

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, DECEMBER 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, Marianne Diss,
Excused: Chuck Michel.

Also present: Michael Kras, Clay Township Building and Zoning Administrator

2. APPROVAL/AMENDMENTS TO AGENDA

Amend agenda to include approval of minutes December 6, 2001.

Moved by Diss, supported by Shirkey to approve the agenda as amended.

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.

3. APPROVAL OF MINUTES OF NOVEMBER 15, 2001

Moved by Kirkpatrick , supported by Diss , to approve the minutes as presented.

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.

APPROVAL OF MINUTES OF DECEMBER 6, 2001 SPECIAL MEETING

Moved by Kirkpatrick, supported by Shirkey , to approve the minutes as presented.

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.

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

2001-084 Jeff Kasner 10113 St. John Dr.

Appellate requesting to construct a 30 ft. x 40 ft. garage 2-1/2 ft. higher than allowed.

Request for variance from Ordinance #89, to construct 30 ft. x 40 ft. accessory structure requiring a 2'6" variance. The application was denied because Ordinance #89, section 800 (E).

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Continued: 2001-084

Nelson: Variance would be 2'6". Appellate: Need 10 ft. door for trailer height.

Public Participation:

In favor: -----, 7301 Audubon; -----, ----- St. John Dr.

Opposed: No comment.

Close Public Participation.

Nelson: Against height.

Diss: Creating 10 ft. x 40 ft. down center.

Nelson: No hardship.

Appellate: There are other structures as high in the area.

Nelson: Not that height. It is 16-1/2 ft to mid point.

Kras: Allowed 14 ft. height but no second story allowed, only for storage.

Diss: 30 ft. x 40 ft structure is adequate.

Nelson: Storage does not require 15-1/2 ft. height. Appellate would like height to stand up.

Nelson: No necessary to stand up.

Motion by Diss, supported by Shirkey to alter request to 15 ft to mid point.

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.

2001-085

Taco Bell (Sunoco Gas Station)
Scott Pope, representing

5460 Pt. Tremble
709 Rivard, Grosse Pte.

Appellate requesting to add Taco Bell signage to Sunoco Sign.

Request for variance from Ordinance #89, to variance for additional signage that will exceed of the maximum allowable 150 sq. ft. requirement to conduct business at Taco Bell Express fast food mart. The application was denied because Ordinance #89, section 819 (1-1).

Nelson: Smaller signage was granted under appeal #2000-053. Will signage be where the temporary sign is now. Mr. Pope: No. It will be Sunoco, Taco Bell, then price range.

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Continued: 2001-085

Kras: Sign is 5 ft. x 6 ft. He needs 31-1/2 ft. Goal post is 19 ft. high.

Nelson: Concern is blocking view of traffic if sign is too low.

Kras: They (Sunoco) have done everything asked by the Building Department.

Public Participation:

In favor: No comment.

Opposed: Stu Baker 9212 Stone.

Close Public Participation.

Nelson: By law he can go 6 ft. higher.

Nelson: Buying the sign is not a hardship.

Diss: Additional signage is necessary to advertise Taco Bell.

Shirkey: The size should not block view of traffic.

Discussion: The sign ordered was 2 ft. x 7 ft. The sign received was 5 ft. x 6 ft.

Kras: He has 7 ft. but must be at least 6 ft. off ground. Appellate: OK to raise the sign.

Motion by Shirkey, supported by Kirkpatrick to approve as submitted with stipulation that sign be raised so it won't block view of traffic.

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

EXCUSED: Michel.

2001-086

Kevin Witherspoon

3016 Pt. Tremble (Corner Wright Dr.)

Appellate requesting to add second story to main structure of current non-conforming residence. No change in foot print. Would like to add a bedroom and bath.

Nelson: You are not changing the foot print. Appellate: No.
Zoned commercial.

Request a variance Ordinance #89 to change to "Class A" designation to allow the current non-conforming residential use of the house and detached garage on Commercial Zoned property to be enlarged with the construction of a second story on the main structure. A 6' 9" variance is required for the west side yard and 15' variance is required for south front yard. Original application was denied because Ordinance #89, section 813 (B-C).

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Continued: 2001-086

Kirkpatrick: Does it need two motions? Nelson: No.

Public Participation:

In favor: Bryan Kirkpatrick: 9641 Wright Dr.

Opposed: None.

Close Public Participation.

Nelson: No problem.

**Motion by Kirkpatrick, supported by Diss to grant appeal as requested (Class A).
AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.**

2001-087 Carlo Farrugia 2231 North Channel Dr. Harsens Island

Appellate requesting to construct a second floor dormer. Not changing foot print on east side. Addition is 14 ft. x 16 ft. on west side.

Request a variance Ordinance #89 to 3*6" variance of east side yard to allow expansion of non-conforming structure with the construction of a second floor dormer and 16 ft x 14 ft addition. Original application was denied because Ordinance #89, section 303 (A) and section 813 (F-2).

Nelson: Why did you start building without permit? Appellate: He is a qualified builder.

Public Participation: In

favor: No comment.

Opposed: No comment.

Close Public Participation.

Nelson: Does addition meet code? Kras: Appellate worked through stop work order and going to court.

Shirkey: Is addition on side 10'2"? Kras: We are going by his measurements.

Nelson: No problem if he is not encroaching sides.

Motion by Shirkey, to grant variance with 10'2" west side yard.

Diss: Should we table request? Nelson: No different, Building Dept. needs to enforce code.

No support, motion dies.

Motion by Diss, support by Shirkey to not specify size, specify no less than 10 ft west side yard and room not to exceed 14 ft x 16 ft

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

EXCUSED: Michel.

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Interpretation of request from Karl Dornburg for a condominium development on the North Channel.

Nelson: Regarding determination of height, each appeal is based on its own merit. Each eave would have to be considered.

Kras: The average measurement of the main building eave would be from top, measure from top to bottom of eave, take 1/2 of measurement; measure from bottom of each eave to ground, then add two measurements together.

Nelson: ZBA will need drawings. Put on January 17,2002 agenda. Dimensions will be needed. No decision will be made tonight.

Kras: Three story building, 35 ft. height.

**Motion made by Shirkey, second by Diss that there was discussion of interpretation. AYES: All. NAYES: None. MOTION CARRIED.
Excused: Michel.**

6. Member Comments

Diss: Regarding Harsens Island reclassification, 1825 S. Channel, they are selling off a parcel.

7. Public Comment

None.

8. Adjournment

Moved by Shirkey, supported by Kirkpatrick to adjourn at 8:25 p.m. AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: Michel.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary