

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD AUGUST 28, 2002 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.
Absent: Excused Anthony Antkowiak.
Also present are Linda Anderson, Wade-Trim Planner, Building Department Inspector Michael Kras and Planning/Zoning Enforcement Officer Timothy Wiggle.
3. Communications: None.

Pat Sharrow announced we have a guest attending, Mrs. Marjorie Thomas, running for County Commissioner in the 7th District and her husband Mr. Harold Thomas.
Chairman Getman: Thanked her for attending.

4. **APPROVAL OF MINUTES OF:** August 14, 2002

Moved by Cooper, supported by Michel, **MOTION CARRIED**, to approve the August 14, 2002 Planning Commission Minutes as submitted. AYES: All. NAYS: None. ABSENT: Tony Antkowiak.

5. **REVIEW OF BOARD CONCERNS:** **NEW ORDINANCE**

Chairman Getman: Majority of the comments are from Mrs. Kirkpatrick and one from Ms. Engel.

Review Trustee Engel's comment first: she is addressing the County Planning Department's Report re: water quality on Harsens Island would have less pollution if lot sizes were kept to a minimum of 1 acre in size and 150' of frontage; concern is some rezoning on the Island changed to RS.

Pat Sharrow had talked with Ms. Engel, when zoning was changed on the Island, was water quality considered? She was under the impression the zoning had changed on the perimeter of the Island? Explained it had not changed, County want us to change it on the perimeter to the RS, there is very little land there to be divided. If this were to occur, many of the exiting lots would become non-conforming and would create a hassle for the property owners. As long as State of Michigan allows septic tanks as a legal of sewer disposal and will give them to small lots, we should not have to change our zoning. She is satisfied after talking to her.

Chairman Getman: Officially our response to the Board will be rezoning on the Island does not effect the perimeter of the waterfront property and those parcels the County has referred to, the zoning has not been changed, some of the inland parcels have been rezoned to make it required for larger parcels.

Dorothy DeBoyer: St. Clair County Health Department tests property before a septic field can go in.

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Pat Sharrow: Circuit Court Order in the early 1970's was no more building on Hars.Is., agreement with County, they approve the septic.

Sandra O'Conner: Very little water front property left on the Island.

John Makuch: Voiced his opinion regarding St. Clair County Planning Commission not familiar with this part of the County and any recommendations they give are based upon no knowledge or research, if candidate for County Commissioner Marjorie Thomas is elected, would request she familiarize the Commission with this area.

Pat Sharrow: County recommending one acre lots be rezoned to 100' x 120' no protection of woodlands, open space and not what the people of this community want.

Trustee Cindy Kirkpatrick's concerns:

1st Letter: regarding mistake on the map: requesting her property be changed back to what it was RS, not R1, will note this change to the Township Board.

Chairman Getman addressed Ms. Kirkpatrick as to the thirty (30) day time limit to review and return to Township Board; Supervisor McKoan developed a procedure asking the Board members to put in writing their concerns; asked if Ms. Kirkpatrick would be happy with having her questions answered, discussed and a report made back to the Board.

Cindy Kirkpatrick: Reviewed the majority of the ordinance book, set backs due to septic fields on Harsens Island, like that concern answered.

Chuck Michel: ZBA matter, not an ordinance issue, has certain lot sizes, would be a legitimate hardship because of lot size and can't build over the septic field.

Pat Sharrow: Hope there could be a statement on the ZBA Appl. someday asking "what is different or unique about your piece of property that makes you feel you deserve a variance?" Harsens Island property is definitely a hardship, too readily available to send them to the ZBA and get a variance.

Sandra O'Conner: Agree not to put anything in print, some unique pieces of property on the Island, might apply for some and not apply to others.

John Makuch: Your concerns are real legitimate, explained the Planning Commission's approach to the Zoning Ordinance was to reduce the number of extremely repetitive amounts of cases that go before the ZBA, people will still have to go there for problems.

Pat Sharrow: Report to Board should indicate "Although the Planning Commission fully recognizes the rights of an individual, extremely important to own property, sell it, lease it, inherit; the health, safety and welfare of the community, sometimes causes restrictions on individual's rights...", people have a right to develop their land to a reasonable extent.

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Brief history of zoning in Clay Township that started in the early 1970's and how it went forward and the events that happened; Master Plan work began 1988-89.

Chairman Getman: Amend the current master plan to include the 2000 census data.

Linda Anderson: State has said will have to consider the Master Plan every 5 years.

Cindy Kirkpatrick: Would it be to the Township's benefit to address the County Planning's recommendations in a letter?

Chairman Getman: Letter not necessary, contemplating inviting Gordon Ruttan or Peter Mallory to one of the meetings and discuss some of these things; this will take care of Ms. Kirkpatrick's Item #10.

Item 9. Question regarding the ordinance should wait and be adopted after the new master plan is done; per comment from Chairman Getman, not redoing the Master Plan, amending it to include the 2000 census.

Review of 1 through 8:

1. Accessory buildings should be allowed without a bond for at least a year before building the home, discussion followed.

The Zoning Ordinance cannot forbid the ZBA from requiring a bond, it is the statutory right of the ZBA.

2. Section 3.08 Farm Markets: states the building used to be 500 sq. feet, what about the smaller shed or building does this mean they are in violation, selling stand to be placed 25 feet off of the roadway.

Discussion: Maximum size of the building is 500 sq. ft. for a farm market, could have something smaller; Ordinance addressing when a farm market is placed within 60' from the nearest intersection, Ms. Kirkpatrick questioned there are some older places.

Chairman Getman: Zoning Ordinance is to protect citizens when driving down the street, definitely a safety issue and that is why it is in there, stays in conjunction with the Road Commission's current standards for intersections; consensus of the Board the farm market regulations are put in the Ordinance to protect our citizens.

3. Section 3.09 Fences: There was a regulation in the ordinance where if you were RS and over so many acres, you were automatically exempt from the fence ordinance, this was removed, taken advantage of and concerned about barb wire fences, everybody could pull a fence permit.

Cindy Kirkpatrick: Exempted people from the 25' setback.

Zoning Ordinance states can place the fence on your property, not in the County right of way, Road Commission can ask the fence to be placed further back if in the sight roadway or if there is a problem; State regulates barb wire.

A \$15.00 fence permit is not going to hurt anyone.

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4. Section 3.18, boat storage: Chairman Getman: this has not changed from the Current ordinance, amendment to the current ordinance, survey done by the water association communities indicated do not want storage of boats in the front yard; side yard storage of boats (over 16') has been a problem for the fire departments, need to get equipment between the houses, nothing should be there sheds, campers, etc.

5. Section 3.19, Pools: 10' from the nearest building should be less; Board feels the 10' regulation is sufficient.

6. Section 5.02, Hobby Farms, why listed in RS-2? What is the difference between RS-2 and RS-1 requiring a Special Approval Land Use?

Chairman Getman: Size of the land, RS-2 is a stepping stone between the large properties the more rural, higher density form of residential, intermediate section.

RS-1 has more land, more rural, more conducive to agricultural.

Sited an instance where $\frac{3}{4}$ acre lot is not large enough to support a horse, but the children may have Special project for a 4-H Club, maybe it should be reviewed as a special approval land use; most of your large acres are going to be RS-1; hobby farm could be a in a RS-1 or RS-3 with no problem and get their special approval land use.

7. Green Houses: Don't understand the difference between green house and accessory buildings.

Chairman Getman: Confusion as to Greenhouse for commercial and personal enjoyment, under the impression anyone applying for a greenhouse permit must also apply for a special approval land use.

Linda Anderson: Definition is part of the problem, strike the words "or for personal enjoyment" and note definition does not include greenhouses for personal enjoyment.

8. County requirements for road widths: Private road ordinance is not part of the St. Clair County Road Regulations; road 66' road right of way if you have the utilities in the public easement, 60' if you can provide the utility easements outside of the road right of way, 100' on a road created by a lot provision, not a subdivision, only thing changed is all roads in a subdivision will have curbs and gutters.

One other mentioned at the Board meeting is the ordinance prohibits sheds on waterfront property, it does not; can put it in the side yard without being in the setbacks; not forbidden in waterfront property.

Mike Kras: Allowed one (1) shed per dwelling, if not allowed putting it in the set backs, how do we answer these people?

Pat Sharrow: Qualify if you can meet the setbacks, which would solve it.

Cindy Kirkpatrick: Why doesn't the Planning Commission have an ordinance pertaining to bridges?

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Chairman Getman: We cannot regulate over the water part, can regulate to some extent what touches the land.

Pat Sharrow: Bridge is the same as building a street or laying a waterline, can't control anything over the water, might be able to look at the approaches on the land such as landscaping, lighting issues, etc.

Linda Anderson: Not sure how much site plan approval the Planning Commission would have to the approaches because they become road right of ways to the bridge, cannot landscape on a road right of way on the highway, same situation.

Building Inspector Michael Kras: Update to the Board pertaining to the Sunoco Gas Station and the 3rd turning lane as required under the S.A.L.U., owners want their \$15,000 back from the Township, explained the scenario as to MDOT's position.

Chairman Getman: Owner should write to the Planning Commission stating does not intend to take advantage of the S.A.L.U. and is abandoning the idea to open a drive-thru window up at the Taco Bell. If S.A.L.U. expires, they automatically would get the \$15,000 bond back.

Chairman Getman: We have completed the review of Ms. Kirkpatrick's concerns, Linda Anderson will write a report to the Township Board.

Pat Sharrow: Township Board has a meeting September 3, 2002, hopefully we can have an ordinance; questioned Linda as to a section re: building permits expiring.

Linda Anderson: It was in the new ordinance.
Set a date to work on the future land use chapter before the next meeting.

8. **PLANNING COMMISSION COMMENT:** None.

9. **PUBLIC COMMENTS:**

Building Inspector Michael Kras' building permits expiring, explained the process the department follows; State code take statute over an ordinance, could be a problem there.

Linda Anderson: Under the state statute for zoning, we have the authority to _____, we can be more restrictive but not less restrictive.

Pat Sharrow: On Pearl Beach Boulevard there is a home being built for the last 8 years, tar paper still on it, it is a mess, building permit never stops, can take another 10 years.

Mike Kras: If Township had adopted a property maintenance ordinance, we could take care of things like that, Section 107 of our Building Code refers to property maintenance, don't have that in place.

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10. **ADJOURNMENT:**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 9:10 p.m. AYES: All. NAYS: None. ABSENT: Antkowiak.

Valerie J. Kulba
Recording Secretary