

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING
HELD ON OCTOBER 9, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD
ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll Call: Present: Mark Getman, Chairperson, John Makuch, Secretary, Pat Sharrow, Sandra O'Conner, Louise Cooper, Edward Keller II. Absent: Chuck Michel (excused), Anthony Antkowiak (excused), Dorothy DeBoyer (arrived at 7:35 p.m.)

3. **Communications:**

Pamphlet from St. Clair County Metropolitan Planning Commission announcing a water quality class and the Annual Fall Workshop, notify the Clerk's Office if you wish to attend.

4. **Approval of September 25, 2002 Minutes:**

Moved by Cooper, supported by Makuch, **MOTION CARRIED**, to approve the September 25, 2002 Planning Commission Minutes with one correction, Tony Antkowiak was not listed in the Roll Call of those present at the meeting. AYES: All. NAYS: None. ABSENT: DeBoyer, Michel, Antkowiak.

5. **OLD BUSINESS:**

LOT SPLIT 02-10 – WILLIAM FARR, HARCUS COURT

Applicant was not present.

Pat Sharrow: Property has many deficiencies of the Zoning Ordinance; personal opinion nonconforming lot that nothing should be done to; applicant has their right to apply; could not recommend to the Twp. Brd. approval, deficient in so many ways i.e. would be creating one lot not equal the sq. ft. required in the ord., creating two lots where rear and front yds. Would not be close to what is required in the Ord., creating one parcel with a duplex on it; if nothing is done, hopefully in time the two cottages would be torn down and a house would be built that would meet ordinance standards.

Dorothy DeBoyer arrived at 7:35 p.m.

John Makuch: Agree with Pat, three parcels not meeting width, setbacks, etc.

Pat Sharrow: Legally cannot recommend a split.

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Motion by Makuch, supported by Sharrow, to deny Lot Split 02-10 for William Farr, Harks Ct. based upon the fact the Planning Commission would be creating too many nonconformancies to the Zoning Ordinance: creating one lot not equal the square feet required in the ordinance, creating one parcel with a duplex on it, creating two lots where rear and front yards would not meet the requirement in the Ordinance.

Discussion of motion: Can't see ZBA granting all these nonconformancies, like it to return to Planning Commission for a review, not sure all the variances would be picked up.

Amended motion: If ZBA grants all the variance to Lot Split #02-10, the applicant would be required to come back to the Planning Commission for review.

VOTE ON THE AMENDED MOTION: AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

MOTION CARRIED.

LOT SPLIT 02-11 RICHARD SZEFER – 4926 TAFT ROAD:

Applicant John Szefer was present.

John Makuch: Questioned applicant as to depth to width ratio Lot B, need to go to ZBA for that; accessory building on Lot B, is that staying?

Applicant Szefer: The building is going to be torn down.

John Makuch: Don't see a problem here, can get a variance to keep the accessory building, still would have to go for the 5-1 ratio on Lot B.

Applicant: Don't understand, 120' left over.

Chairman Getman: a new lot would now exist, would be the width to depth, already an existing plat, would have to take it to ZBA for the depth to width.

Pat Sharrow: State Division Act has a 4-1 ratio, if don't go to ZBA, the State Law would comply, just cannot create a lot if four times deeper than its width, relief of 5-1 ratio.

Motion by Sharrow, supported by DeBoyer, **MOTION CARRIED**, to recommend to the Township Board Lot Split 02-11 for Richard Szefer, 4926 Taft Road pending Zoning Board Of Appeals granting the variance of the width to depth and the removal of the accessory building. AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

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LOT SPLIT 02-12 TIMOTHY FIORANI - 6838 SWARTOUT ROAD:

Applicant and Representative were present.

Pat Sharrow: Assessor's original letter had stated lots meet all minimum except road easement was not separated from the lots and we do not use road easements to calculate the size of lots, she was concerned whether the one lot would meet one acre, with the information today and the new legal description shows that Parcel B minus road easement is at 1.119 acres, looks like both parcels conform in all ways to the Zoning Ordinance.

Moved by Makuch, supported by Cooper, **MOTION CARRIED**, to recommend to the Township Board approval of Lot Split 02-12 for Timothy Fiorani, 6838 Swartout Road. AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

6. **SITE PLAN CONSIDERATION:** RE-SUBMIT (EXTENSION FROM FEBRUARY 13, 2002 EXPIRED).

CLAY COMMONS CONDOMINIUMS 9618 NOOK ROAD

Applicant Mario Palazzol was present.

Chairperson Getman: Deadline has past for an extension.

Applicant: Death of one of the owners, started work on the lot, a requirement of the Drain Commissioner filled the lot in January.

Chairman Getman: An extension would have to be done prior to the expiration date of August 13, 2002 and no one applied for an extension; beyond our control legally we cannot grant an extension;

Motion by Sharrow, supported by Dorothy DeBoyer, to approve the preliminary site plan status for Clay Commons Condominiums, 9618 Nook Road as was previously approved.

Pat Sharrow: Mandate from the DEQ, Township cannot issue any more water tap-in permits, problem that should be resolved.

Chairman Getman: There is a motion on the floor, can discuss the water issue after.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

MOTION CARRIED.

7. **CHAIRMAN'S REPORT:** None.

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8. **PLANNING CONSULTANT'S REPORT:** Per Chairman Getman, not necessary Planning Consultant Linda Anderson be at this meeting, did not require her review or opinion, credit to the Township's annual fee.

9. **PLANNING COMMISSION COMMENT:**

Chairman Getman: Received a memo from the Building & Zoning Department re: notification to residents within the 500' area of an issue, Zoning and Planning numbers in Ord. 89 got reversed – should be 500' for Planning issues and 300' for Zoning.

Pat Sharrow: State law requires 300' for both, Planning Commission decided years ago that we would go 500', understand ZBA has been using 300'.

Chairman Getman: Later when take care of all the amendments to the ordinance, we can clear this one up, as of October 11th, ZBA notices will have to follow the 500' boundary.

Zoning Enforcement Officer Tim Wiggle: Additional mailing for the 200' and cost.

Chairman Getman: Always wanted the ZBA to be 500', believe will leave them both at the 500'.

Tim Wiggle: Under definition of building permits it states Planning Commission has the power to extend building permits, that is not true, by State mandate Building Official is the only one that has that right.

Pat Sharrow: Use to be the 1st time the building inspector did, after it had to go to Twp. Board, changed it to Planning Commission to get it away from the elected officials, think our Ordinance is legal.

Chairman Getman: Attorney did review it.

Tim Wiggle: Checked with the State and only official that could give an extension would be the building official.

Chairman Getman: Building Inspector would ask Planning Commission to extend.

John Makuch: Wonder why Planning Commission is even involved, but if have a circumstance where a bldg. permit is approved many times.

Tim Wiggle: By State Law can only approve an extension twice, 180 days each, if in a 6-month period they show any progress, by State Law the permit is not closed.

Chairman Getman: Clause is in Zoning Ordinance deliberately, was not a mistake, will check with the Attorney for him to review if you would feel more comfortable.

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Tim Wiggle: Existing ordinance there were some specific requirements as far as storage for the R1C District which is now the R2 District re: the storing of a motor home, cannot find that restriction in the new ordinance.

Chairman Getman: Will check into that for you.

Pat Sharrow: How is it working out with Attorney Dan Dalton on zoning issues?

Tim Wiggle: Very good, cases he is pursuing, taking an aggressive attitude, a lot of issues in the Twp. that needs to be corrected, he is working very well with Mike and I.

John Makuch: Planning Commission approve ordinances, set stipulations, etc. but if there is no enforcement arm what good is it, glad to see something is being done.

Pat Sharrow explained Dan Dalton's position with the Township.

Tim Wiggle: Some new computer equipment has given us better ways to communicate with Dan via email, case file, pictures, etc.

Dorothy DeBoyer: Assessor Barbara questioned the new map in the Ord. book, the area by San Souci is showing Lot 23-29 as all commercial, should be Lot 25-29 as commercial, asked it be reviewed, citizen has pointed this discrepancy out.

Pat Sharrow: Have corrected a number of things in the map, could be an error, will check it out.

Dorothy DeBoyer: Member of the Rotary, the new Farmer Jack has started to put pictures of the community near the check-out, want pictures of things happening in the community now or in recent years, think it would be a good idea to have some pictures of the areas in Clay Township and of Harsens Island.

10. **PUBLIC COMMENT:** None.

11. **ADJOURNMENT:**

Moved by Makuch, supported by DeBoyer, **MOTION CARRIED**, to adjourn at 8:20 p.m. AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

Valerie J. Kulba
Recording Secretary

