

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JUNE 20, 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.

2. APPROVAL/AMENDMENTS TO AGENDA

Change Agenda – Add minutes of Special Meeting May 23, 2002.

Moved by Kirkpatrick, supported by Michel, to amend the agenda.

AYES: All. NAYES: None. MOTION CARRIED.

3. APPROVAL OF MINUTES OF MAY 16, 2002

Moved by Diss, supported by Kirkpatrick, to approve the minutes as presented.

AYES: All. NAYES: None. MOTION CARRIED.

APPROVAL OF MINUTES OF SPECIAL MEETING MAY 23, 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

2002-0024 Roger/Pam Betcher 9904 North River

Appellate requesting to construct an 18” deck extending from a non-conforming house.

Request for variance from Ordinance #89, to construct a new deck to a non-conforming house requiring a 2 ft variance on eastern side yard and 18 ft variance to allow construction of deck . The application was denied because Ordinance #89, section 303 (A) and section 813 (F-2).

Nelson: Is 47 ft. measured off curb or lot line? Appellate: Off curb.

Nelson: ZBA measures from road lot line.

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Appellate: The house is non-conforming. Asking for 2 ft. variance north side, 50 ft. from lot line to house. 7 ft from lot line to proposed deck.

Discussion.

Diss: Is porch against lot line? Appellate: No, 3 ft.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Kirkpatrick: No problem, 18" high.

Motion by Kirkpatrick, supported by Shirkey to grant appeal as requested allowing 18" high.

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

Diss: Is the deck going to be on the property line?

Nelson: Deck needs to be at least 7 ft.

2002-0025 Gerald Gordon 8351 Colony

Appellate requesting to tear down old house and rebuild a new residence. Requesting to live in guest house temporarily.

Nelson: Non-conforming at present. Needs to be granted Class A designation. Current home is being donated to Habitat for Humanity.

Request for variance from Ordinance #89, to grant class A designation to allow the demolition and replacement construction of a new single family residence. The application was denied because Ordinance #89, section 303 (A), section 813 (F-2) and section 812.

Nelson: How long will construction take? Appellate: Approximately 6-8 months.

Letter from Raymond Angers, 8345 Colony, no opinion. Jim Rourke, 8353 Colony, in favor.

Nelson: There is a guest house and existing dwelling.

Shirkey: Trailers etc, have been allow for temporary residence.

Diss: Do you own lots 73&74? Appellate: Yes and lots 214 & 215.

Public Participation:

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2002-0027 Don Vanryckegham 8018 St. John

Appellate has been to ZBA May 16, 2002 (2002-0021) requesting construction of a porch 16 x 44 ft, 24" high.

Request a variance Ordinance #89 to construct uncovered concrete porch. Original application was denied because Ordinance #89, section 303 (A), section 813 (E-2), section 810, section 1400 (89).

Nelson: Are you going to lower deck? Appellate: He has.

Appellate: Asking for variance for 30% coverage. House has been raised, still above required elevation. Hardship is the way the house was built.

Diss: Deck measures 10 bricks high.

Kirkpatrick: Minutes of May 16, 2002, 30% coverage. Now is 16 x 22 ft.

Diss: 16 x 22 ft still covers over 30%. Is this a porch or patio?

Public Participation:

In favor: No comment.

Opposed: Marcelle Roberts, 8014 Anchor Bay Dr.; Bob Roberts, 8014 Anchor Bay Dr.

Close Public Participation.

Nelson: Suggest to get more information from Mike Kras, amount of coverage.

Motion by Diss, supported by Michel, to postpone for more information from Building Inspector.

AYES: All. NAYES: MOTION CARRIED.

2002-0028 John Mc Quade 7987 Colony

Appellate requesting that current boat house needs repair. Wants to purchase a new boat.

Request a variance Ordinance #89 to construct a new roof over his existing accessory structure (boathouse/garage) that will require additional height, requiring 3'4" height variance. Original application was denied because Ordinance #89, section 800.

Variance for requesting height for boat house was OK'd by Colony Association Board. (Leaving boat house as is but raising roof).

Nelson: It will be 2 ft. higher.

Public Participation:

In favor: Dan Ketz, 7983 Colony; Ron Puwal, 8466 Colony; Gerry Gordon, 8351 Colony.

Opposed: Paul Bridgeman, 7985 Colony.

Close Public Participation.

Continued: 2002-0028

Nelson: Are you fixing seawall? Appellate: Yes.

Diss: There are no windows or doorwalls, etc.

Motion by Diss, supported by Michel, to grant appeal as requested for height variance.

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

6. OLD BUSINESS

Request for six month extension for Sprint PCS tower at 3272 South Channel Dr., Harsens Island.

Motion by Michel, supported by Diss, to grant request for six month extension.

AYES: All. NAYES: None. MOTION CARRIED.

7. Member Comments

Diss: ZBA needs description of a patio versus porch. Needs to meet BOCA.

Shirkey and Michel attended seminar. Open space ordinance will be mandated by state.

8. Public Comment

None.

9. Adjournment

Moved by Michel, supported by Shirkey, to adjourn at 9:10 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary