

MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, OCTOBER 19, 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, Marianne Diss.

Excused: Anthony Antkowiak.

2. APPROVAL/AMENDMENTS TO AGENDA

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

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

3. APPROVAL OF MINUTES OF SEPTEMBER 21, 2006

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

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

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 (5) members on the ZBA, four (4) 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, you have the right to take it to the Circuit Court. You have thirty (30) 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

2006-026

R.Ragon/S.Colby

7285 Flamingo

Appellate requesting to install an aluminum ornamental fence in a portion of the back yard for containing small dogs. Fence would be three feet high, enclosing about 1/3 of the back yard, about 36' from house, 10-12 feet off side lot line. Any portion that would be obscured is surrounded by shrubbery and a shed on one side.

Request for variance from Ordinance #123, to install a three feet high fence that will encroach the open and unobstructed waterside yard. The application was denied because Ordinance #123, Article III, section 3.12 (1).

Nelson: The set back per ordinance is 55'. The lot is odd sized, 80' from water to house.

Shirkey: What is width of fenced area? Appellate: Approximately 65'.

Nelson: Appellate is here because of odd lot size; ordinance is based on 55' setback.

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Shirkey: How wide is porch? Appellate: About 15'.

Public Participation:

In favor: No comment.

Opposed: No comment.

Close Public Participation.

Shirkey: Size of fenced area is too large and fences are not normally allowed for children.

Makuch: Where is the practical difficulty?

Nelson: Appellate is here for open and obscured view of water.

Makuch: There is no practical difficulty. Appellate: Not sure.

Nelson: Unique and very deep lot. By definition, the water side yard is the rear yard, not front yard.

Nelson: Normal size lot is considered 65' x 120'.

Diss: This would be setting a precedence. Other appeals have been denied.

Makuch: No practical difficulty.

Makuch: Suggested using an invisible fence. Appellate: One dog too old and too shy and other dog is young.

Shirkey: Appellate could purchase an enclosed pen.

Makuch: Suggested to work with Mike Kras regarding depth from house and not require a variance.

Motion by Makuch, supported by Shirkey, to deny request; based on the fact there is no practical difficulty and would be setting a precedence from past.

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

Makuch: Talk with Mr. Kras to install a fence so that a variance may not be required.

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6. Member Comments

Nelson: ZBA received a thank you letter from Elizabeth and O'Neal Bardin.

Discussion of pole barn at 992 La Croix on Harsens Island, may be becoming heavy industrial use in zoned residential; more than just a storage area.

Letter read from Mike Kras regarding the pole barn on 992 La Croix.

Diss: We need survey and site plans also, we are not receiving elevation plans.

7. Public Comment

None.

8. Adjournment

Moved by Makuch, supported by Diss, to adjourn at 7:55 p.m.

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

Respectfully submitted,

Dolores M. Nelson
Recording Secretary