

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, SEPTEMBER 20,2001 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001**

Chairman Nelson called meeting to order at 7:30 p.m.

1. Roll call

Present: Joanne Shirkey, Ron Nelson, Cindy Kirkpatrick, Chuck Michel.  
Mike Kras, Clay Township Zoning Administrator Excused: Marianne Diss.

2. APPROVAL/AMENDMENTS TO AGENDA

**Moved by Kirkpatrick, supported by Michel, to approve the agenda as presented.  
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

3. APPROVAL OF MINUTES OF AUGUST 30,2001

**Moved by Shirkey, supported by Kirkpatrick, to approve the minutes as presented.  
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

4. ZONING BOARD OF APPEALS PREFACE

Chairman: The ZBA addresses mainly hardship based on lot size, location and/or shape or contour and location of existing buildings. We are guided by Section 1304 of Ordinance #89. There are five members on the ZBA, four of whom are present tonight. Three (3) members must vote the same way for a motion to be granted for a variance. Three (3) members constitute a quorum. You may speak when so directed. Everyone will have a chance to speak. If a particular point gets belabored, the chairman has the right to limit debate. If you should not like the board's decision, whether you are the appellate or the public, you have the right to take it to the Circuit Court. You have twenty-one (21) days to file with the Circuit Court. When the appeal you're involved with has finished, you are welcome to leave or stay, whatever you wish.

5. APPEALS

2001-0062                      Joseph/Florica Nebel                      6854 Holland Rd.

Appellate requesting to use a temporary structure (mobile home) during construction of new single home.

Nelson: I know father but has no interest in the appeal.

**Request for variance from Ordinance #89, to place a temporary living structure (mobile home) on residential property during the construction of a new single home. The application was denied because Ordinance #89, section 823 and 812.**

Nelson: Question if five months is enough time? Appellate: Yes.

Have you had problems with vandalism? Appellate: No.

Kirkpatrick: It appears that the house is close to completion.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Kras: This is a modular home and the garage is not completed. Property needs to be cleaned up. Items are being dumped and some property stolen.

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**Motion by Kirkpatrick, supported by Shirkey to grant request as presented with six months allowed, extension if necessary.**

**Motion amended by Kirkpatrick, supported by Shirkey, appellate to post \$250 bond.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

2001-0063                      Alex Dubovenko                      338 Greenwood  
   Phil Dugan, representing      344 Greenwood

Appellate requesting to construct a new single family home.

**Request for variance from Ordinance #89, to construct a new single family home requiring a 1 ft. northwest side yard variance. The application was denied because Ordinance #89, section 303 (A) requires ten ft. side yard.**

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Nelson: Lot is hardship.

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

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

2001-0064                      Aaron/Pamela Kast                      7596 Colony Dr.  
   Tony Rayl, representing Tony V's

Appellate requesting to construct a 12 ft. x 14 ft. sunroom, 77% glass.

**Request a variance Ordinance #89 to construct an enclosed porch, 12 ft. x 14 ft. requiring 11 ft. est side yard, 4 ft. west side yard, and 15 ft. north rear waterside yard variance. Original application was denied because Ordinance #89, section 303 (Q, 810,1400 and 813.**

Nelson: House is non-conforming.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Michel: Appellate was previously granted 2-1/2 ft variance for deck which is now 3 ft.

Kras: There is trench footing.

**Motion by Kirkpatrick, supported by Michel, to grant request as presented and to go no further toward canal.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

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2001-0065                      Joe Zdunski                      7307 Flamingo  
   Tony Rayl, representing Tony V's

Appellate requesting construct a 23 ft. x 13 ft. sunroom to a non-conforming structure.

**Request for variance from Ordinance #89, to construct a sunroom enclosure 23 ft. x 13 ft. requiring 2 ft. rear yard setback variance. The application was denied because Ordinance #89, section 303 (C), 810,1400 and 813.**

Nelson: There was a mistake in the advertising (not 20 ft. variance).

Letters: In favor: Dan Harmon, Michelle Hastings, 7309 Flamingo; James S. Ulewicz, 7305 Flamingo; Arthur Kummer, Marie E. Kummer, 7301 Flamingo; Paul Boisvert, 7311 Flamingo.

Shirkey: Why 13 ft. width? Appellate: To conform with present roof.

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

Michel: No problem.

**Motion by Michel, supported by Kirkpatrick, to grant request as presented allowing 53.18 ft. rear yard.  
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

2001-0066                      Ken Sheets                      6378 Marina, Lot #85

Appellate requesting construction of a new single home covering 34.49% lot.

Appellate has previously been denied appeal and has now reduced *size* of home. Plans were adjusted to 35% home coverage and 65% land.

**Request for variance from Ordinance #89, to construct a new single family home requiring 3' 1" east side yard variance and variance of lot coverage where 30% is allowed. The application was denied because Ordinance #89, section 303 (C).**

Nelson: ZBA is addressing side yard setback.

Nelson: 7" straightens out the jog.

Letters: No objection: John Anderson, Fran Anderson, 6392 Marina; Harold Sampier, 6395 Marina; Mark Trombley, Nancy Trombley, 6377 Marina.

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

Nelson: Still concerned about the size of house.

Michel: Question the ratio, 35% coverage. ZBA is setting a precedent. No problem with side yard.

Nelson: Lot *size is* 120 ft. deep and 52 ft. wide.

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Shirkey: What is other coverage in area? Questionable because they are mostly cottages.

Kirkpatrick: What is total square footage? Appellate: About 2600 sq. ft.

Nelson: Side yard is OK but house coverage is too much.

Appellate: They were standard lot sizes, that's why size of house.

Kirkpatrick: No hardship to have 35% coverage.

**Motion by Michel, supported by Shirkey, to deny 35% coverage and grant side yard variance 3'1", east side 7'6" front side, east side 6'11" rear.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

Kras: Questioned the 7". Nelson: Fill in jog.

6. Interpretation of Covered Boat Wells on Detached Lots

Kras: People can only get to certain areas by boat on Russell island. Accessory buildings are not allowed over water. Property cannot be deeded together.

Nelson: Discussion, two separate subdivisions. There would be a hardship and should be an appeal to ZBA No motion, only discussion.

7. Extension of appeal 2000-0046

Request for extension of appeal 2000-0046, 10105 St. John. Due to extenuating circumstances he has been unable to start the project.

Appellate requesting an additional six months extension.

**Motion by Kirkpatrick, supported by Michel, to grant the six months extension.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

8. Member Comments

Next ZBA meeting will be 9/27/01.

9. Public Comment

Ken Sheets, 6378 Marina, feels his lot is a hardship and would like 35% coverage. Nelson: Each appeal is treated individually.

Nelson: Lot width is hardship but not lot coverage. Go with ordinance.

Mr. Sheets: What is the minimum coverage? Kirkpatrick: Could be approximately 32%-33%.

Kras: 30% or less.

Michel: You know what the ordinance restrictions are.

Nelson: You were already granted the side yard variance based on lot size.

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Continued: Public Comments

Paul Bridgman, 7985 Colony, Proud of ZBA for sticking to the ordinance. Susan Pilarowski, 6384 Marina, Glad

ZBA will stick to the ordinance.

10. Adjournment

**Moved by Michel, supported by Shirkey, to adjourn at 8:40 p.m.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: M.Diss.**

Respectfully submitted,

Dolores M. Nelson Recording Secretary