

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON MAY 11, 2005 AT 7:30 P.M. IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.**

1. Chairperson Dorothy DeBoyer called the meeting to order at 7:30 p.m.
2. Roll Call:  
PRESENT: Chair Dorothy DeBoyer, Secretary Michael Watson, Pat Sharrow, George Lyle, Kathie Schweikart, Edward Keller II, Thomas Krueger.  
ABSENT: Anthony Antkowiak (excused).

Also present was Zoning Adm. Timothy Wiggle and Community Planner Peter Britick.

3. **AMENDMENTS TO THE AGENDA:** None.
4. **APPROVAL OF MINUTES:** April 27, 2005

Moved by Krueger, supported by Lyle, **MOTION CARRIED**, to approve the April 27, 2005 meeting minutes as submitted. AYES: All. NAYS: None. ABSENT: Antkowiak.

5. **SITE PLAN REVIEW:**  
**RON SCHWARK OAKDALE STREET**

Chairperson DeBoyer: Not a development, road only, platted many years ago, road plans have been submitted to the County, all roads in Clay Twp. must be approved by the County, Ordinance does say all roads must be reviewed by the Planning Commission.

Board discussion:

Michael Watson: Questioned notes on the no turn around and from Fire Department?

Chair DeBoyer: Lot 219 shaded area is the turn around, road extended ½ half way up Lots 219, if an emergency could pull up and back around, it is temporary, development continues will be removed and the road will continue on.

Pat Sharrow: Road reaches the end Co. will not accept it as a public road unless there is the proper turn around.

Thomas Krueger: Questioned easements in place to do this.

Chair DeBoyer: Originally platted as a 50' road, 16' additional feet the utilities will go in, does not decrease the size of the lots, approve in phases.

Pat Sharrow: Referred to a lot split two years ago, split not approved, if had been a split would have been only a 30' easement to Oakdale Road, owner gave some property to St. Clair County so the entrance to Oakdale is 50', cooperation in getting this developed to proper standards.

Chair DeBoyer: To meet Township Ordinance, the Planning Commission does have to approve/deny site plan; drain/easements for water & sewer have been approved by County and DPW Supervisor.

Zoning Adm. Tim Wiggle: All the Departments missed the turn around on the site plan.  
Pat Sharrow: Missing letter from the County indicating they are favorable.

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Chairperson Dorothy DeBoyer: Called for a short recess at 7:40 p.m. to get a copy of the letter from the County approving the temporary turn around.

Chairperson Dorothy DeBoyer: Reconvened the regular meeting at 7:46 p.m.

Chairperson DeBoyer: Ltr. in the packets does say the construction plans are approved by the County.

**MOTION BY SHARROW, SUPPORTED BY LYLE, THAT WE ACCEPT THIS PROPOSED SITE PLAN FOR A PORTION OF OAKDALE STREET (NEW STREET IN THE TOWNSHIP) AND THE TEMPORARY TURN AROUND (TEMPORARY HAMMERHEAD) SINCE THE APPROVAL OF ST. CLAIR COUNTY ROAD COMMISSION WHO WILL OWN THE ROAD EVENTUALLY IF ALL CONSTRUCTION MEETS THEIR STANDARDS HAS APPROVED IT IN ITS ENTIRETY.**

**R/C VOTE: AYES: Sharrow, Watson, Lyle, Krueger, Schweikart, Keller, DeBoyer. NAYS: None. ABSENT: Antkowiak.**

**MOTION CARRIED.**

**6. LOT SPLITS:**

**05-03 ROBERT/JEANNE SAMPIER 2414 FRUIT ROAD**

Chairperson DeBoyer: Area zoned R-1, two parent parcels – Parcel A 2.119 acres and Parcel B 2.0701 acres.

Michael Watson: Questioned access to Parcel B.

Chairperson DeBoyer: Discussion followed regarding drawing, access, etc.

Pat Sharrow: West of the property two houses, are we dealing with the Westerly lot fronting Fruit? How can the Board judge set backs, conforming or nonconforming.

How do we say the lot split agrees with the Zoning Ordinance when the information is not complete?

Chairperson DeBoyer: Explained the parcel lines more in detail.

Zoning Official T. Wiggle: Meets the setbacks on the front and to the East.

Chairperson DeBoyer: Responsibility of the Assessor has indicated the requirements are met.

Pat Sharrow: Postpone because of the variance needed for the depth to width ratio.

Chairperson DeBoyer: 5-1 ratio does not apply to this property as it is zoned R-1, State requirements would make it a 4-1 ratio, dimensions would change over the maximum depth, variance will be needed if the ZBA can vary from the State Land Division.

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MOTION BY SHARROW, SUPPORTED BY WATSON TO POSTPONE A DECISION FOR LOT SPLIT 05-03 FOR ROBERT AND JEANNE SAMPIER, 2412 FRUIT ROAD BASED ON FINDINGS FROM THE ASSESSOR, BUILDING DEPARTMENT AND POSSIBLY TOWNSHIP ATTORNEY ABOUT WHETHER OUR ZBA CAN VARY FROM THE STATE LAND DIVISION ACT IN THE RS ZONING FOR THE WIDTH TO DEPTH.

Discussion:

Chairperson DeBoyer: Comment in reviewing found the 5-1 is only at the end of the RS requirements, contacted our Planner to review, as it stands right now it does only apply to RS, Ord. 89 it applied to all the single residents, could have been an oversight.

Pat Sharrow: Some communities do not put a ratio in their zoning ordinance, State Land Division Act takes precedence, needs to be researched further.

R/C VOTE: AYES: SHARROW, WATSON, LYLE, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: NONE. ABSENT: ANTKOWIAK.

**MOTION CARRIED**

**LOT SPLIT 05-04                      PERRY SHARROW                      6615 HOLLAND ROAD**

Chairperson DeBoyer: Property discrepancy has been resolved re: occupation line.

Michael Watson: Questioned the parcels where they join.

Applicant: Explained property was never titled, 44' no one claimed to own, originally going to split, surveyor came up with the problem, went through the legal steps and by Judge Deegan's ruling the 44' was titled to the applicant.

Chairperson DeBoyer: Referred to the Quick Claim Deed, measurements of Parcel A and B, 80' is the neighbors.

MOTION BY SHARROW, SUPPORTED BY WATSON, TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD OF LOT SPLIT 05-04, 6615 HOLLAND AS IT MEETS ALL THE ZONING ORDINANCE REQUIREMENTS.

R/C VOTE: AYES: SHARROW, WATSON, LYLE, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: NONE. ABSENT: ANTKOWIAK.

Pat Sharrow: For the record, the last names are the same, 4<sup>th</sup> or 5<sup>th</sup> cousins, not directly related.

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**LOT SPLIT 05-05 ANTHONY POLITO 6335 SWARTOUT**

Chairperson DeBoyer: RS-1 Zoning and will create four new parcels., in addition to the split, 66' that will be adjoined to the adjacent parcel.

Michael Watson: 33' adjacent.

Applicant Tony Polito: Interested party next door will give him an additional footage to split.

Chair DeBoyer: Falls under different standards since in the RS area.

MOTION BY KRUEGER, SUPPORTED BY LYLE TO RECOMMEND APPROVAL OF LOT SPLIT 05-05 FOR 6335 SWARTOUT ROAD TO THE TOWNSHIP BOARD.

R/C VOTE: AYES: SHARROW, WATSON, LYLE, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: NONE. ABSENT: ANTKOWIAK.

**MOTION CARRIED**

7. **ZONING ADMINISTRATOR REPORT** - NONE.

8. **CHAIRMAN'S REPORT**

Nothing additional to report, discuss depth to width ratio at the Amendment Committee Meeting, planning on attending the St. Clair County Planning Commission meeting where our amendments were submitted.

Patrick Meagher's surgery was on Monday, we all hope he will be back with us soon.

9. **PLANNING COMMISSION COMMENTS**

Pat Sharrow: B. Lewandowski's house on Phelps Road finally approved by the DEQ

10. **PUBLIC COMMENTS** - None.

11. **ADJOURNMENT**

MOTION BY WATSON, SUPPORTED BY SHARROW, **MOTION CARRIED**, TO ADJOURN THE MEETING AT 8:22 P.M. AYES: ALL. NAYS: NONE. ABSENT: ANTKOWIAK.