

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS MEETING HELD ON THURSDAY, AUGUST 15, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

Moved by Kirkpatrick, supported by Diss, to have Chuck Michel chair the meeting for Chairperson Ron Nelson in his absence.

AYES: All. NAYS: None.

1. Roll Call

Present: Marianne Diss, Cindy Kirkpatrick, Chuck Michel.

Absent: Ron Nelson (excused), Joanne Shirkey (excused).

2. Approval/Amendments to Agenda:

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

3. ZONING BOARD OF APPEALS PREPACE

Acting 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, two persons are excused 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 THE JULY 18, 2002 MINUTES

Moved by Kirkpatrick, supported by Diss, **MOTION CARRIED**, to approve the July 18, 2002 ZBA Minutes as presented. AYES: All. NAYS: None. ABSENT: Nelson, Shirkey.

5. NEW BUSINESS:

APPEAL NO. 2002-0032 DAVID NEITZER 137 ST. CLAIR

Appellate was not present.

Acting Chair Michel: Only reason this is before the ZBA is 2' short of the roadway makes the lot non-conforming, does not appear like he is going to do anything that will change things, add a porch if anything, plenty of side and back setbacks.

Open the public hearing for Appeal 2002-032, 137 St. Clair for a 2' variance for non-conforming lot.

In favor: None.

Opposed: None.

Close the public portion.

ZBA MEETING – AUGUST 15, 2002

MOVED BY DISS, SUPPORTED BY KIRKPATRICK, TO APPROVE THE 2' FOOT VARIANCE FOR APPEAL NO. 3002-0032 FOR 137 ST. CLAIR AS PRESENTED DUE TO HARDSHIP BEING THE PLACEMENT OF EXISTING BUILDING.

AYES: ALL. NAYS: NONE. ABSENT: NELSON, SHIRKEY.

MOTION CARRIED.

APPEAL NO. 2002-0033 DONALD D. WATSON 362 GREENWOOD, HARS. IS.

Applicant Donald Watson: Building a single family home, not aware there were two hardships, front and back yard setbacks.

Marianne Diss: Applicant owns both lots (#72 & #73).

Applicant: Separate lots, not deeded together, surveyor did it that way.

Cindy Kirkpatrick: He is not going to exceed the 30% coverage? No house measurements.

Applicant: Measurement is 44' x 24'

Applicant: Lot is 40' x 101'.1",

Kirkpatrick: Within bounds, 1,075 sq. ft.

Open the public hearing for Appeal 2002-0033, 362 Greenwood for a variance for the south side and north side of the lot.

In favor: None.

Opposed: None.

Closed the public hearing.

Acting Chairperson Michel: Other houses are 25' back, better if we deny the request for the variance on the southern side and grant the variance on the rear yard and let him move the house back, keep him in line with the other houses.

Applicant: Every house on the road has a different measurement; could a garage be built on the property if home sold? By going back to 25' will have to tell a buyer could not put a garage in.

Cindy Kirkpatrick: Accessory building could go in the back, different setbacks.

Zoning Enforcement Officer Tim Wiggle: 14' x 20' accessory building as long as it does not exceed the lot coverage of the house and the footage of the house.

Acting Chairperson Michel: Would be a problem not because of the lot but the size of the two buildings together on the lot; applicant would have to go to ZBA if exceed lot coverage.

Tim Wiggle: W/o seeing a plat plan would be able to put it in and still have their 3' on the side and 3' in the back, 10' between the houses.

Applicant: Move it back 2', 3' from the lot line now; proposed garage of 14' x 20'.

ZBA MEETING – AUGUST 15, 2002

Acting Chairperson Michel: 2' shouldn't make that much of a difference, still could build an accessory building on that size.

Cindy Kirkpatrick: ZBA can't base a variance approval on the fact it will help you in the future when you sell, ZBA can only look at what is proposed in front of us.

Township Zoning Enforcement Officer Tim Wiggle: Ordinance could change in the future.

Acting Chair Michel: Like to keep the homes in line with those already at the 25' line.

MOVED BY DISS, SUPPORTED BY KIRKPATRICK, THE VARIANCE FOR APPEAL NO. 2002-0033 FOR 362 GREENWOOD BE DENIED AS REQUESTED, A 9' FEET VARIANCE GRANTED ON THE NORTH REARYARD SETBACK.

AYES: ALL. NAYS: NONE. ABSENT: SHIRKEY, NELSON.

MOTION CARRIED.

APPEAL NO. 2002-0034 GIUSEPPE ROSELLI 7935 STARK DRIVE

Applicant: Shed on the property and like to build a garage to park a car in, variance needed of 1', following the existing line on the south side, variance in the front does exceed the percentages.

Acting Chair Michel: Boat well that comes in from the canal, garage will be right next to the boat well.

Open the public hearing for Appeal No. 2002-0034, 7935 Stark Drive for a request of a 1' variance.

In favor: None.

Opposed: None.

Close the public hearing.

MOTION BY KIRKPATRICK, SUPPORTED BY DISS TO GRANT THE VARIANCE OF 1' TO APPEAL NO. 2002-0034 FOR 7935 STARK DRIVE DUE TO THE IRREGULAR SHAPE AND LOT SIZE OF PROPERTY.

COMMENT: Marian Diss questioned why a door on the waterside?

Applicant: Easy access to the boat.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: SHIRKEY, NELSON.

MOTION CARRIED.

6. **MEMBER COMMENTS** – No ferry tickets included in packet.

7. **PUBLIC COMMENTS**

Gentleman questioned he has an empty lot, wanted to know what the restrictions were.

Zoning Officer Tim Wiggle: Have to have a main building, cannot have an accessory building or structure if there is not a preliminary structure; contact him in the Building Department for more information.

8. **ADJOURNMENT**

Moved by Kirkpatrick, supported by Diss, **MOTION CARRIED**, to adjourn the meeting at 8:03 p.m. AYES: All. NAYS: None. ABSENT: Shirkey, Nelson.

Valerie J. Kulba
Recording Secretary

