

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JULY 18, 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.  
Excused: Chuck Michel.

2. APPROVAL/AMENDMENTS TO AGENDA

Nelson: Suggested to add letters to amend agenda 6A communication.

**Moved by Kirkpatrick, supported by Shirkey to approve the agenda as amended.**

**AYES: AIL NAYES: None. MOTION CARRIED. Excused Michel.**

3. APPROVAL OF MINUTES OF JUNE 20, 2002

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

**AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

4. ZONING BOARD OF APPEALS PREFACE

Chairman: The ZB A 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, four 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 appeal. 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.

5. APPEALS

OLD BUSINESS

2002-0027

DON VANRYCKEGHAM

8018 ANCHOR BAY DR.

Nelson: Public portion has already been addressed (Appeal - April 19, 2001).

Nelson: There is still 32.44% coverage and suggested not to be passed.

Kirkpatrick: Wished minutes of 4/19/01 would have been included in packet. Do you classify a porch adherent to house as part of coverage? Nelson Yes, if porch is over 9" high.

**Motion by Diss, supported by Shirkey, to deny the appeal, no hardship has been created by the township. Appellate is still over 30% coverage.**

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

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Continued 2002-0027

Appellate: Feels the township is responsible for making the mistake of being over 30%, inspections have been done and mistake was made in township hall.

2002-0029                      RICHARD THOMAS                      7315 BEALANE

Appellate requesting to build a new single family residence, requiring more than 30% lot coverage.

**Request for variance from Ordinance #89, to construct a new single family home requiring variance of 5 ft northern side yard setback and variance of 30% lot coverage. The application was denied because Ordinance #89, section 303 (A) requires side yard setbacks and variance of lot coverage.**

Nelson: ZBA addressing 5 ft side yard setback and 60 ft. lot. 107 ft from road to seawall.

Letter: No objection, Valerie Piscopo, 7307 Bealane.

Diss: Did you recently buy property? Appellate: It has been in the family, he has owned property a little over one year.

Kirkpatrick: What is square foot including the garage? Appellate: 2200-2300 sq. ft.

Shirkey: Is size of garage 24 x 24 ft.? Appellate: Yes.

Diss: Is this a one story or two story home? Appellate: Two story. Meets height requirements.

Public Participation:

In favor: Hillary \_\_\_\_\_.

Opposed: Ann Chamberlain, 7313 Anchor Bay.

Close Public Participation.

Nelson: No problem with 5 ft and 10 ft side yard setbacks. Lot coverage is a problem.

Diss: Checked out township records. People understand what the lot size is at time of purchase.

Kirkpatrick: You can cut down the garage size.

Diss: 60 ft. wide lot is a normal size lot.

**Motion by Kirkpatrick, to allow variance of 5 ft. and 5 ft and deny the over 30% lot coverage.  
Motion died, lack of support.**

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**Motion by Diss, supported by Shirkey, to deny request on both the side yard setbacks and lot coverage.**

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

Appellate: He is losing part of the lot size and could change the size of garage. Nelson: Talk to an architect or take to circuit court. Talk with Mr. Kras, Building Inspector.

Diss: It is not ZBA job to make sure your house fits the lot size.

2002-0030                      JEFF RYNAL                      8210 ANCHOR BAY DR.

Appellate requesting to raise the house and add to existing foundation. Adding height by blocks of foundation.

**Request a variance Ordinance #89 to expand non-conforming house. Original application was denied because Ordinance #89, section 303 (A), section 813 (F-2). Applicant is requesting a variance of northern side yard to allow the expansion of his non-conforming structure within the existing footprint.**

Public Participation:

In favor: Steve Mack, 2432 - 20<sup>th</sup> Ave, Pt. Huron; Dan Wehby, 7265 Anchor Bay Dr.

Opposed: None.

Close Public Participation.

**Motion by Shirkey, supported by Kirkpatrick, to grant request as presented.**

**AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

2002-0031                      MIKE LYNCH                      7208 BLUEBILL  
   Andy Lucas, representing                      7255 Audubon

Mr. Lucas: Appellate is requesting to construct a 17' x 10'6" sunroom in the rear and a 12'x 18' garage requiring an 8 ft. variance on west side yard.

**Request a variance Ordinance #89 to construct 12' x 18' garage and 17' x 10'6" sunroom. Original application was denied because Ordinance #89, section 303 (C).**

Letter: Mr. and Mrs. D. Yacock (sp), 7209 Cardinal.

Nelson: ZBA will only address the side yard.

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Public Participation:

In favor: Craig Young, \_\_\_\_\_ Audubon.

Opposed: None.

Close Public Participation.

Nelson: Needs more than two ft. side yard.

Kirkpatrick: Hardship could be lot size.

Shirkey: Can't move the sunroom from the rear.

Appellate: May not do the sunroom. Could make 11 ft. garage, 3 ft. side yard.

**Motion by Diss, supported by Shirkey, to alter side yard to 3 ft. instead of 2 ft. Garage would be 11 ft. wide. Hardship is location of building on lot.**

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

6. INTERPRETATION FROM MIKE KRAS, BUILDING INSPECTOR: PLACEMENT OF A FENCE, (8524 ANCHOR BAY DR.)

Nelson: ZB A will make no mention for a specific address, only interpretation for Mike Kras.

Nelson: Overlap would be length offence. Diss: Measure from front edge of house.

Nelson: Read from ordinance #89: Sections 808 fence, 810 open and obscured view, and 1401-89 yard space.

Shirkey: Should measure from the edge of his own house and 4 ft. height, cyclone fence.

Discussion.

Nelson: Fence would be 6 ft. high, northeast corner to southeast corner, not encroaching. 6ft length of existing house only (8524 Anchor Bay).

Kirkpatrick: In front needs to be an open-see-through fence.

**Motion by Kirkpatrick, supported by Diss, to accept interpretation of 6 ft to two corners of a house not to exceed corners.**

**AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

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6A. Nelson read letter of appreciation from Jerry and Marcy Gordon, 8351 Colony.

Nelson read letter from Doug/Denise Tilly, 7886 Inglewood. Requesting noise policy be considered for outdoor entertainment etc (Nelson Sand Bar). Letter received and placed on file.

7. Member Comments

None.

8. Public Comments

Mr. Cooks, 9745 Zens Ct., What is the good side of a fence? Posts need to be off true lot line (BOCA).  
The ugly side faces your side.

George Lyle, 9112 Marsh, talked about the water front.

9. Adjournment

**Moved by Shirkey, supported by Kirkpatrick, to adjourn at 8:50 p.m.  
AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary