

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, DECEMBER 21, 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, Anthony Antkowiak.  
Michael Kras, Zoning Administrator

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 19, 2006

Correction: P.3 Shirkey, delete last sentence #6.

**Moved by Makuch, 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, 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.

Nelson: Preface has been changed to thirty days (30) and strike out whether you are the appellate or the public.

5. APPEALS

2006-027

Lison/Patrick Drummond

2358 North Channel Dr.

Appellate previously removed old house and built a new home.. Garage has the same footing as the old house. No stairs inside. Increased header of garage and increased height. Passed out letter and picture to board.

Nelson: What is the square footage of the house? Appellate 50' x 28, same as garage.

**Request for variance from Ordinance #123, to allow continued construction of a two story detached accessory structure that exceeds the allowable height by 4'6". The application was denied because Ordinance #123, Article III, section 3.01 (5).**

Makuch: What is the appellate constructing now? Appellate: Patio on house. Have permits been pulled.  
Appellate: Yes.

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Continued: 2006-027

Public Participation:

In favor: No comment.

Opposed: No comment.

Closed Public Participation.

Antkowiak to Kras: How is height determined. Kras: Measured to peak.

Antkowiak: What is the practical difficulty? Appellate: They were planning on a basement but since no basement is allowed, there is no storage. The attic and garage are used for storage.

Antkowiak: The permit did not allow height and therefore the appellate is at fault.

Makuch: Where are the stairs? The stairs are exposed. 1) Practical difficulty, storage is not practical difficulty; 2) Use conventional height and use collapsible stairs; 3) Not being used for storage.

Antkowiak: Who told to ignore "stop work order?" Appellate: Builder continued to seal.

Diss: Who was responsible for giving the plans to the builder?; ignored "stop work orders." Appellate: They did the drawings from house for footing.

Shirkey: Did you contact Mr. Kras with changes from original plans? Appellate: No.

Antkowiak: ZBA is dealing with variance for 4'6". 1) Show practical difficulty – not for storage. 2) There is no unique condition of property. 3) There is no existing condition, can't be self-created.

Nelson: What is pitch? Appellate: 12/12 house, 12/12 garage.

Makuch: Are you a builder? Appellate: No. Is there a hardship to grant variance? Hardship is self-created.

Makuch: Ordinances have changed. Appellate passed out pictures. Makuch: Some are zoned commercial sites.

**Motion by Antkowiak, supported by Makuch, to deny appeal #2006-027 for the following reasons: there is no practical difficulty established, storage is not a practical difficulty; there are no unique circumstances or conditions of the property and the need for the variance was self-created.**

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

**Kras: Circuit Court held in abeyance or remove roof.**

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2006-028

Janet L. Hawkins

9638 Nook Rd.

Appellate is requesting to construct an attached metal sunroom without the same continuous foundation of main building. The sun porch is over the deck, sitting on 42" posts.

**Request for variance from Ordinance #123, to allow construction of an attached sunroom without the same continuous foundation of the main building.. The application was denied because Ordinance #123, Article III, section 3.01 (1).**

Nelson: Was there a permit for the deck? Appellate: Builder said yes. A new company did not pull a permit.

Nelson : Is that area zoned multiple? Kras: Yes. Setback of back yard OK.

Makuch: Foundation has to be on the same foundation as the building.

Kras: Sunroom is not in wetlands or encroaching in wetland easement. In the ordinance, it must be on continuous foundation.

Antkowiak: She was told about all permits. Companies do not have to pull permits. Appellate is asking for variance with no practical difficulty. There are no unique circumstances. Appellate should know to pull permit, self-created hardship.

Public Participation:

In favor: Ed Harris, 9638 Nook; Frank Mariano, 9650 Nook.

Opposed: No comment.

Closed Public Participation.

Makuch: Need to establish standards for legality.

Kras: If on a piling for house could be for deck, appellate is on continuous foundation so sunroom needs to be on continuous foundation.

**Motion by Makuch, supported by Shirkey, to deny request. There is no practical difficulty established, no conditions unique of property and hardship is self-created.**

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

6. Election of officers 2007

Nominations:

Chairman: Ron Nelson, accepted; Vice Chairman: Tony Antkowiak, accepted; Secretary: Marianne Diss, accepted. Motion for election of office: Chairman, motion by Shirkey, supported by Makuch, carried. Vice Chairman, motion by Makuch, supported by Shirkey, motion carried. Secretary, motion by Makuch, supported by Shirkey, motion carried.

7. Member comment

Happy Holidays.

8. Public Comment

None.

9. Adjournment

**Moved by Makuch, supported by Antkowiak, to adjourn at 8:20 p.m.**

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

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary