

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JULY 17, 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: Joanne Shirkey, Ron Nelson, Cindy Kirkpatrick, Marianne Diss.
Also present: Tim Wiggle, Zoning, Planning, Code Enforcement Officer.
Excused: Chuck Michel.

2. APPROVAL/AMENDMENTS TO AGENDA

**Moved by Kirkpatrick, supported by Diss to approve the agenda as presented.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

3. APPROVAL OF MINUTES OF June 19, 2003

**Moved by Kirkpatrick, supported by Shirkey, to approve the minutes as presented.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

4. 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 appellate 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.

5. APPEALS

2003-0025	Daisy J. Paluch	8270 Anchor Bay Dr.
	John Paluch, representing	20162 Ballantree, Macomb

Appellate requesting a variance on the roadside to construct a new home.

Request for variance from Ordinance #123, to encroach into average setback of adjacent principal structures to construct a new home. The application was denied because Ordinance #123, section 3.12 (1).

Public Participation:
In favor: No comment.
Opposed: No comment.
Close Public Participation.

Nelson: What is hardship? Kirkpatrick: Lot size. Approximately 45' wide.

Diss: Do you own lot #124? Appellate: Yes. New construction is creating their own hardship.

Kirkpatrick: There is a problem with parking, hardship is lot size.

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Shirkey: Not blocking view, suggest to bring house toward road five feet.

Motion by Shirkey, to grant request but move 5' toward roadside, front 27 feet. No support, motion died.

Motion by Diss, no hardship, deny request. No support, motion died.

Motion by Kirkpatrick to grant as requested due to hardship of 45' lot size. Chairman invoked support. AYES: Kirkpatrick. NAYES: Shirkey, Nelson, Diss. MOTION DENIED. Excused: Michel.

2003-0026 Edward Myers 7351 Bealane

Appellate requesting to construct a garage with side yard variance of 5' and lot coverage 3% over including the deck. Neighbors lot higher elevation.

Nelson: Lot size 60' x 125'. There is an existing deck and house. Appellate requesting to tear down existing garage and construct a new attached garage.

Request for variance from Ordinance #123, to construct an attached garage. Lot coverage is 3% over. The application was denied because Ordinance #123, section 18.03.

Shirkey: What is coverage now? Wiggle: 27.72%.

Public Participation:
In favor: No comment.
Opposed: No comment.
Close Public Participation.

Kirkpatrick: Suggested reduction of garage size to 22' with variance of 3'. Appellate: Could lower deck so as not to be included in lot size. Wiggle: 30.08% if deck is dropped off.

Motion by Diss, supported by Kirkpatrick to grant side variance as requested and keep size under 31%. AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.

2003-0027 Robert Kucinski 7302 Jochar

Appellate requesting to construct 10' x 15'3" accessory building, needing 9' variance in rear. Has existing shed, now removed and build new shed larger and detailed to house.

Nelson: Do you own tow lots. #113-112 on corner? Appellate: Yes.

Nelson: There is an accessory building on lot #112. Appellate: Will be keeping this shed.

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Request a variance Ordinance #123 to construct a 10' x 15'3" shed which would be in unobstructed yard space and a rear (waterside) yard setback of 9'. Original application was denied because Ordinance #123, section 2.2 and section 18.03 (5).

Letter, Opposed: Joe and Lorraine Lipa. Appellate: Shed is not a pole barn and height is to match 12-16 pitch.

Nelson: Could you put shed on #112? Appellate: No, there are trees and would block own view.

Nelson: Do you own two lots: Appellate: Yes, in process of combining into one.

Nelson: What is hardship? Neighbor does not use property. Appellate: Should have had paperwork. Started construction without permit.

Diss: There is a two car garage. Appellate: Some construction is started.

Kirkpatrick: What are you going to use shed for? Appellate: Storage.

Diss: Can't you put the shed on the marsh side? Appellate: Would obstruct view.

Nelson: Could go to southeast corner. Wiggle: Can't put an accessory building on a vacant lot.

Kirkpatrick: It was not advertised to move shed.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Diss, supported by Shirkey to deny request, no hardship.

AYES: Shirkey, Nelson, Diss. NAYES: Kirkpatrick. MOTION DENIED. Excused: Michel.

2003-0028

Greg Sepanski

7836 Inglewood

Appellate requesting to construct a 4' high fence in rear yard at canal edge for temporary safety of children. The fence has already been constructed.

Request a variance Ordinance #123 to construct a 4' high fence. Original application was denied because Ordinance #123, section 2.02.

Letter, In favor: Arthur and Heidi Dudlets.

No fences are allowed on water side, rear yard.

Continued: 2003-0028

Public Participation:

In favor: Denise Tilly, 7886 Inglewood; Jim and Karen Odem, 7840 Inglewood; William _____, 7840 Inglewood.

Opposed: No comment.

Close Public Participation.

Diss: ZBA has not allowed fences on the water side across canal side.

Motion by Diss, supported by Kirkpatrick, to deny as requested.

AYES: All. NAYES: None. MOTION DENIED. Excused: Michel.

6. Member Comments

Kirkpatrick: Mr. Dan Dalton, attorney, has been appointed by Clay Township Board as municipal attorney. He will be required to attend a certain number of meetings for interpretation. Mr. Mc Namee will continue until his cases are finished. Would like a clarification of the definition of hardship.

Wiggle: The chairman has to request Mr. Dalton's services and opinions.

Diss: There seems to be a difference in opinion of hardship.

Diss: Why do we need to pick up ZBA packet? Wiggle: To save on cost of postage.

Wiggle: Will be meeting with Mr. Maher, Township Planner.

Kirkpatrick: Suggested a joint meeting with Planning Commission.

Diss: ZBA needs to respect the new ordinance.

7. Public Comment

Eric Stanzek, 7385 Venice, owns video store. Who is responsible for rezoning? Nelson: Not a ZBA responsibility. Suggested to take issue to Planning Commission.

Paul Bridgeman, 7985 Colony, regarding Colon Park Association. Wiggle: The Building department does not adhere to the association rules.

8. Adjournment

Moved by Shirkey supported by Kirkpatrick to adjourn at 8:55 p.m.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary