

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 22, 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: Chairperson DeBoyer, Vice Chair Anthony Antkowiak, Secretary Michael Watson, Pat Sharrow, George Lyle, Earl Lines, Thomas Krueger, Kathi Schweikart, Edward Keller II.

ABSENT: None.

Also present was Patrick Meagher, Staci Meagher and Peter Britick of Community Planning and Zoning Adm. Timothy Wiggle.

3. **AMENDMENTS:** None.

4. APPROVAL OF MINUTES:

Moved by Watson, supported by Lyle, to approve the June 8, 2005 Planning Commission Minutes with the correction on page 2, Lot Split 05-07 motion should reflect support by George Lyle and not Earl Lines.

ALL IN FAVOR OF THE AMENDED MINUTES:

AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

5. OLD BUSINESS:

LOT SPLIT 05-07 MAUREEN BOURY 6880 MIDDLE CHANNEL DR.

Chairperson DeBoyer explained lot split came before the Planning Commission previously, did not meet the 4-1 ratio, applicant has changed the split, resurveyed to the existing seawall, making a change in depth to width ratio of the one lot.

MOTION BY SHARROW, SUPPORTED BY WATSON TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF THE REVISED APPLICATION FOR LOT SPLIT 05-07, MAUREEN BOURY, 6880 MIDDLE CHANNEL DRIVE, HARSSENS ISLAND AS IT MEETS THE 4-1 RATIO.

Discussion:

Thomas Krueger: Where does the Ordinance refer to "upland", is there an area missed?

Chair DeBoyer: Land beyond the seawall is under water and cannot be reclaimed.

Thomas Krueger: If this is the case should the description of parcel 1 & 2 change?

Chair DeBoyer: Legal description stays the same, deeded as is many years ago.

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Attorney Matt Gigg: Represents Mrs. Boury: Questioned legal description, do we need to submit a revised legal?

Chairperson DeBoyer: I'm not a real estate attorney, description always stays the same; survey indicates where the seawall is.

Attorney: Referred to the original application total lot split of three, seawall would create the 4-1 ratios on the original application, would the Planning Commission reconsider original request based on the new survey?

Chairperson DeBoyer: Request in front of the Planning Commission is the only one we can consider tonight.

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

6. CONSIDERATION OF ARTICLE XVIII

Chairperson DeBoyer: Consideration of Article XVIII; in previous Zoning Ordinance it covered all residential area with the statement "no parcel created after the adoption of this ordinance shall have a depth of more than five times the width...", in our existing ordinance that only covers RS 1 & 2, need to talk about if we want to change it, etc., asked the Planner for his pros and cons as to making the change.

Patrick Meagher, Community Planning stated pros and cons of the 4 to 1 ratio vs. 5 to 1: allow for rear yard drainage easements and still have room for decks, pools, play areas, etc., larger lots (5-1 ratio) can end up with property not maintained creating unusable property, Planner's perspective do not see a whole lot of difference between the 5-1 and the 4-1; will give land owners more latitude in splitting properties; Commercial property in favor of the 5-1 ratio, assist in the circulation, landscape issues; either way won't have a huge amount of impact on the community based on your zoning districts.

Thomas Krueger: Reinstate it the way it originally, reinstating the 5-1 in all residential.

Patrick Meagher: State Law states any lot split, still have the 4-1 in place, would cover commercial and industrial.

Chairperson DeBoyer: If had it in the Ordinance as we did previously that said it had to meet the 5-1 ratio, all of the residential would be included and commercial and industrial would be left at the 4-1.

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Patrick Meagher: If looking at higher ratios, definitely would advise the Commission not to change could result in arguments re: unusable land in the back, creating back dumping areas, bowling type of lots.

Pat Sharrow: 5-1 ratio ZBA has given close to 100% approvals, State Law rules, ZBA variances would have to go to the State.

Patrick Meagher: Suggestion a provision in your subdivision ordinance rather than the zoning ordinance and specifically state the 5-1 cannot be varied.

Pat Sharrow: No objection to the 5-1 ratio, once it is in the Zoning Ordinance, then variances can be granted, riverfront lots 650' deep by 65' wide.

Tony Antkowiak: Questions regarding restrictions in the subdivision act.

Patrick Meagher: Rather than making it a Zoning regulation it would be under the Subdivision Ordinance or the Land Division Ordinance, enforcement and variance procedures can be written and dictated as the Township Board finds suitable. Would be showing favoritism by making exceptions for riverfront. 4-1 would give you a little more flexibility, 5-1 will help commercial districts with the extra depth.

Chairperson DeBoyer: Good plan to look at, pull the Land Division Act and make sure it is not in there, will pull the ordinance and keep in contract with Mr. Meagher and next meeting come back with the consideration of Article XVIII.

Thomas Krueger: ZBA is way too lenient, like to see a meeting with the ZBA and Planning Commission.

Chairperson DeBoyer: Representative working to follow requirements, discussing openly, etc, this is a positive move, Planner to set up a seminar to address things that both Boards should be looking at, will send a formal letter inviting the ZBA to a joint meeting.

7. PLANNING CONSULTANTS REPORT

Patrick Meagher: Extended a thank you to everyone for the cards, thoughts, prayers while in the hospital, glad to be back.

8. ZBA REPRESENTATIVE REPORT: None.

9. ZONING ADMINISTRATOR'S REPORT

Court ruled in favor of the Township re: Brisbay

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10. **CHAIRMAN’S REPORT**

Amendment Committee meeting canceled, postpone it for a month, hold a meeting on July 28th.

11. **PLANNING COMMISSION MEMBER’S COMMENTS:** None.

12. **PUBLIC COMMENTS:** None.

13. **ADJOURNMENT:**

Motion by Lines, supported by Watson, **MOTION CARRIED**, to adjourn the meeting at 8:10 p.m. AYES: All. NAYS: None.

Valerie J. Kulba
Recording Secretary