

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY , DECEMBER 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: Kirkpatrick, Nelson, Diss.

Excused: Michel, Shirkey.

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

2. APPROVAL/AMENDMENTS TO AGENDA

Chairman suggested add 6A Elections.

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

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: MICHEL, SHIRKEY.

3. APPROVAL OF MINUTES OF NOVEMBER 20, 2003

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

AYES: All. NAYES: None. MOTION CARRIED. EXCUSED: MICHEL, SHIRKEY.

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 which 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 to 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

2003-0048	Frank Lenik	8326 Anchor Bay Dr.
	John Cornish, rep.	8338 Anchor Bay Dr.

Appellate is requesting to replace boathouse/garage and construct a new boathouse/garage. The old structure would not withstand moving.

Request for variance from Ordinance #123, to replace and construct a boathouse/garage requiring a variance of 4 ft. height, total enclosed boathouse shall be open for a height of 8 ft. above land level and enclosed a distance of not more than 3 ft. down from top of the top plate. Sideyard setbacks on north side and south side requiring at least 3 ft. minimum. Front (roadside) setback requiring minimum of 25 ft. The application was denied because Ordinance #123, section 3.01 (5), section 3.01 (7d), section 3.01 (3), section 18.03 (5).

Nelson: Will have same footprint, will be redone but keep the same.

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Continued: 2003-0048

Diss: What is height of garage? Same as it is.

Wiggle: All construction will be improvement.

Public Participation:

In favor: No Comment.

Opposed: No Comment.

Close Public Participation.

Motion by Diss to grant as requesting, replacing the building to same footprint.

Kirkpatrick: Oppose to 19 ft. height.

Motion fails due to lack of support.

Nelson: Concerned with setbacks.

Kirkpatrick: Make whole structure smaller.

Motion by Kirkpatrick, supported by Diss to approve the back side setbacks to 3 ft, 16 ft. height.

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

Nelson: The water side goes over the water and meets average setbacks and should maintain setbacks.

2003-0049

Shawn and Carrie Johnson

6342 Swartout

Appellate requesting to build a house. The property is in process of a lot split.

Request for lot split. Variance needed for parcel "1" of the lot split what has frontage of 60.90 ft. Applicant is requesting a variance of 89.10 ft. The application was denied because Ordinance #123, section 18.02 (RS-1 and RS-2) (1).

Nelson: Can't build within 300 ft, with 60 ft. road frontage. Planning Commission has approved.

Letter from Larry and Jan Tylkowski, 6393 Genaw, opposed.

Public Participation:

In favor: No Comment.

Opposed: No Comment.

Close Public Participation.

Motion by Diss, supported by Kirkpatrick to approve the request as presented, being minimum of 300 ft from road lot line.

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

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2003-0050 Joe Stephenson Builders; Vacant property, Swartout and Morrow Rd.

Requesting a lot split, variance is needed for parcel (J) of the lot split. Applicant is requesting a variance of 50 ft. The application was denied because Ordinance #123, section 18.02 RS-1 and RS-2 (1). A parcel of land is required to have 150 ft of road frontage.

100 ft. frontage, 9 parcels, 10+ acres.
There is the possibility of making this a county road.

Nelson: E-I parcels.

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

**Motion by Kirkpatrick supported by Diss, to grant as requested.
Ayes: All. Nays: None. MOTION CARRIED. Excused, Michel, Shirkey.**

6.Request for extension from Tim Wiggle for approved ZBA case #2003-001 – 523 S. Russell Drive.

Nelson: Are they making progress? Wiggle: Yes, paperwork and permits have been slow.
**Motion by Diss, supported by Kirkpatrick, to grant the extension to Oct. 2004.
Ayes: All. Nays: None. MOTION CARRIED. Excused, Michel, Shirkey.**

6A. Elections
**Motion by Diss, supported by Kirkpatrick to approve the slate as nominated, Ron Nelson, chairperson, Chuck Michel, vice chairperson, Diss secretary.
Ayes: All. Nays: None. MOTION CARRIED. Excused, Michel, Shirkey.**

Kirkpatrick: She has been concerned with Chuck Michel's current health, has been discussed with Mike Pellerito.

Diss: Good Job, with elections.

7.Member Comments
No comment.

8.Public Comment
No comment.

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9. Adjournment

Moved by Kirkpatrick, supported by Diss, to adjourn at 8:12 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary