

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD ON WEDNESDAY, APRIL 9, 2003 IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll Call: Present: Chairperson Mark Getman; Vice-Chair Dorothy DeBoyer, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Tony Antkowiak, Edward Keller II, John Makuch.  
Absent: None.  
Also present was Timothy Wiggle, Zoning Enforcement Official, Adam Young from Wade-Trim attended the meeting in Linda Anderson's absence.
3. Communications:  
For the record two letters received from DDA Chairman Richard Wagner, Jr.

4. **APPROVAL OF THE MARCH 26, 2003 MINUTES:**

Moved by Cooper, supported by Antkowiak, to approve the March 26, 2003 Planning Commission Minutes as presented. AYES: All. NAYS: None. ABSENT: None.

5. **SITE PLAN CONSIDERATION:**

**SCHNEIDER MARINE BOAT HOUSE 7116 MCDONALD, HARSENS ISLAND**

Dorothy DeBoyer: Only changes to the site plan are the indications of the zoning on either side. Applicant distributed copies of the revised site plan.  
Building Department should have asked you to submit the site plan prior to the meeting.

Chairman Getman: Biggest issue is the Zoning map, explained the zoning errors, correcting those on April 23<sup>rd</sup> public hearing, inadvertently it rezoned your marina to non-conforming until it has gone before a public hearing where you will be rezoned to C-3.  
The change would not go in affect until the Township Board approves it in June.

**Motion by Sharrow, supported by Michel, to recommend approving the site plan for Schneider Marine Boat House, 7116 McDonald, Harsens Island contingent on a Zoning Board of Appeals ruling that the nonconforming can enlarge and also have Planning Commission support to recommend to the Township Board the ZBA fee be waived for the applicant.**

Discussion - Tim Wiggle, Zoning Enforcement Officer: Questioned the Ordinance as written cannot have an enclosed boathouse, does not separate commercial and residential property.

Chairman Getman: ZBA may want an interpretation, is a marina with a large structure to store boats is that considered a boathouse?

Pat Sharrow: Per Linda Anderson re: boathouse as accessory structures applies only to residential uses, not an accessory boathouse; this is part of a marina business.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

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Chairman Getman called for a five-minute recess at 7:42 p.m. to complete the site plan process.

Applicant questioned why he is required to proceed to the ZBA?

Discussion of the ZBA requirements for variances.

Differences of opinion, Chairman Getman will check on this tomorrow regarding advertising or not.

Reconvened the meeting at 7:50 p.m.

**LOT SPLIT 2003-03                      ALLAN ZAKRZEWSKI                      2855 FRUIT ROAD**

Dorothy DeBoyer explained letter from Citizens First Mortgage, bank does not object to the split.

**Motion by Michel, supported by Makuch, to recommend approval of the Lot Split 2003-03 for 2855 Fruit Road to the township Board pending the ZBA granting the variance for having a pole barn without a primary building.**

Discussion:

Pat Sharrow: Does the 15'-20' easement (Wright Drive) for the waterline come alongside this property,

Applicant: Middle of these two properties.

Sharrow: Questioned why the easement does not show on the description, waterline to the mobile home park, maybe it does not run all the way out.

It is the people who once had the easement their problem, not indicating any easement of record in the title policy.

Chairman Getman: Clarified to the applicant why a variance is required and your option.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

**LOT SPLIT 2003-04                      WILLIAM FARR                      5340 HARCUS COURT**

William Erdmann, 7278 Audubon representing the applicant: 2<sup>nd</sup> time around, did not work out because of all the nonconforming attributes and variances it created.

Parcel B square footage recalculated by Assessor Schutt, Bill explained the figures.

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**Motion by Sharrow, supported by Antkowiak, to deny cannot recommend approval of Lot Split 2003-04, 5340 Harcus Court because of the number of places where it is in disagreement with the Zoning Ordinance but if ZBA should hear and consider variance for all the required setbacks and miscellaneous it will return to the Planning Commission and if are all in place can recommend to the Township Board approval. AYES: All. NAYS: None. ABSENT: None. MOTION CARRIED.**

### **7. CHAIRMAN'S REPORT**

Introduced Adam Young from Wade-Trim here for Linda Anderson. Contacted Atty. McNamee regarding two issues:

- public hearing publication of Zoning Ordinance was missing some information re: enforcement and penalty; per McNamee according to case law will have to advertise again.
- Industrial property on Fruit Road and whether their application would fall under the present Zoning Ordinance, explained the issue, opinion received from Attorney Strickler.

8. **PLANNING CONSULTANT REPORT** - None.

### **9. ZONING ADMINISTRATOR COMMENTS**

Tim Wiggle, Zoning Enforcement Adm.: Met with David Bryson, Supervisor McKoan regarding noncompliance with the approved site plan. Planning Commission consensus is nothing has been complied with by Mr. Bryson.

10. **PLANNING COMMISSION COMMENTS** None.

11. **PUBLIC COMMENTS** None.

### **12. ADJOURNMENT**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 8:16 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba  
**Recording Secretary**