



**CLAY TOWNSHIP ZONING BOARD OF APPEALS  
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Continued: 2001-041

Nelson. No problem.

Nelson: Concerned about the garage being able to get a car off highway. Kras: Needs 18 ft. if too close. Garage would have to be fire walled.

Diss: We may have the same problem as with Trevor Adams, Anchor Bay Dr.

Nelson: These lots are deeded separately.

**Motion by Michel, supported by Shirkey to grant request as presented.**

Hardship: Lot size.

**AYES: All. NAYES: None. MOTION CARRIED.**

2001-042                      Thomas and Diane Meldrum                      7295 Flamingo

Appellate requesting structure for summer covered area. The cover will be over the existing patio and existing trellis (to be removed).

**Request for variance from Ordinance #89, to construct 12 ft x 16 ft. covered patio that will encroach on overage setback, requiring south rear waterside yard variance. The application was denied because Ordinance #89, section 810 and 1400 (p.89).**

Letters: In favor: William and Jayann Walter, 7293 Flamingo; Sharon Freeman, 7297 Flamingo.

Nelson: Is average setback satisfactory? Kras: OK.

Nelson: Setback: 57-1/2 ft. back; Ordinance #89 is 55 ft. rear yard.

Public Participation: In favor: No comment.  
Opposed: No comment.  
Close Public Participation.

Nelson: No problem.

**Motion by Michel, supported by Shirkey to grant request as presented.**

**AYES: All. NAYES: None. MOTION CARRIED.**

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2001-043                      Bill Adams                      6375 Dyke Rd.  
   Brian Treppa, representing                      5227 Pte. Tremble

Mr. Treppa: Appellate requesting to construct a garage 24 ft. x 24 ft. Garage needed for storage.

Nelson: ZBA is not addressing addition to water side, non-conforming house. Michel: Are you taking the tree down? Mr. Treppa: No.

**Request a variance Ordinance #89 to construct a 24 ft. x 24 ft attached garage to existing non-conforming structure. A variance of 24'11" west rear yard setback and 1\*9" north side yard setback is requested. Original application was denied because Ordinance #89, section 303 (A) and 813 (F-2).**

Nelson: Overall setback is OK.

Public Participation: In  
favor: No comment.  
Opposed: No comment.  
Close Public Participation.

**Motion by Michel, supported by Diss to grant request as presented.**

**AYES: All. NAYES: None. MOTION CARRIED.**

2001-045                      Paul Roggeman                      5525 Pte. Tremble

Appellate requesting to construct a single family dwelling. Lot size is 46 ft creating a hardship to build. Two bay windows will overhang.

**Request a variance Ordinance #89 to construct single family dwelling with outside stairway that will encroach into the setback. A variance of 7 ft east side yard for construction of outside stairway and variance for west side yard and east side yard building walls to allow cantilevers that will extend beyond 2" per foot of setback requirement is requested. Original application was denied because Ordinance #89, section 303 (A) and 813.**

Nelson. 2" per foot of setback is allowed. Stairway encroaches into side yard.

Kras: Cantilever extends into setback.

Public Participation:  
In favor: No comment.  
Opposed: Ken Norcross, 5521 Pte. Tremble.  
Close Public Participation.

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Nelson: It is hard to determine hardship.

Michel: The appellate created own hardship.

Diss: The outside stairway may create a second living space.

Nelson: The stairway could be brought to the front.

**Motion by Michel, supported by Diss to deny request as presented, no hardship.**

**AYES: All. NAYES: None. MOTION CARRIED.**

2001-046

Stan and Sharon Worswick  
Mike Clark, representing

8784 Folkert

Appellate requesting to sell property to Miller Tool Co. to continue use of property for light industry.

Mr. Clark: The building on Folkert Rd. is operating. Worswick Tool and Mold is non-conforming use. Miller Tool Co. has a purchase agreement. Property is zoned residential. Request is to overturn residential zoning and continue as light industrial. Presently, it is used primarily for parts and machines storage, machine repair and building. It is not being used as residential and is not abandoned. Mr. Clark referred to letter from Gerald Fournier, House Designs, 669 N. Riverside, St. Clair, MI.; building is unadaptable for residential design. The building is designed for commercial or light industrial use.

**Request a variance Ordinance #89 interpretation to allow Non-conforming use of residential property and building to continue as a non-conforming industrial use in residential zoned district, with pending sale of residential property to Miller Tool Co. Original application was denied because Ordinance #89, section 813 (E-1 and F-1).**

Mr. John McNamee, Clay Township Attorney: Property is zoned residential and in past non-conforming in residential Class B cannot be added to structure. Classic autos were for personal use and not industrial. ZBA granted request for Class A to allow for additional structure on the property for personal storage and not for use in conjunction with the manufacturing operating at the time of granting of the variance. Mr. Worswick needed additional space and would be secondary to home and not for industrial use. New purchaser would have to continue as personal storage and should not be used for any other purpose. Mr. McNamee asked if it is still used as light industrial. Mr. Kras answered there has been no activity for several months. Operation has been moved. Refer to a letter to Mr. Bruce Karash, attorney, 28 First Street, Mt. Clemens, MI from Mr. McNamee. Activity has been limited to sign designated "Plant 2." The critical issue is no information has been received from Worswicks as requested by Mr. McNamee, to designate as light industrial. There should be some evidence of use.

Nelson: What you're saying is we can address use variance?

Mr. McNamee. This is not a use variance" and ZBA should address abandonment. This should be an appellate process and not a public hearing. Due process would be followed if taken to court.

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Nelson: ZBA will uphold Clay Township Building Department decision. This will not be public hearing. Mr. McNamee: No.

Mr. McNamee: ZBA board does not have authority to change non-conforming use as previously designated. Ordinance 89, 813 (E), make a decision on the evidence and information you have.

MikeKras: Twice daily he passes the building and there has been no action. Lawn has been mowed. Size of garage is 60 ft x 50 ft. *Zoned* residential property. No addition should have been made nor building structurally changed.

Diss: What are the regular hours of operation at the current time? Mr. Clark: Building has been used for storage and assembly. There are no permanent employees and no set hours. Employees are in Marine City Plant 1. Worswick Tool and Mold Co. is continuing in use. There is no paperwork and no employees assigned to Plant 2. There has been no production in past 18 months.

Public Participation:

In favor: Sharon Worswick, 1213 N. River Rd, St. Clair, read a letter written by her. Stan Worswick, 1213 N. River Rd., St. Clair.

Mr. McNamee: He had been requested to go to the building, because the surrounding neighbors in the area complained, to look at building by then Clay Township Supervisor, Jon Manos, and met with Mr. Worswick who wanted addition for personal storage, and building not being used for light industry.

Mr. Clark: Refer to Worswick letter, needed for storage and Class A status.

Kirkpatrick: What are we addressing? Mr. McNamee: Support to Clay Township Building Dept.

Opposed: Ken Norcross, 5521 Pte. Tremble; John Russell, 8824 Folkert Rd., What is property zoned? Nelson: Residential. Richard Vernier, 8774 Valerie Ct; Patricia Baker, 6628 Holland; Brenda Coomer, 6622 Holland Rd.; Lesly Cahill, 6636 Holland Rd.; Chuck Hebner, 8786 Valerie Ct.; Rosemary Russell, -----; Richard Baker Sr, 9212 Stone Rd; Richard Baker Jr., 6645 Holland Rd.

Nelson to Mr. Baker: Have you observed any activity: No.

Patricia Baker: Building has not been used.

Rosemary Russell: Has seen no use.

Mr. Worswick: Business moved August 2000.

Jennifer Miller, Clinton Township, visiting area for seven months. Several times she has seen activity when visiting.

Mark Herd, 7621 State, local builder, use for light industrial only, do not tear the building down.

Mel Fosgard, 6276 Urban Dr., East China, he has been driving a truck to building for Worswicks from July 1999 until January 2000.

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Michel to Mike Kras: Property is zoned residential with no industry, refer to Clay Township Planning Comm.

Diss: It is non-conforming property. Can it continue as light industry and transfer to Miller Tool Co.? 7-day/week, 8 employees.

Mr. McNamee: Business can't continue if it has not been used. Decision is if business has been continuously used in past 23 years. If it has lapsed, business can't continue as light industry.

Mr. Clark: The business hasn't been abandoned. New purchasers will purchase and continue as light industry.

Mr. McNamee: Ordinance #89, 813 (E), regulates Class A non-conforming use of structures. Use of the building has lapsed for 12 months for light industrial. Use of building has been discontinued.

Kirkpatrick: Zoned residential use but can't verify Mr. Kras telling Class A residential.

Michel: 1) ZBA granted to use as storage, can't use for manufacturing. 2) No manufacturing in building for at least 12 months.

Shirkey: Is it designated as light industry from Plant 1? Has manufacturing been discontinued?  
Nelson: Yes.

Close Public Participation.

**Motion by Michel, supported by Diss to deny request as presented, because lack of manufacturing last 12 months.**

Nelson to McNamee: How does ZBA word denial? Mr. McNamee: Has the business been or not been in use for past 12 months.

**Nelson to Diss: I suggest to you please withdraw support to motion. Diss: Will withdraw support to motion.**

**Motion by Michel, supported by Diss to deny request as presented; Clay Township Building Dept has not seen activity nor have neighbors observed any activity, not counting activity by new purchasers. The ordinance has not been followed as stated 6/5/85.**

Mr. McNamee: Refer to Ordinance #89, section 701 (A) as to the use, it has lost its status.

**AYES: Shirkey, Nelson, Diss, Michel. NAYES: Kirkpatrick. MOTION CARRIED.**

**Motion by Diss, support by Michel for five minute recess to allow for exit of audience. 9:10 pm. MOTION CARRIED.**

**Motion to reconvene 9:15 pm. by Shirkey, support by Michel. MOTION CARRIED.**

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**INTERPRETATION FOR 6079 DYKE RD.  
ARCHERY RANGE MIKE KRAS, CLAY  
TOWNSHIP ZONING ADMINISTRATOR**

Nelson: The question is why did ZBA (Nelson, Diss, Michel) grant hardship because it goes with the building,  
6/30/94?

Kras: For use of parking lot and building.

Kras: Request for words "Archery Range" be stricken. Does not change use of property. Change in old minutes in this meeting. 94-12 6/30/94.

**Motion by Shirkey, support by Kirkpatrick to remove "Archery Range"**

**from dossier. AYES: All. NAYES: None. MOTION CARRIED.**

5. Member Comments None.

6. Public Comment  
None.

7. Adjournment

**Moved by Shirkey, supported by Kirkpatrick to  
adjourn at 9:25 p.m. AYES: All. NAYES: None.  
MOTION CARRIED.**

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary