

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, MAY 16, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001

Chairman Nelson called meeting to order at 7:30 p.m.

1. Roll call

Present: Joanne Shirkey, Ron Nelson, Cindy Kirkpatrick, Marianne Diss, Chuck Michel.
Also present: Michael Kras, Clay Township Building and Zoning Administrator

2. APPROVAL/AMENDMENTS TO AGENDA

**Moved by Kirkpatrick, supported by Michel, to approve the agenda as presented.
AYES: All. NAYES: None. MOTION CARRIED.**

3. APPROVAL OF MINUTES OF APRIL 18, 2002

**Moved by Kirkpatrick, supported by Shirkey, to approve the minutes as presented.
AYES: All. NAYES: None. MOTION CARRIED.**

APPROVAL OF MINUTES OF SPECIAL MEETING APRIL 25, 2002

**Moved by Kirkpatrick, supported by Shirkey, to approve the minutes as presented.
AYES: All. NAYES: None. MOTION CARRIED.**

4. 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, all of 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 appellant 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.

5. APPEALS

2002-0017 James Terrebrood 217 Beauregard, Harsens Island
 Representative from Tony V's

Representative requesting to construct a 12x16 ft. sunroom. Location of the existing home on lot is hardship. They are not changing the foundation connected to home. Structure being built is glass and non-obtrusive.

Request for variance from Ordinance #89, to construct a 12x16 ft. sunroom. The application was denied because Ordinance #89, section 303 (A) states requires a 25 ft. front yard setback therefore, applicant would need a 12 ft. variance of northeast front yard setback.

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Kras: Appellate is 13 ft. off roadway and is 12 ft. to house. Needs 14'8".

Kirkpatrick: Is this survey newer: Appellate: Yes.

Diss: When was foundation started? Appellate: 1997 for pre-manufactured home. The septic field is behind the house.

Public Participation:

In favor: No comment.

Opposed: No comment.

Comment: John Kracht, 205 Beauregard; questioned the setbacks.

Close Public Participation.

Diss: Regarding a family room, the patio is not part of foot print. ZBA did not create problem, Lot size is 150x92 ft.

Kirkpatrick: Regarding location of the septic field, the size of lot is no hardship. ZBA should readvertise for 14'8".

Michel: Where would another survey change feet from the road? The hardship is created by the appellate.

Representative: Location of septic tank is the hardship.

Kras: It is a bigger septic field, needs to be 25 ft. away.

Michel: The ordinance did not create a hardship.

Motion by Michel, supported by Diss to deny request.

AYES: Nelson, Diss, Michel. NAYES: Shirkey, Kirkpatrick. MOTION CARRIED.

2002-0018 Barry Decker 7497 Zobl Ct.
 Tom Chauvin, representative

Representative requesting to construct a 24'4"x31' addition. House is approximately 700 sq. ft. Addition would be to existing garage. Lot size 30x200 ft.

Request for variance from Ordinance #89, to expand non-conforming structure that will exceed the 30% lot coverage with construction of a 24'4"x 31 ft. addition and requires 2'6" north side yard, 6'6" south side yard and 7'8" east front yard variances. The application was denied because Ordinance #89, section 303 (A) and section 813 (F-2) requires 5 ft. north side yard, 10 ft. south side yard setback and 25 ft. east front yard setback.

Nelson: Coverage of lot is close to 30%.

Photos were shown.

Representative: Appellate is keeping same footage for existing house and garage.

Nelson: Will the shed be torn down? Appellate: Yes.

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Public Participation:

In favor: Tim Wiggle, 7487 Zobl; Tom Kershaw, 7511 Zobl.

Opposed: No comment.

Close Public Participation.

Diss: No problem.

Shirkey: The house, addition, and garage would total approximately 1900 sq. ft.

Kras: It is 163 ft. to water edge, don't count portion that is in the water.

Nelson: What is the percentage? Kras: Approximately 36%.

Nelson: No problem.

**Motion by Diss, supported by Michel, to grant request as presented due to width of lot and location of house.
AYES: All. NAYES: None. MOTION CARRIED.**

2002-0019 Greg Gagnon 7630 S. Channel Dr.

Appellate is requesting to extend porch to non-conforming residence to make more year around. Appellate is eliminating shed and replacing with attached garage.

**Request a variance Ordinance #89 to expand non-conforming structure by constructing a 22x11 ft. addition.
Original application was denied because a 22 ft. variance on north rear waterside yard setback is needed.
Ordinance #89, section 303 (A) and section 8134 (F-2) states 40 ft. waterside setback is required.**

Michel: Are you tearing down the old house? Appellate: No, using the existing foundation.

Kirkpatrick: Are you using same foot print? Appellate: Yes, with bay window.

Kirkpatrick: Do you own the next lot? Appellate: No?

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

**Motion by Diss, supported by Michel, to grant request as presented due to width of lot and location of house.
AYES: All. NAYES: None. MOTION CARRIED.**

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Kirkpatrick: The proposed height is 24”.

Kras: Both lots are deeded together.

Diss: Lot coverage of all structures on both lots including patio because height is higher than 9” totals approximately 32%.

Appellate: Need 24” height because he doesn’t want a hand rail.

Public Participation:

In favor: No comment.

Opposed: Judy Tucker, 8022 Anchor Bay; Art Roberts, 8014 Anchor Bay; Marcella Roberts, 8014 Anchor Bay. Art Roberts and Marcella Roberts did not receive mailing.

Close Public Participation.

Michel: On the last ZBA appeal (2001-0011) no encroachment was granted over the present foot print.

Diss: Do you have a copy of the original request? Nelson: No.

Michel to Kras: The patio is not on the original plan. There is no slab yet. Will be 28” total.

Kras: Square footage including 16x44 ft. patio will be approximately 32% lot coverage.

Michel: ZBA should follow the original drawing, not the plan presented which is not correct.

Kirkpatrick: Addition will encroach on the water set back.

Nelson: What is hardship? No answer.

Michel: What is hardship? No answer.

Diss: What is hardship? Lot coverage is concern.

Motion by Michel, supported by Diss, to deny request.

AYES: All. NAYES: None. MOTION CARRIED

Kirkpatrick: What 24” versus 9”. If 9” would not need hand rails.

2002-0022 Donald Guay 4837 Pte. Tremble

Appellate is requesting to use the same existing foundation. Previous request was approved to reuse existing foundation. He had to replace existing floor joist to meet code.

Request a variance Ordinance #89 to construct new single family home on existing foundation which is non-conforming use due to side yard setback and requires 9” variance. Original application was denied because Ordinance #89, section 303 (A) and section 813 (F-2) requires side yard setbacks.

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House was torn down to more than the foundation would allow.

Nelson: He tore all building on the foundation.

Kras: Needs 1 ft. variance to use present foundation.

Appellate: Hardship is squared off corners.

Nelson: One side variance is less than 1 ft.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Kirkpatrick, supported by Diss, to grant request as presented.

AYES: All. NAYES: None. MOTION CARRIED.

Michel: How big is foot print? 36x34 ft.

Appellate has filled in the corners.

6. Member Comments

Special meeting May 23, 2002.

June 4, 2002 seminar.

7. Public Comment

None.

8. Adjournment

Moved by Michel, supported by Kirkpatrick, to adjourn at 9:02 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary