

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, OCTOBER 18, 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, Marianne Diss, Chuck Michel.

2. APPROVAL/AMENDMENTS TO AGENDA

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

3. APPROVAL OF MINUTES OF SEPTEMBER 20.2001

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

APPROVAL OF MINUTES OF OCTOBER 4. 2001

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

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, all 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

2001-0073

Thomas/Beverly Kaiser

6041 Pte. Tremble Rd.

Appellate requesting to construct an addition to non-conforming house.

Request for variance from Ordinance #89, to construct a 15'4" x 23' addition to the front of non-conforming structure requiring variances of 4'10" west side yard setback and 3*3" east side yard setback. The application was denied because Ordinance #89, section 303 (A) and section 813 (F-2).

Nelson: Appellate is adding to road side of house.

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 18, 2001
PAGE TWO (2)**

Continued: 2001-0073

Public Participation:

In favor: No comment.

Opposed: Wally Sampson, 6039 Pte. Tremble: How many previous variances have been allowed and questioned emergency access. Nelson: ZBA is only addressing the current request.

Thomas Hannah, 6047 and 6051 Pte. Tremble: Suggested a stake survey because sprinklers and electric are possible on his property. Nelson: Lots of record are buildable.

Close Public Participation.

Letter, Opposed: Lori Sisk, 6047 and 6051 Pte. Tremble.

Nelson: How far is existing house on east side? Appellate: With addition, 10 ft.

Diss: Are you going to use existing foot print? Michel: He is lining up with present structure.

Michel: Hardship is 30 ft. lot size.

Nelson: Different surveyors could come up with 2" variance.

Diss: Addition on west side would eliminate porch.

Shirkey: There is 8" at the corner of the existing house.

Kirkpatrick: The public has the right to review paperwork at the Clay Township Building Dept.

Michel: Could the house be moved over?

Diss: Are you enclosing the existing porch? Appellate: Yes.

Kirkpatrick: ZBA can only address what is requested.

Nelson: The gutters are already overhanging neighbors.

Nelson: How much are you willing to go in? 2 ft. right side?

Marvin Burbary, 6027 Pte. Tremble: Commented on over building in the area.

Diss: Could you revise your plan? Appellate: Yes, would have to contact architect.

Appellate: What could I do? Nelson-Diss discussed.

Nelson: You have the right to postpone, and move at least 2 ft. so you don't encroach on the neighbor.

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 18,2001
PAGE THREE (3)**

Continued: 2001-0073

Appellate: Can we enclose the porch? Nelson: No. Appellate is not changing foot print.

Diss: Do you have a foundation? Appellate: No.

Nelson: You will need a foundation.

Michel: Will appellate change foot print? ZBA can't act on enclosure of porch because it was not advertised.

Nelson: Yes, he can because modification is less.

Diss: Are you adding a new porch on new front? Appellate: Yes.

Motion by Michel, supported by Kirkpatrick to amend request to allow for enclosure of northwest, 4 ft. x 7 ft. porch and postpone remaining plan (appellate to refer to architect) .

Amend motion by Michel, supported by Kirkpatrick, to include new plans revising by 2 ft. off west lot line and maintain east side yard.

AYES: All. NAYES: None. MOTION CARRIED.

Wally Sampson, 6039 Pte. Tremble: Why is ZBA allowing variance? Is there a stake survey?

Kirkpatrick: Hardship is 30 ft. lot size and entitled to variance. Nelson: Contact Clay Township Building Dept.

2001-0074

Robert Black

5915 Re. Tremble

Appellate requesting to construct an addition to non-conforming structure (garage).

Request for variance from Ordinance #89, to construct 20 ft. x 20 ft. addition to non-conforming accessory structure requiring 12'5" variance of north front yard setback and requesting a 4'6" height variance. The application was denied because Ordinance #89, section 808 (E) and section 813 (F-2).

Nelson: Are you leaving the existing garage? Appellate: No, I want to tear garage down.

Nelson: If you tear the garage down, you would have to move to 25 ft. from road lot line.

Nelson: Do you plan on living quarters? Appellate: No.

Nelson: Do you want to tear the garage down? You can't build at the current site. What is your goal?

Appellate: To make it better.

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 18, 2001
PAGE FOUR (4)**

Continued: 2001-0074

Shirkey: Appellate wants to fix up existing garage.

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

Nelson: Problem with height of 20 ft. x 20 ft. addition.

Michel: Height is too high.

Motion by Michel, supported by Kirkpatrick, to grant 12'5" north setback and deny 4'6" height variance and require no higher than 14 ft. midpoint. Addition will be 20 ft. x 20 ft. to present garage.

AYES: All. NAYES: None. MOTION CARRIED.

2001-0075 Tim Charland 6409 Re. Tremble

Appellate requesting change to Class A non-conforming.

Request a variance Ordinance #89 to change to Class A non-conforming. Zoning Administrator review and not allow reconstruction and alteration of an accessory structure that would create a non-conforming livable structure on the same parcel. Original application was denied because Ordinance #89, section 301 (A&K), section 800(G-4), section 812, section 813 (F-1-2-3&5).

Nelson: Appellate has replaced plumbing and water etc. without permit.

Nelson: Basically there would be two residences on property.

Letter, Opposed: Mike Bohacik, 6413 Dyke Rd. Second letter was opposed but not signed.

Nelson: Appellate is asking for a Class A zoning.

Public Participation:
In favor: No comment.
Opposed: Suzanne Smith, 6407 Dyke Rd.
Close Public Participation.

**CLAY TOWNSHIP ZONING BOARD OF
APPEALS MINUTES OF OCTOBER 18, 2001
PAGE FIVE (5)**

Continued: 2001-0074

Motion by Michel, supported by Diss, to deny Class A non-conforming zoning.

AYES: All. NAYES: None. MOTION CARRIED.

6. Member Comments

Nelson: There is no second ZBA meeting in October.

Nelson: Discussion that possible Nelson and Diss are up for reappointment.

7. Public Comment

Sam Smith, 6407 Dyke Rd: RE:2001-0075, there is a gas line running to the accessory building. Nelson: Contact Clay Township Building Dept.

Nelson: Does he have a sewer line to the building? Mr. Smith did not know.

Mr. Kaiser: Do I have to reapply. Diss: Yes, you need another hearing but not necessary to pay again.

8. Adjournment

**Moved by Michel, supported by Shirkey, to adjourn
at 8:45 p.m. AYES: All. NAYES: None. MOTION
CARRIED.**

Respectfully submitted,

Dolores M. Nelson
Recording Secretary