Side Yards 25 ft.
- Brandy McNew is requesting a 29 ft backyard variance and, 3 ft east side yard variance.
- Reviewed lot coverage. Cannot be more than 25% of the total lot. Brandy McNew's lot is within the allowable amount. Brandy McNew was advised that she was close to maximum coverage allowed.
- Site plan reviewed by Ron Tripp; Building & Zoning Inspector, who denied application based on Section 17.104, 17.107.

Section 17.112 Variance Test A

1. Are there Special Conditions? This lot is a legal non-conforming property. The Board agrees it passes the test.
2. Would literal interpretations of this Ordinance deprive applicant? The board agreed that it passes this test.
3. Do the special conditions and circumstances result from the action of the applicant? The Board agreed that it passes the test.
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.
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
6. Discussion of items # B, C, D, E, F. of all items in details. All passes.

Motion No# A reads:

The ZBA approved the appeal request with the following variance for the backyard 29FT Variance measure from the edge of Berry Rd. to the closest point being the 3rd deck post west of the back yard steps; and also includes the pool that falls within the set back

Motions made by Roger DeCamp and supported by Rae Pierce: Call for discussion. Roll call vote was taken: All members voted aye. Members present: Jan Hayward, Roger DeCamp, Rae Pierce, Motion carried.

Motion No# B reads:

The ZBA approved the appeal request for a variance on the east side yard of 3FT variance from the closest point at the north east corner of the deck to the storage building wall.

Motions made by Roger DeCamp and supported by Rae Pierce: Call for discussion. Roll call vote was taken: All members voted aye. Members present: Jan Hayward, Roger DeCamp, Rae Pierce, Motion carried.

Appeal for construction of shed.

Motion made by Rae Pierce to deny the application for a shed located in the back yard for lack of setback footage and infringement on road right-a- way.

Supported by Roger DeCamp Call for discussion. Roll call vote Jan Hayward, Roger DeCamp, Rae Pierce all members voted aye. Motion carried

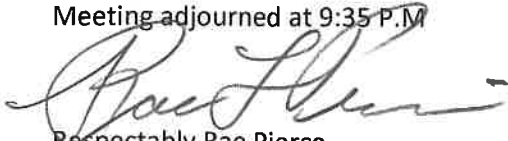
The appeals process was explained to the applicant.

ZBA public comment time opened 9:07pm closed 9:19pm comment was heard.

Next regular meeting: July 10, 2024 7:00 pm tentative hearing dates July 1,2,3

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 9:35 P.M

A handwritten signature in cursive script, appearing to read "Rae Pierce", written in black ink.

Respectably Rae Pierce

Rives Township ZBA Secretary