

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, JUNE 15, 2006 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: Michael Kras, Clay Township Building and Zoning Administrator
John McNamee, Clay Township Attorney (8:47 pm)

2. APPROVAL/AMENDMENTS TO AGENDA

Suggestion by Makuch to reverse the agenda from Old Business to New Business first while waiting for Mr. McNamee.

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

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

3. APPROVAL OF MINUTES OF MAY 18, 2006

Correction, P.3, Shirkey: Is the fence going along roadside and then east to pool? The northeast side just comes around the corner.

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

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

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, 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 appellant 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. NEW APPEAL

2006-013 Daisy Paluch 8270 Anchor Bay Dr.
Allan Zak, Builder, Representative

Appellate requesting to reconstruct a garage/boathouse allowing the boathouse portion to be fully enclosed for security.

Request for variance from Ordinance #123, to reconstruct a garage/boathouse allowing the boathouse portion to be fully enclosed for security. The application was denied because Ordinance #123, Article III, section 3.01 (7,d).

Nelson: Are you replacing the old boathouse? Zak: Yes, requesting to reconstruct.

Shirkey: Is the new boathouse similar? Zak: Present, 22 x 28 New, 28 x 24.

Makuch: New boathouse will be the same height.

Antkowiak: Setbacks are the same? Zak: Yes.

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Nelson: Will there be a new seawall? Zak: Yes.

Shirkey: The old boathouse is enclosed already? Zak: Yes.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Antkowiak: Unique pieces of property on Anchor Bay Dr. and canals.

Motion by Makuch, supported by Shirkey, to grant request for building the garage/boathouse, fully enclosed, two water sides, uniqueness and obscuring no view.

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

(OLD) 2006-010

Louis Paquette/Tim Siefert

6125 Pte. Tremble

Catherine Paquette: Applying for temporary structure. Permit expired May 2006. Discussion.

Makuch: How are we breaking the law. C.Paquette: Michigan Law. Siefert paid \$100 for ZBA appeal.

McNamee: No zoning variance is asked for by Paquettes. They want a permit for a structure. Discussion. Appellate should go to Construction Board of Appeals. ZBA does not have authority as requested.

Catherine Paquette: She has references.

Shirkey: Paquettes have wrong board. ZBA can't give permits and there is no construction indicated.

Antkowiak: Permit is under Construction Board of Appeals.

Makuch: ZBA allows variances of ordinance. This appeal needs to go to Construction Board of Appeals.

Catherine Paquette: There are four renters on the property.

Nelson: What is Construction Board of Appeals? McNamee: Ordinance #114, Under State Commission, a separate board must be composed within township. There is a board active in Clay Township.

Nelson: The question is do we agree/disagree with Mr. Kris seems beyond ZBA authority.

Louis Paquette: The material of tent does not burn; material complies with fire code.

Shirkey: ZBA does not question the material of the tent.

Kras: Reference of the building code, 180 day limit, residential code, and fire code have all been interpreted.

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Motion by Antkowiak, supported by Makuch, to dismiss appeal because it is not a zoning issue, not a building issue, and should go to Construction Board of Appeals.

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

Nelson to McNamee: Is the wording of the motion correct? McNamee: Yes, ZBA does not have authority.

Motion by Antkowiak, supported by Shirkey, to recommend to Clay Township Board that the \$100 fee be reimbursed.

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

6. Member Comments

Antkowiak: ZBA By-Laws final. Original sent to Building Dept. to retain.

Makuch: Anchor Bay could be an exception to be considered by Planning Commission.

Antkowiak: Planning Commission close to finalizing several ordinance amendments and enclosed boathouses in some situations is being considered.

Kras: Double sided waterfront is a problem.

McNamee: Ordinance #123 will be brought up to date, approximately August 2006. (Zoning Enabling Act, August 2006)

7. Public Comment

None.

8. Adjournment

Moved by Shirkey, supported by Makuch, to adjourn at 8:35 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary