

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD ON WEDNESDAY, MAY 14, 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, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Louise Cooper, Edward Keller. Absent: Tony Antkowiak (excused), Chuck Michel (excused). Also present was Linda Anderson, Planning Consultant and Tim Wiggle, Zoning Enforcement Administrator.

3. Communications: None.

4. **USE DETERMINATION:** **NELSON SAND BAR, 7479 DYKE RD.**

Chairman Getman: Not a site plan, it is a use, they wish to have outdoor entertainment, not allowed under the current ordinance, ordinance does allow the Planning Commission to decide if we will allow outdoor entertainment in the Township and determine if require a special approval land use, what zoning classification we would allow it. Zoning on this parcel is C-3, most intensive commercial zone. Question is do we want to allow outdoor entertainment like live music or DJ entertainment.

Louise Cooper: Questioned the hours.

Chairman Getman: Not an issue yet, explained Commission has to decide to allow entertainment or not in the Township before can proceed with setting regulations.

Sandra O'Conner: Outside entertainment should be allowed providing not offensive to neighbors.

Pat Sharrow: All uses must be allowed but regulated to protect the health, safety and welfare of the community, should be allowed in C-3 as a Special Approval Land Use.

Dorothy DeBoyer: Agree, need to allow outside entertainment with restrictions.

John Makuch: Agree with other Commissioners, should be approved under S.A.L.U. each situation has to be considered re: contents to location, proximity to homes and nature of what you are trying to do, under S.A.L.U. can be totally denied or regulated.

**MOTION BY COOPER, SUPPORTED BY DEBOYER TO ALLOW OUTSIDE ENTERTAINMENT WITHIN THE C-3 ZONING AS A SPECIAL APPROVAL LAND USE . AYES: All. NAYS: None. ABSENT: Michel, Antkowiak. MOTION CARRIED.**

Explained to the applicant what the status is now as result of the motion.

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5. **SUNSET HARBOR STORAGE**     **1784 NORTH CHANNEL**

Linda Anderson: Revised plan has addressed set backs for the property line for the new construction, landscaping grassed if not paved, parking area is striped and lighting on building will be shielded and reflect down, and other concerns have been addressed.

Doug Hamborsky: Representing the project with the owner Mark Mathis and here to answer any questions regarding the project.

Dorothy DeBoyer: Items listed by Linda were addressed by the Site Review Committee, zoning on the property next door is zoned C-2 and not residential according to the Assessor, explained the parking situation re: boats are taken out of storage by an employee.

Chairman Getman: Any questions of the applicant? All the concerns of consultant and the committee have been met.

**MOVED BY SHARROW, SUPPORTED BY MAKUCH TO APPROVE THE SITE PLAN FOR THE EXPANSION OF SUNSET MARINA AS PRESENTED IN THE REVISED PLAN.**

Discussion:

DeBoyer: Linda Anderson's comments noted boat repair and storage is not allowed in C-2, zoning district would need approval for the zoning from ZBA.

Getman: Always our intent to keep all marinas zoned C-3.

DeBoyer: Existing use, only being expanded.

Discrepancy where the C-2 is.

Getman: Never intended for it to be C-2, wanted all the marinas to be not left non-conforming, approve pending ZBA granting an extension of the nonconforming use.

Reviewed McNamee's opinion re: rezoning glitches on the map, unless we specifically wanted to change the zoning, never indicated wanted it C-2, specifically wanted to leave all the marina's C-3, this is an error in the map, Planning Commission's intention was always to keep all the marina's zoned C-3.

**MOVED BY SHARROW, SUPPORTED BY MAKUCH, TO WITHDRAW THE MOTION.**

**MOTION BY SHARROW, SUPPORTED BY MAKUCH, THAT THE SITE PLAN FOR THE EXPANSION OF SUNSET MARINA AS PRESENTED IN THE REVISED PLAN WITH THE UNDERSTANDING THAT ALL MARINA OPERATIONS IN CLAY TOWNSHIP WERE INTENDED TO BE ZONED C-3.**

**AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.**

**MOTION CARRIED.**

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6. LOT SPLIT:

**03-05 GERALD/ANN MELDRUM 5870 JANKOW ROAD**

Sharrow: size of the shed on the property if it was an accessory structure.

Wiggle: Anything under 200 sq. ft. is zoning and over that is State law.

**MOVED BY SHARROW, SUPPORTED BY DEBOYER TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT 03-05 FOR GERALD/ANN MELDRUM, 5870 JANKOW ROAD WITH THE CONDITION THE PETITIONERS DO RECEIVE A VARIANCE ON THE DEPTH TO THE WIDTH RATIO FROM THE ZBA AND THE ZBA REVIEWS THE SMALL SHED LOCATION. AYES: ALL. NAYS: NONE. ABSENT: Michel, Antkowiak. MOTION CARRIED.**

**03-06 RICHARD SZEFER VACANT LOT ON TAFT ROAD**

Sharrow: Twp. allows private roads in the Township with conditions, allow splits on private roads, one of the conditions of private roads is the easement shall not be permitted parallel to the boundary line, private access easement might have a centerline along the common property line, the properties to the west would have to grant 33' of their land and enter into a maintenance agreement and have full rights of access, houses on Taft Road are far too close to have 33' to spare, cannot allow a private road, how can we consider the splits.

DeBoyer: suggested a solution: no private road easement shall be permitted to parallel a property boundary line, private road easement cannot be directly adjacent to the boundary line, set off the boundary line by 10'-12' could be allowable, property owner would have to shorten the size of these lots from 162' to 150-152' to meet that requirement.

Sharrow: Private Road Ordinance application is going to have to be made to Planning Commission before we can recommend lot splits.

**MOVED BY DEBOYER, SUPPORTED BY SHARROW TO DENY LOT SPLIT 03-06 FOR RICHARD SZEFER. VACANT TAFT ROAD IN LIGHT OF THE FACT THE PRIVATE ROAD ORDINANCE CONCERNS MUST BE ADDRESSED FIRST. AYES: All. NAYS: None. ABSENT: Michel, Antkowiak. MOTION CARRIED.**

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**03-07                    HENRY AMAMA                    8071 MORROW ROAD**

Chairman Getman: Depth to width issue.

DeBoyer: setback on parcel 1 does not meet the 15' on the southside, Assessor's comment re: accessory building.

Mike Bachelor, Real Estate: under the impression the parcel created had to meet the 5-1 ratio, the remaining piece didn't, stated reasons did not feel we would have to have a variance.

Getman: opinion of Planning Commission and Attorney when you divide the lot have two new lots, neither one of them can be considered the original lot, both new lots.

Sharrow: under the state law 4-1 allows the original parent parcel if it is over 10 acres, two new deeds, two new pieces of land.

Getman: not going to debate, our position, operating under Attorney's instructions.

**MOTION BY MAKUCH, SUPPORTED BY SHARROW TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT 03-07 FOR HENRY AMAMA, 8071 MORROW ROAD PENDING THE ZBA APPROVAL ON THE FIVE TO ONE RATIO.**

**AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.**

**MOTION CARRIED.**

7. **CHAIRMAN'S REPORT** - None.

8. **PLANNING CONSULTANT'S REPORT**

Linda Anderson: few Zoning changes on the map clarified, printing up new revised maps next week.

9. **ZONING ADMINISTRATOR COMMENTS** None.

10. **PLANNING COMMISSION COMMENTS** None.

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11. **PUBLIC COMMENTS:**

Denise Tilly, 7886 Inglewood: re: Nelson Sand Bar, what is the next step?

Getman: file a site plan and a S.A.L.U. application, Commission can set hours of operation and restrictions.

Denise Tilly: hope the members will go by and see on Inglewood how close the Bar is, when setting the guidelines, hope take that into consideration.

John Makuch: neighbors will be notified and have an opportunity to speak out, the area will be inspected by the Board.

12. **ADJOURNMENT**

Moved by Makuch, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 8:15 p.m. AYES: All. NAYS: None. ABSENT: Michel, Antkowiak.

Valerie J. Kulba  
Recording Secretary