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Continued: 2006-010

Nelson: What is the fire code rating? Appellate: OK per Clay Township Fire Department.

Diss: Discussion of temporary membrane structure. Clay Township is against tents. Structure is not within ordinance.

McNamee, Clay Township Attorney: ZBA is challenged with opinion to deny variance of Mike Kras. The manufacturer is not for ZBA to review. Appellate must present information for ZBA to change Mike Kras decision. Application is for ZBA to interpret wrong information. If appellate's application is correct, should a permit be issued. Question is if a permit should be requested.

Discussion of permit or variance.

Shirkey: ZBA does not issue permits.

Mc Namee: ZBA can make a decision over Mike Kras but not issue a permit.

Discussion of permit or to overturn Mike Kras decision.

Diss: Consideration of temporary structure being a "tent."

Mc Namee: Appellate is asking ZBA to consider temporary permit.

Shirkey: Appellate is asking for permit not a variance.

Makuch: Should ZBA make an appeal over Mike Kras?

Mc Namee: Referred to Ordinance #123, P. 194, section 27.05, paragraph , administrative review, issuance of a permit may be overturned by ZBA.

Public Participation:

In favor: Kathryn Paquette, owner, 6123/6125 Pointe Tremble, lengthy discussion regarding temporary structure for a length of time and not permanent. Handicap rights.

Opposed: None

Close Public Participation.

Makuch: Suggested for an interpretation of the ordinance.

Motion by Makuch, supported by Antkowiak, to postpone decision of ZBA to review presented information and to discuss with Mike Kras.

AYES: All. Shirkey, Makuch, Nelson, Antkowiak. Naves: Diss. MOTION CARRIED.

Antkowiak: Postpone because not addressed as permit vs variance or interpretation.

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Nelson: Does appeal need to be readvertised? Mc Namee: No, this would be a continuation of appeal.

2006-011 Michael/Lisa Duverney 3833 Pointe Tremble

Appellate requesting a variance for height of fencing. Three foot fence is not standard. Four foot ties into height of fence by pool. Height of 42" required for the pool. Children are around the area. Gate is requested for drive way entrance from highway traffic.

Request for variance from Ordinance #123, to allow construction of a fence that will exceed the three foot requirement in the required front yard. The application was denied because Ordinance #123, Article III, section 3.09 (a).

Antkowiak: Explain how this would not alter neighborhood character. Appellate: Traffic uses driveway to turn around for the ferry and blocks driveway.

Makuch: Did you build house? Appellate: Yes.

Antkowiak: Discuss the front (roadside) and rear (water side).

Public Participation:
In favor: No comment.
Opposed: No comment.
Close Public Participation.

Shirkey: Is the fence going along roadside and then east to pool ? The northeast side just comes around the corner.

Antkowiak: Does this create an obstruction. Appellate: No.

Motion by Antkowiak, supported by Makuch, to approve as presented with practical difficulty being a three foot fence is not standard, placement of the house close to the ferry and not interfering with view.

AYES: All. NAYES: None. MOTION CARRIED.

2006-012 Mike/Kate Grochocki 7149 Lazy Lane, Harsens Island
 Brian Treppa, builder, representative

Appellate has a very small lot, 70' x 67'. and is requesting a variance for various setbacks to construct an attached garage.

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Request a variance Ordinance #123 to allow construction of an attached garage and sunroom addition. Original application was denied because Ordinance #123, Article III, section 18.03 (5).

Shirkey: The addition is 23' x 26'. 10' x 14' back side, bedroom and attached garage.

Nelson: Could construction of garage be one foot narrower than 23'? Therefore the garage would be 22' x 26' which would give a 4.17' sideyard setback.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Nelson: Can garage be narrower? Builder: Master bedroom is over garage.

Kras: The house next door is quite a distance away.

Motion by Makuch, supported by Diss, to approve wider than deeper garage, 10' wide road, attached garage size 22' x 26', 4.17' setback.

Small size of lot (short and deep).

AYES: All. NAYES: None. MOTION CARRIED.

6. Member Comments

Antkowiak: Commented regarding ZBA by-laws. Approved and signed.

Shirkey: Definition of a building, "tents, etc." is that something to be included in ordinance? Antkowiak: Yes, Planning Commission is working on it.

Nelson: Thanks to John Mc Namee for attending meeting.

Makuch: ZBA should request a letter from Mike Kras regarding permit vs variance and forward a copy to Paquette's.

Diss: Discussion of fire law.

Kras: Meeting fire code is State Law. Building Department and Clay Township and Ordinance #123 uses the most stringent law.

Mc Namee: Discussion of handicap and state fire code.

Nelson: Training seminar for Zoning Enabling Act, May 30, 2006, Clinton Township. Attending Shirkey, Nelson, Diss, Kras.

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7. Public Comment

George Lyle, 9112 Marsh, regarding portable structures, discussion of “tents” and temporary structures in township. Kras: Township will be enforcing portable structures.

Diss: Safety concern of a portable structure.

8. Adjournment

Moved by Makuch, supported by Antkowiak, to adjourn at 8:45 p.m.

AYES: All. NAYES: None. MOTION CARRIED.

Respectfully submitted,

Dolores M. Nelson
Recording Secretary