

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY,
MARCH 21, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE TREMBLE
ROAD, CLAY TOWNSHIP, MI 48001**

Planning Commission Representative called meeting to order at 7:30 p.m.

1. ROLL CALL

Present: Cindy Kirkpatrick, Marianne Diss, Chuck Michel.
Excused: Ron Nelson, Joanne Shirkey.

Michel: Chairman absent.

**Moved by Kirkpatrick, Supported by Diss to appoint Michel substitute Chair for this meeting.
AYES: All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey.**

2. APPROVAL/AMENDMENTS TO AGENDA

Michel: Add 5a, Letter from the Planning & Zoning Administrator.

**Moved by Kirkpatrick, supported by Diss to approve the agenda as amended.
AYES: All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey.**

3. 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, *three 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.

4 APPROVAL OF MINUTES OF FEBRUARY 21 AND FEBRUARY 28, 2002

**Moved by Kirkpatrick, supported by Diss to approve as presented. AYES:
All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey**

5. APPEALS

2002-008 ROBERT LANGDON 6387 DYKE RD.

Appellate requesting to add a 12' X 35' deck to the rear of the house and a 13'4" X 6' shed in the back yard.
**Request for variance of the 30% maximum lot coverage. Also a variance of the average setback and
waterside. Ordinance #89, section 800, Par. C, and section 303, Par. C.**

Michel: Set backs are okay, just lot coverage.

Public Participation:

In favor: Richard Langdon 7340 Flamingo

Opposed: None

Close Public Participation.

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**Motion by Diss to approve providing the shed does not extend beyond the South side of the deck.
Motion died due to lack of support.**

**Motion by Kirkpatrick to allow provided the shed is within variances of 10 and 3 feet.
Motion died due to lack of support.**

Motion by Diss, supported by Kirkpatrick to allow with shed attached to house or deck on Easterly side and not to extend beyond the edge of the deck.

AYES: All NAYS: None. MOTION CARRIED. Excused: Nelson, Shirkey.

2002-009 Timothy P. and Barbara M. Fontana 7888 Anchor Bay Drive

Appellate requesting 2% additional lot coverage over the 30% allowed to build a 24' X 44' four-car garage.

Request for variance of the 30% maximum lot coverage. Also a variance of the average setback and waterside. Ordinance #89, Par C, and section 303.

Michel: Are those two lots separate? Appellate: No, they are deeded together.

Public Participation:

In favor: None

Opposed: Frank and Lorraine Sarate, 7887 Anchor Bay Drive.

Close Public Participation.

Michel: I will read objection into the record:

The backyard area is only 45' deep by 69' wide proposed garage is 44' X 24' or 1,056 sq feet. This is 35% of the lot and leaves only 3' front set back and only 3 feet from the back of the lot. Sides will only have 3' and 10' to 15' on other side. Code requires set back of 5' & 10' from the sideline. Height of the garage is 19.5 feet and would block view of the canal and violates section E of the code, which limits height to 14 feet. This is a residential neighborhood. His adding an additional 4.5 car garage alone with the current 1 car garage will make the area appear to look like commercial storage. The proposal does not match with the existing neighborhood. Will cause blind spots to traffic on Anchor Bay Drive. Traffic on Anchor Bay drive will not see cars pulling out of driveway, or out of bridge until vehicles sticking out into traffic. Further, those on the bridge will have decreased vision of on coming traffic on bay road. The county limits one driveway. 12' minimum and 20' maximum. He is proposing a 44' wide drive in violation of that code. It will also turn the residential area into what looks like a giant parking lot. Anchor Bay drive cuts through lot and therefore, the lots appear smaller than the numbers on the plat suggest. It lowers neighboring property values. No one wants to live next to a storage facility.

Michel: I'm not aware of that County Ordinance.

Kirkpatrick: Isn't that what Karen Missavage is addressing in her memo?

Diss: This really means nothing, it's a maybe, could or would

Diss: Mr. Fontana, you have a garage now? Appellate: Yes, a one car.

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Diss: I cannot recall one instance where we allowed a variance for a four-car garage. These lots could be split at anytime.

Michel: The appellate is creating the hardship, not the lot.

Kirkpatrick: Technically, isn't this lot a hardship? It's a weird shaped lot.

Michel: No

Diss: Is a four-car garage necessary and feasible?

Diss: I do not see any hardship here, we have an abundant amount of land to put up an adequate size garage and I don't see where we grant 2% over on a lot this size.

**Motion by Diss to deny the request.
Motion dies due to lack of support.**

Kirkpatrick: I don't have a problem with this variance, but you could request he cut down the size. I would rather see inside storage that outside. Our zoning Ordinance states that an irregular shaped lot is a hardship.

Michel: I would like to see size of garage brought down.

Kirkpatrick: Here are your options, cut it down or come back.

**Motion by Diss to deny request to exceed 30%.
Motion dies due to lack of support.**

Motion by Kirkpatrick, supported by Diss to postpone until next meeting, April 18th, after speaking to Mike Kras.

AYES: All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey

2002-010 Christopher P. and Karla Orlando 7357 Flamingo
Appellate requesting 1' variance of the side yard setback.

Michel: You are non-conforming now, your addition is going to be a second floor? Same footprint?

Appellate: Yes

Request for variance of 1 foot of the sideyard setback. Ordinance #89, Par F, section 813.

Public Participation: In favor:
None Opposed: None Close
Public Participation

**Motion by Diss, supported by Kirkpatrick to grant as requested because they are not altering the footprint.
AYES: All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey**

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5a. PLANNING AND ZONING ADMINISTRATOR LETTER.

We have received a letter from the Planning and Zoning Administrator and it is my opinion at we cannot act on this because it is requesting a variance rather than an interpretation. I would suggest it (*rewriting of the request*) go back to Planning for an interpretation. Tying it to a specific project makes it a variance request. Without any objection we will send it back to the Planning department.

Member Comment:

None

Public Comment:

None

8. Adjournment

Moved by Diss, supported by Kirkpatrick, to adjourn at 8:30 p.m.

AYES: All NAYS: None MOTION CARRIED. Excused: Nelson, Shirkey

Respectfully submitted,

Dorothy DeBoyer