

RIVES TOWNSHIP ZONING BOARD OF APPEALS MINUTES

REGULAR MEETING & HEARING MARCH 13, 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, motion was made by Rae Pierce and supported by Jan Hayward to approve the agenda. Vote taken: All Ayes; motion carried.

Review & Approval of minutes: motion was made by Jan Hayward to approve the Dec 13, 2024 regular meeting minutes as printed, supported by Rae Pierce. Vote taken; motion carried.

ZBA members report:

No reports

Planning Commission:

Jan Hayward reported that the PC had a conditional use request.

Business:

Public Hearing: Heidi Bartlett requesting variance for a side yard setback.

Introduction and Procedure of Public Hearing.

Documents received:

Application for site plan review received Feb 1, 2024, and was denied by Ron Tripp, Building & Zoning Inspector, per zoning code 17.58 setback.

Zoning Board of Appeals Application received Feb, 24, 2024 by V. Hart, Township Clerk. Payment was made March 3, 2024 receipt number 011887 to Rives Township. Advertisement of Public Hearing was published with MLive media group on Feb 27, 2024. (see attached Documents)

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

Open Public Hearing at 7:19 pm

The Applicant Heidi Bartlett stated her case: she is requesting a variance of a 10 ft. set back on the north side of her property parcel 000-03-19-276-004-00. Her intent is to build a pole barn 32 ft. x 40 ft. with a 10 ft x 40 ft. lean-to on the back side. Ms. Bartlett stated the building would be away from the septic and drain field and the wet area of the property. The building would be used for storage. Ms. Bartlett presented an email from Richard and Jeanete Davis, the property owners adjacent to the north of the property,

indicating they have no objections to the building. (see attached Documents) Ms. Bartlett also stated any water run off would be directed to the wetlands at the back of her property.

Public Comments received at 7:35. Attended by Ms. Bartlett and companion. Closed Public Hearing at 7:38pm

ZBA deliberations: Referring to the Master Plan Book

- C-16 Agricultural District
- C-6 Sanitary Sewer and County Drains
- C-9 Hydric Soils

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

Rives Code of Ordinance:

Reference: Page 53 Section 17.00 purpose Public Act 110 of 2006

- Section covers public health, safety and sewage disposal

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.
- Ms. Bartlett is requesting a 10 ft side yard set back
- Reviewed lot coverage. Cannot be more than 25% of the total lot. Ms. Bartlett's lot coverage is within the allowable amount. Ms. Bartlett was advised that she was close to maximum coverage allowed.
- The property is located in the Sewer District, this is an advantage for the property.
- Site plan reviewed by Ron Tripp; Building & Zoning Inspector, who denied application based on Section 17.58 Side yard setback is not met.

Section 17.112 Variance Test A

1. Are there Special Conditions? This lot is a 1 acre legal non-conforming property. The Board agrees it passes the test.
2. Would literal interpretations of this Ordinance deprive applicant? Yes, see 1 The board agreed that it passes this test.
3. Do the special conditions and circumstances result from the action of the applicant? Yes, The Board agreed that it fails 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
7. A statement from neighbor Richard Davis that the water run off would be no problem
8. The ZBA board agrees all test items have passed except item #3, reason for variance relief.

A motion was made by Roger DeCamp and supported by Rae Pierce: Call for discussion. None. Roll call vote was taken: All members voted aye. Members present: Jan Hayward, Roger DeCamp, Rae Pierce, Motion carried.

The motion reads:

The ZBA approves the appeal request with the following conditions for parcel #000-03-19-276-004-00 location 9560 Rives Junction Rd. A variance from 25 FT. to 15 ft. for the north side yard setback for the following reasons: Hydric soil on the property, the proposed structure fits the character of the neighborhood.

We have heard the comments that have been made and we have used maps from master plan C-16, C-6, C-9. Read the zoning ordinance Sec.17.01, 17.58 this set back best serves the health, safety and general welfare of the public present and future for this location.

The appeal process was read and explained to the applicant.

ZBA public comment time opened 9:30pm closed 9:32pm

Next regular meeting: April 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 9:35 P.M

A handwritten signature in black ink, appearing to read 'Rae Pierce', written in a cursive style.

Respectably Rae Pierce

Rives Township ZBA Secretary