

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS  
HELD ON THURSDAY, OCTOBER 18, 2007 IN THE CLAY TOWNSHIP  
MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP,  
MICHIGAN 48001 AT 7:30 P.M.**

Chairman Ronald Nelson called the meeting to order at 7:32 p.m.

1. **ROLL CALL:**

**PRESENT:** Chairman Ronald Nelson, Trustee John Makuch, Joanne Shirkey, Marianne Diss, and Anthony Antkowiak

**ABSENT:** None

**Also present:** Michael Kras, Building Administrator

2. **APPROVAL/AMENDMENTS TO AGENDA:**

**Motion by Makuch, supported by Antkowiak to approve the agenda as submitted.**

**AYES: All        NAYS: None**

**MOTION CARRIED.**

3. **APPROVAL OF MINUTES OF SEPTEMBER 20, 2007:**

**Motion by Makuch, supported by Diss, to approve the September 20, 2007 Minutes.**

Antkowiak: On the last page of minutes in motion section, change “Antkowicz” to “Antkowiak”.

Chairman Nelson: **Restated Motion by Makuch, supported by Diss to approve the September 20, 2007 Minutes with the above correction.**

**Minutes approved with correction.**

**AYES: All        NAYS: None**

**MOTION CARRIED.**

4. **ZONING BOARD OF APPEALS PREFACE:**

Makuch: 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 No. 126. 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 change 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. NEW BUSINESS:**

**2007-013**

**RONALD E. MINK**

**6546 DICKINSON ISLAND**

Chairman Nelson: Opened the public hearing on this appeal at 7:40 p.m. and requested the Appellate make his appeal.

Mink: Stated he has a present shed on his property that was built in the 50's and would like to move the shed onto his two back lots which are 75' x 300'. These lots are not buildable or saleable as they are landlocked. He would like to build a new shed on his property once this shed is moved. The square footage of the home, which is approximately 100 years old, isn't big enough to warrant the square footage and that's why he wants to move the old shed to the back lots.

Shirkey: Questioned the appellate as to the square footage of the house as the drawing shows the side lot dimensions but no dimensions of the house.

Mink: Approximately 850 square feet.

Makuch: Questioned the appellate as to whether he owned both back lots, 1417 and 1518?

Mink: Yes.

Makuch: Is the question whether he wants to build this new garage because the square footage will exceed the square footage of the home?

Kras: He is requesting two variances. One variance is due to the fact that the square footage of the shed he wants to build will exceed the square footage of the house. And, the other is that he wants to move his accessory shed onto his second land which is landlocked.

Shirkey: Again questioned the square footage of the house since square footage of the new building is 864 sq. ft. If the house is 960 sq. ft., then the intended building would not be bigger than the house. So, the only variance that would need to be addressed would be the one regarding moving the shed.

Kras: 850 sq. ft. was on the original house. The other problem was the fact that he would be moving the shed to a contiguous piece of property which could be construed as a vacant lot or additional square footage.

Shirkey: Questioned appellate as to whether he was planning on tearing down the shed after he moves it and builds a new one?

Mink: He plans on keeping the shed and using it for additional storage.

Antkowiak: Questioned appellate that if he moved the exiting structure to the vacant lot if he would be using it for storage?

Mink: Yes.

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Antkowiak: Confirmed that appellate wants to build a new shed that is 36' x 24', which is 864 sq. ft., which is only 14 sq. ft. more than the home. Questioned what "finished floor 980" on the plans mean?

Kras: It's 580', 581 and it would be the elevation of the finished floor. The building is in a flood plain and has to be a certain height.

Antkowiak: This is an island property and he can see the need for additional storage. He's a little concerned about wanting to move the shed to a vacant lot because by definition an accessory building is subordinate to a main structure and there's no main structure on that lot.

Chairman Nelson: If he were to put another structure on there and then wanted to build a home or whatever, he may not get the approval.

Diss: Questioned whether Lot 1417 is landlocked?

Makuch: Yes.

Diss: So, technically, the appellate is the only one that can utilize the lot.

Mink: Stated he is not going to build on the back lots. He is planning on remodeling the existing home.

Chairman Nelson: Questioned whether any of the public present were for or against the appeal?

No one responded.

Chairman Nelson closed the public hearing at 7:50 p.m.

Makuch: He is in agreement with Board Member Antkowiak's line of thinking that we have to show some practical difficulties for this variance. He feels there are a number of difficulties and uniqueness created here including the uniqueness of being on the island itself and access to the island by boat only. Secondly, lots 1417 and 1518 are virtually landlocked and if there was a concern of moving the existing shed to the back, that normally there would be a concern for splitting and selling. However, he feels there is no way 1417 and 1518 could be split because they're landlocked and that creates another uniqueness. Security would be another consideration.

Mink: Security is a big concern as he has had several break-ins.

Antkowiak: Agrees that the vacant lot is basically landlocked and questions why the appellate wouldn't just leave the shed where it is and build the other structure?

Mink: He was told by Mr. Kras that it wasn't possible due to the square footage issue.

Antkowiak: You have a difficulty with square footage because the way we are looking at this, we're also dealing with the square footage of the shed.

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Mink: Stated that if he moves the small garage onto the two vacant lots in back, he's then going to build a new garage in it's place.

Antkowiak: The problem he is having with moving the shed to the vacant lot, landlocked or not, is that it is not subordinate to any main building. So, you have an accessory building on an empty lot. He would be more inclined to grant a variance if the shed was kept where it is and the Board would look at it in the terms of the uniqueness of this property being an island property and the fact that everything is landlocked more so than moving it to the vacant property.

Chairman Nelson: Hates to see the shed go onto the lot and just sit there.

Antkowiak: He said he was going to use it for storage.

Mink: Stated he needs the extra storage space.

Chairman Nelson: So, even if you had the extra storage building you would use it?

Mink: Stated that he badly needs all extra storage space.

Makuch: Questioned whether appellate preference would be to leave it where it is and build the new building or move it to the back?

Mink: Would just as soon build the new building right in back of the home, but that becomes the square footage problem.

Antkowiak: The square footage comes to  $360' + 14' = 374'$  sq. ft., and the house is 850 sq. ft. But, you've got a piece of property that is very unique as it's a piece of island property and is considerably more remote than Harsens Island. Also, the way it's situated won't obstruct anyone's view.

Diss: Questioned whether a 36' x 24' garage would be considered a 3 or 4 car garage?

Mink: It would be a 3, but we call it a barn because there wouldn't be any cars in it. Also stated there is a little bit of sentimental value with the shed.

Makuch: Stated the only person that is going to use that lot is the appellate. He would be open to letting him build the accessory building and not having to move the shed; or moving it to the back contiguous lot and requiring two variances with the square footage issue; or leaving it up to the appellate to choose which way he wishes to proceed.

Antkowiak: Stated he can see the practical difficulty very easily in his mind of having both of those accessory buildings on one piece of property. It is an island lot and there is a need for security. Questioned the appellate as to whether when selling the front property if the deed would include the land in the back?

Mink: No.

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Antkowiak: So, now you have a vacant lot, whether it's landlocked or whatever, maybe there are things that could be worked out that they could use that property and you have an accessory building on it.

**Motion by Makuch, supported by Antkowiak to approve the request for 6546 Dickinson Island to grant a variance to allow the proposed accessory building to be allowed on Lot 1519 based upon the practical difficulty of the isolation of Dickinson island, extreme needs for security, the original home is almost 100 years old, and it's a 52 foot lot, and based upon these conditions that we approve the variance and allow the accessory building.**

Shirkey: To allow the shed to be moved?

Makuch: No. He can build the accessory building right on that lot and he doesn't have to move the small building to the contiguous lot. In other words he can just leave it there and build his other building.

Mink: That sounds good.

Mike Teutsch: Owns property on Dickinson Island and is there on behalf of himself and his neighbor. Questioned whether he could see a plan as to what Mr. Mink is proposing to do especially in regard to the lot lines?

Chairman Nelson: This request is really out of order. We've already had our public hearing. Mr. Kras is handing you something to look at.

Teutsch: Is sorry if he is out of order but he was just made aware of the hearing today. Upon reviewing the proposed plan, he stated that he didn't have a problem with the proposed variances.

Chairman Nelson: Requested discussion by Board members.

Kras: Questioned the appellate as to where the septic field is located?

Mink: Identified septic field on drawing to Mr. Kras. Stated it is over to the right and is 1,000 gallon and has four lines of 75 feet each.

Diss: Questioned the square footage of the house.

Kras: 850 sq. ft.

Diss: Stated the two buildings combined would be approximately 1,225 sq. ft. and would be exceeding by 25%. If he just had the new proposed building, that building itself would exceed the square footage of the existing home by 14 square feet. So, the accessory building that is proposed to be moved doesn't even have to exist any more.

Shirkey: He wants it to exist.

Makuch: Stated his logic is that an argument can be made that 1417 is virtually unusable because it's landlocked and inaccessible. The appellate moving the accessory building to the empty lot requires a



**6. MEMBER COMMENTS:**

None.

**7. PUBLIC COMMENTS:**

Deborah Fairbrother: Mother and father own property on Dickinson Island and questioned whether the Board could direct her to someone who would be interested in purchasing the property. Their father, Jan Mydlarz, had recently passed away.

Chairman Nelson: Suggested they see a realtor.

Deborah Fairbrother: Stated they are also having difficulty in determining value to determine an asking price.

Shirkey: Suggested they see Barbara Schutt, Clay Township Assessor.

**8. ADJOURNMENT:**

**Motion by Makuch, supported by Shirkey to adjourn meeting at 8:08 p.m.**

**AYES: All**

**NAYS: None**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary