

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD MARCH 14, 2007 IN THE CLAY
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHP, MICHIGAN 48001**

1. Chairperson Dorothy DeBoyer called the meeting to order at 7:30 p.m.

2. **ROLL CALL:**

PRESENT: Chairperson Dorothy DeBoyer, Vice-Chair Anthony Antkowiak, Secretary Kathy Schweikart, Edward Keller, II, Pat Sharrow, Earl Lines, George Lyle, Whitey Simon, and Thomas Krueger.

Also present: Peter Briddick, Community Planner.

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

Motion by Antkowiak, supported by Keller to approve February 28, 2007 Minutes.

Changes to Minutes:

Page 3, 10th paragraph – Change “55 foot greenbelt” to “5 foot greenbelt”.

Restated motion by Antkowiak to approve Minutes with correction, supported by Keller.

Minutes approved with the above correction.

AYES: All NAYS: None.

MOTION CARRIED.

5. **PUBLIC HEARING – PROPOSED TOWNSHIP ZONING ORDINANCE UPDATE:**

Chairperson DeBoyer opened the public hearing on the proposed amended Zoning Ordinance before submission to the County Planning Commission and Township Board.

Bob Bryson, Harsens Island

Bryson: Referring to Page 85, C-3 commercial, questioned why marinas have been deleted?

Sharrow: Questioned whether it was the intention to put it under Special Approval Land Use where it was in old Zoning Ordinance? Recalls that a public hearing had to be held on marinas.

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DeBoyer: It is not deleted from Commercial, it will be under Special Approval Land Use in C-3.

Bryson: According to DEQ when you apply for a permit, a marina is any time you have more than three boat wells. Questioned if he had a small piece of land and wanted to run a charter boat from it, would he have to come to Planning Commission for approval?

DeBoyer: Possibly.

Bryson: Does not understand why marinas are being deleted from a perfectly good use since we are a waterfront community. Marinas are necessities in this community.

DeBoyer: Agreed that marinas are necessary and the Planning Commission recognizes same. It was not the intention of the Planning Commission to completely delete marinas. Concern is that it was deleted by the Building Department and not by the Planning Commission.

Lyle: It does not appear under Special Approval Land Use.

Sharrow: No, it is not listed there and it needs to be in one place or the other.

DeBoyer: Inclined to think that it was an error on the part of the Building Department. We did not talk about or intend to delete marinas at all.

Krueger: Questioned whether it was the intent to leave marinas under Special Land Use Approval?

DeBoyer: Stated that she is inclined to think that was the intent since the Committee never talked about deleting marinas. She will insure that it is marked as an error and have it put back into Zoning Ordinance. Thanked Mr. Bryson for bringing it to the Planning Commission's attention.

Bryson: Questioned why marine construction was removed from Commercial and placed under Industrial. Being a waterfront community, people need to have seawalls, docks, and dredging.

DeBoyer: Referred Mr. Bryson to C-3, Special Approval Land Use, Marine Construction.

Bryson: He is referring to page 89, Item No. 7, Light Industrial District, Marine Construction, Dredging, Sheet Piling, and Maintenance Equipment.

Sharrow: It is also on page 86, No. 7, under C-3, Special Approval Land Use, so it could be under either.

DeBoyer: This gives the Planning Commission the ability to control where marine construction is going to take place.

Bryson: There is nothing Industrial on Harsens Island and there is a limited amount in this area.

DeBoyer: But it is allowed under C-3 as a Special Approval Land Use.

Antkowiak: Stated that is where it was initially and that it has only been added to Industrial.

Bryson: Still questioned why was it placed under Industrial? If it's allowed in C-3, why would you also put it in Industrial? If it's permitted in Commercial, it's permitted in Industrial without asking.

DeBoyer: Stated that this was due to the reason that not all marine construction is on the waterfront and if there is Industrial very near to waterfront, it could be used for that. It's giving it an opportunity in C-3 and Industrial. It is not necessarily permitted in Commercial and Industrial. For example, you can have a marina and not allow marine construction to take place there.

Bryson: Questioned how that was possible? You can't have a marina without construction. You can't have a dock or a boat hoist without getting it repaired.

DeBoyer: It's very possible. We are talking about marine construction, such as building barges, stockpiling of seawall equipment, etc. That is what we're talking about under marine construction. You can have a marina and not allow any of that in it. That was the whole idea. This is not going to change anything existing but applies to anything in the future.

Dr. Leonard Kasperowicz, 6603 Dyke Road

Kasperowicz: Stated he has a problem regarding building a single house in a multiple zoned area. 30 years ago had purchased property with Site Plan approval from a Judge who stated it could never be changed. Presented a copy of the Site Plan which identified no wetlands. Had purchased it as an investment and had previously received a letter from the Department of the Army who determined that this property now has wetlands and building can only go back 1,500 feet. In 2003, DEQ advised him that building can only go back 850 feet and feels that government has now stolen half of his property and he can't do anything with the property. All he wants to do is build one house in middle of his property away from the road and be able to use his land. Does not feel there are wetlands on his property but that it's just the result of a corrupt government and money-sucking scheme to get money out of people who want to do something in the community.

DeBoyer: As far as DEQ rulings, Planning Commission cannot overrule them. In the proposed amended Zoning Ordinance under multiple family residence under Special Approval Land Uses, single family detached dwellings is listed. This means that it is a possibility, but you must come to the Planning Commission to get approval.

Kasperowicz: Questioned what the approval fee was?

DeBoyer: Could not give answer to fee that would be charged. Fee is dependent on several things and is collected by Building Department, not the Planning Commission.

Kasperowicz: Questioned why he had to spend money in order to use his own property?

DeBoyer: If something is zoned multiple, it is not intended for a single family home.

Kasperowicz: Stated that DEQ has stolen all the land and made it so that you cannot put in multiple homes. It is not all wetlands. Reiterated he does not believe wetlands exist on his property.

Lyle: Questioned whether it would be less costly for Dr. Kasperowicz to have his property rezoned to Residential? This might be an option for him to think about.

Sharrow: Stated that Dr. Kasperowicz had previously come to the Planning Commission after the last amendment to the Zoning Ordinance because his property had been zoned Commercial and he wanted it Multi in the back and Commercial in front. We did change that for him without cost because we felt it was in error. Reminded Dr. Kasperowicz that the Planning Commission has cooperated with him as much as possible in the past.

Kasperowicz: Thanked the Planning Commission for their time.

Joann Shirkey, 3300 Green Drive, Harsens Island

Shirkey: Stated that she appreciates the hard work that goes into amending the Zoning Ordinance. Asked for clarification regarding the Multiple Home Park relating to family day care as less than six, but in other districts it doesn't specify less than six in family day care. Questioned whether that was an oversight or can you have more than six?

DeBoyer: Stated that in a manufactured home park, homes are much closer together and usually smaller in size. So, the number of children would be limited more than in a regular residential district.

Shirkey: Requested clarification on R-1-L be addressed.

DeBoyer: Between R-1 and R-2, there is a large difference in the size. R-1-L was placed to accommodate districts that don't fit in R-1 or R-2 but somewhere in between.

Shirkey: This created a whole new district to be re-zoned.

DeBoyer: We are not re-zoning anything, just creating the possibility for someone to ask for that zoning. We are not making any zoning changes.

Shirkey: Questioned where enclosed boat houses are addressed?

Antkowiak: Stated the issue is addressed at page 40.

DeBoyer: Read from page 40, Accessory Structures on Double Waterfront Lots, Special Land Uses. This gives the Planning Commission authority to make the decision on a Special Land Use for an enclosed boathouse if it meets the specified criteria. This would come from Building Department to Planning Commission and not to Zoning Board of Appeals for approval.

Sharrow: Stated in regards to group homes, the State has passed a law that a group home with six or less must be treated as any other residential dwelling and that you cannot prohibit or regulate it in any way.

John Horvath, Harsens Island

Horvath: Questioned what prompted all the changes in Zoning Ordinance?

DeBoyer: Changes came about due to difficulties for some citizens and ZBA and inconsistencies and redundancies that needed to be corrected.

Horvath: Questioned whether issue of granaries applies to storage areas for feed in an RS setting?

DeBoyer: If you are a legal farm, you are allowed to have that storage.

Horvath: Feels that we continually are losing our rights, things keep getting taken away.

DeBoyer: Nothing that is existing is going to change. We have tried to make this Ordinance more community-friendly.

Horvath: Clarification regarding canvas-covered garages. He often tarps his hay in the field, and questioned whether this would not be allowed?

DeBoyer: No, that's a totally different issue. This relates to people putting up temporary coverings for cars, etc. and then treating it like a permanent garage.

Horvath: Requested clarification on farm stands and parking on farm stands.

DeBoyer: There is a little difference in regards to farm stands. It was an inconsistency that we found in the old Ordinance that it was listed with no definitions given as to requirements. The issue of parking relates to stands in residential areas, not on farms. This does not affect anything that is existing, only things in the future.

Horvath: His concern is that in the future the Ordinance may be interpreted differently and consideration will not be given to existing structures.

DeBoyer: You cannot force someone to change something that is existing. We cannot give guarantees for 20 years down the road.

Chairperson DeBoyer then closed the Public hearing.

DeBoyer: Requested any Planning Commission member comments.

Sharrow: Questioned whether any written comments were received?

DeBoyer: Stated no written comments were received for or against the amendments.

Sharrow: Stated at last committee meeting we had an idea of creating a zoning district for public land and being able to map off everything that is publicly owned.

DeBoyer: Advised that she did speak with Mr. Meagher, and he feels it would be better to have this addressed in the Master Plan maps than in Zoning maps.

Sharrow: It would also take text changes. It would just be a matter for people being able to look at a map and see how much is owned by the State or the schools, etc. and what is privately owned.

DeBoyer: Stated we will be working on our Master Plan this year to have it completed before the end of this year. We can then make it clear to the public just how much the State of Michigan owns in Clay Township, which will probably surprise a lot of people.

Antkowiak: Questioned whether any other changes or corrections to the proposed Zoning Ordinance could be offered at his time?

DeBoyer: Yes.

Antkowiak: Reads from page 40, at the top of the page at Section C, regarding boat houses and feels that remaining language does not really make sense.

DeBoyer: Reads from copy of Ordinance from Building Department, which differed from draft Antkowiak read from.

Antkowiak: Still feels it does not make sense and that there needs to be something relative to Zoning Board of Appeals. The word we were dealing with was “approval” and perhaps it should just say “shall be subject to a variance of the Zoning Board of Appeals”.

DeBoyer: Stated that was what the Committee had discussed and recommended. Will see that change is made to page 40, Section C to reflect that change.

Antkowiak: Also advised that on page 168, No. 7, the last sentence of first paragraph doesn't make any sense. “The applicant shall the project at the earliest possible date”.

Lyle: Stated word “complete” should be in there.

Sharrow: Agreed that the word “complete” is missing.

Antkowiak: Agreed that it should read “applicant shall complete the project at the earliest possible date”.

DeBoyer: Advised that she will also see to it that change is made to page 168, No. 7, last sentence of first paragraph as noted above. Questioned whether Commissioners felt corrections should be made and be brought back prior to a motion for recommendation to the Township Board and to the County Planning Commission at that time?

Sharrow: Feels corrections should be made and brought back for review by Commission. If it was ready by Workshop meeting, motion could still be made to send it on.

Motion by Sharrow, supported by Lines to bring back corrected proposed Zoning Ordinance reflecting corrections to marina, boat house, and for review of same before next meeting.

AYES: All NAYS: None

MOTION CARRIED.

6. PLANNING CONSULTANT’S REPORT:

Briddick: None.

6. Z.B.A. REPRESENTATIVE’S REPORT:

Antkowiak: None.

7. CHAIRPERSON’S REPORT:

Chairperson DeBoyer: Nothing new to report.

8. PLANNING COMMISSION MEMBER’S COMMENTS:

None.

9. PUBLIC COMMENTS:

Dr. Leonard Kasperowicz, 6603 Dyke Road

Kasperowicz: Questioned what the status was of being allowed to place house on piece of property he owns?

DeBoyer: Once Zoning Ordinance is approved, you will be allowed to put a single family home in Multi under Special Approval Land Use.

10. **ADJOURNMENT:**

Motion by Simon, supported by Lyle to adjourn the meeting at 8:15 p.m.

AYES: All. NAYS: None.

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary