

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION HELD ON JANUARY 8, 2003 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairman Mark Getman at 7:30 p.m.
2. Roll Call: Present: Chairman Mark Getman, Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Tony Antkowiak, Edward Keller.
Absent: None.

Also present was Linda Anderson, Wade-Trim Planning Consultant, Building Inspector Michael Kras, Zoning Enforcement Official Timothy Wiggle, Assessor Barbara Schutt.

3. Communications: Memo from Linda Anderson regarding Annual Report.
4. Approval of Minutes of December 11, 2002:

Moved by Cooper, supported by Michel, **MOTION CARRIED**, to approve the Planning Commission Meeting Minutes of December 11, 2002 with the following amendments:

- Page 1, bottom paragraph, typographical error, should read "ingress" and not igress.
- Page 2, 7th paragraph from the top, typographical error, should read "recinded" and not receded.
- Page 2, % way down the page, last sentence of the motion should read "new site plan has been submitted".
- Page 4, last paragraph amended to read as follows:
"Chairman Getman: Change to the Site Review Committee membership: Dorothy DeBoyer is the Chair, John Makuch will now be on the committee....."
- Page 5, #10. Planning Consultant's Report, 1st sentence, typographical error, change re-plating to replatting.
- Page 5, #11. Planning Commission Comment, 1st sentence, typographical error, change the word "Excessive" to Successive.
- Page 6, Adjournment, 1st sentence should be a regular meeting and not a special meeting.

Ayes: All. NAYS: None. Absent: None.

5. APPROVAL OF 2003 PLANNING COMMISSION MEETING DATES

Motion by DeBoyer, supported by Makuch, **MOTION CARRIED**, to accept the schedule of the Clay Township Planning Commission Meeting dates for 2003 as submitted. AYES: All. NAYS: None. ABSENT: None.

PLANNING COMMISSION MEETING - JANUARY 8, 2003

Page 2

6. REVIEW OF PROPOSED CHANGES TO ORDINANCE #123

Chairman Getman: Discussed the possibility if discussion becomes too complicated could refer these changes back to the Committee.

Proposed Ordinance 123 amendments per Tim Wiggle, Zoning Administrator and Michael Kras, Building Official:

- **1200 Administrative Official**
 - 1201 Permits Required**
 - 1202 Expiration of Building Permits**
 - 1203 Inspection**

- 1204 Unlawful**
- 1205 Schedule of Fee**

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Ordinance 89 included the Administration sections, Ordinance 123 does not. Tim and Mike explained in length the legal ramifications as to State Code requirements vs. administrative power, section necessary to give more leeway to the Building Department.

Pat Sharrow: Prior to adopting the ordinance it was discussed, under impression would be included; definitely feel it should go back into the ordinance, attorney assisting with enforcement he feels it needs to be back in.

Chairman Getman: Other statutes that allow the Twp. to set fees.

~~Pat Sharrow: Gives the Twp. Board the authority to appoint the ordinance enforcement, not intended to be changed, think it was a mistake. Delete as amended 1/22/03 V.K.~~

Pat Sharrow: Request Linda Anderson to take the previous ordinance rewriting where she feels needs some perfecting, change the reference to the wording of "Building Inspector" to say "Zoning Enforcement person" and bring it back to us at the next meeting.

Dorothy DeBoyer: Quoted from the new ordinance power to establish fees.

Pat Sharrow: One section only, what about simple site plans, etc.

Mike Kras: Like to see the "Unlawful structure" rule back, start with a civil infraction and can escalate to a misdemeanor, justified to the Board.

PLANNING COMMISSION MEETING - JANUARY 8, 2003

Page 3

MOTION BY SHARROW, SUPPORTED BY MAKUCH, **MOTION CARRIED**, TO REQUEST LINDA ANDERSON TO REINSTALL SECTIONS 1200, 1201, 1202, 1203, 1204 AND 1205 OF ORDINANCE NO. 89 INTO A SECTION FOR THE NEW ORDINANCE, APPROPRIATELY REWORDED FOR THE NEW ORDINANCE, AND BRING IT TO THE PLANNING COMMISSION BOARD FOR THEIR REVIEW AT THE NEXT WORKSHOP MEETING AND IF SATISFACTORY WILL DECIDE WHEN TO CALL FOR A PUBLIC HEARING. AYES: All. NAYS: None. ABSENT: None.

3.25 CONFLICTS VW 18.03 PARAGRAPH 2

Typographical error with side yard measurement: should be 1' on each side yard, not clear, need to specify add 1' for each side yard, discussed possibility of changing back to all four (4) sides, discussion by Board what are the advantages and disadvantages to using the four side concept vs. side yard. Lengthy discussion.

MOTION BY MICHEL, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO CORRECT THE TYPOGRAPHICAL ERROR IN SECTION 3.25, 18.03 PARAGRAPH 2, SHOULD READ T-1' ON EACH SIDE YARD AND TO LEAVE IT TO BE MEASURED ON THE TWO (2) SIDE YARDS AND NOT RETURN BACK TO THE FOUR (4) SIDES AS WAS IN THE OLD ORDINANCE. AYES: ALL. NAYS: NONE. ABSENT: NONE.

GARAGE FACING PTE. TREMBLE OR DYKE ROAD (EXPLANATION)

Discussion: Detached garages are accessory buildings, the words "in any front yard" is saying none of those garages could be built, required front yard discussion. Accessory buildings and structures shall not be erected in a required front yard or required side yard.

MOTION BY DEBOYER, SUPPORTED BY MAKUCH, **MOTION CARRIED**, IN SECTION 3.01, "ACCESSORY BUILDINGS, STRUCTURES AND USES", #2 DELETE THE WORDS "FRONT", "OR", IT READS "ACCESSORY BUILDINGS OR STRUCTURES SHALL NOT BE ERECTED IN ANY REQUIRED FRONT OR REQUIRED SIDE YARDS." AYES: ALL. NAYS: NONE. ABSENT: NONE.

SECTION 23.04. PARAGRAPH 2: TYPOGRAPHICAL ERROR

MOTION BY ANTKOWIAK, SUPPORTED BY KELLER, **MOTION CARRIED**, TO CORRECT THE TYPOGRAPHICAL ERROR TO THE SECTION NUMBER TO READ "AS PROVIDED IN 23.07 NOT 26.07." AYES: ALL. NAYS: NONE. ABSENT: NONE.

PLANNING COMMISSION MEETING - JANUARY 8, 2003

Page 4

EXTERIOR LIGHT FOR RESIDENTIAL - SECTION 811 MISSING:

Pat Sharrow: Building Department is recommending we have a section about exterior lighting to eliminate the flashing and osculating in residential zones; under General Provisions there is a section 3.15 reserved.

MOVED BY SHARROW, SUPPORTED BY ANTKOWIAK, TO HAVE LINDA ANDERSON CONFER WITH MIKE KRAS AND TIM WIGGLE AS TO WHAT THEY FEEL IS MISSING AS FAR AS ENFORCEMENT, WRITE THE PLANNING COMMISSION A PARAGRAPH RE: LIGHTING ESPECIALLY REFERRING TO RESIDENTIAL AND BRING IT BACK TO THE NEXT PLANNING COMMISSION WORKSHOP.

Discussion: Under the old Ordinance is described shielding, new does not. Dorothy DeBoyer, General Provisions, page 44, #7 read the paragraph referred to residential lighting, refers to private property.

Tim Wiggle: Disagreed, quoted from page 43, Performance Standards, Section 313.3, "No commercial or industrial use otherwise allowed shall be permitted within any district which does not conform to the following standards of use..... " that is all part of that section, does not specify residential.

Chairman Getman: Trying to see where General Provisions does not apply to commercial?

Chuck Michel: Why can't you say "no commercial, industrial or residential" and that would cover it all.

Pat Sharrow: Disagree, on #2 it states the "open storage of junk, scrap and salvage is allowed there if behind..... "; need to add it in another place.

Section 3.15 is reserved on Page 47, only need to write some words.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: NONE.

MOTION CARRIED.

PROJECTION INTO SETBACK MISSING IN NEW ORDINANCE:

Tim Wiggle: New ordinance does not give any parameters as far as how many inches into the required side yard, i.e. a bay window, chimney, etc.

Linda Anderson: Page 28, under the definition of a set back, it excludes including anything that, the minimum unoccupied including bay windows, balcony, etc. distance between the lot line and physical structures as required therein.

Michael Kras: Agree with this, more strenuous and easier to enforce.

PLANNING COMMISSION MEETING - JANUARY 8, 2003

Page 5

ADDITIONAL AMENDMENTS TO THE LIST:

Under Old Ordinance 89 there was a Condominium Ordinance 89-37; if 89 is totally repealed than this is not in existence.

Pat Sharrow: Condo Ord. was passed by the Township Board about four years ago as a separate Township Ord. regardless what it is numbered it was not part of the Zoning Ordinance.

Land Division and Private Road Ordinance are not part of the Zoning Ordinance.

Tim Wiggle: Section 3.12, 45 degree angle as far as structures on the waterside, need some clarification on the average setback. Question is "what takes precedence , the 45 degree or the average setback?"

Chuck Michel: The average setback takes the precedence, if within the average setback, than you use the 45 degree measurement.

Tim Wiggle: Cited a specific home on Pte. Tremble.
Lengthy discussion.

Tim Wiggle: Page 81 in the RS and R2 - discussed with Linda A. and felt this was in error. #6 requires 15' accessory building setback, but under the accessory building ord. Section 301 it is 3'.

Don't think it was intended to incorporate the Accessory Building.

Linda Anderson: Unless just doing it in those districts, can't remember the discussion, RS1 and RS2 are larger lots.....

Lengthy discussion as to the 15' accessory building setback.

Chairman Getman: Do we really want to allow people to put up an accessory building within 3' of the lot line?

Lengthy discussion.

MOTION BY MAKUCH, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO CHANGE SECTION 1802, RS1 AND RS2, RURAL SUBURBAN DISTRICTS, PARAGRAPH 6, DELETE THE WORDS "AN ACCESSORY", THE CORRECT WORDING SHOULD BE "MINIMUM SIDEYARD SETBACK FOR ZONING LOTS SHALL BE 15' FOR EACH SIDEYARD, SIDEYARD SETBACK REQUIREMENT APPLIES TO MAIN BUILDING."
VOTE ON THE MOTION: AYES: ALL NAYS: NONE. ABSENT: NONE.

Page 82: TYPO - GO FROM #5 MINIMUM YARD REQUIREMENTS TO #7, LINDA ANDERSON WILL CORRECT THE NUMBERING ERROR.

BARBARA SCHUTT, ASSESSOR PRESENTATION TO THE BOARD AS TO THE ZONING MAP QUESTIONS:

PLANNING COMMISSION MEETING - JANUARY 8.2003

Page 6

Pat Sharrow: Explained not all the changes to the zoning map has been kept up to date over the last 10 years creating some of the mistakes we have now, cited some of these. Suggest Linda Anderson meet with Barbara and correct the really small areas on the Island.

Barbara Schutt: Explained some of the map problems.

Linda Anderson: Before the next meeting can get with Barb and bring in the really large map and mark it up.

MAINLAND: Changes to the Zoning Map

Verified change to:

- Action Auto property
- Plagens land now Commercial
- Roy Raglands property has been corrected.
- Vera Fullers property want that residential
- Rezoning of Doc's property back to commercial
- Budget Trucking not intended to be residential
- Paul Paulus Industrial buildings will go to commercial
- Channelview parcels (by Helene) lots need to go back to Mobile Home
- Lot on Folkert Road should be Mobile Home
- Property on Taft Road questioned the lot zoning: included in the zoning should be Mobile Home.
- Isabella Acres was zoned to R1 A, subdivided, coming in too far with the RS
- Lot just south of Isabella Acres will that be included? Yes
- Halkias lot should be R1A
- Explained the property behind Moniers, squared off, tower put on: Decker Gear is out there too, was industrial back to residential on map: should be industrial, need to change.
- Field Road is shown residential/
- Parcel on Smith Street one time zoned industrial 1989, now is R1; want it to stay Residential.
- Willow Pointe Condos across from the condo's on N.River Road, all commercial before now back to Residential: had been discussed stays residential.
- Willow Pointe Condo's discussion of what has occurred
- Folkert Road: mobile home entrance should be MH
- ~~Munchies~~ *Brisbay* Restaurant should be residential *commercial* lot three doors down should not be used as a parking lot, illegal)
- Two Lots north of Gabriel's at Anchor Bay Drive and Dyke Road are now commercial.
- Lots behind the Golf Course, only by the Golf Course should be commercial, nothing else.
- Hunt Club is now RS
- Bait Shop downtown on LaCroix, do you want that residential? Yes
- Video Store (Williams and Donald) back to Residential.

PLANNING COMMISSION MEETING - JANUARY 8, 2003

Page 7

- Downtown San Souci changed to commercial for the parking, should not be the whole block as commercial.
- Tashmoo want the piece on the Riverside as commercial, two little lots of the entrance way should indicate commercial
- Weaver's Market put it back to commercial
- Grenadier Boat condo's are out in the water do you want to designate or leave it as a commercial zone.
- Snyder Marina, Bedore this whole area need to get this shifted to commercial, Goodrich Hwy. Have that as commercial, shifted over.
- Bay Pointe Condo is on the old map and not the new map.
- Clinton River Boat Club: zoned recreational
Discussion as to the mentioned changes.

Linda Anderson's response: electronic map and cannot make changes to the base map, will work around that, won't be adding lot lines and plats, etc. Lengthy discussion regarding the zoning map, larger size, etc.

7. **PLANNING CONSULTANT'S REPORT:** None.

8. **PLANNING COMMISSION COMMENT:** None.

Pat Sharrow: Master Plan is in the hands of the Township Board would like to request

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Chairman of the Planning Commission write a letter to the Twp. Board requesting their concurrence in approving the Master Plan.

Chairman Getman: Motion as last meeting to submit it to the Twp. Board.

No response to the Township Board.

9. **PUBLIC COMMENT:** None.

10. **ADJOURNMENT:**

Moved by Makuch, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 9:15 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary