

SPECIAL MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, OCTOBER 28, 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

Nelson: Add 5A, Warner appeal, 2004-035.

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

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

3. APPROVAL OF SPECIAL MINUTES OF OCTOBER 7, 2004

Kirkpatrick corrected spelling of appellate's name, page 2, GECK.

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

AYES: All. NAYES: None. MOTION CARRIED. 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

2004-036

Marty Repine

10365 St. John

Erik Heiderer, rep.

44045 Gratiot, Clinton Twmsp.

Appellate is requesting to demolish his current single family residence and replace it with a new single family residence. Previous appeal 2004-007. Granted 2 ft. and asking for 4 ft. more.

Request for variance from Ordinance #123, to construct a new single family residence requiring a variance of 6 ft. side yard setback. The application was denied because Ordinance #123, Article XVIII, section 18.03 (5).

Nelson: 40 ft. lot size. Requesting 6 ft. variance.

Nelson: Easement is on neighbors property, can't build on easement.

Kirkpatrick: Who owns easement?

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Public Participation:

In favor: Jim _____, 10367 St. John, question: How far is the distance between houses, Rep. 9 ft.

Opposed: No comment.

Close Public Participation.

Kirkpatrick: Easement is not his problem.

Motion by Kirkpatrick, supported by Shirkey to grant request because lot size is 40 ft. instead of 44 ft. creating a practical difficulty.

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

2004-038

John/Cheryl Cartmel
Brian Treppa, rep.

1233 North Channel Dr.
6367 Holland

Representative requested to construct a 14 ft. attached garage and second story addition to their single family dwelling in R-1 district.

Request for variance from Ordinance #123, to construct a 14 ft. attached garage and a single story addition to single family dwelling requiring a variance of 3 ft. north side yard setback (min. 7 ft. to be total of 15 ft. side yd setback. The application was denied because Ordinance #123, Article XVIII, section 318.03 (5).

Letter in favor: Paul Daigneau, _____.

Diss: Narrowest part of lot is on the road side.

Wiggle: House does not sit straight on property.

Public Participation:

In favor: Carl Hilts, 1208 Gore Dr.

Opposed: No comment.

Close Public Participation.

Motion by Diss, supported by Kirkpatrick to grant as requested due to placement of the house and shape of lot.

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

5A. Old Appeal

2004-035

Dennis/Catherine Warner
Joe Stevenson, rep.

7266 Audubon

Representative: Lot coverage is not an issue now.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

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**Motion by Kirkpatrick, supported by Diss, to grant as requested.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

6. Member Comments

Wiggle: There will still be a meeting with Mr. Mc Namee regarding Geck.

Shirkey: Asked Dorothy De Boyer about a joint meeting for the ZBA and Planning Commission; there is no need for an attorney at this time.

Kirkpatrick: Planning Commission representative to ZBA should be more active in communication between ZBA and Planning Commission.

Wiggle: There is no communication between ZBA and Planning Commission.

Kirkpatrick: Lack of a full board creates a problem.

Wiggle: Appellates are informed of being able to postpone an appeal.

Kirkpatrick: Maybe ZBA should try alternate. Nelson: No. An alternate needs 30 day notice of meeting.

Wiggle: The chairperson of the Planning Commission appoints the ZBA representative. A letter can be written to her, Dorothy De Boyer.

Diss: Is the appeal for Tony V's coming back to ZBA? Wiggle Yes.

7. Public Comment

No comment.

8. Adjournment

**Moved by Kirkpatrick, supported by Diss, to adjourn at 8:10 p.m.
AYES: All. NAYES: None. MOTION CARRIED. Excused: Michel.**

Respectfully submitted,

Dolores M. Nelson
Recording Secretary