

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, OCTOBER 4, 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: Ron Nelson, Cindy Kirkpatrick, Marianne Diss, Chuck Michel.  
Excused: Joanne Shirkey.

2. APPROVAL/AMENDMENTS TO AGENDA

Nelson: Revise agenda, strike out #6 and add 6A, 6131 Pte. Tremble

**Moved by Michel, supported by Diss, to approve the agenda as revised. AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

3. APPROVAL OF MINUTES OF SEPTEMBER 20, 2001

Minutes were not available at meeting.

**Moved by Michel, supported by Diss, to postpone approval of the minutes of September 20, 2001 meeting. AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

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

2001-0067      Jeff Steffen                      9256 Island Dr.

Appellate requesting to construct a 20' x 24' second story addition to the existing non-conforming building.

**Request for variance from Ordinance #89, to construct an addition to already existing non-conforming building requiring 1 ft south side yard setback.. The application was denied because Ordinance #89, section 303 (A) and section 813 (F-2).**

Nelson: The foot printing will change? Appellate: No. Variance needed will be 1 ft. south side yard.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

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Continued. 2001-0067

**Motion by Michel, supported by Kirkpatrick, to grant request as presented.  
AYES: AIL NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

2001-0068 Stella Haslem 4055 Pte. Tremble

Appellate requesting construction of a porch 5 ft. x 11 ft.

**Request for variance from Ordinance #89, to construct a porch 5 ft x 11 ft requiring 3'8" west side yard setback and 5 ft east side yard variances. The application was denied because Ordinance #89, section 303 (A) and section 813 (F-2).**

Nelson: Variances requested are 5 ft. east side yard and 3'8" west side yard. Lot size is 40-1/2 ft.

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

**Motion by Diss, supported by Michel to grant request as presented due to 40 ft lot hardship.  
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

2001-0069 David/Kathleen Kochan 7245 Audubon  
Tom Kinney, representing 3180 Abbottsford Rd., Clyde Twmsp.

Mr. Kinney, appellate is requesting to construct a 32 ft. x 14 ft. addition and a 38 ft. x 24 ft. second floor addition to a non-conforming home.

**Request a variance Ordinance #89 to construct an addition and second floor to a non-conforming structure requiring 5'6" east side yard variance. Original application was denied because Ordinance #89, section 303 (C) and 813.**

Letter, in favor: Austin Jones, Thelma Jones, no address.

Diss: Does width include the overhang? Mr. Kinney, Yes.

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

**Motion by Michel, supported by Kirkpatrick, to grant request as presented, footprint not being changed and hardship is lot size.  
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

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2001-0070

Colene/Marcel Van Vugt

9871 St. John Dr.

Appellate requesting to construct an attached garage and second story addition to a non-conforming structure.

**Request for variance from Ordinance #89, to construct a garage and second story addition to non-conforming structure requiring 2\*7" north side yard setback variance. The application was denied because Ordinance #89, section 303 (C) and section 813 (F-2).**

Nelson: The existing garage will be removed? Appellate: No, garage is being moved on lot.

Nelson: Requires a 2'7" north side setback variance.

Michel: Needs a DEQ permit. Appellate: Do I need one for flood plan? Michel: Yes.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

**Motion by Diss, supported by Michel, to grant request as presented with current foot print to be maintained as is.**

**AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

2001 -0071

Clara McManus

6704 Green Dr.

Mike Simonetti, representing

6704 Green Dr.

Mr. Simonetti: Appellate is requesting to construct a deck 12 ft. x 20 ft.

**Request for variance from Ordinance #89, to construct a 12 ft. x 20 ft deck requiring a 20 ft south rear waterside variance. The application was denied because Ordinance #89, section 303 (A), 810, and 1400, and 813 (F-2).**

Nelson: Does the deck have a railing? Mr. Simonetti: Yes and a step.

Nelson. ZBA is addressing setback and open and obscured view. Deck was built without a permit.

Public Participation: In

favor. No comment.

Opposed: No comment.

Close Public Participation.

Michel: Questions to height of the railing on the deck and constructing deck without permit.

Mr. Simonetti: Vertical railing.

Nelson: How high is the deck without the rail? Mr. Simonetti: 2-1/2 ft.

Michel. Must meet BOCA code if over 9" high.

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Nelson: There is a distance between houses.

Diss: Deck is already existing without a permit.

Nelson: If the deck were 9" no railing would be needed.

**Motion by Michel, supported by Diss, to deny request.**

**AYES (TO DENY): Michel, Diss. NAYES (NOT IN FAVOR TO DENY): Kirkpatrick, Nelson. Tie vote, MOTION reverts to ordinance, therefore request denied. EXCUSED: J. Shirkey**

2001 -0072	Fred/Corinne Landorf Craig Laduke, representing	7817 Stark Dr. Marysville
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Mr. Laduke: Appellate requesting to construct a single family dwelling. House is not changing but the side yard is.

**Request a variance Ordinance #89 to construct a new single family home requiring 2 ft. east side yard and 22'5" south rear waterside variance and will encroach on average setback. Original application was denied because Ordinance #89, section 303 (A), 813 and 1400.**

Nelson: Front yard is the road side.

Mr. Laduke: Variance is needed on the water side. Appellate bought 5' from east neighbor.

Nelson: 2 ft. east side yard and 22'5" south rear waterside variances required.

Nelson: Do you have a deed for the 5 ft. property? Mr. Laduke: hi process, bought property from Mr. John Semenus, 7803 Stark Dr.

Nelson: Depth of lot 114-115 to property lot line (front).

Public Participation:

In favor: John DeLargy, 7843 Stark Dr.

Opposed: No comment.

Close Public Participation.

**Motion by Michel, to grant as presented including the 5 ft additional (side yard) property subject to purchase. MOTION WITHDRAWN.**

**Motion by Michel, supported by Diss to grant as presented because of lot size, 45 ft. x 114 ft.**

**AYES: None. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

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6A. Regarding property 6131 Pte. Tremble Rd.

Nelson: Received letter regarding property at 613 1 Pte. Tremble Rd. (ZBA 1 992), doesn't like encroachment of chimney. There are two different surveys. **No action taken.**

7. Member Comment

October 18, 2001 will be next meeting. There will only be one scheduled meeting.

Diss: DEQ, all property needs flood plan.

8. Public Comment

Mr. Simonetti, 6704 Green St., What do I do now? Nelson: Deck is too high. Diss: ZBA asked you to lower deck. Michel: There is no permit.

9. Adjournment

**Moved by Michel, supported by Kirkpatrick, to adjourn at 8:35 p.m. AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: J. Shirkey**

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary