

**CLAY TOWNSHIP ZONING BOARD OF APPEALS
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Continued: 2004-005

Nelson: 30 ft x 40 ft long size of garage, going toward house and river.

Michel: Garage is 22.5 ft. now and appellate wants to go to 30 ft.

Diss: That would be 1200 sq. ft.

Letter in favor: Milton and Evelyn Osgood, 118 S. Channel; Jerry and Nancy Sturza, 219 Grove;

Public Participation:

In favor: Art Armstrong, 371 Grand Pointe Cut; Marijane Armstrong, 371 Grand Pointe, Cut.

Opposed: No comment.

Close Public Participation.

Michel: Why couldn't garage be 25 ft. instead of 30 ft.?. The new garage should not encroach any further to road.

Nelson: Will be 10 ft. from the house.

Diss: The 1200 sq. ft. should be sized down.

Shirkey: They are not in violate of the sq. ft. of home.

Kirkpatrick: Almost same as rest of residents on the road.

Nelson: Suggested 27 ft and 10 ft. off road.

Wiggle: Can be 27 ft. wide.

Motion by Michel, supported by Diss, to alter to 40 ft. long and 27 ft. wide and maintain 10 ft. for road set back.

Nelson: Hardship is lot size.

AYES: All NAYES: None. MOTION CARRIED.

2004-006 Wendy's International 2680 Pointe Tremble
 Brian Mruzik , representative

Representative requesting a Pylon sign, 20 ft. off the road.

Request for variance from Ordinance #123, to erect a new sign requiring an additional 38 sq. ft. of signage in order to have a total sign area of 138 sq. ft. The application was denied because Ordinance #123, section 23.06 (1A).the maximum allowed would be 80 sq. ft. and to have one additional sign, section 23.06 (1B). The maximum allowed is two exterior site signs. This request is in order to erect one free standing pole sign and two signs to be placed on the building.

Nelson: Pylon sign would be 20 ft. off the road. Wendy's is next to Farmer Jack shopping plaza. Asking for more sq. ft. signage but smaller that Farmer Jack.

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Continued: 20004-006

Wiggle: Need variance for third sign where only two is allowed.

Shirkey: This is not part of Farmer Jack plaza.

Public Participation:

In favor: No comment.

Opposed: Sandy Mondelo, 2653 Pointe Tremble. Opposed to additional sign to Farmer Jack.

Question: Chris Proveno, 2701 Pointe Tremble, Where is Wendy's. Corner, Pointe Tremble and Nook Road.

Close Public Participation.

Continued discussion.

Kirkpatrick: What is the hardship?

Michel: There will be directional signage also.

Motion by Michel, supported by Diss, to grant request as presented.

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

Kirkpatrick: There is no hardship.

Michel: When will the property be cleared? Representative: Probably May.

2004-007 Marty Repine 10365 St. John Dr.
 Representative??

Representative requesting to build a new two story residence and tear down old. There is a two ft. variance.

Request a variance Ordinance #123 to demolish current single family residence and replace it with a new single family residence requiring a two ft. variance on west side yard setback. Original application was denied because Ordinance #123, Article XV111, section 18.03 (5).

Nelson: Lot size is 44 ft. Ordinance is based on 65 ft.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Michel, supported by Kirkpatrick, to grant as requested based on lot size.

AYES: All. NAYES: None. MOTION CARRIED.

2004-008 James Van Coillie 7235 Bluebill

Appellate requesting to construct a new single family residence. Average setback is 57 ft. Home is 2200 sq. ft. with hardship being smaller homes were built years ago.

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Continued: 2004-008

Request a variance Ordinance #123 to build a new single family residence, south rear yard setback of 55.33 ft. Original application was denied because Ordinance #123, Article 111, section 3.12.

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

Kirkpatrick: No problem.

Nelson: Meets 55 ft rear yard setback, open and obscure view requirements. Hardship would be lot width.

Motion by Kirkpatrick, supported by Shirkey, to grant appeal as requested, with hardship being lot size but meets 2 of 3 requirements.

AYES: All. NAYES: None. MOTION CARRIED.

2004-009 John Radziewicz 8718 Anchor Bay

Applicant requesting to demolish his current single family residence and accessory structures and replace them with a new single family residence.

Request for variance from Ordinance #123, to demolish current home and accessory structures and construct a new single family residence. Variance is needed for west rear yard setback of 40 ft where minimum required is the average setback of the principle structures within 330 ft, both directions. The average setback is 49.68 ft. The application was denied because Ordinance #123, Article 111, section 3.12 (1).

Nelson: Average setback is nearly 49 ft. for the new house.

Michel: Question quality of survey? Stamped as engineer and not as surveyor.

Diss: Stamped iron?

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

Motion by Kirkpatrick, supported by Michel to grant as requested, hardship being obscured view already established by sheds etc. in neighborhood.

AYES: All. NAYES: None. MOTION CARRIED.

2004-010 Terry Bugg 1622 S. Channel Dr.
 Mark Kosanke Harsens Island

Applicant requesting to remove old bushes etc and build addition west of garage.

Continued: 2004-010

Request a variance Ordinance #123 to enlarge primary structure requiring 3 ft. variance. Original application was denied because Ordinance #123, Article 111, section 3.01 (3) and Article XXV111, section 28.06.

Wiggle: Questions 3 ft. built without permit, unlawful building.

Diss: There are drawn in hand drawings on the survey.

There is a letter with no signature. Will be placed on file.

Diss: On the survey done in December 2003, why are the buildings not shown?

Nelson: We should go for an accurate survey.

Diss: New survey should be stamped "revised".

Nelson: Suggested to postpone until next meeting for a corrected survey.

Kirkpatrick: Suggested to postpone until next meeting for a corrected or revised survey.

Diss: 7 ft. can't be verified.

Wiggle: Appeal was not advertise for any other variance.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Appellate: Will ask for postponement.

Motion by Michel, supported by Shirkey, to postpone until next month to obtain more information.

AYES: All. NAYES: None. MOTION CARRIED.

Wiggle: Will need new material by end of April 2004 to be readvertised.

5B. Letter from Mark and Sandra Pyzora, Field Rd.. Nelson: ZBA does not interpret to the public. The letter should have been addressed to the Planning Commission.

Michel: Letter should have come into T. Wiggle, Zoning, Planning, Code Enforcement Officer. Wiggle has been in contact with Pyzora's.

Kirkpatrick: She had been asked by Pyzora's for procedure. Letter should be referred to Building Department and then submitted to ZBA.

6. Member Comments

Diss: How are we going to interpret surveys? Wiggle: We can't ask for an updated survey.

Continued: Member comments

Michel: He had been submitted a subpoena. Is being handled by township. Mr. John McNamee is handling.

7. Public Comment

Sandy Mondelo, 2653 Pointe Tremble; disappointed with the ZBA in allowing signage for Wendy's. Court settlement voided, and done in Farmer Jack project. Nelson: Wendy's is not by Turnkey. It is a separate project. If another store separate from Farmer Jack, they can establish signs.

8. Adjournment

Moved by Kirkpatrick, supported by Diss, to adjourn at 9:12 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary