

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS HELD ON THURSDAY AUGUST 16, 2007 IN THE CLAY TOWNSHIP MEETING HALL, 4710 POINTE TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN**

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

**1. ROLL CALL**

Present: Joanne Shirkey, Marianne Diss, Anthony Antkowiak, Ronald Nelson  
Absent: John Makuch

**2. APPROVAL/AMENDMENTS TO AGENDA**

**Motion** by Antkowiak, supported by Shirkey, to approve the agenda as submitted  
AYES: All  
NAYES: None  
**MOTION CARRIED**

**3. APPROVAL OF MINUTES: JULY 19, 2007**

**Motion** by Antkowiak, supported by Shirkey, to approve the minutes as submitted  
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 (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. OLD BUSINESS**

**2007-007**

**Matt/Jeannie Mauchline**

**8329 Colony Drive**

Appellate: Come before the Board again to look for a height variance for my boathouse. Went back to architect and was able to change pitch of roof to try to get as close to height requirement of the ordinance as we could.

Nelson: You need a 3'6" variance?

Antkowiak: What is a ridge height? Says the contractor dropped the ridge height 4'.

Nelson: That is the very peak

Antkowiak: Is that going to affect the interior upstairs portion?

Appellate: It may, my goal was to reduce it as much as possible, asked the architect to work with the Building Inspector.

Antkowiak: Appreciate the fact you were willing to do that and attempt to reach a lesser height that we could look at more favorably. Appears we have established the uniqueness of this property; don't know of anything we need to discuss.

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**Motion** by Diss to approve the variance as requested due to fact that that variance is common for the area and the property is unique in the fact that Colony Drive runs through the center.

**Motion died for lack of support**

**Motion** by Antkowiak, supported by Diss, to approve the 3'6" variance for 2007-007, 8329 Colony Drive. The practical difficulty being that the structure is close to the lot line which would not allow additional set-back for the additional height; have established the uniqueness of the property in that it is (1) pie-shaped, (2) has two water fronts and (3) the property is split by the road. Also the design meets the intent of the Colony subdivision standards.

AYES: All

NAYES: None

**MOTION CARRIED**

**6. MEMBER COMMENTS**

Nelson: Received a letter from McNamee regarding a lawsuit based on our denial on July 19, 2007, read letter.

Diss: That is the man with the non-conforming garage that wanted to add a breezeway.

How long ago did they originally come to us, when was the stop work order was posted? How long did they have to respond to stop work order?

Antkowiak: Back in the winter.

Shirkey: Building Administrator Kras took them to court to stop work, they kept ignoring it.

On page three of the minutes, are we going to address that or let it go? It is about the approval of the ZBA, is that a variance.

Antkowiak: It is a moot point because in the new ordinance it will say variance. Still think when it refers to height of boathouses, it says we give approval, says to me that we can say "It is a good idea because it's in the Colony". But I looked at this in terms of a variance and tried to meet the standards, that's why I was prepared with this particular motion because I spent some time trying to figure the best way to approach it and I looked at the minutes and we had talked about various parts of that motion last month and I put those reasons in there because I thought we had to do that.

Shirkey: Does it really matter to us as a board that the Colony Association approves it?

Antkowiak: It doesn't make any difference to us based on our standards. I think the way we are looking at Colony and the property, they are unique, the design of that subdivision was to have a house and possibly servant quarters or whatever so those things are not issues in the Colony area. And because the ordinance has that one section that says that boathouses cannot be enclosed for the Colony, I think that is wrong.

Nelson: I agree.

Antkowiak: They have houses on the canal side as well.

**7. PUBLIC COMMENTS**

None

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**8. ADJOURNMENT**

**Motion** by Antkowiak, supported by Shirkey, to adjourn the meeting at 7:50 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

Respectfully submitted  
Dorothy DeBoyer