

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY,
NOVEMBER 20, 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, Chuck Michel.
Also present: Tim Wiggle, Zoning, Planning, Code Enforcement Officer.
Excused: Marianne Diss.

2. APPROVAL/AMENDMENTS TO AGENDA

Add 6A, elections.

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

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

3. APPROVAL OF MINUTES OF OCTOBER 16, 2003

Moved by Michel, supported by Shirkey, to approve the minutes as amended to add addresses on page 3.

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

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

OLD BUSINESS:

2003-0042	Beacon Sign	2850 Pte. Tremble
	Standard Federal	

Wiggle: Current sign is 14.25 ft. 5-3/4 ft. variance is needed. Overall height 20 ft.

Michel: Questioned location of new sign. Standard Federal Rep.: New sign will be 19'6" width. They are changing the post, but not moving the post.

Nelson: No problem.

Public Comment:

In favor: Richard Wagner.

Opposed: No comment.

Close Public Participation.

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**Motion by Michel, supported by Shirkey to grant request as presented.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Diss.**

2003-0044 Denise Sartain 9547 St. Clair Blvd.

Appellate requesting to construct a new single family residential structure. Lot is split and requesting an 10' x 11' addition.

Request for variance from Ordinance #123, to build a new single family residential structure requiring rear yard setback variance of 13'5". The application was denied because Ordinance #123, section 18.03 (5).

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

Nelson: No problem.

Michel: What is in front? Appellate: Garage.

**Motion by Shirkey, supported by Kirkpatrick, to grant the request as presented.
AYES: Shirkey, Kirkpatrick, Nelson. NAYES: Michel. MOTION CARRIED. Excused: Diss.**

2003-0045 Thomas Hibbert 6421 Dyke Rd.

Appellate requesting to construct an addition 8' x 6'. Lot coverage of 35% and sideyard total setbacks of 11.25' where 15' is required.

Nelson: It won't be wider than existing house.

Shirkey: Average setback is OK.

**Request for variance from Ordinance #123, to construct an addition to existing structure, measuring 8' x 6'.
The application was denied because Ordinance #123, section 18.03 (5).**

Public Participation:
In favor: No comment.
Opposed: Unknown name, 6425 Pte. Tremble (no such address per township).
Close Public Participation.

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Continued: 2000-0045

Wiggle: Explained the location of the 8' addition.

**Motion by Kirkpatrick, supported by Michel, to grant the request per variance.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Diss.**

2003-0046 Dennis Paul 6396 Marina Dr.

Appellate requesting to reapply (2000-0007, 3/16/00) for variance two years ago. Garage is in front of house.
Nelson: You filled in old boatwell for addition to side and rear.

Request a variance Ordinance #123 to construct an addition for car and storage, and a bedroom. Original application was denied because Ordinance #123, section 18.03 (5).

Public Participation:

In favor: John Anderson, 6392 Marina Dr.

Oppose: No comment.

Close Public Participation.

Kirkpatrick: No problem except the garage was 25' x 26' and now requesting 25' x 27'.

Motion by Kirkpatrick, supported by Shirkey, to approve 25' x 26', 3-1/2' variance and other variances due to hardship.

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

2003-0047 Gayle Pinsonneault 6139 Pt. Tremble

Appellate requesting to construct a 6' fence around a swimming pool for safety and privacy. Fence will be constructed of vinyl material.

Wiggle: Mentioned that state law is 48" fence.

Request a variance Ordinance #123 to construct 6' fence requiring a variance (Ordinance #123, maximum 3' high fence, state law requires 4' high fence). Original application was denied because Ordinance #123, section 3.09 (B).

Shirkey: Fence is only 2' higher than state law.

Mike Kras: Needs a locked gate.

Public Participation:

In favor: Richard Wagner, 6143 Pte. Tremble. 2" gas line runs across property.

Opposed: No comment.

Close Public Participation.

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**Motion by Michel, supported by Kirkpatrick, to grant variance for 6' high fence.
AYES: Shirkey, Kirkpatrick, Michel. NAYES: Nelson. MOTION CARRIED. Excused: Diss.**

6. Member Comments

Plutter, appellate, is suing Clay Township and ZBA.
MMRA, Mr. Dalton was an attorney for MMRA, maybe handling Clay Township cases.

6A. Elections

Nominations: Nelson, Chairperson; Diss, Secretary; Michel, Vice chairperson.

**Motion by Kirkpatrick, supported by Shirkey, to postpone until the December 18, 2003.
Michel has not been installed for the Planning Commission.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Diss.**

7. Public Comment

George Lyle, 9112 Marsh Rd., Why doesn't the ZBA use an alternate member? Nelson: Explained the 30 day notification before the meeting date.

8. Adjournment

**Moved by Michel, supported by Kirkpatrick, to adjourn at 8:40 p.m.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Diss.**

Respectfully submitted,

Dolores M. Nelson
Recording Secretary