

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, SEPTEMBER 26, 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: Ron Nelson, Cindy Kirkpatrick, Marianne Diss.

Also present: Tim Wiggle, Zoning, Planning, Code Enforcement Officer; Michael Kras, Clay Township Building Official.

Excused: Joanne Shirkey, Chuck Michel.

2. APPROVAL/AMENDMENTS TO AGENDA

Nelson: Omit #4 minutes of previous meetings. Kirkpatrick: Add #5A Colony Park Association.

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

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

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 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 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. APPEALS

2002-0035 Brenda/Dennis Lonsway 7347 Bealane

Appellate requesting to repair non-conforming shed, 12 ft. x 15 ft. to match home. Meets setbacks and is 21 ft. from seawall. Had approval to repair shed from Mike Kras. After work was started, Mike Kras denied the approval.

Request for variance from Ordinance #89, to repair non-conforming accessory structure on east rear yard water side setback. The application was denied because Ordinance #89, section 1400 (89) and section 813 (F-2).

Nelson: Are you changing the current footprint? Appellate: No, no structural changes.

Letter: In favor: Joanne Halstead, no address; Laura and Gary Rose, 7345 Bealane Rd.

Public Participation:

In favor: Mark Emory, 7325 Bealane; George Costigan, 1088 Hubbel, Detroit; Lori Biskner, 7336 Bealane; _____, Cardinal; letter regarding "over-sized shed" 66 signatures from Bealane and Edlane.

Opposed: Marie Jones, 7328 Edlane, comment regarding living in shed; John Myers, 7351 Bealane; Linda Myers, 7351 Bealane; opposed to building grade level. Mr. Kras told Mr. Lonsway he could not continue work, stop work order issued because of no permit. They thought someone was living in the shed. Supposedly neighbors were misled in signing letter.

Close Public Participation.

Tim Wiggle: If there is a violation and deemed incorrect, corrected action will be taken.

Nelson: ZBA does not address grade level.

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Diss to Wiggle: The shed is non-conforming. What is considered a new structure? Wiggle: Over 60% not including the foundation.

Nelson to Wiggle: No problem. Are there sanitary facilities in the building. Wiggle: OK in accessory building but there cannot be living quarters.

Motion by Kirkpatrick, supported by Diss, to approve the appeal as presented to repair existing structure, no change in footprint. Tim Wiggle to follow through.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

2002-0038 Robert Cook 8930 South Channel Dr.
 Brian Treppa, representing 6367 Holland

Mr. Treppa: Appellate requesting to construct 5 ft. x 20'1" addition. Appellate had previously been to ZBA but due to DEQ issues, approval just received. ZBA appeal has expired. Asking for another approval.

Request for variance from Ordinance #89, to construct a 5 ft. x 20'1" addition requiring 13'7" south rear waterside variance. The application was denied because Ordinance #89, section 303 (A); section 810 and section 1400 (89).

Nelson: ZBA approval for appeals is issued for only 1 year time. A renewal may be requested.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Kirkpatrick, supported by Diss, to grant the appeal as presented.

AYES: All. NAYES: MOTION CARRIED. Excused: Shirkey, Michel.

2002-0039 James Beyer 3632 South Channel Dr.

Appellate is requesting to make an existing non-conforming house into a permanent year-around home. Requesting to construct an attached garage and expand the porch pillars. 1" encroachment on neighbors property due to overhang.

Request a variance Ordinance #89 to construct an attached garage and porch, 16 ft x 24 ft. requiring 7 ft. variance on north side yard setback and 2 ft. south side yard setback and 5 ft. on other side. Original application was denied because Ordinance #89, section 303 (A); and section 813 (A).

Letter: Opposed: Frank and Robin Theophanous, 734 Canterbury, Grosse Pointe Woods.

Appellate: The garage can't be moved further back because of existing septic field.

Nelson: The lot size is not the same as what is drawn. Lot #114 is less than 45 ft.

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Tim Wiggle: Odd shaped lot.

Nelson: Hardship is due to lot size.

Public Participation:
In favor: No comment.
Opposed: No comment.
Close Public Participation.

Motion by Diss, supported by Kirkpatrick, to grant the appeal as requested due to shape of lot and lot size and location of existing house.

AYES: All. NAYES: MOTION CARRIED. Excused: Shirkey, Michel.

2002-0040 William M. Brandon 3905 Pte. Tremble

Appellate requesting to construct a new single family dwelling.

Request for variance from Ordinance #89, to construct a new single family dwelling requiring a 6” variance on east side yard setback. The application was denied because Ordinance #89, section 303 (A).

Appellate: a 6” variance is required on the east side. Tearing down existing cottage. New home will be 22 ft. x 38 ft.

Tim Wiggle: New house will meet minimum width.

Public Participation:
In favor: No comment.
Opposed: No comment.
Close Public Participation.

Nelson: No problem.

Motion by Diss, supported by Kirkpatrick, to grant the appeal as requested due to hardship of lot width less than 40 ft.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

2002-0041 Antonio Croda Lot 308 Anchor Bay Dr.
Rex Burgess, neighbor, representing 8845 Anchor Bay Dr.

Mr. Burgess: Appellate is requesting to construct a new single family home.

Nelson: There was a previous appeal 7/01 denied because of over 30% coverage. Currently there will be 31% coverage.

Tim Wiggle: ZBA can't approve a previously denied appeal with same request (over 30% coverage). Nothing has

changed for new percentage.

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Request for variance from Ordinance #89, to construct a new single family residence requiring 6'5" east waterside rear yard setback and will encroach on average setback, 5ft. variance on one side yard setback and 2 ft. west front yard setback. The application was denied because Ordinance #89, section 303 (A); section 810 and section 1400 (89).

Public Participation:

In favor: Rex Burgess, 8845 Anchor Bay Dr.

Opposed: No comment.

Close Public Participation.

Nelson: No changes in the current appeal.

Diss: Did you recently purchase this property. Appellate: No, owned approximately 15 years.

Nelson: At 7/01 ZBA appellate was denied because of over 30% coverage.

Diss: There is no differences in appeals.

Motion by Diss, supported by Kirkpatrick, to approve the appeal as approved at 7/19/01 ZBA meeting, structure not to exceed 30% coverage.

AYES: All. NAYES: MOTION CARRIED. Excused: Shirkey, Michel.

2002-0042 Farmer Jack 2600 Pte. Tremble
Mike Mentz, Turn-Key Building representative

Mr. Mentz: Regarding the signage for Farmer Jack.. The maximum allowed is 150 sq. ft. Requesting the signage on the building only to be 242 sq. ft. "Farmer Jack, Food Market." There will be a separate pharmacy entrance.

Nelson: No questions.

Request a variance Ordinance #89 to erect a 242 sq. ft. signage on Farmer Jack. Original application was denied because Ordinance #89, section 819-1 (1).

Public Participation:

In favor: Mike Stephenson, 204 Butterfield.

Opposed: Pam Michel, 2431 Pte. Tremble, need to know the total of all the signs; Gary Mondello, 2653 Pte. Tremble.

Close Public Participation.

From Audience: How many units will there be? Mr. Mentz: 12 units in back and 3 in front.

Diss: Is the lettering lighted? Mr. Mentz: Yes, typical lighting.

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Nelson: No problem.

Kirkpatrick: No problem with the signage on building.

Diss: Very classy.

Motion by Diss, supported by Kirkpatrick, to grant the appeal as presented.

AYES: All. NAYES: MOTION CARRIED. Excused: Shirkey, Michel.

Mike Kras: The hardship for signage in a mall situation is not addressed in the ordinance.

2002-0043 Richard Thomas 7315 Bealane
 Mike Stephenson, friend, representing

Mr. Stephenson: Appellate is requesting to construct a new single family home.

Request for variance from Ordinance #89, to construct a new single family home requiring a 5 ft. variance of north side yard setback. The application was denied because Ordinance #89, section 303 (A).

Nelson: Hardship is 60 ft. lot size.

Letter: In favor: Valerie Piscopo, 7307 Bealane.

Public Participation:

In favor: Richard Thomas, 7315 Bealane; Hiliary Harper, 7315 Bealane.

Opposed: No comment.

Close Public Participation.

Motion by Kirkpatrick, supported by Nelson, to grant the appeal as requested.

Discussion:

Diss: All lots in the area are approximately 60 ft. size lots. Is there going to be a 5 ft. and 5 ft. side yard setback. Crowding is going to occur.

Kirkpatrick: Cutting back on the size of the house does meet 30% coverage. Setbacks are close to the new ordinance.

Mike Kras: Variances have been granted for side yards on previous appeals.

**AYES: Kirkpatrick, Nelson. NAYES: Diss. MOTION DENIED. Excused: Shirkey, Michel.
Motion denied because three ZBA members must vote the same way.**

Appellate: Questioned there are only three members present and vote denied.

Discussion because previous appeal was denied because of split vote between four members of ZBA.

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Motion by Kirkpatrick, supported by Nelson, to rescind motion granting appeal as requested.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

Motion by Kirkpatrick, supported by Diss, to allow 5 ft. and 6 ft side yard setbacks (allowing a 4 ft. variance).

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

5A. Old Business: Colony Park Association	2002-0036
Paul Johnson	8336 Colony
Ron Puwal	8466 Colony

Meeting was held with the Clay Township committee for further discussion on 9-25-02. Lot #144 will have a 5 ft. wide permanent easement. Lot #145 will have a 10 ft. wide temporary easement. Under no circumstance is there to be a monotower by any company.

Diss: What is the temporary length of time. Mr. Johnson: Until restoration is completed (no set time).

Diss: A tower on top of the Colony tower would be OK but no monotower (free standing).

Nelson: By allowing the easements it is only making the lots more non-conforming.

Nelson: Is there anyone from the public that would like to view the proposed drawing?

Public:

In favor: Mary Jane Hardy, 5244 Pte. Tremble; Pam Michel, 2431 Pte. Tremble; Mike Kras, 6355 Genaw Rd.

Opposed: No comment.

Closed Public Participation.

Motion by Kirkpatrick, supported by Diss, to approve the appeal as requested with the variances and easements, no monotower ever to be constructed on the property (no free-standing tower). It would be OK to put a tower on top of Colony Tower.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

Diss: What would the height of a tower be on top of the Colony Tower? Mr. Johnson: 30 ft. high and 30 inches wide.

Kirkpatrick: There are grants available based on Colon Park Association turning property over to Clay Township.

5. Member Comments

Nelson: There is a special ZBA meeting proposed for October 10, 2002. Kirkpatrick will be unable to attend.

6. Public Comment

None.

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7. Adjournment

**Moved by Kirkpatrick, supported by Diss, to adjourn at 9:37 p.m.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.**

Respectfully submitted,

Dolores M. Nelson
Recording Secretary