

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, NOVEMBER 15, 2001 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Roll Call: Present: Marianne Diss, Joanne Shirkey, Cindy Kirkpatrick, Chuck Michel.
Absent: Ron Nelson (excused).

Moved by Shirkey, supported by Diss to appoint Chuck Michel to chair the meeting. AYES: All. NAYS: None. MOTION CARRIED.

2. APPROVAL/AMENDMENTS TO AGENDA:

Moved by Kirkpatrick, supported by Shirkey to approve the agenda as presented. AYES: All. NAYS: None. MOTION CARRIED.

3. APPROVAL OF MINUTES OF OCTOBER 18, 2001:

Moved by Kirkpatrick, supported by Shirkey to approve the minutes as presented. AYES: All. NAYS: 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, 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

OLD BUSINESS:

2001-0073 THOMAS KAISER 6041 PTE. TREMBLE ROAD

Chuck Michel: Applied previously for an addition to the front of his house; Postponed in order to move his porch or take a portion off to allow 2' on one side and keep the 6'8" on the other side, drawing submitted indicates the 2' & 6'8" side measurements will be met.

Moved by Diss, supported by Kirkpatrick to approve the variance for Thomas Kaiser, 6041 Pte. Tremble Road as the plans have been amended to meet the required 2' and 6'8" side yard. AYES: All. NAYS: None. MOTION CARRIED.

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NEW BUSINESS:

2001-076 KENNETH & EMMA ENGH 7320 RIVERSIDE DRIVE

Tony V's Sunroom & Spas Rep: Proposing a sunroom over an existing structure, not changing the footprint, not in the site of any neighbors.

Open the Public Hearing:

In favor of a structure at 7320 Riverside Drive: No comment.

Opposed: No Comment

Close the public participation.

Motion by Kirkpatrick, supported by Shirkey to grant the applicant a 10" variance of the Northern rear waterside yard setback, where 55' is required, a 4" variance of the southern front yard setback where 15' is required for a sunroom structure to be built at 7320 Riverside Drive for Kenneth and Emma Engh.

AYES: All. NAYS: None. MOTION CARRIED.

2001-077 PAUL & BARBARA PAULUS 7238 CARDINAL

Mrs. Barbara Paulus: Want to add on to the back of the garage, does not change any of the setbacks.

Acting Chairman Chuck Michel: Added it is a nonconforming piece of property.

Open the Public Hearing:

In favor of the garage addition at 7238 Cardinal: No comment.

Opposed: No comment.

Close the public hearing.

Motion by Diss, supported by Kirkpatrick to approve the 3'6" variance of the northeastern side yard setback to add a garage addition for Barbara and Paul Paulus at 7238 Cardinal, the property is nonconforming. AYES: All. NAYS: None.

2001-078 CLAUDIA HINTZE 6265 GENAW RD.

Appellate Claudia Hintze: Plan to keep the shed on the property while the home is being built.

Chairman Michel: Planning Commission did grant lot split contingent upon the variance is granted.

Open the Public Hearing:

In favor of the lot split at 6265 Genaw Road and to allow the accessory structure to remain until the main structure is built: Mike Kras, 6355 Genaw Road.

Opposed: No Comment.

Close the public hearing.

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Moved by Diss to approve the split for 6265 Genaw Road hardship being the size of the lot.

Discussion of motion:

Chairman Michel: Require a cash bond or a letter of credit submitted to the Township to be used if a primary home is not built and the accessory building has to be torn down.

Discussion regarding what cash bond should be set.

Applicant: Plan to have the home built within a year from now, want to keep the shed up.

Mike Kras: As soon as you have the deck completed on the 1st floor of house, you will be able to get the cash bond back.

Chairman Michel: Safety factor that you will be building and not have an accessory structure there for years.

Amended motion by Diss, supported by Kirkpatrick to approve the lot split for 6265 Genaw Road and a \$3,000 cash bond or letter of credit for a period of one-year after home permit issued. Bond released when construction is completed on 1st floor. AYES: All. NAYS: None. MOTION CARRIED.

2001-079 JOE VANDIERDONCK 9180 FIELD ROAD

Appellate: Lived there 25 years and have a small garage, expand the garage 30' x 30' addition will exceed the size of the house by 324 sq. feet, garage used to put boat in and three trucks.

Chairman Michel: Questioned the distance of the structure to the existing garage.

Appellate: Keep the same roof angle.

Mike Kras: Accessory building only needs to be 3' off the property line.

Open the Public Hearing for 9180 Field Road for a garage exceeding the square footage of the house.

In favor: No comment.

Opposed: No comment.

Close the public hearing.

Marianne Diss: Questioned the 10' x 10' shed, combined would be approx. 324' larger than house.

Chairman Michel: Lot can handle it, 669' deep.

Motion by Shirkey, supported by Kirkpatrick to approve the variance to allow the expansion of an accessory structure for a 30' x 30' addition that will exceed the square footage of his main structure at 9180 Field Road for Joe C. Vandierdonck. AYES: All. NAYS: None. MOTION CARRIED.

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2001-080

ROBERT THEUERKAUF

8396 S. CHANNEL

Appellate: John Crimando for Robert Theurkauf: 40' yard setback, he has a 3-seasons room off of the upper level, this plan is to turn it into a year round room and drop it right down to the existing deck and follow the footprint of what is already existing.

Chairman Michel: According to the drawing it indicates proposed deck, is that correct?

John Crimando: There is a deck 80' x 60'.

Chairman Michel: Applicant wants to enclose the lower portion, upper is already enclosed, what is the height of the 1st deck?

Mike Kras: according to builder's call 8' is going to be a brick patio, 3' x 6' that wraps around, the other one is going to be a regular deck that is going to step down off of the addition onto the patio pavers

Chuck Michel: 8' is not an addition on the house, nothing new, already there.

Marianne Diss: Questioned the two decks, vague what part of deck is ground level.

Mike Kras: Explained 32'4" from the rear bulkhead, has a nonconforming house, he is expanding the 8' overhang he already has, only needs the granting of an expansion on a nonconforming building.

Chairman Michel: What is the height of that 6' deck.

Michael Kras: If it is above 9" would require a variance, discussion followed.
Not a proposed addition should state enclosed building.

Open the Public Hearing for 8396 South Channel Drive:

In favor of the expansion of the building for 8396 S. Channel Drive: No comment.

Opposed: No comment.

Closed the public hearing.

Chairman Michel: No problem with the variance, specify the deck height.

Motion by Shirkey, supported by Kirkpatrick to grant a 13'8" variance from the rear canal for enclosing the lower addition and a deck not to exceed 16" for the home at 8396 South Channel Drive, Harsens Island.

AYES: All.

NAYS: None.

ABSENT: None.

MOTION CARRIED.

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2001-081

LUMBERJACK

3470 PTE. TREMBLE ROAD

Larry O'Conner, 3470 Pte. Tremble: Representing Lumberjack and their Internet services; high speed access to a wire set up, in order to provide this service would need a 100' tower in the back of the property.

Questions Board had: 25' in from the lot line, length away from Fruit Road, won't fall on anyone's house, advertised 75' variance, do not need that much, 25' off the property line grants him an additional 25'; Commercial and Industrial use, why aren't they required a S.A.L.U.?

Mike Kras: Per consultant, property is already approved, adding onto their business and less than 10%; height variance was required would have to appear before the ZBA for this variance, not required; not a tower like AT & T; S.A.L.U. is already in affect.

Open the public hearing to allow Lumberjack to construct an antenna tower in the back of Lumberjack, 50' variance required.

In favor: No comment.

Richard Baker, Stone Road: what will it be used as?

Larry O'Connor: Explained the purpose for the tower.

Opposed: No comment.

Close the public portion.

Moved by Diss, supported by Shirkey to approve the request for the construction of an antenna tower on the Lumberjack property to be used for their Internet Service, the variance approved on the height is for 50'.

AYES: All.

NAYS: None.

ABSENT: None.

MOTION CARRIED.

2001-082

KEVIN/DONNA RUSSELL

1050 SMITH

Appellate: Want to construct a detached garage, part will be in the City of Algonac and in the Township), not blocking anyone's vision and less intrusive.

Mike Kras: Explained the problem with the two pieces of property.

Chairman Michel: Questioned part of the property on Golfview Road, can he access the road to It.

Mike Kras: Can't do that since the line separates them, owner still receives two tax bills.

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MOVED BY DISS, SUPPORTED BY KIRKPATRICK TO APPROVE THE REQUEST AS PRESENTED FOR KEVIN/DONNA RUSSELL TO CONSTRUCT A GARAGE ON HIS VACANT PORTION OF THE PROPERTY AT 1050 SMITH STREET DUE TO THE UNIQUE LOT BEING A PORTION IN CITY OF ALGONAC AND PART IN CLAY TOWNSHIP.

AYES: ALL.

NAYS: NONE.

ABSENT: NONE.

MOTION CARRIED.

6. MEMBER COMMENT: None.

7. PUBLIC COMMENTS: None.

8. ADJOURNMENT:

Moved by Shirkey, supported by Kirkpatrick to adjourn the meeting at 8:40 p.m.

AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba Recording
Secretary