

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, APRIL 21, 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, Anthony Antkowiak

Excused: Marianne Diss.

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

2. APPROVAL/AMENDMENTS TO AGENDA

Suggested by Nelson to add 5A, John McNamee letter (February 8, 2005) to the agenda.

Moved by Shirkey, supported by Antkowiak, to add to agenda.

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

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

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.

4. APPROVAL OF MINUTES OF: DECEMBER 16, 2004
JANUARY 13, 2005

Moved by Makuch, supported by Shirkey, to approve both sets of minutes as presented.

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

5. APPEALS

2005-02 Exact Tax & Bookkeeping 5055 Pte. Tremble Rd.
 Donald F. Johnson, Jr.

Appellate is requesting a variance for temporary placement of a sign at 5055 Pte. Tremble Rd. A temporary sign permit for taxes would be February and March.

Request for variance from Ordinance #123, to place a temporary sign on the road side of his business. The application was denied because Ordinance #123, section 27.04 and Article XXIII, section 23.07.

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Continued: 2005-002

Nelson: What is the size of the proposed sign? Appellate: Approximately 4' x 8'. Wiggle 28 sq. ft.

Makuch: There is a temporary tax sign on the post.

Antkowiak: There is no practical difficulty. ZBA would be granting special privilege. The variance would be aimed to help Mr. Johnson (not property).

Wiggle: Signage should be brought to committee for future reference.

Makuch: Spoke with attorney, Mr. McNamee, and variance could be granted as a condition with the property.

Shirkey: We want to encourage businesses to the township and we don't want to create problems for seasonal people.

Public Participation:

In favor: Walt Rogers, owner of the property at 5055 Pte. Tremble Rd.

Opposed: No comment.

Close Public Participation.

Nelson: No problem and there are no lights. Signage could be temporary until April 2006.

Shirkey: Would he have to come back each year and can signage be allowed only for two months and only for Exact Tax & Bookkeeping?

Motion by Shirkey, supported by Makuch, to grant variance for February and March only to Exact Tax & Bookkeeping, 4' x 8' sign and temporary for 2006-2007. Sign can have lights but no flashing lights and he must apply for a zoning permit.

AYES: Shirkey, Makuch, Nelson. NAYES: Antkowiak. MOTION CARRIED. Excused: Diss.

5A. Member Comments

Refer to letter from Mr. McNamee, dated February 8, 2005, regarding Geck fence (2004-020).

Wiggle: discussed with new owners and Mr. McNamee. New owner agreed to remove the fence in five years.

Shirkey: Has this been entered in the computer? Wiggle: Yes.

Makuch: Talked with Mr. McNamee; if they sell the house, a judge would say null and void.

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Continuation of discussion of Mr. McNamee letter

Motion by Makuch, supported by Shirkey, to agree to the letter with the addition of accepting settlement agreement with Steven P. Harrison and Renee Tagiavia-Harrison.

Ayes: All. Nays: None. Excused: Diss.

6. Member Comment

Antkowiak to Makuch: I worked on site plan review including natural surroundings and special land use. Planners are against signage.

Antkowiak: Should I take signage back to Planning Commission? Nelson: Yes.

Wiggle: No action has been taken by Clay Township Board for Chuck Michel.

Antkowiak: ZBA members are welcome to Planning Commission. Nelson: Pick a date for joint meeting.

7. Public Comment.

8. Adjournment

Moved by Makuch, supported by Shirkey, to adjourn at 8:20 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary