

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JUNE 19, 2003 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: Chuck Michel, Marianne Diss, Ron Nelson, Cindy Kirkpatrick

Absent: Joanne Shirkey

Also present: Tim Wiggle, Zoning, Planning, and Code Enforcement Officer

2. APPROVAL/ AMENDMENTS TO AGENDA

Moved by Kirkpatrick, supported by Michel to accept the Agenda as presented.

AYES: All NAYES: None ABSENT: Shirkey

MOTION CARRIED

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 27.04 of Ordinance #123. There are five members on the ZBA, four 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 appellant 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. APPROVAL OF MINUTES OF MAY 15, 2003

Moved by Kirkpatrick, supported by Michel to accept the minutes of May 15, 2003 with the following correction: Absent: Marianne Diss, Excused.

AYES: All NAYES: None ABSENT: Shirkey

MOTION CARRIED

5. APPEALS

2003-0018

Alton Avers

6510 Holland Rd.

Appellate: Requesting a variance to build a pole barn to house trailer, tractor and farm implements.

Request for a variance to have accessory buildings with a total of 3,718 sq. ft., exceeding total floor area of the main building (1900 sq. ft.). Ordinance #123, section 3.01, Paragraph 4.

Nelson: You have several accessory buildings on the property now.

Appellate: If this is approved I will definitely get rid of some of these buildings.

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Public Participation:
In favor: None
Opposed: None
Closed Public Participation

Diss: Does this include the portable buildings?

Wiggle: No

Diss: Than the 3700 sq. ft. is not the total; this would be more than double the square footage of the house.

Nelson: We could request a bond or Letter of Credit that when you have the pole barn up you would take out X number of buildings but we don't know which buildings that would be. You could request a postponement until you decide which buildings you're going to get rid of.

Michel: My opinion 36 X 40 is too big. If took all the buildings down and come back might consider it.

Diss: Existing garage and barn exceed square footage of house.

Nelson: Have no problem with exceeding square footage considering barn and acreage but I can't see having all the other buildings.

Appellate: The aluminum ones I would move so I can build the pole barn.

**Motion by Diss, supported by Michel, to deny because there is no hardship.
AYES: Diss, Michel, Nelson NAYES: Kirkpatrick ABSENT: Shirkey
MOTION CARRIED**

2003-0019

Gerald/Ann Meldrum

5870 Jankow Rd.

Appellate requesting a variance on a lot split; Parcel "B" which has an accessory structure without a principle dwelling and a variance for both Parcel "A" and "B" for depth to width.

Request a variance to Ordinance #123 Article II Section 2.02, Accessory Structure; Article III Section 3.01. Paragraph 10; Article XVIII, Section 18.02, Paragraph 9. Parcel "A" is 1352.19 feet in depth, needs a variance of 160.74 feet; Parcel "B" is 1345.76 feet in depth, needs a variance of 154.31 feet.

7:45 p.m. Joanne Shirkey arrived.

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Nelson: How important is the shed on "B"?

Appellate: It's not, it can be moved.

Public Participation:

In favor: John Mantyk, 6502 Marina Dr.

Opposed: None

Closed Public Portion

Nelson: If you get rid of shed I have no problem with it.

Michel: Do we need some guarantee they will get rid of it?

**Moved by Kirkpatrick, supported by Michel, to approve the request as presented with the removal of the shed on Parcel "B" within two weeks. AYES: All NAYES: None ABSENT: None
MOTION CARRIED**

2003-0021

Henry Amama

8071 Morrow Rd.

Appellate requesting a variance on a lot split for the depth to width on Parcel "1".

Zoning Ordinance #123, Article XVIII Section 18.02, Paragraph 9. Parcel "1" has a depth of 1364.80 feet, will need a variance of 184.80 feet.

Represented by Michael Bachelor: Didn't think needed a variance because it is the parent parcel. Alternative is to make Parcel "2" smaller then both would conform but think making Parcel "2" larger is better.

Public Participation:

In favor: None

Opposed: None

Closed Public Participation

**Moved by Michel, supported by Shirkey, to grant the request as presented. AYES: All NAYES: None ABSENT: None
MOTION CARRIED**

2003-0023

Jim Plutter

8837 Colony Dr

Request for a variance to build a garage and boathouse.

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Request for a variance of Ordinance #123, section 3.01, paragraph 5, paragraph 7d; Section 18.02, paragraph 4; Section 18.03, paragraph 5. Variance for (1) to have a height of 16.5 where the maximum allowed is 15' for an accessory building (2) a second story in an accessory building; (3) a totally enclosed boathouse where 8' open walls above grade are required; (4) a total lot coverage of 30.01 percent where the maximum allowed is 30 percent; (5) a front setback of 1.93' for the boathouse and 11.30' for the garage where 15' is required.

Represented by Trevor Adams, 8438 Anchor Bay Dr.

Nelson: Here for several variances, the house is taken care of.

Chairman Nelson requested Kirkpatrick to read into the record two letters received concerning this request.

Letter in opposition: Dennis & Karen Robinson 7365 Flamingo
Letter in favor: Marguerite & Des McAlister

Nelson: I have trouble with the height

Kirkpatrick: I have trouble with it all.

Michel: I don't have any problem with anything but the height.

Nelson: We have a new ordinance and during the planning they took appeals into consideration and according to the new ordinance it is not conducive to two residences.

Kirkpatrick: The new ordinance raised the height one foot to 15' and I can't see going against the ordinance.

Public Participation:

Public in favor: None

Public opposed: Ray Sankuer, 7361 Marina Dr
They should comply completely, if can't fit on the lot shouldn't build.
Paul Bridgman 7985 Colony Dr
Opposed to size and height, no hardship
Jerry Tilly 7533 Colony Dr
Too close to the road.
Tony Bane 6506 Marina Dr.
We all have to live with the ordinance.

Closed Public Participation

Michel: Have 3 major problems, height, bathroom and fixed stairway.

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Kirkpatrick: This is three times, problem with second story. I don't see a hardship, should comply with the ordinance.

Shirkey: Problem with it all except the walls on a boathouse.

**Moved by Kirkpatrick, supported by Diss, to deny the request as presented. AYES:
All NAYES: None ABSENT: None
MOTION CARRIED**

Appellate: There two hardships cited on the application.

Nelson: If you don't agree you can take it to Circuit court.

2003-0024 Seaway Community Bank 9988 Tashmoo

Represented by Mike Kras. This is an off-site sign for Seaway as funding the project. Requesting additional 7 sq. ft. for a temporary sign where 9 sq. ft. allowed.

Requesting a variance of Ordinance #123, Section 23.07, paragraph 3.

Nelson: Their sign is much smaller than others in area.

Public Participation:
In favor: None
Opposed: None
Closed Public Participation

Kras: The sign has to be removed within 14 days after completion of project.

**Moved by Michel, supported by Kirkpatrick, to grant the request as presented.
AYES: All NAYES: None ABSENT: None
MOTION CARRIED**

6. INTERPETATION: 061903 FOR NON-CONFORMING USE RE: SIGN FOR ST. PAUL'S CHURCH

On Harsens Island when you get off the ferry, they have numerous nonconforming signs on residential property; they are all off site signs. In that cluster St. Paul's church has placed a sign; it is 25 ft. sq. so it meets ordinance, problem is it is a temporary off site sign. We have nothing that says that a temporary sign can be off site, but being a religious sign we found a couple things in the ordinance that we could take this under but we are not sure how to interrupt this so that is what we are asking the Board.

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Nelson: To me it does fall under 23.08 exemptions but I also was led to believe that the Planning Commission was going to pick up something with signs.

Kras: The church did give me an application for a variance but we wanted an interpretation first to see what it falls under. We suggested they put their service information on the sign and then change it for special events.

Nelson: For me 23.08 applies.

Kirkpatrick: It is informational.

Nelson: Does Board concur?

Board Agreed

Nelson: When there are changes made to the Ordinance it should be passed on to us.

7. MEMBER COMMENTS:

None

8. PUBLIC COMMENTS:

Judy Jessup 2097 Little Rd., Harsens Island
Do I understand we are allowed to use that sign?

Nelson: Yes

Rodney Makowski 9097 Maple St.
Comments on a complaint against Mr. Kras and questioned requirements of R1 and R3

Paul Bridgman 7985 Colony Dr.
Comments on ZBA actions.

Ray Sankuer, 7361 Flamingo
Questioned who approves cut in for boat wells and what the process, what comes first?

Nelson: Corp of Engineers and DEQ.

Citizen questioned dumping on Dickinson Island

Kirkpatrick: I am looking into it.

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Judy Jessup, 2097 Little Rd, Harsens Island.
Questioned Sandwich board legality.

9. ADJOURNMENT

**Motion by Michel, supported by Shirkey, to adjourn at 9:05 p.m. AYES: All
NAYES: None ABSENT: None
MOTION CARRIED.**

Dorothy DeBoyer