

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, MARCH 18, 2004 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.

Excused: Chuck Michel.

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

2. APPROVAL/AMENDMENTS TO AGENDA

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

AYES: All. NAYES: None. MOTION CARRIED. Excused: Chuck Michel

3. APPROVAL OF MINUTES OF FEBRUARY 19, 2004

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

AYES: All. NAYES: None. MOTION CARRIED. Excused: Chuck 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, 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

2004-003 Jon McLane 123 Orchid

Appellate constructed a deck without a permit.

Nelson: Deck is build too close to right of way.

Shirkey: How far is the road right of way? Wiggle: Should be 14 ft. from property to road edge.

Request for variance from Ordinance #123, to construct a deck onto the front of their single family home. A variance of 23 ft is needed to have an east front yard setback of 2 ft in R-1 district. The application was denied because Ordinance #123, section 18.03 (5).

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Nelson: The property is odd shaped.

Wiggle: In general, the lots are similar, this being an odd situation of the lot shape.

Nelson: Deck is only 2 ft. from lot line.

Public Participation:

In favor: No comment.

Opposed: No comment.

Question: Frank Gottsberg, 216 Munroe, Can the deck be enclosed? Nelson: No. Cannot be covered.

Question: J. Chamness, 199 Munroe, Concerned for safety of public going to community beach.

Appellate: No plans to cover.

Close Public Participation.

Kirkpatrick: If approved it will be kept as an open deck.

Motion by Diss, supported by Shirkey, to grant conditions with remaining open deck and will never be enclosed.

Hardship: Unique lot size.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Chuck Michel.

2004-004

Dr. Robert Branch II

2816 Pte. Tremble

Appellate requesting to replace the sign in same place at 2816 Pte. Tremble.

Request for variance from Ordinance #123, to erect a new sign. Applicant is requesting a variance of 12.2 ft in order to have a front setback of 7.80 ft (to the front edge of the sign) where the required set back is a minimum of ½ the front yard requirements. This would equal 20 ft. The application was denied because Ordinance #123, section 23.02(4).

Wiggle: Conversed with Dr. Branch. Building sits in right of way. Current sign is in MDOT right of way.

Nelson: The new sign is to be enclosed.

Wiggle: The sign is of break away type in case of accident.

Nelson: Suggested to postpone a decision.

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Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Diss, supported by Shirkey to postpone a decision until MDOT responds.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Chuck Michel.

6. Member Comments

None.

7. Public Comment

None.

8. Adjournment

Moved by Kirkpatrick, supported by Shirkey. to adjourn at 7:50 p.m.

AYES: All. NAYES: None. MOTION CARRIED. Excused: Chuck Michel.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary