

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, SEPTEMBER 18, 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, Chuck Michel.  
Also present: Tim Wiggle, Zoning, Planning, Code Enforcement Officer.

2. APPROVAL/AMENDMENTS TO AGENDA

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

3. APPROVAL OF MINUTES OF AUGUST 21, 2003

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

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, all 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

2003-0037                      Gary/Lynn Grzech                      7333 Edlane

Appellate requesting to keep the 6' high, 32' in length, privacy fence that was built in the unobstructed yard space.

**Request for variance from Ordinance #123, to keep the 6' high, 32' long, privacy fence along the north side property line and next to his existing 4' cyclone fence. The application was denied because Ordinance #123, section 2.02 (definitions).**

Public Participation:

In favor: Chris Marchwinski (SP?), 7331 Edlane; Brian King, 7334 Edlane.

Opposed: No comment.

Close Public Participation.

Diss: Is there a house for sale? Appellate: Yes.

Wiggle: Fence gives both sides privacy.

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**Motion by Shirkey, to grant request. No support.**

**Motion by Kirkpatrick, support by Shirkey to grant request until new house is built and the fence be removed.**

Diss: Fence is close to water.

Michel: Fence obstructing view.

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

2003-0038	Robert Lawrence	5216 Pte. Tremble Rd.
	Ultimate Contracting Co.	5216 Pte. Tremble Rd.

Appellate is renting front office space. Requesting to add additional signage (12 sq. ft.).

Current sign is 6' x 4' (Ultimate). New sign will be 3' x 4' and will stick out toward road. Appellate trying to avoid excessive signage, will be similar color and no obstruction.

**Request for variance from Ordinance #123, to variance to add additional signage (12 sq. ft.) to existing non-conforming sign (doesn't meet setback requirements. The application was denied because Ordinance #123, section 23.04 (4)(keep sign in current location) and section 23.09(1)(addition to non-conforming signage).**

Diss: How tall is total sign? Appellate: 14 ft.

Diss Where is the bottom of the sign? Appellate: 6 ft.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Kirkpatrick: There will be no blockage.

**Motion by Kirkpatrick, supported by Diss to grant request at presented.**

**AYES: All. NAYES: None. MOTION CARRIED.**

2003-0039	Jim/Kim Plutter	8837 Colony Dr.
	Travis Adams, rep.	8834 Anchor Bay Dr.

Representative: Appellate requesting to construct a boat house/garage. Exceeds 15' in height.

**Request a variance Ordinance #123 to construct a boat house/garage requiring variances on boat house sides, front yard setback, rear yard setback, height of structure 1'6" above. Original application was denied because Ordinance #123, section 3.01 (Par. 5, 7) and section 18.03 (Par.5)**

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Letter Objection: Clement Abyzk (sp?), 7353 Flamingo; Dennis/Karen Robinson, 7365 Flamingo; Paul Bridgman, 7985 Colony; Steve/Donna Kuhr, 8857 Colony.

Diss: Overall height 16.5' to mid point?

Wiggle: Height is measured to mid point, not overall height.

Diss: Survey shows 15.5' not 16.5'. Roof is different on the back than on the front.

Wiggle: Remeasured. Discussion.

Public Participation:

In favor: Don East, 7777 Colony; Jim/Nancy Mc Fadden, 8551 Colony; Paul Johnson, 8366 Colony; Ron Puwal, 8499 Colony; Ed/Debbie Phillips, 8467 Colony.

Opposed: John Mantyk, 6502 Marina; Tony \_\_\_\_\_, 6506 Marina; Ray/Darci Sankuer, 7361 Flamingo; Jerry Tilly, \_\_\_\_\_ Colony; Marda Bates, 7525 Colony; Paul Bridgman, 7985 Colony; Dennis Robinson, 7365 Flamingo;

Close Public Participation.

Paul Bridgman requested that his letter be reread by someone else. Kirkpatrick reread letter.

**Motion by Kirkpatrick, supported by Diss, to deny request for accessory building.**

**AYES: Diss, Kirkpatrick, Shirkey. NAYES: Nelson, Michel. MOTION CARRIED TO DENY.**

Diss: New construction on vacant lot.

Michel: Given variances before for enclosed boat house.

**6. Member Comments**

Kirkpatrick: Still requesting definition of hardship. How many times can an appeal be presented?

McKoan: Submit in writing to chairman to correspond with Mr. Dalton, attorney.

Diss: What is the answer to the age of a survey?

Wiggle: Can't be forced to change a survey. Mortgage survey is OK.

Mc Koan: Mortgage survey is inferior to a regular survey.

**7. Public Comment**

Paul Sankuer, 7361 Flamingo: How is survey measured?

Wiggle: Surveys are measured from property line.

Discussion: Jerry Tilly, \_\_\_\_\_ Colony, boat house height. Marda Bates, 7525 Colony, what are the fees per appeal? Monty \_\_\_\_\_, \_\_\_\_\_ Marina, how can changes be made to Ordinance #123? Ray Sankuer, 7361 Flamingo, regarding second floor. Dennis Robinson, 7365 Flamingo, second floor. Tony \_\_\_\_\_, 6506 Marina, hardship. Paul Bridgman, 7985 Colony, second floor; is ZBA fair?

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8. Adjournment

**Moved by Michel, supported by Kirkpatrick, to adjourn at 9:35 p.m.  
AYES: All. NAYES: None. MOTION CARRIED.**

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary