

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JUNE 17, 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, Chuck Michel.

Excused: Marianne Diss.

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

2. APPROVAL/AMENDMENTS TO AGENDA

Amendment to make changes to agenda: #7 Public Comment, #8 Private meeting of ZBA with Mr. McNamee, #9 Member Comment, #10 Adjournment.

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 MAY 20, 2004

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

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)2004-010

Terry Bugg/Mark Kosanke

1622 South Channel

Appellate requesting to build an addition to existing garage. The shed will be torn down. The garage will be the same going west.

Wiggle: The proposed request is OK with the variances.

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

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

(NEW)2004-018 Bob Cook 8930 South Channel
 Thomas Chauvin 7844 Shea Rd. Fair Haven

Applicant requesting to build a storage shed.

**Request for variance from Ordinance #123, to construct an accessory structure with total square footage of 1903, exceeding the primary structure square footage by 353 square feet. .
The application was denied because Ordinance #123, Article III section 3.01 (4).**

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

Wiggle: Only using actual land portion of boat house.

Nelson: The existing garage stays.

Shirkey: No obstruction.

Michel: What is hardship? Odd shape.

Michel: What is lot size? 110 ft. x 110 ft. (inside seawall where the house sits).

**Motion by Kirkpatrick, supported by Shirkey to grant appeal as requested due to odd shape lot, but can't add on the island side.
AYES: Kirkpatrick, Shirkey, Nelson. NAYES: Michel. MOTION CARRIED. Excused: Diss.**

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2004-019 Mark/Sandra Pyszora 9034 Field

Appellate requesting to construct a pole barn, (half enclosed, half car port) 41.7 acres.

Nelson: Adding to existing pole barn. Property is zoned residential.

**Request a variance Ordinance #123 to enlarge current accessory structure by 1920 sq.ft.
Original application was denied because Ordinance #123, Article III, section 3.01 (4).**

Appellate has been taken to court for using a double trailer.

Public Participation:

In favor: Jerry Green, Vacant Fruit Rd.;

Opposed: Mr.Cortis, 9630 Shea Rd.

Close Public Participation.

Motion by Michel, supported by Shirkey to deny request.

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

Kirkpatrick:

Shirkey: Large trucks in the area create dangerous situations.

6. INTERPRETATION FOR TIMOTHY WAIDELICH

Jack Dolon thanked Wiggle for his time and input.

Kirkpatrick to Michel for Planning Commission: Shrubs can be used for a fence, can have 3 ft. hedge.

Shirkey: Shrubs must be maintained to 3 ft. level.

Wiggle: A solid barrier fence must be maintained at 3 ft. living level.

Shirkey: It cannot be a physical barrier.

Michel: Can't be ambiguous.

Nelson to Wiggle: ZBA interpretation is to allow live fence at 3 ft. and it can be solid.

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7. PUBLIC COMMENT

No comment.

Nelson: ZBA will now be closed to the public for an executive session, 8:15 p.m.

8. PLUTTER VS CLAY TOWNSHIP

Mr. Mc Namee, attorney.

Nelson: ZBA will now reconvene for the rest of the public portion of the meeting, 9:30 p.m.

9. MEMBER COMMENT

No comment.

10. ADJOURNMENT

Moved by Michel supported by Kirkpatrick to adjourn at 9:33 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary