

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY,
MAY 19, 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, Anthony Antonwiak
Also present: Michael Kras, Clay Township Building and Zoning Administrator

2. APPROVAL/AMENDMENTS TO AGENDA

Moved by Shirkey, supported by Antkowiak, to approve the agenda as presented.

AYES: All. NAYES: None. MOTION CARRIED.

3. APPROVAL OF MINUTES OF APRIL 21, 2005

Moved by Antkowiak, supported by Diss to approved the minutes as presented.

Motion withdrawn to make a correction on page 3, #6. Motion carried.

CORRECTION: Page 3, #6, Change comment to reverse comment by Makuch to Antkowiak. Should by Antkowiak to Makuch.

Moved by Antkowiak, supported by Diss, to approve the minutes as corrected.

AYES: All. NAYES: None. MOTION CARRIED.

4. 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, all 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

2005-003 Rodney Jessup 2387 Little Rd. H.I.

Appellate is requesting variance for detached accessory structures exceeding square footage of primary structure. Request is for a pole barn 60' x 40'.

Request for variance from Ordinance #123, to construct a pole barn 60' x 40', to exceed square footage of 2652'. This would exceed the square footage of the primary structure by 1196 square foot. The application was denied because Ordinance #123, Article III, section 3.01 (4).

Nelson: How many acres? Appellate: 24 acres.

Nelson: What is the square footage of the house footprint.? Appellate: Don't know.

Diss: What is the total area? Kras: Footprint – 1456 sq. ft. Accessory building and pole barn - 2652 sq. ft.

Nelson: This is a combined zoning farm and residence, with special approval of land use.

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Continued: 2005-003

Shirkey: What is the square footage of present accessory building? Appellate: It will be removed.

Letter, Against: Mark Pyszora, 9034 Field Rd; Sandra Pyszora, 9034 Field Rd. Nelson: Letter does not apply to Jessup property. Kras: Discussed the difference between Pyszora property and Jessup property.

Diss: The only building left will be the home, proposed accessory building, and existing chicken coup.

Makuch: The rest of the buildings will be torn down? Appellate: Yes, but needs time for removal.

Antkowiak: What is being stored? Appellate: Truck, lawn equipment, and animals in barn.

Antkowiak to Appellate: What is the practical difficulty? Appellate: Acreage and storage.

Kras: There is no commercial storage on Harsens Island.

Public Participation:

In favor: Eric Mueller, 1240 Steward.

Opposed: No comment.

Close Public Participation.

Motion by Shirkey, supported by Makuch, to grant as requested.

AYES: All. NAYES: None. MOTION CARRIED.

Antkowiak: There was no discussion allowed on the motion.

Motion by Shirkey, supported by Makuch, to rescind the motion.

AYES: All. NAYES: None. MOTION CARRIED.

Motion by Makuch, supported by Shirkey, to approve request for variance as presented.

Antkowiak: Amend motion to include practical difficulty, needs storage for equipment and there is no other commercial storage on Harsens Island and allow the appellate to keep maintenance equipment for upkeep of the property.

Motion by Makuch, supported by Shirkey, to approve the request as amended.

AYES: All. NAYES: None. MOTION CARRIED.

2005-004 Appeal withdrawn.

2005-005 Dan Willaeyes 10363 St. John Dr.

Appellate is requesting to demolish his current single family residence and replace it with a new single family residence.

The size of the lot being 40 ft. wide is the practical difficulty, versus ordinance based on 65' wide lot size.

Appellate is requesting a variance on east side yard setback of 7 ft. where minimum required would be 10 ft.

Request for variance from Ordinance #123, to demolish existing single family residence and replace it with a new single family residence requiring a 7 ft variance on east side yard setback. The application was denied because Ordinance #123, Article XVIII, section 18.03 (5).

Nelson: Ordinance is based on a 65' lot size.

Nelson: ZBA is only addressing setbacks. Appellate will demolish existing house. Dotted line on drawing shows existing house. New house will be moved slightly.

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Shirkey: There is a seven foot variance.

Antkowiak: Questioned the survey.

Public Participation:

In favor: Jerry Green, 10217 St. John. Kras explained abandoned drain easement.

Opposed: No comment.

Close Public Participation.

Nelson: He will be five foot further away from the neighbor.

Motion by Diss, supported by Antkowiak, to approve request as presented with 40 ft. lot size being practical difficulty making the new house less conforming.

AYES: All. NAYES: None. MOTION CARRIED.

6. Interpretation for site plans, Mike Kras, Clay Township Building and Zoning Administrator.

RE: Ordinance 123, Article XXI Site Plan Review Procedures: "Paving Requirements."

Kras: (1) Need interpretation for site plans where sidewalks are required with no easement. If there is no easement does this need a sidewalk? (2) Regarding the church on Marsh Road, question is if sidewalk is required. If there is no easement, is a sidewalk required? ZBA – No.

Makuch: If in the future, sidewalks may be needed.

Kras: County rules ditch as easement. He feels a "dead end" sidewalk is a waste of money.

Shirkey: Could the ordinance be amended? Kras: Yes and it should be.

Antkowiak: There is a difference of opinions. He agrees with no sidewalks.

Antkowiak: Would the Planning Commission opinion add any information. Nelson: No.

Shirkey: I would suggest to use common sense.

Makuch: Suggested the ordinance be amended.

Motion by Makuch, supported by Shirkey, based on the building official's information, the opinion of ZBA would be no sidewalk required if there is no easement.

AYES: All. NAYES: None. MOTION CARRIED.

Antkowiak: How long would this decision last? Nelson: Until changed.

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Continued: Interpretation

Kras: Regarding signage: Ordinance 123, page 165, #8, special use permit for temporary sign.

Diss: Is there a limit to size for temporary sign? Kras: Need special approval.

7. Member Comment

Antkowiak: From the Planning Commission: A joint meeting would be held on the second Wednesday of the month, but wait until township planner is in better health to be able to attend.

8. Public Comment

Kras: Planning Commission and ZBA are both good boards.

9. Adjournment

Moved by Shirkey, supported by Diss, to adjourn at 8:25 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary