

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, AUGUST 21, 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: Ron Nelson, Cindy Kirkpatrick, Marianne Diss.

Excused: Joanne Shirkey, Chuck Michel.

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

2. APPROVAL/AMENDMENTS TO AGENDA

Motion by Diss, supported by Kirkpatrick to add 5A, extension of bond for 1500 S. Channel Dr.

Moved by Diss, supported by Kirkpatrick, to approve the agenda as amended.

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

3. APPROVAL OF MINUTES OF JULY 17, 2003

Moved by Diss, supported by Kirkpatrick, to approve the minutes as presented.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, 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, three 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

2003-0029

William Fisher

342 Greenwood

Appellate requesting to construct a 22' x 24' garage and requesting 34.2% coverage of lot.

Request for variance from Ordinance #123, to construct a new 22' x 24' garage on a single family residential lot, requiring a 4.2% variance in lot coverage. The application was denied because Ordinance #123, section 18.03 and section 27.04.

Letter, in favor: Marian Belleau, 326 Greenwood.

Nelson: Lot size 50' x 101' is hardship.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

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Continue: 2003-0029

Motion by Diss, supported by Kirkpatrick to grant appeal as requested due to hardship of lot size.

Hardship, lot size 50' x 101'.

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

2003-0030

Philip Figliacconi

8988 Anchor Bay Dr.

Appellate requesting to construct a shed 12' x 12'.

Request for variance from Ordinance #123, to construct a 12' x 12' addition to an already non-conforming garage. The application was denied because Ordinance #123, section 18.03 and section #27.04. A stop work order has been issued, attempting to construct the shed. A variance of 12' to canal waterside and 2' variance on north side is required.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Nelson: What is the hardship? Lot is 40' x 113'. There is a garage blocking view and a shed would further block view.

Kirkpatrick: Shed could be relocated.

Diss: A 12' x 12' addition is a one car garage size. This is a large size shed.

Motion by Kirkpatrick, supported by Diss to deny. The shed could be moved and there is no hardship.

AYES: All. NAYES: None. MOTION CARRIED TO DENY. Excused: Shirkey, Michel.

2003-0031

Amy Russell

2980 Fruit

Applicant is requesting to construct a 28' x 36' prefab. pole barn.

Request for variance from Ordinance #123, to construct total floor area of 1312 sq. ft. which would exceed total floor area of main building (1252 sq. ft.). The application was denied because Ordinance #123, section 27.04.

Nelson: There is approximately two acres of land. The pole barn is 60 sq. ft. larger than home. The pole barn can't be larger than square footage of main building.

Wiggle: This is a prefab. barn and had to purchase that size.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

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**Motion by Kirkpatrick, supported by Diss to grant appeal as presented due to the shape of the lot.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.**

2003-0032 Glen Hilts 1153 N. Channel Dr.

Appellate is requesting to construct a shed which is being purchased from a neighbor, 14.5' x 12.5'.

Request a variance Ordinance #123 to construct a 14.5' x 12.5' shed in the rear (water side). Requires a rear yard setback of 25.5' and is in the unobstructed yard space. Original application was denied because Ordinance #123, section #27.04.

Letter to oppose: Wojik, 1149 N. Channel.

Public Participation:

In favor: Carl Hilts, 1208 Gore; Jim Praught, 1180 N. Channel; Jim Collins, 1204 Gore; Rich Holcomb, 1202 Gore.

Opposed: No comment.

Close Public Participation.

Diss: No hardship, possibility of a garage.

Motion by Kirkpatrick to move garage away from the water closer to the house. Could move to 35' to front of other existing shed.

MOTION DIED, LACK OF SUPPORT. Excused: Shirkey, Michel.

Wiggle: 35' setback from water. If moved, will not be in unobstructed view.

Motion by Kirkpatrick, support by Diss, to grant 35' setback off water. Motion withdrawn.

Diss: What is hardship? Kirkpatrick: Location of septic field and would prefer what has already been established.

Motion by Diss, support by Kirkpatrick, to alter to edge of metal shed 38' from sea wall.

Ayes: All. Naves: None. MOTION CARRIED. Excused: Shirkey, Michel.

2003-0033 George/Karen Keller 8608 Anchor Bay Dr.

Appellate is requesting to construct a new single family residence and demolish old shed.

Request a variance Ordinance #123 to build a new single family residential dwelling requiring a variance of rear yard setback of 33' (40' required), also average setback of adjacent homes. Requires front yard setback of 17' (25' required). Total side yard setback of 10' (minimum 15' required). Total lot coverage is 33.7% (maximum is 30%). Original application was denied because Ordinance #123, section 27.04.

Diss: There may be an error in survey.

Letter opposed: Tom and Jane Hicks, 8593 Anchor Bay Dr.

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Nelson: Appellate owns 8609 Anchor Bay Dr.

Nelson: Hardship is 40' wide lot. Lot #243 is 40' x 88'. Lot #364 is 40' x 40'.

Public Participation:

In favor: No comment.

Opposed: Mr. Anderson, 8610 Anchor Bay Dr, obstructed view; Gil Gordon, 8588 Anchor Bay Dr., obstructed view.

Close Public Participation.

Wiggle: ZBA abides by the new ordinance #123.

Kirkpatrick: Do you own the other lot? Appellate: Yes.

Kirkpatrick: Could combine lot #364 and lot #243. no problem with lot size coverage.

Nelson: Lot size is hardship.

Motion by Kirkpatrick, supported by Diss, to grant appeal and that lot coverage is not to exceed 30%.

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

2003-0034 Lloyd Hartwell 7239 Flamingo

Appellate is requesting to construct a 14' x 18.6' sunroom.

Request a variance Ordinance #123 to construct an addition of 14' x 18.6" to the rear (water side) of single family dwelling, 51' setback (55' required) Original application was denied because Ordinance #123, section 27.04.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Diss: Have we allowed a four foot variance? Nelson: No, two feet.

Nelson: Don't mind two foot variance. Could the sun room be reduced to 12'? Appellate: No.

Kirkpatrick: Is this a kit? Appellate: No, stick built.

Nelson: There is a ten foot existing cement patio.

Diss: Size would be 12' x 18.6' if altered two feet.

Nelson: Sunroom (will be in center of house), will not be in unobstructed view portion. Appellate: Primarily glass, will be drapes/blinds.

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Motion by Kirkpatrick, supported by Diss, to grant as requested at four foot variance.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

2003-0035 Jeffrey Tackett 5275 Pte. Tremble Rd.

Appellate is requesting to rebuild non-conforming structure due to fire. Not changing foot print.

Request a variance Ordinance #123 to rebuild non-conforming structure in excess of 60% of the replacement cost. Original application was denied because Ordinance #123, section 3.24 (4D).

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

Motion by Diss, supported by Kirkpatrick, to grant request due to hardship of lot size
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

5A: Motion by Kirkpatrick, support by Diss, to grant extension not to exceed Oct. 1, 2003.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

6. Member Comments

Nelson: There is a meeting August 26, 2003 at Clay Township Office, 9:00 a.m. Michigan Municipal Code for Planning Commission and ZBA Chairpersons.

Letter from Mike Pellerito (Clay Township Clerk) regarding letter to Dan Dalton, new attorney, chairman can call as needed.

Letter from Dan Dalton, attorney, will help with ZBA decisions.

7. Public Comment

Paul Bridgman, 7985 Colony, is going to proceed with law suit of next door neighbor.

8. Adjournment

Moved by Kirkpatrick, supported by Diss, to adjourn at 9:05 p.m.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Shirkey, Michel.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary