

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, DECEMBER 16, 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, John Makuch, Marianne Diss.

Excused: Chuck Michel.

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

2. APPROVAL/AMENDMENTS TO AGENDA

Moved by Diss, supported by Shirkey to approve the agenda as presented.

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

3. APPROVAL OF MINUTES OF NOVEMBER 18, 2004

Moved by Shirkey, supported by Diss, to approve the minutes as presented.

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

2004-043 Keith Kodet 1820 Mill

Appellate requesting to construct a cast iron, 4 ft. high, decorative fence. At post would be 4-1/2 ft. He is trying to remodel home to Victorian style.

Request for variance from Ordinance #123, to construct a decorative fence 4 ft high requiring a 1 ft. variance. The application was denied because Ordinance #123, Article III, section 3.09 (A).

Diss: Is the fence running at the front or along side? Appellate: Just in front. The fence is from the old Catholic cemetery.

Makuch: Are you restoring? Appellate: Yes.

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Continued: 2004-043

Public Participation:

In favor: Dan _____, 798 Townsend Crescent; Linda Amato, 9116 Peters; Allen Kodet, 8945 Marsh; Jerry Green, 10217 St. John; George Lyle, 9112 Marsh; Cindy Kirkpatrick, _____ Wright Dr. asked how much acreage?

Opposed: No comment.

Close Public Participation.

Makuch: There was a discussion of decorative fences at Planning Commission meeting.

Motion by Shirkey, supported by Diss to grant as requested to preserve Algonac history.

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

2004-044 Linda Amato 9116 Peters (Parcel A)

The property is in the process of a lot split. (5 to 1 ratio). The property is five acres.

Request for variance from Ordinance #123, is in process of a lot split. In order to comply with the requirements of the RS-1 Residential Suburban Zoning, minimum lot width required 150 feet. Property being Parcel B presently has 66.00 ft. frontage; a variance of 84 feet is needed. The required depth of 5 to 1 would be 330 feet, Parcel B has 992.22 ft, thus a variance of 662.22 feet is needed. Flag lots are acceptable by the Ordinance. The building line should be designated at the point the parcel will meet the 150 ft. of frontage. The application was denied because Ordinance #123, Article XVIII, section 18.02 (1) and Ordinance 31 section of depth ratio 5 to 1.

Makuch: Is there a van in front. Appellate: Yes. Makuch: The lot split has not been an issue at the Planning Commission.

Nelson: It meets county requirement, 66 ft. frontage, if it becomes a road.

Public Participation:

In favor: Keith Kodet, 1820 Mill; Jerry Green, 10217 St. John; Mike Stevenson, _____; George Lyle, 9112 Marsh.

Opposed: No comment.

Close Public Participation.

Diss: Flag lots should be encouraged.

Motion by Diss, supported by Shirkey to grant approval as presented, with 66 ft. frontage if a road is necessary.

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

Wiggle: 150 ft. is required.

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2004-045

Scott Romesburg

9608 Nook Rd.

Appellate is requesting to place a sign 5 ft from the front (east) property line in front of building. He did not know there was an ordinance regarding sign placement. Neighbors support the sign placement.

Request a variance Ordinance #123 to place a sign in front. Ordinance states except where otherwise in the Ordinance, all signs shall be setback a minimum of 1/2 the front yard.... Original application was denied because Ordinance #123, Article XXIII, section 23.02 (4).

Nelson: The sign does not obstruct vision.

Wiggle: There was a previous sign.

Public Participation:

In favor: No comment.

Opposed: Cindy Kirkpatrick, Wright Dr. Ignorance is no reason not to comply with Ordinance. Is this sign on county property? Appellate: No.

Close Public Participation.

Shirkey: Are other signs in the area OK?

Wiggle: Signs in the area are done from the old ordinance.

Letter: 9666 Nook, OK.

Shirkey: Is this within right of way? Wiggle: Inside.

Makuch: Location and site of sign is not blocking view. It should be OK for county maintenance.

Shirkey: There was an old sign.

Motion by Diss, supported by Shirkey, to grant as requested, non-obstructive.

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

6. Member Comments

Nelson: Welcome to John Makuch, Clay Township Board Representative.

Nelson: Letter from John Mc Namee, attorney, re: ZBA 2004-020, Geck, 7236 Bay View Shores, waiting for a response.

Nelson: Letter from Carol Rosati, re: Plutter vs Clay Township.

Shirkey: re: Only 4 ZBA board members present at meetings. She talked to Dorothy De Boyer. Mr. Michel is excused for two months.

Nelson: ZBA has no say for replacement. Contact Clay Township Supervisor. We have no representative from Planning Commission.

Diss: We need 5 members.

Nelson: Concur.

Wiggle: I have a record of attendance.

Diss: Can we make a motion as a board? Nelson: There is a fine line. ZBA should remain neutral. The matter could be handled as a citizen.

Makuch: It is only public fairness to have a full ZBA board. As a trustee, I will bring to the Board Meeting. Each individual should contact supervisor and clerk.

Wiggle: There will be a special ZBA meeting Jan. 6, 2005.

7. Public Comment

Cindy Kirkpatrick, Wright Dr.: This matter has been brought up to the board. Nelson as chairman can write a letter. It can remain neutral but ZBA is getting a bad name from the public. ZBA needs a Planning Commission representative. Kirkpatrick will bring to the board again.

8. Adjournment

Moved by Shirkey, supported by Makuch, to adjourn at 8:12 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary