

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

Excused: Marianne Diss.

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

2. APPROVAL/AMENDMENTS TO AGENDA

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

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

3. APPROVAL OF MINUTES OF 10/21/04, 10/28/04.

Moved by Kirkpatrick, supported by Shirkey, 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 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

2004-037

Thomas/Cynthia Wagner

7778 Stark Dr.

Appellate requesting to construct a single family residential dwelling in R-1 District.

Request for variance from Ordinance #123, to construct a single family residence requiring 3 ft. variance from rear yard setback. Average setback is 34'6". The application was denied because Ordinance #123, Article III, section 3.12 (1). Previously before ZBA 9/16/04,2004-029.

Letter in favor: From eight property owners.

CLAY TOWNSHIP ZONING BOARD OF APPEALS

PAGE THREE (3)

Continued: 2004-039

Nelson: Appellate bought the whole property, but only wanted the store business. Appellate: The prospective buyers do not want the store.

Motion by Kirkpatrick, support by Shirkey, to grant request being more beneficial for the future. Ayes: Shirkey, Kirkpatrick. Nays: Michel, Nelson. Excused: Diss: MOTION DENIED, tie vote.

Wiggle: Could be used as a single family residence and rent home.

2004-040 Mario Giacona 6504 S. Channel Dr.

Appellate requesting to have detached accessory structure with a total of 1430 sq. ft. This exceeds the primary structure of 1080 sq. ft. One shed is left and will be removed.

Request a variance Ordinance #123 to allow variance for 24 ft. x 40 ft. pole barn addition that the applicant added to the existing 23.5 ft. x 20 ft. attached accessory building. The variance would be 350 sq. ft. exceeding the house. Original application was denied because Ordinance #123, Article III, section 3.01 (4).

Michel: 24 ft. x 40 ft. is attached to garage.

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

Motion by Michel to deny. Pole barn is too big and there is no permit. MOTION DIES, NO SUPPORT.

Michel: What is the practical difficulty?

Shirkey: The attached accessory building should have been built to code.

Kirkpatrick: An addition could be built on the house.

Motion by Michel, support by Kirkpatrick, to deny request. There is no practical difficulty. AYES: All. NAYES: None. MOTION CARRIED. REQUEST DENIED. Excused: Diss.

Appellate: Asked for reasons for denial. Michel: No practical difficulty.

2004-041

Sam Pizzo

8314 Morrow Rd.

Appellate requesting to install a motorized gate at the end of the drive. With two 9 ft. columns. The columns and rod iron gate would be approximately 650 ft. from house, 53 ft. from the edge of road, 30 ft. from the property line. Property is 276 ft. wide.

Request a variance Ordinance #123 to place two 9 ft. high columns and an 8 ft. high rod iron gate. Ordinance does not allow fence, wall or hedge above 3 ft in front of the house or required front yard which ever is greater. Original application was denied because Ordinance #123, Article III, section 3.09 (1a).

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Kirkpatrick. This was in the old ordinance and appellate should be allowed the gate.

Nelson: He is not blocking any view.

Shirkey. This is not a fence, but considered a gate.

Shirkey: There is no precedence.

Motion by Shirkey, support by Kirkpatrick, to grant as requested.

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

2004-042

Jerry Green

3704 Fruit

Appellate requesting variances from the required greenbelt for his vehicle outdoor storage. Back of storage area is industrial.

Nelson: Shrubs an gravel drive are in place.

Request a variance Ordinance #123 to grant variances from the required greenbelt. Delete 30 ft. x 24 ft. greenbelt area from the approved site plan (this request is being made to comply with the amended site plan approved by the Planning Commission on October 27, 2004. Remove the parking blocks from the approved site plan. Remove the required shrubs (landscaping) on three sides of the storage area. Original application was denied because Ordinance #123, Article III, section 3.10(3) and section 20.44 (16).

Continued: 204-042

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Motion by Michel, support by Kirkpatrick, to grant as presented. With stipulation that west driveway be blocked for no more than 100 ft.

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

6. Member Comments

Kirkpatrick: Has enjoyed her term on the ZBA as a Township Board Representative.

Nelson-Shirkey: Offered thanks for her participation.

Wiggle: Kirkpatrick has done an excellent job.

7. Public Comment

Mr. Bridgman: The three women have done a great job for upholding the ZBA ordinance.

8. Adjournment

Moved by Michel, supported by Kirkpatrick, to adjourn at 8:35 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary