

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD  
AUGUST 14, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE.  
TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll Call: Present: Chairperson Mark Getman; Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Edward Keller II, Tony Antkowiak.  
Also present was Linda Anderson, Wade-Trim Planning Consultant.

3. Communications: None.

4. Approval of the July 31, 2002 Planning Commission Minutes:

Moved by Cooper, supported by Michel, **MOTION CARRIED**, to approve the July 31, 2002 Planning Commission Minutes with a comment made by Edward Keller II in the discussion section of the Special Approval Land Use for the Wendy's Restaurant as follows: "Additional drive in the southeast corner".

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

5. **THORNHOLLOW MOBILE HOME PARK INC.**

Chairperson Getman: Six-month extension approved 11-2002; back in July for another extension, per Twp. atty. opinion applicant must return to Planning Commission for a new site plan approval. Kras reviewed site plan, no changes to original site plan.

Pat Sharrow: Questioned location of Dana Drain on this property.

John Monte, Engineer: Dana Drain is not on Roy Raglund's property.

John Makuch: East and West side adding some landscaping?

John Monte: East side, no trees required, north side heavy with trees, 30' buffer strip stays.

Chair Getman: 10'-15' a new plan, site plan not shown on this because it is the old plan.

Louise Cooper: Questioned dumpster location.

John Monte: Proposing a dumpster area with four (4).

Pat Sharrow: State Mobile Home Commission approve the plan yet?

Roy Raglund: Easement filed, everything is satisfactory.

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MOVED BY SHARROW, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO APPROVE THE SITE PLAN WITH THE SAME CONDITIONS FOR THORNHOLLOW MOBILE HOME PARK, INC. AS WAS APPROVED AT THE NOVEMBER 21, 2000 PLANNING COMMISSION MEETING:

- PLANTING OF EVERGREENS AT 12' INTERVALS AND BRUSH 5' HIGH NORTH OF THE POND AND TREES PLANTED AT 5' INTERVALS SOUTH OF THE POND ON THE WEST SIDE.
- PLANNING COMMISSION WILL NOT REQUIRE ANY PLANTING ON THE NORTH BOUNDARY BECAUSE OF HEAVY BRUSH AND EXISTING TREES ALREADY THERE.
- WOULD BE CONDITIONED ON RECEIVING THE ZBA VARIANCE FOR A SIDEWALK.
- COPY OF THE STATE MOBILE HOME PARK COMMISSION'S APPROVAL REPORT WILL BE FILED WITH THE BUILDING INSPECTOR IN WRITING PRIOR TO ANY BUILDING PERMIT BEING ISSUED.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: NONE.

**CLAY TOWNSHIP OFFICE**

Chairperson Getman: Township has submitted a site plan to the Planning Commission for their review; any objections or suggestions. New Board Room like a table long enough to accommodate all Planning Commission members at the table. Small technicality, plan does not indicate residential to commercial property.

Appreciate the Township Clerk sharing it with us.

6. **LOT SPLITS #02-07 – 9568 ISLAND VIEW, WILLIAM REES**

Chuck Michel: Are you going to build on one of those lots?

Applicant: There is a house there, will stay on the lot.

Pat Sharrow: House on Parcel "A" is 5' from the property line.

MOVED BY MICHEL, SUPPORTED BY COOPER, **MOTION CARRIED**, TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD FOR LOT SPLIT #02-07, WILLIAM REES II, 9568 ISLAND VIEW. AYES: ALL. NAYS: NONE. ABSENT: NONE.

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**LOT SPLIT #02-08 – GERALD GORDON, 8351 COLONY DRIVE:**

Applicant Gerald Gordon present.

Chairperson Getman explained giving 11' to his neighbor off the front line, more of a property line adjustment than a lot split.

MOTION BY DEBOYER, SUPPORTED BY MICHEL, **MOTION CARRIED**, TO RECOMMEND APPROVAL OF THE LOT SPLIT #02-08 TO THE TOWNSHIP BOARD FOR GERALD GORDON, 8351 COLONY DRIVE. AYES: ALL. NAYS: NONE. ABSENT: NONE.

**LOT SPLIT #02-09 – COLONY PARK ASSOCIATION:**

Pat Sharrow: Lot Split would enable the Colony Association to sell the Colony Tower to the Township for a undisclosed amount, they would like to retain ownership of the water front, Lot 144 is lot the tower is on, split the 35' and attach it to Lot 145 where the gatehouse sits, they would retain the gatehouse, lot and the back 35' of the waterfront; a ZBA variance would be required because the lots don't meet the 7,800 sq. ft. requirement.

MOTION BY SHARROW, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO RECOMMEND APPROVAL OF LOT SPLIT # 02-09 FOR 6501 DYKE ROAD TO THE TOWNSHIP BOARD PENDING THE VARIANCE FROM THE ZBA. AYES: ALL. NAYS: NONE. ABSENT: NONE.

7. **CHAIRMAN'S REPORT:**

The Township Board denied approval of the Zoning Ordinance, objections were voiced regarding a few items in the new Zoning Ordinance, issues were sheds allowed on water front property, accessory building on vacant acreage, ZBA requires a bond, a financial hardship, rezoning on Harsens Island, parking spaces, different zoning districts, etc.; concerns will be addressed in a written letter to the Planning Commission for our review; a formal written letter will be given to the Board; according to state statute have 30 days to respond in writing.

Dorothy DeBoyer: County Planning Commission had past their time limit in responding to Township Board, was not even necessary to respond to their comments.

Chairperson Getman: Next meeting will be discussing letter from Township Clerk re: concerns Board members have of the Zoning Ordinance.

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8. **PLANNING CONSULTANT’S REPORT:**

Linda Anderson, Wade-Trim: Specific case have been following for a long time; Planning State Court of Appeals might have some affects for zoning; it was a rezoning of property from agricultural to residential, turned down by the Township Board, attorney for the applicant, went to the State Court of Appeals, they agreed and issued a “use variance”. This case could open the door to allow the Court of Appeals to be much more influential in townships. Current thinking is to put language/specifics in the Ordinance stating the Board of Appeals may not issue “use variances.”

Pat Sharrow: Citizens still have the right if they disagree with a decision to proceed to a referendum of the people.

9. **PLANNING COMMISSION COMMENT**

Chuck Michel: Requested by the DDA to ask the Planning Commission to consider a requirement in the Zoning Ordinance that any new commercial on M-29 within the DDA District be required to put in sidewalks.

Mark Getman: Address that with an amendment, DDA could give us a special request and it would be addressed, something to consider, how DDA’s get things accomplished in other area.

Pat Sharrow: S.A.L.U. can require a sidewalk as a condition.

Chuck Michel: As of yet, DDA does not have a theme or specifics citing what they want a business within the district to require.

Chair Getman: No problem, an amendment would become the law.

Dorothy DeBoyer: When will we receive our copies of our proposed ordinance?

Linda Anderson: After receive a copy of the concerns from the Board Member will make a copy of the pertinent sections.

Will have 50 copies of the ordinance in a 3-ring binder after have the final adoption date. Clerk will have the official copy of the Ordinance on CD, a PCF format not be able to be altered.

Pat Sharrow: Advise Linda Anderson may be asked to review a residential building application for a North River Road property; resident plans on having a house, riding horses, pavilion and a barn, part of property is on wetlands, DNR had a hearing; property owner would like a public hearing before actually apply for a permit, Planning Commission cannot require a public hearing for a residential home.

9. **PUBLIC COMMENTS** None.

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10. **ADJOURNMENT**

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

Valerie J. Kulba  
Recording Secretary