

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON  
MAY 17, 2007 AT 7:30 P.M. IN THE CLAY TOWNSHIP MEETING HALL, 4710  
POINTE TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN**

Chairman Nelson called the meeting to order at 7:30 p.m.

**1. ROLL CALL**

Present: Joanne Shirkey, Ron Nelson, John Makuch, Anthony Antkowiak, Marianne Diss  
Excused: None

**2. APPROVAL/AMENDMENTS TO AGENDA**

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

**Ayes: All**

**Nays: None**

**MOTION CARRIED**

**3. APPROVAL OF MINUTES OF APRIL 19, 2007**

**Motion by Shirkey, supported by Makuch, to approve the minutes of April 19, 2007 as presented**

**Ayes: All**

**Nays: 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.

**5. OLD BUSINESS**

2007-001                      Jim/Sandy Angers                      8040 Sni Bora

Chairman: This has been postponed a number of times because of weather.

**Request for variance from Ordinance #123 to allow the construction of a fully enclosed boathouse that will exceed the allowable lot coverage of 30% and the allowable required rear yard coverage of 25%**

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Antkowiak: There are two boatwells, and you are now storing your boats somewhere else is that correct? You have indicated you want to use this as a full time, year around storage.

Appellate: Yes

Antkowiak: Can you tell me what the fabric storage shed is for?

Appellate: Have everything in it that was in the two buildings I removed.

Antkowiak: If this appeal is approved that would go?

Appellate: Yes

Antkowiak: How recent were the wells constructed?

Appellate: This winter

Antkowiak: Did you check with the Township regarding enclosed boathouses prior to this?

Appellate: Went to DNR and Corp of Engineers. Thought could put a building there, I submitted a drawing of the building; they came out and looked at it and they approved it. When I applied for the building permit I found out I had a problem.

Antkowiak: There are five standards we look at, one of which is practical difficulty; I assume the lack or want of security to be your practical difficulty. Also have to look at uniqueness of the property. Assume the fact that you are out on an island that you consider that to be the uniqueness. The third thing we have to consider is whether the need for the variance is self created. In a sense it is self created because you built the wells before you found out what you could do at the Township level. The last two are not of concern.

Shirkey: I had the same thought; it was done before consulting with the Township.

Makuch: If you go off the one corner it will be within the 45 degrees, which also is a concern. Also the size of the boathouse.

Antkowiak: By dropping the walls down it creates an accessory building as opposed to a boathouse. Mr. Kras, if the boathouse was not enclosed could they build a structure on the property to use for storage?

Kras: Yes, if the boathouse was not enclosed.

Nelson: On the island that your place is on, how many building are on the island?

Appellate: Six or seven.

Makuch: Would you be open to enclosing one boatwell?

Appellate: Couldn't leave one boat out there for the winter, also can't put a wall there as it is.

Shirkey: If the boathouse is not enclosed he has the option of building something to store his lawn mower, etc.

Bonnie McInerney 65 S. Gratiot, Mt. Clemens, representing Steven Lumley: Appears to be a self created practical difficulty. Client wants it on record that they are opposed to the boathouse, believe does not meet the standards for approval and request that you deny the request for variances.

**Motion by Antkowiak, supported by Makuch, to deny the request for the following reasons: The enclosed walls if built, would obstruct the view of the house on lot 150 and the need for the variance for an enclosed boathouse was self created as the wells were constructed prior to checking with the Township.**

**AYES: All**

**NAYES: None**

**MOTION CARRIED**

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**6. NEW BUSINESS**

Appeals

Appeal 2007-007

Matt/Jeanie Mauchline

8329 Colony Drive

Appellate requesting a variance on the lot coverage and the height of the boat well. Looking at covering one boatwell and enclosing another and between those two having a garage area.

**Request for variance from Ordinance #123 to allow the construction of a fully enclosed accessory boathouse that will exceed the allowable height of 15 feet and the allowable lot coverage of 30%.**

Shirkey: What is the dimension of the garage you spoke of?

Appellate: 20' X 32', the setback is roughly 13.5'. Want to use it for the boats in the winter.

Shirkey: How much higher?

Appellate: Need about 16'6" to clear.

Antkowiak: We have to look at this as a variance and have to look at the standards for a variance. I have a lot of trouble trying to coming up with a unique feature of this property, and the condition that the applicant has mentioned about his boat being too high really isn't a issue that relates to a variance. We have a new ordinance that is in process, within that new ordinance this issue is addressed. Planning Commission doesn't have to follow the standards we must on the ZBA. They can look at what is down the street; we have to have a specific reason. If you wait until the new ordinance perhaps you could get this without a lot of problems.

Public participation:

In favor:

One gentleman spoke in favor

Opposed:

None

Closed public participation

Appellate requested a decision be postponed

**Motion by Diss, supported by Makuch, to postpone this to an unspecified date.**

**Ayes: All**

**Nayes: None**

**MOTION CARRIED**

Appeal 2007-008

Robert Morton

Vacant parcel #74-14-865-0035-010,  
Lynn Marie Lane

Robert Morton, 305 Oakdale, Royal Oak, Michigan

Requesting a variance on the waterside setback to build a cottage with a 9'6" variance of the 40' setback because of the size of the required septic system and the narrowness of the lot

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**Request for a 9'6" variance of the required 40' rear yard setback to allow the construction of a single family dwelling on the vacant parcel located on Lynn Marie Lane, Harsens Island, Clay Township, Michigan**

Antkowiak: Do you have public water?

Appellate: Yes

Antkowiak: Square footage of the house?

Appellate: Just under 2,000

Antkowiak: Because of need for area for the septic system, that is the practical difficulty?

Appellate: Yes

Makuch: The lot is exceedingly narrow, the area required for the septic system and the variance could be advantageous to the neighbors, if the house was forward it would block the view of the neighbors. It is really unique.

Antkowiak: The ordinance says with either public sewer or public water the minimum lot area should be 12,000 square feet, this lot area is about 8,428, so it is unique and the septic system is required.

Public participation:

In favor:

None

Opposed:

None

Closed public participation

**Motion by Makuch, supported by Diss, to approve this variance request for the following reasons: The property is very unique due to its isolation in location, it is unique in that it is an exceedingly narrow lot square footage wise and the requirements for the septic isolation create a practical difficulty.**

**Ayes: All**

**Nays: None**

**MOTION CARRIED**

**7. MEMBER COMMENTS**

Shirkey: When you spoke of the ordinance, is this issue going to be addressed for covered boatwells.

Antkowiak: The issue of the boathouses is addressed under Special Land Uses. The suggestions you made were not put into the ordinance at this time. We will have to amend the ordinance the beginning of the year to address some difficulties with the PUDs and a Condo Ordinance; will then also look at some issues that were brought up by the ZBA.

Makuch: When the Township Board gets it if there are sections we don't like we will send it back to the Planning Commission. We are here to serve the public.

Shirkey: How long since the Masterplan?

Antkowiak: Amended four years ago, we have to look at every five years. We have to have it done by the end of the year. The Special Land Use situation is still \$100.00 plus Planner fees but it keeps it away from this Board and allows for some things to happen in a much easier way than we can allow for.

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**8. PUBLIC COMMENTS**

None

**9. ADJOURNMENT**

**Motion by Makuch, supported by Antkowiak, to adjourn the meeting at 9:00 p.m.**

**AYES: All**

**NAYES: None**

**MOTION CARRIED**

Respectfully submitted,

Dorothy DeBoyer  
Deputy Clerk