

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON WEDNESDAY, MAY 28, 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, Tony Antkowiak, Sandra O'Conner, Chuck Michel, Edward Keller, Louise Cooper. Absent: None.
3. Communications: Copy of letter sent to Wade Trim re: Planning Commission's decision to contract with Community Planning & Management.
4. Approval of Minutes: May 7, 2003, May 14, 2003 and May 21, 2003.

Moved by DeBoyer, supported by Michel, **MOTION CARRIED**, to approve the May 7, 2003 Special Planning Commission meeting as submitted. AYES: All. NAYS: None. ABSENT: None.

Moved by Cooper, supported by Sharrow, to approve the May 14, 2003 with the amendments:

- 1<sup>st</sup> page – motion re: use determination should read as follows:  
Motion by Cooper, supported by DeBoyer to allow outside entertainment within the C-3 Zoning as a Special Approval Land Use.
- Page 3 - spelling correction to the last motion, 1<sup>st</sup> word should read "Moved".
- Page 3 – Lot Split 03-06, Richard Szefer, correct the 3rd sentence to read: ".....permitted parallel to the boundary line, ...."

All in favor. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Michel, supported by Makuch, to approve the Special Meeting minutes of May 21, 2003 with the correction to the motion : "..... to accept a contract with Community Planning Management for (3) three-years with a thirty (30) day exit clause and a \$200.00 credit if attendance by planner is needed at only one (1) meeting."

AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

5. **OLD BUSINESS:** LOT SPLITS

**LOT SPLIT 2003-01:**

WALTER WILLIAMS/KEVIN WILLIAMS  
9468 PEARL BEACH BLVD.

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Pat Sharrow: Asked a decision be postponed for some legal research regarding the 5 to 1 ratio does not apply in the R-1, the State 4-1 ratio applies, creating a lot more than the 4-1 ratio, could be creating a hardship to our residents; maybe Planning Commission should consider putting a ratio back in R-1.

Township Land Division Ordinance has the 5-1 ratio, would it be likely the Zoning Ordinance takes precedence over other Township Ordinances, ZBA can give a variance from the land division ordinance, cannot from the State Ordinance, need legal answers; postpone a decision rather than deny.

Dorothy DeBoyer: Remarked how other communities deal with the situation; agree we could be creating some hardships in certain cases.

Chairman Getman: Legal opinion was legally creating two new lots.

MOTION BY SHARROW, SUPPORTED BY MICHEL, TO REFER UNANSWERED QUESTIONS RE: THE 5-1 RATIO IN R-1 ZONING TO ATTORNEY JOHN MCNAMEE AND POSTPONE A DECISION ABOUT LOT SPLIT 2003-01, 9468 PEARL BEACH. AYES: ALL. NAYS: NONE. ABSENT: NONE.

**MOTION CARRIED.**

**LOT SPLIT 2003-04:**

WILLIAM FARR     5340   HARCUS COURT

Michel: Mixed emotions about this one.

Chairman Getman: Can't overturn the variance, don't have to recommend approval to the Twp. Board.

Lengthy discussion re: Majority of the Board feels this lot split is not a good lot split.

Sharrow: ZBA granted the variance sought.

DeBoyer: ZBA mtg. comment from applicant, sell the two lots with the single house on them, something conforming could be put on them; ZBA did address all the variances, reiterated the P.C. motion stated if came back and all was in place could recommend to the Board.

Chairman Getman: Undesirable lot split, approval may improve the situation.

Sharrow: Recommendation to the Board lot split agrees with Land Division Act and Zoning Ordinance.

MOTION BY MICHEL, SUPPORTED BY DEBOYER, TO MAKE A RECOMMENDATION TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT #2003-04 FOR 5340 HARCUS COURT. AYES: ALL. NAYS: NONE. ABSENT: NONE.

**MOTION CARRIED.**

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6. **CHAIRMAN’S REPORT**

Elaborate on discussion with Linda Anderson and Patrick Meagher re: Planning Commission’s decision last week and the letter sent to Linda Anderson.

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

8. **ZONING ADMINISTRATOR COMMENTS:** None.

9. **PLANNING COMMISSION COMMENTS:**

Chuck Michel: Comment regarding a new use/business operating next to Cheers, question is where are they going to park anything.

Makuch: parking was a concern of the Site Plan Committee, business is to get cars in and out, not leaving them there, parking in the back.

Chairman Getman: the question does it comply with requirements of the ordinance.

DeBoyer: yes it did, minimum of seven spaces in the front not counting the back.

Michel: disagree with the parking in the front according to the new ordinance, requires a 10’ berm away from the right of way, should be notified cannot park in the front.

DeBoyer: Planner reviewed the sketch, no comments on the parking in the front.

Louise Cooper: Letter to Linda Anderson think it was very well written, glad no hard feelings between the Commission and Linda.

Pat Sharrow: Two items in the Zoning Ordinance that need some clarification:

- Home Occupancy, “invisible kind of business”, not Township’s purpose to prevent a home business, under Residential Uses not allowed without a Special Approval Land Use, never the Planning Commission’s intention to make it a S.A.L.U., should be for the more obvious home occupancy.
- Temporary signs: Church on Harsens Island has temporary sign, Zoning Ordinance not allowed, Planning Commission can allow a permitted sign, why can’t the Zoning Adm. give a temporary permit.

Chairperson Getman: Planning Commission does not have to grant permission for a temporary sign, Enforcement Officer can give a temporary permit.

Chairperson Getman: McNamee’s opinion: if never the intention of the Planning Commission to change the Ordinance may not have to amend.

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10. **PUBLIC COMMENT:**

Ben Schulke, 8141 Marsh Road: Questioned the legality of Michael Kras' site plan approval and building permit.

Chairman Getman: Planning Commission does not have anything to do with site plans for residential.

DeBoyer: The building permit had Tim Wiggle's signature on it, he has all the required licenses.

Rod Makowski, 9097 Maple Road: Written a letter to the State of Michigan, Bureau of Code regarding Mr. Kras' building permit not legal.

11. **ADJOURNMENT**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 8:25 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba  
Recording Secretary