

SPECIAL MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JANUARY 13, 2005 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, Clay Township Zoning, Planning, Code Enforcement Officer.

2. APPROVAL/AMENDMENTS TO AGENDA

Suggested by Nelson to eliminate the minutes from the agenda.

Moved by Shirkey, supported by Makuch, to approve the agenda as amended.

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

3. 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

2005-001	Lester Keene	8138 Anchor Bay Dr.
	Dan Brennan, rep.	6504 Rattle Run Rd., St. Clair

Mr. Brennan: Appellate has a non-conforming lot. With the new addition the lot coverage will be 33%. All setbacks are OK. Lot coverage now is 1822 sq. ft.; with addition 8 ft x 37.5 ft. will be 2122.5 sq. ft. Lot size is 50 ft. x 127 ft. Addition is on the north side.

Request for variance from Ordinance #123, to construct a 8 ft. x 37.5 ft addition to the north side of a single family residential dwelling in an R-1 district. The application was denied because Ordinance #123, Article XVIII, section 18.03 (5).

Makuch: Why is the lot non-conforming? Nelson: Standard lot size is 65 ft. x 120 ft., 7800 sq. ft.

Makuch: On the side where the addition will be, why is it covered with Visqueen? Have you started to build already? Mr. Brennan: We have not started building, only covering the ground.

Wiggle: Regarding the stairs, the state does not require stairs to be figured into side yards.

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Diss: 50 ft. x 127 ft, 6250 sq. ft. No hardship.

Shirkey: No hardship.

Letter from Marie Best, 8126 Anchor Bay Dr., opposed.

Public Participation:

In favor: No comment.

Opposed: Charles Meldrum, 8107 Anchor Bay Dr.; Earl Lines, 8128 Anchor Bay Dr.; Anna Mae Lines, 8128 Anchor Bay Dr.

Close Public Participation.

Nelson: No hardship.

Mr. Brennan: They (Keene's) are retiring. They own an out of state business. They don't own the property across the road.

Earl Lines: Comment regarding Keene's not living in the house.

Shirkey: The area is congested. Does not approve of addition.

Motion by Diss, supported by Shirkey, to deny request. It is a normal lot size for the area and there is no practical difficulty.

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

5. Member Comments

Diss: Are we going to have a joint meeting with the Planning Commission? Do we have feedback on the Bayshore, wrought iron fence?

Wiggle: The paperwork for attendance was passed out to the members.

Nelson: Regarding the election of officers for ZBA, we could wait until the Feb. 2005 meeting. We should wait for the appointment from the Planning Commission to the ZBA.

Wiggle: There will be no regular meeting in January 2005. There are no appeals.

Makuch: He spoke to John Manos, Clay Township Supervisor, and the appointment for the Planning Commission representative to ZBA will be taken care of.

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6. Public Comment

None.

7. Adjournment

Moved by Shirkey, supported by Makuch, to adjourn at 7:50 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary