

**MINUTES OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS
HELD ON THURSDAY, DECEMBER 18, 2008 IN THE CLAY TOWNSHIP
MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP,
MICHIGAN 48001 AT 7:30 P.M.**

1. **CALL TO ORDER:**

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

2. **ROLL CALL:**

PRESENT: John Chamberlain; John Makuch; Brian Treppa; Chairman Anthony Antkowiak

ABSENT & EXCUSED: Marianne Diss

A quorum was established.

Also present: Michael Kras, Clay Township Building/Zoning Administrator

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

Motion by Makuch, supported by Chamberlain to approve the Agenda as presented.

AYES: All NAYS: None

ABSENT & EXCUSED: Diss

MOTION CARRIED.

4. **APPROVAL OF MINUTES OF NOVEMBER 20, 2008:**

Motion by Makuch, supported by Chamberlain, to approve the Minutes of November 20, 2008 as submitted.

AYES: All NAYS: None

ABSENT & EXCUSED: Diss

MOTION CARRIED.

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

Chairman Antkowiak did not read the Zoning Board of Appeals Preface as there were no variance hearings scheduled before the Board for this meeting.

6. **ELECTION OF OFFICERS**

Elections of Officers of the Clay Township Zoning Board of Appeals was opened by Chairman Antkowiak at 7:34 p.m.

Motion by Chamberlain, supported by Makuch to nominate Anthony Antkowiak for Chairperson of the Clay Township Zoning Board of Appeals for 2009.

No other nominations being made.

Motion by Chamberlain, supported by Makuch to close nominations for Chairperson of the Clay Township Zoning Board of Appeals for 2009.

AYES: All NAYS: None ABSENT & EXCUSED: Diss

MOTION CARRIED. ANTONY ANTKOWIAK ELECTED AS CHAIRMAN OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS FOR 2009.

Motion by Makuch, supported by Chamberlain to nominate Marianne Diss for Vice-Chairperson of the Clay Township Zoning Board of Appeals for 2009.

No other nominations being made.

Motion by Chamberlain, supported by Makuch to close nominations for Vice-Chairperson of the Clay Township Zoning Board of Appeals for 2009.

AYES: All NAYS: None ABSENT & EXCUSED: Diss

MOTION CARRIED. MARIANNE DISS ELECTED AS VICE-CHAIRPERSON OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS FOR 2009.

Motion by Makuch, supported by Treppa to nominate John Chamberlain for Secretary of the Clay Township Zoning Board of Appeals for 2009.

No other nominations being made.

Motion by Makuch, supported by Treppa to close nominations for Secretary of the Clay Township Zoning Board of Appeals for 2009.

AYES: All NAYS: None ABSENT & EXCUSED: Diss

MOTION CARRIED. JOHN CHAMBERLAIN ELECTED AS SECRETARY OF THE CLAY TOWNSHIP ZONING BOARD OF APPEALS FOR 2009.

Elections of Officers of the Clay Township Zoning Board of Appeals for 2009 was closed at 7:38 p.m.

7. INTERPRETATION OF ORDINANCE #126, SECTION 3.08, Subsection (1)(b):

Chairman Antkowiak: Stated that the Planning Commission had requested the ZBA provide an interpretation of this subsection regarding chain link fencing. He then read from Section 3.08, Subsection (1)(b).

Chamberlain: Stated that he felt that he didn't understand where the confusion was coming from. He feels it specifically states that chain link fencing is prohibited in front yards. He feels that it may be a language clarity issue, but to him it is clear that chain link fencing is prohibited in front yards.

Treppa: Agrees with Chamberlain.

Chairman Antkowiak: Stated that he also agreed. He further stated that it states that decorative fencing is allowed but a chain link fence is not a decorative fencing and, therefore, it is not allowed.

Kras: Agrees that a decorative fence does not include a chain link fence.

A discussion then occurred amongst ZBA members and Mr. Kras regarding this issue.

Motion by Makuch, supported by Chamberlain that it is the opinion of the Planning Commission that in Section 308(1)(b), non-obscuring decorative fencing does not include chain link fencing. That term also can be interpreted as chain link fencing is prohibited in front yards.

Kras: Stated that he felt they could add the word “only” to the second sentence.

Motion amended by Makuch, supported by Chamberlain that it is the interpretation of the Zoning Board of Appeals that in Clay Township Ordinance #126, Section 3.08(1)(b), decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet. Chain link fencing is prohibited.

Motion amended by Makuch, supported by Chamberlain to state that it is the opinion of the Zoning Board of Appeals that Ordinance #126, Section 3.08(1)(b) is interpreted to mean that chain link fencing is prohibited in front yards.

**R/C VOTE: AYES: Chamberlain; Makuch; Treppa; Chairman Antkowiak
ABSENT & EXCUSED: Diss**

MOTION CARRIED.

8. **REPORT OF PLANNING COMMISSION REPRESENTATIVE:**

Antkowiak: The ZBA may also be required to provide an interpretation on the sidewalk issue in the near future. There was an interpretation regarding this issue from Zoning Ordinance #123 but it was not attached to Ordinance #126 as an appendix.

9. **OTHER MATTERS TO BE REVIEWED BY THE ZONING BOARD OF APPEALS:**

a. **Correspondence Received:**

None.

b. **Zoning Board of Appeals Members:**

Makuch: Welcomed Brian Treppa to the ZBA and requested that he give the ZBA members a little background about himself.

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Treppa: Advised that he has lived in Clay Township for 30 years. He has been a local builder for over 18 years.

9. **PUBLIC COMMENTS:**

Kras: Stated that the Building Department will continue to compile the meeting packets. They will attempt to insure that the packets are received on time and will attempt to make it as efficient as possible. He further stated that everyone should feel free to contact him.

Chairman Antkowiak: Stated that he feels that overall what Mr. Kras and Patty have done for the ZBA and the Planning Commission has been good and very much appreciated.

A discussion then occurred regarding the liaison between the Building Department, the ZBA, and the Planning Commission.

10. **ADJOURNMENT:**

Chairman Antkowiak wished everyone a Merry Christmas.

Motion by Makuch, supported by Chamberlain to adjourn the meeting at 8:05 p.m.

AYES: All NAYS: None ABSENT & EXCUSED: Diss

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary