MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSIN REGULAR MEETING HELD ON NOVEMBER 9, 2005 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 by Secretary Michael Watson:**
PRESENT: Chairperson DeBoyer, Vice Chair Anthony Antkowiak, Pat Sharrow, George Lyle, Earl Lines, Michael Watson, Thomas Krueger, Kathie Schweikart, Edward Keller II.
ABSENT: None.

Also present Zoning Official Timothy Wiggle, Community Planner Patrick Meagher and Peter Briddick.

3. **AMENDMENTS TO AGENDA:** None.

4. **APPROVAL OF MINUTES:** October 12, 2005

Moved by Watson, supported by Lines to approve the October 12, 2005 Planning Commission Minutes with a correction on page 1, Roll Call change Michael Sharrow to Michael Watson.
AYES: ALL. NAYS: NONE. CARRIED.

5. **LOT SPLITS:**

LOT SPLIT 05-10 JOHN DICKERSON-CROWN ENTERPRISES - 4000 PTE. TREMBLE RD.

Motion by Watson, supported by Lyle, to recommend to the Township Board the Lot Split 05-10 for John Dickerson – Crown Enterprises, 4000 Pte. Tremble Road.

Discussion of motion:
Pat Sharrow: Motion should state the lot split meets all conditions of the Zoning Ordinance and Land Division Act.

Motion by Watson, supported by Lyle to amend the motion to include Lot Split 05-10 meets all conditions of the Zoning Ordinance and Land Division Act.

R/C Vote: Ayes: Sharrow, Lines, Lyle, Watson, Antkowiak, Schweikart, Krueger, Keller II, DeBoyer. Nays: None.

LOT SPLIT 05-11 ANDREW GARSHOTT 9091 STONE ROAD

Zoning Adm. T. Wiggle: Correction on 2nd page, #3, should state a minimum of 15' on each side, won't impact the lot split.

Pat Sharrow: 10 yrs. back an application for a land division on the same parcel of land, Atkinson Road was a private drive, no evidence ever a public road, have to develop the private road in order to meet the requirements.

Chairperson DeBoyer: St. Clair County Road Commission would need to see a plan and have it approved.

Pat Sharrow: Questioned legal records indicating property ownership, road issue first.

Greg, Century 21, Representative for Mr. Garshott: Residence using the private road for years, no deeded easement, Mr. Garshott owns the road, can they do that legally?

Chairperson DeBoyer: If just a driveway, then no, Atkinson Road intended to be a private road, according to our Ordinance must meet County specs.

Greg: Contacted Road Commission and they referred me back to the Township.

Chairperson DeBoyer: Explained proper steps to follow and County requirements.

Greg: Understand the road situation, but could we get a split tonight?

Pat Sharrow: Who owns the property on the southeast corner on Stone Road, B-1 parcel south of the house, Township Ordinance requires house fronts on a public road. Are you selling Parcel B-1 and they would contribute to the maintenance of the road?

Greg: Existing home what is the reason could not be split off the big parcel in the back. Could we split that one and sell the residence?

Chairperson DeBoyer: If split off by itself, it won't front on a public road.

Tom Krueger: B-1 is the only parcel on a public road, only one that could be split off.

Planner Patrick Meagher: Would help if we had an existing survey, without reviewing the past history of this parcel, it may have been an illegal split or a split that took place before your ordinance, does not make it a road.

Pat Sharrow: If a ZBA variance were granted would need the conditions.

Greg: Questioned the two houses south of parcel C-3 uses the drive.

Pat Sharrow: Probably used it for so long, next step is to build a road.

Andy Garshott: Presented the survey to the Board, private waterline has been installed, want to build a house in the back part, sell off the front lot on Stone Road.

Chairperson DeBoyer: Research to determine if the road is private or not and meet with the Assessor and get all the background information, so we can proceed in a legal way.

Motion by Sharrow, supported by Lines, to postpone a decision on Lot Split 05-11 for Andrew Garshott, 9091 Stone Road in order to research the possible Land Division Application and the possibility of ZBA variances and find out what that information is.

Discussion: None.
R/C VOTE: Ayes: Sharrow, Lines, Lyle, Watson, Antkowiak, Schweikart, Krueger, Keller II, DeBoyer. Nays: None.
CARRIED.

LOT SPLIT 05-12 KAREN PELSAR 1126 CIRCUIT, HARSENS ISLAND

Chairperson DeBoyer: Parent parcel will be removed; two lots left will become the parent parcel.

Pat Sharrow: At one time Circuit Dr. was a wide road, depth to width ratio would meet all ordinance requirements throughout the years, Circuit Drive has narrowed, question is do we look at the original or tell ZBA to give a variance because of the depth to width ratio.

Discussion by Planning Commission members concerning shape of the lot.

Art Snar, Builder for the Applicant: Lot 46 is an odd shape lot extends over to the vacated road that has an arc, septic field present and don't want to dig that up, this is why preceded on an angle.

Thomas Krueger: Triangle piece of property is part of Lot 45 or Lot 46?

Art Snar: Lot 45 and part of Lot 46 go together, arch line is the new line.

Pat Sharrow: Asked if there was a deed indicating part of lot 46 will go with Lot 45?

Mike Watson: Angle line along the road really no longer exists, it goes into Lot 45.

Chairperson DeBoyer: New depth to width ratio (4-1) as of Fri.

Pat Sharrow: Applicant needs to go before the ZBA to get a variance from 89' & 511', unusual circumstances here. ZBA should look at is the public road intrudes into their property does not give the front all the way.

Art Snar: Could meet the 4-1 ratio, if want this 89' to change could change it, losing building time; shorten the depth to come into the depth to width ratio.

Discussion as to the changing of the width to depth, 5-1 ratio will be in affect as of 11-11-05.

Motion by Watson, supported by Lyle to postpone Lot Split 05-12 for Karen and Andrew Pelsar for 1126 Circuit until the petitioner re-evaluates his lot size to met the 5-1 ratio requirements.

R/C VOTE: Ayes: Sharrow, Lines, Lyle, Watson, Antkowiak, Krueger, Schweikart, Keller II, DeBoyer. Nays: None.
CARRIED.

6. **DISCUSSION OF SURVEY**

Chairperson DeBoyer: What is the Commissioner's opinion regarding a mail survey?

General consensus of the Commissioners is to do a survey for the purpose of letting the residents of the Township tell us what they would want. A possibility is to tie the survey to the Township website. Moving forward with amending the master plan shortly, beneficial if had a survey. Chairperson DeBoyer: Reviewed cost to mail survey.
Pat Sharrow: Reviewed the results of the survey mailed out 10 years ago and what new questions could be added.
Thomas Krueger: Important it is a proactive survey, send or call people.
Summer a good time of the year to have a survey.
Chairperson DeBoyer: Township Board to review the estimates for the cost of a professional to assemble the survey, actual documents, etc.

Planner Patrick Meagher: A committee formed to look at the types of questions and formulate a survey, will go a lot quicker.

Survey Committee will consist of the following Commissioners:
Earl Lines
George Lyle
Kathie Schweikart, Chairperson
Edward Keller II

7. **ARTICLE III AND XX AMENDMENTS**

Chairperson DeBoyer: Suggested changes are highlighted. Pointed out for the Commissioners the areas that were overlooked and not highlighted: page 5, Fences, paragraph B, 3rd line down; Item F. should be omitted completely at the top; Mr. Wiggle noted Zoning will be added in the Building & Zoning Codes and on Page 12, Section 3.14, #C sentence should be changed to DEQ wording.

Discussion was asked by the Chairperson re: Page 4 – Decks, Porches & Patios, Section 3.05 re: the 15' from the rear lot line.
Zoning Official Timothy Wiggle: Stated interpretation and problems it creates.
Planner Patrick Meagher: Certain amount of green space surface has to be met; define what a walkway is and put some parameters in.

Chairperson DeBoyer: Legal advisors state why this what our Ordinance requires, we cannot reconfigure our Ordinance to other people.

Page 10, Lighting: Defines much closer what we want the lighting to be, look this over, if you feel we should do something additional get back with the Chair.

Planner Peter Briddick: Update regarding the Lighting Ordinance background

Chairperson DeBoyer: Commissioners have comments re: highlighted areas.

Anthony Antkowiak: Page 1 – Canal properties re: sheds, not addressing at all.
Planner Patrick Meagher: Water front lots where suitable locations cannot be found meeting these requirements, Building Inspector may allow something closer as _____ are met.

Recommendation some wording to that affect on the sheds.

Michael Watson: Bigger yards requiring a 40' setback, explain why?
Planner Meagher: RS district, rural atmosphere.

George Lyle: Page 20, Section 326 & 327
Planner Meagher: Currently rewriting permitted uses, looking after that.

George Lyle: Page 50, Farm Stands – existing.
Michael Watson: No definition on temporary or seasonal.
Chair DeBoyer: Asked legal on that issue.

Planner Meagher: There are a lot of terms not defined, may want to clarify, will get back into definitions.

Edward Keller: People can be very creative in finding loopholes.

Chairperson DeBoyer: Rules and regulations so strictly defined can create a police state; we do not want that kind of government.
Zoning Official Timothy Wiggle: Public has the right to an appeal process, except for use variances.

Planner Meagher: Identify definitions, firm up without being too harsh.

George Lyle: Page 54, Home Occupation, questioned type I and II.

Kathie Schweikart: Page 62, #5 property on Champion Ferry side building barges, how if don't own property?
Zoning Official Wiggle: Explained.

Planner Meagher: Regarding Mr. Watson questioned Section 3.26 and 3.27 regarding restrictions. Exempt certain uses, what we are doing is modifying the zoning sections, working on defining which are permitted uses, next meeting will have your districts, at Some point will have a public hearing.

Michael Watson: Fences, page 5.
Planner Meagher: Intent here is to prevent someone from running an 8-gauge wire.
Watson: Should be more worried about the material used.
Tim Wiggle: Building permit does specify decorative side and unobstructive view to the neighbor.

Chairperson DeBoyer: Discretion is given to the Building & Zoning Adm.

8. **PLANNING CONSULTANT'S REPORT** - None.

9. **Z.B.A. REPRESENTATIVE'S REPORT** - None.

10. **ZONING ADMINISTRATOR'S REPORT** - None.

11. **CHAIRPERSON'S REPORT**

Chairperson DeBoyer: Township Board approved the amendments.
All re-appointments to the Planning Commission were approved.

12. **PLANNING COMMISSION MEMBER'S COMMENTS** – None.

13. **PUBLIC COMMENTS:**

Bill L., 7303 Dyke Road: Remarks regarding fencing between his residence and Brisbay Restaurant.

Chairperson DeBoyer: Nothing this Commission can do, we approve site plans, we are not the Zoning Administrator.

Bill L. Questioned the new light ordinance.
Chairperson DeBoyer: This Commission will make that decision if the Lighting Ordinance will be adopted and from than on a business will have to meet the lighting requirements, 2-3 months before that will happen.

14. **ADJOURNMENT:**

Moved by Antkowiak, supported by Lines to adjourn the meeting at 9:53 p.m.
Ayes: All. Nays: None.
Carried.

Valerie J. Kulba