

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY,
OCTOBER 16, 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.

2. APPROVAL/AMENDMENTS TO AGENDA

Nelson: Add 5A, Yearly Elections.

Moved by Nelson, supported by Michel to approve the agenda as amended.

AYES: All. NAYES: None. MOTION CARRIED.

3. APPROVAL OF MINUTES OF OCTOBER 18, 2003

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

AYES: All. NAYES: None. MOTION CARRIED.

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

2003-0040

John/Lena Karmanowski

8560 Anchor Bay Dr.

Appellate requesting appeal to place stairs on the side of lot setback. Requires having a setback of 8' eastside yard setback and a 4'6" west side yard where minimum is 5'. Neighbor, Ronald Slabaugh, of 8572 Anchor Bay approves.

Request for variance from Ordinance #123, to keep stairs to their second story deck. The application was denied because Ordinance #123, section 18.03 (5).

Letter, no objection: Stella Dureno, 8580 Anchor Bay Dr. Ronald Slabaugh, 8572 Anchor Bay Dr.

Public Participation:

In favor: Mike Thomas, 8518 Anchor Bay Dr.

Opposed: No comment.

Close Public Participation.

Kirkpatrick: No problem.

Shirkey, No problem.

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 16, 2003
PAGE TWO (2)**

Continued: 2003-0040

Michel: Appellate created his own hardship without permit.

Nelson: Lot size is 34' in front and 40' in back.

Motion by Kirkpatrick, supported by Shirkey to grant the request as presented.

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

2003-0041 Chris/Cathy Grab 7324 Jochar

Appellate requests to construct an attached garage 46' x 12' on lot 60' x 125'. Original permit was issued Aug. 1994.

Michel: Was there a canal on the old survey?

Request for variance from Ordinance #123, to construct an attached garage on the existing footing and slab build Aug. 1994 requiring 3' setback on south side. The application was denied because Ordinance #123, section 18.03(5).

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Michel, to deny request because there is no hardship. No support.

Kirkpatrick: Hardship created by the new ordinance.

Diss: He is in process of building.

Motion by Kirkpatrick, supported by Diss to grant request due to hardship created by change of ordinance while in process of building.

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

2003-0042 Beacon Sign (Standard Federal Bank) 2850 Pte. Tremble

No representative present. Appeal to erect a new two-sided illuminated sign for Standard Federal Bank.

Michel: No survey.

Diss: Should table the appeal.

Request a variance Ordinance #123 to erect new sign. Original application was denied because Ordinance #123, section 23.03 (4).

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OCTOBER 16, 2003
PAGE THREE (3)**

Continued: 2003-0042

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

**Motion by Diss, supported by Michel to postpone appeal until next meeting, November 20, 2003,
So a completed application can be submitted and a representative present.
AYES: All. NAYES: None. MOTION CARRIED.**

2003-0043 Bernard M. Licata 1825 S. Channel Dr.

Appellate is requesting to construct an addition on first floor and add a second floor to his non-conforming single family residence.

Previous appeal #2001-0044 approved for second story.

Request for variance from Ordinance #123, to construct addition to first floor and add second floor requiring north side yard setback to 2.3'; 1.7' north/west front yard setback (this is existing setback); and 28' east rear yard (water side) setback. The application was denied because Ordinance #123, section 27.04

Letter in favor: Thomas and Kathryn DiSimone, 1870 S. Channel Dr.

This was reclassified from Class B to Class A non-conforming on June 21, 2001.

Public Participation: Parcel A, one lot.
In favor: David Bryson, 1926 S.Channel; David Lozon, 1920 S. Channel; Dan Persyn, 3455 Green Dr.; Tom Borthwick, 1910 S. Channel.
Opposed: Bernard Johnkins (SP), rep. Benovich, 1860 S. Channel, discussed septic field (proper size) being environmental issue.
Close Public Participation.

St. Clair County Health Dept. has given OK.

Nelson: How much square footage is increasing. Johnkins(SP): About 900 sq. ft.

Michel: You have a permit for existing home, no permit for second story.

Letter from St. Clair County Health Dept, Ronald Miller, read by Kirkpatrick.

Michel: Cantelever does not approve over present foot print.

Appellate: Will not exceed two bathrooms and two bedrooms.

MINUTES OF OCTOBER 16, 2003
PAGE FOUR (4)

Continued: 2003-0043

Motion by Michel, supported by Diss, to deny request, meets request of June 21, 2001 (2nd story stays on basic foot print, still in effect.

Kirkpatrick: No time limit on June 21, 2001.

Nelson: Don't want to change the June 21, 2001 appeal.

Diss: Can go from Class "A" to Class "B".

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

Shirkey: If you are denying request is that denying all setbacks? Yes. We are not denying second floor?

Appellate: Define foot print.

5A. Yearly Elections

Yearly elections will be held on November 20, 2003. Kirkpatrick: Nominated to elect Nelson, chairperson, Michel, vice chairperson, Diss, secretary. Nominations closed.

6. Member Comments

Diss: Thanks to Kirkpatrick for obtaining letter from Mr. Dan Dalton, attorney, regarding zoning issues.

7. Public Comment

Comment regarding the ZBA meetings and the new ordinance.

8. Adjournment

Moved by Kirkpatrick, supported by Diss, to adjourn at 9:18 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary