

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, OCTOBER 21, 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, 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: Michel.**

3. APPROVAL OF MINUTES OF SEPTEMBER 16, 2004

**Moved by Kirkpatrick, supported by Shirkey, to correct page 2 of the minutes, to approve due to practical difficulty of the lot size. Correction of Shirkey name on page 2.**

**AYES: All. NAYES: None. MOTION CARRIED AS CORRECTED. Excused Michel.**

4. ZONING BOARD OF APPEALS PREFACE

Chairman: The ZBA addresses mainly practical difficulty 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

2004-032

Thomas B. Meldrum

7295 Flamingo

Appellate is requesting to build a 9ft. X 9ft. new shed on the present cement slab. Will tear down old shed and will have a rat wall.

**Request for variance from Ordinance #123, to replace the deteriorated shed that was removed requiring an 8ft. set back from primary structure for a detached accessory structure. Also, a variance is needed to place the structure in the required side yard. The application was denied because Ordinance #123, Article III, section 3.01(2-3).**

Letter in favor: Thomas and Patricia Hojnacki, 7291 Flamingo

Public Participation:

In favor: Sharon Freeman, 7297 Flamingo

Opposed: No comment

Close Public Participation.

**CLAY TOWNSHIP ZONING BOARD OF APPEALS**

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Continued: 2004-032

**Motion by Diss, supported by Shirkey to grant the placement of shed on current cement foundation with rat wall.**

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

2004-033                      Dave/Pam Pasmarter                      8068 Anchor Bay Dr.  
   Representative from Tony V's Sunroom

Representative is requesting to construct a sunroom 17ft. X 11ft. Existing deck will be torn down.

Nelson: Deck will match ground level

Shirkey: How much further does the existing deck extend? Rep.: 3ft. further. Will not obstruct view.

**Request for variance from Ordinance #123, to construct a sunroom on to the existing deck in the rear water side yard of a single family residential dwelling in R-1 district requiring 15.68ft.(average set back 45.68ft.) rear yard set back. The application was denied because Ordinance #123, Article III, section 3.12 (1).**

Letters in favor: David/Beth Sanchez, 8060 Anchor Bay Dr.: Patrick/Patricia Barker, 8072 Anchor Bay Drive: Andrew D. Caswell, 8070 Anchor Bay Dr.

Public Participation:

In favor: No comment

Opposed: Cy Kruger, 8108 Anchor Bay Dr.

Close Public Participation.

Nelson: There is 40ft. from seawall to back of house.

**Motion by Shirkey, supported by Diss, to deny request because it does not meet the average setback.**

**AYES: Shirkey, Diss NAYES: Kirkpatrick, Nelson. MOTION TIED. DENIED. Excused Michel**

**Motion by Kirkpatrick, the request meets criteria on practical difficulty and does not impede on 45ft. lot angle. NO SUPPORT. MOTION DIES. Excused Michel.**

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2004-034

Gayle Pinsonneault

6139 Pte. Tremble

Appellate requesting to construct a 6ft. vinyl privacy fence place on top of 2ft. retaining wall, creating an 8ft. barrier along the west side of the pool.

**Request for variance from Ordinance #123, to construct a 6ft. privacy fence on top of a 2ft. retaining wall, creating an 8ft. barrier along west side. The application was denied because Ordinance #123, section 3.09 (B).**

Letter opposing: Mr./Mrs. Drekich, 6147 Pte. Tremble

Public Participation:

In Favor: No comment

Opposed: No comment

Close Public Participation.

Nelson: 8ft. is obnoxious

Shirkey: Why is fence so high? Appellate: There is a raise in the ground.

Nelson: Fence will stand out.

**Motion by Diss, supported by Shirkey, to deny as presented, no practical difficulty.**

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

2004-035

Dennis/Catherine Warner

7266 Audubon

Appellate requesting to construct a new single family residential dwelling in an R-2 district. Their current home at 8855 Folkert has been sold.

**Request for variance from Ordinance #123, to construct a new single family dwelling requiring a variance of 5ft. rear yard set back and lot coverage of 33.4% (2416 sq. ft.).The application was denied because Ordinance #123, section 18.03 (B).**

Public participation:

In favor: Tom Short, 7261 Audubon: Robert Hoffman, \_\_\_\_\_: Carolyn Stern, 7275 Audubon:

Brad Durasa, 7262 Audubon.

Opposed: No comment.

Close public participation.

Continued 2004-035

Nelson: Concerned with lot coverage.

**Motion by Diss to amend the appeal to 50ft. rear yard (5ft. variance water side) set back. Scale down to lot coverage of 30%. NO SUPPORT.**

**Motion by Kirkpatrick, support by Shirkey, to suggest the appellate contacts builder and scale down to 30% lot coverage. Postpone until 10-28-04 special ZBA meeting. Contact Tim Wiggle before 10-28-04 meeting. See survey.**

**Ayes: All. Naves: None. MOTION CARRIED. Excused: Michel.**

6. Member Comments

Diss: Would like ZBA to get together with Planning Commission and attorney.

Kirkpatrick: If you are representing ZBA and Planning Commission and you can't make the meetings, missing more than three (3) meetings, the member should be replaced.

7. Public Comment

Robert Randolph, representative Tony V's.

8. Adjournment

**Moved by Kirkpatrick, supported by Shirkey, to adjourn at 8:50 p.m.**

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

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary