

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY, FEBRUARY 15, 2007 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

2. APPROVAL/AMENDMENTS TO AGENDA

Nelson: Appeal 2007-002, Dave Dockus, 7269 Cardinal has been withdrawn.

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

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

3. APPROVAL OF MINUTES OF JANUARY 18, 2007

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

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

5. APPEALS

2007-001

Jim/Sandy Angers  
Joe Rockwood, rep.

8040 Sni Bora, St. Clair Flats  
51543 Industrial Dr. New Baltimore

Rockwood presented photos, drawings to board.

Nelson: Adjacent to North Channel Yacht Club.

Appellate is requesting to construct an accessory structure (boathouse) fully enclosed.

Rockwood: Lot coverage, boundary of the lot would be 24% coverage; rear yard, boathouse in rear yard, would be over 25% coverage, lot size is smaller; enclosed sides fully enclosed, for security (on an island).

Boatwell is cut into property.

**Request for variance from Ordinance #123, to construct a fully enclosed boathouse that will exceed the allowable lot coverage of 30% and the allowable required rear yard coverage of 25%. The application was denied because Ordinance #123, Article III, section 3.01 accessory structures (4, 7, [b,d]).**

**CLAY TOWNSHIP ZONING BOARD OF APPEALS**

**MINUTES OF FEBRUARY 15, 2007**

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Letter, in favor: North Channel Yacht Club, Harley Burriss; William Thompson, 8060 St. Clair Flats.

Public Participation:

In favor: Mark Santavy, 9152 Stone Rd.

Opposed: Steven Lumley, 8198 Anchor Bay Dr., own two properties on North Island. 1200 sq. ft.; 54x37, 22ft. height, peak. Looks like a billboard, negates view.

Close Public Participation.

Rockwood: There is no sign and is not a billboard. According to DEQ, he is not entitled to a view on the Sni Bora, Lumley's view is straight ahead across canal. Lumley has two separate lots.

Antkowiak: Mr. Lumley owns lots #149 Sni Bora, #150 Robinson Highway.

Makuch: 1) Material has been presented the day of the meeting. 2) Personally visits each site. Unable to make a decision without personal visit.

Shirkey: Unable to visit site. Material presented the day of the meeting, unable to make fair decision.

Antkowiak: 45 degree angle from side of house may block Lumley view. Look at site and take measurements.

Nelson: Agree.

Antkowiak: Mike Kras has been unable to visit the site and take measurements.

Nelson: Possibly could visit site end of February-March.

**Motion by Makuch, supported by Shirkey, to postpone a decision until next (March) meeting to allow for a physical visit to the site and take measurements.**

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

Makuch: Hope to make arrangements to cross river in March.

6. Member Comments

Antkowiak: Planning Commission has a rough draft of new ordinance (revise #123), public hearing will be March 14, 2007.

Makuch: Some discussion with Mike Kras regarding considering the appeal for enclosed boat house on island as exception, others areas considered Primary Waterway.

Nelson: There is no additional fee to postpone a meeting.

7. Public Comment

None.

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8. Adjournment

**Moved by Makuch, supported by Shirkey to adjourn at 7:56 p.m.**

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

Respectfully submitted,

Dolores M. Nelson  
Recording Secretary