

MINUTES OF THE CLAY TOWNSHIP BOARD SPECIAL MEETING HELD ON  
WEDNESDAY, MARCH 27, 2002 IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE.  
TREMBLE ROAD, CLAY TOWNSHIP, MI 48001 AT 7:30 P.M.

ROLL CALL: PRESENT: Supervisor Joseph McKoan IV, Treasurer Connie Turner,  
Trustees: Dr. L. Kasperowicz, Cindy Kirkpatrick, Beth Engel. Trustee Pat Sharrow  
present served as Township Board Representative on Planning Commission Board.

ABSENT: Clerk Michael Pellerito (Excused).

Also present was Linda Anderson, Wade-Trim Planner, Karen Missavage, Planning &  
Zoning Administrator, Mike Kras, Building Administrator.

Citizens Present: Seven (7).

Supervisor Joseph H. McKoan IV called the special meeting of the Clay Township Board  
to order.

Supervisor Joseph H. McKoan stated will proceed to the discussion and review with the  
Planning Commission the draft of the Zoning Ordinance.

Chairman Getman stated this is a joint meeting of the Planning Commission and the Clay  
Township Board to review the draft of the suggested changes to the Clay Township  
Zoning Ordinance. It will be an informal meeting with exchanges between the two boards.  
Sometime ago the Planning Commission was asked by the Board to review the Zoning  
Ordinance, there were some issues because of problems the Building Inspector has  
encountered and many applicants have to appeal to the ZBA for variances. Decks,  
heights of buildings were addressed, no heavy industrial, change of zoning in Perch Point  
Isles, now have their own classification, additional residential classification allows for  
smaller acreage, proposing to rezone much of Harsens Island.

### **REVIEW DRAFT OF ORDINANCE**

Supervisor McKoan: Questioned properties on the Island.

Chairman Getman: I spoke with Mr. Pellerito concerning Mr. Horvath's property and I personally  
don't have a problem with it being zoned RS-1.

Sharrow: I'd like to see 90% of the Island RS-1.

Chairman Getman: we have also addressed Cluster Housing.

Anderson: The biggest change is going with the 50%.

Kasperowicz: We had some people concerned about that in their area.

Getman: Side yard setbacks have been addressed and now it is a total amount so it is more flexible.

Makuch: Tried to be user friendly and address problems.

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Getman: North end, across from Great Lakes Inn, somehow map changed that are to commercial, we have switched back to what it should be, R-1

One spot on Field road was industrial, that goes back to residential and one on M-29 that was zoned Industrial has been zoned comm.

DeBoyer: There is one on M-29 that has a house on two lots, one zoned industrial and one residential.

Sharrow: That has been made residential.

Getman: Dickinson Island, center open, discussed doing same as Harsens Island.

Anderson: If we leave it RS-1 it will be the same as St. John's marsh & the state park.

Kirkpatrick: About 3 years ago, Planning advertised changes on Farmland. It was about changing acre sizes for animals, most citizens were in favor of the requirement remaining at 2 acres; see it has been changed to 3 acres.

General discussion followed concerning the farm definition and acreage requirement for animals.

Kirkpatrick: It is unfortunate we didn't have a little synopsis of the major changes to review.

Getman: There will be public hearing and final approval comes from the Township Board, if you find something you don't agree with you can send it back to the Planning Commission.

McKoan: What has been changed, if anything, with parking spaces?

Getman: I don't think much if anything has changed. We have a lot of pre-existing situations that are grand fathered. If it stays vacant for a period of time then it has to be reviewed and may need to go to the ZBA.

Sharrow: Added a section that an existing business that is replaced by a similar business they have an automatic use, they do not have to go to the Planning Commission.

Kasperowicz: Reading through I found it almost self-explanatory.

Sharrow: We did include a definition of a Hobby farm.

Anderson: We don't have agricultural zoning, so the farms are in residential area.

Kirkpatrick: We have people who are moving out who want to have one or two animals and now this has been changed.

Makuch: I think we tried to be close to state guidelines as we could.

Kras: Addressed requirements of a farm.

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Getman: Addressed why we increased number of acres.

Makuch: Do you think it would be better to leave it at 2 acres?

Kirkpatrick: Yes

Missavage: The question on how many acres has come up about once a week. They like the idea of the 2 acres.

Sharrow: How does the board feel about the 5-acre requirement for a pond?

General consensus was that 5 acres should stay.

Missavage: Suggests something in the ordinance steers applicants to public property for Cellular towers. There could be a lot of money come to the Public entity.

Discussion followed.

Antkowiak: With the 2 or 3 acre issue, the distance requirement from lot lines should be addressed.

Michel: Questioned the deck covering, what is a roof? Does a balcony constitute a roof?

Discussion followed.

Getman: If it doesn't intrude into the set back, it is acceptable.

DeBoyer: A balcony meets the code but a balcony does not meet the code for a roof.

Kras: The Building code defines how a roof must be constructed.

McKoan: We can define a balcony opposed to a roof for someone not familiar with the building code.

Sharrow: There are some new definitions now such as un-obscured view. Also what type of trees are allowed.

Antkowiak: There's nothing about the length of time for completion after approval.

Getman: It should be in there, it was an oversight.

Sharrow: Some corrections to be made, page 80, first chart, should read sewer and/or water, page 88, #5, setback shall be 40 feet, also page 89# 5. Page 98, 2<sup>nd</sup> par 3<sup>rd</sup> sentence should read, "applications shall be received in township". Page 105, 1<sup>st</sup> sentence does not agree with #11. Page 120 at 20.21 second sentence, "are" should be "area". Page 182, Clay Township Planning Commission was created under Municipal planning act and Township zoning act.

O'Connor: Questioned term.

Getman: It is now 3-year terms for all members.

Sharrow: Height was reviewed, we have raised height limits to 30 feet, and if they want more they aren't required to add front & rear, only side yard.

Kras: We should eliminate the word "side". If someone wanted a variance for an accessory building this could create problems. Leave out the word "side" and we can keep it the same way.

Kirkpatrick: What about Russell Island?

Sharrow: That is all R-1.

Ron Nelson: Is Bench Mark the correct term?

Getman: We can check with the Corp of Engineers to be sure.

Public hearing April 17, 7:30 at Algonac High School.

We need to get these changes made quickly, there needs to be books available to the public before the Public Hearing.

Getman: We will have one available at the Township office and at the Post Office on Harsens Island.

### **PUBLIC COMMENTS**

Al Kodet commented on Peddler's license and the requirements to be classified as a farm and the need to address manure control.

Richard Baker: Very interesting and when this is all done would be good to send a copy to the High school government class.

Michael Kras: Should consider again the number of acres required to have a horse.

### **ADJOURNMENT**

Moved by Turner, Supported by Engel to adjourn the meeting at 9:30 p.m. AYES: All NAYS: None ABSENT: Pellerito (excused).

Michael P. Pellerito  
Clay Township Clerk