

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, NOVEMBER 17, 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 Antkowiak.

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

2. APPROVAL/AMENDMENTS TO AGENDA

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

**AYES: All. NAYES: None. MOTION CARRIED.**

3. APPROVAL OF MINUTES OF OCTOBER 20, 2005

Antkowiak: P.2, Three lines at top duplicated; Appellate sentence in middle of page changed positions;

P.3 Antkowiak: Should be Ordinance #123 instead of Planning Commission requires greenbelt.

Diss: P.2, Appellate bottom of page, should be how long for appellate to remove the shed? Wiggle: 21 days to appeal. P.3, bottom, should be What right does the ZBA have to force greenbelt where it has never existed.

**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.

OLD BUSINESS

5. APPEALS

2005-017

Ken/Denise Kozlowski

8622 Anchor Bay Dr.

Appellate returning to ZBA to present changes to request. Appellate will knock down barn which changes lot coverage and will post bond/letter of credit. New building will be on the same foundation. Lot coverage will now be 30.74%.

Wiggle: The problem was with excessive coverage, building on present foundation is OK and will be tearing down the old house.

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Antkowiak: What is the practical difficulty? Appellate: The garage will be added to the new house. He needs to cross the road.

Makuch: The uniqueness is lot size, only 40 ft. lot.

Wiggle: Rear lot size 35 ft. x 40 ft, not 40 ft. x 40 ft.

Antkowiak: Does this include the seawall or water? Wiggle: Just to the seawall.

Antkowiak: Practical difficulty is based on the narrow lot plus piece across the road. Appellate appears to be showing good faith, by willing to remove the barn across the road.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

**Motion by Antkowiak, supported by Makuch, to approve appeal as revised 2005-019 to allow appellate to build as presented on original footprint and with the attached garage, with exceptions to tear down barn across the street and post bond or letter of credit for \$5,000.00.**

**Wiggle: The time limit will be according to the ordinance.**

**AYES: All. NAYES: None. MOTION CARRIED.**

**NEW BUSINESS**

2005-025

Ronald Schwark

Vacant Manavel Ct.

Appellate is proposing a lot split into two parcels, approximately 50 ft. frontage. Will install utilities and road with no help from Clay Township. Road right of way will be deeded to St. Clair County,

**Request for variance from Ordinance #123, to split into two parcels with approximately 50 ft frontages on each, variance of 15 ft on each parcel. The application was denied because Ordinance #123, Article XVIII, section 18.03 (1).**

Antkowiak: Where is the frontage (to appellate)? Appellate indicated frontage to the members.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

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Continued: 2005-025

Makuch: This is a unique and irregular lot shape. The shape is practical difficulty.

**Motion by Makuch, supported by Diss, to approve 2005-025 as presented based on lot shape. AYES: All. NAYES: None. MOTION CARRIED.**

2005-026                      James Kristich                      8404 S. Channel Dr.

Appellate requesting to remove old 30 ft. x 12 ft. shed and replace with 22 ft x 22 ft. shed in the same place.

**Request a variance Ordinance #123 to place a detached accessory structure in front yard, requiring a 14 ft. variance from the front property line. Request is to replace existing detached accessory structure with a new 22 ft. x 22 ft structure. Original application was denied because Ordinance #123, Article III, section 3.01 (3) and section 18.03 (5).**

Letter: Questioned frontage and variance if frontage is from S. Channel Dr.: Leona/Ted Sarns, 8515 S. Channel Dr.

Antkowiak: Practical difficulty is location of lot in relation to other properties with no place else to place structure. Septic tank is installed.

Wiggle: If structure moved, it would be closer to the house.

Makuch to Appellate: Is the road the front of property. Appellate: Road is in front of S. Channel Dr.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

**Motion by Diss, supported by Makuch, to approve 2005-026 as requested due to irregular shape configuration, three sides are water and new building will replace existing building at the same position.**

**AYES: All. NAYES: None. MOTION CARRIED.**

Shirkey: Is new form approved? Wiggle: Yes. Dorothy De Boyer, Tim Wiggle and John Mc Namee were responsible for the new format. Appeals go to Circuit Court.

## 6. Member Comments

Wiggle: New dossier form (sign off sheet). Discussion.

Makuch: Paperwork is more clear and appellate will have to sign off after the decision.

Antkowiak: Who is doing paperwork? Nelson: ZBA secretary: Marianne Diss.

Makuch: What appellates think of as practical difficulty may not be what ZBA determines with findings of fact and may point out a new practical difficulty.

Shirkey: Practical difficulty on new sheet will be from ZBA.

## 7. Nominations for Election of Officers 2005-2006

Dolores Nelson is recording secretary for ZBA (not elected).

Antkowiak, support Makuch: R. Nelson, chairperson, accepted.

Makuch, support Nelson: T. Antkowiak, vice chairperson, accepted.

Nelson, support: Antkowiak: Diss, secretary, accepted.

Nominations closed.

## 8. Adjournment

**Moved by Makuch, supported by Shirkey, to adjourn at 8:37 p.m.**

**AYES: All. NAYES: None. MOTION CARRIED.**

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary