

# CLARK TOWNSHIP ZONING BOARD OF APPEALS

Meeting Minutes of May 12, 2020

Tuesday 6 PM

**CALL TO ORDER & PLEDGE OF ALLEGIANCE: Mr. Pearson at 6:10 pm**

**ROLL CALL: Members present:** Pearson (telephone), Pieri, Schuster, Harrison. Absent: Eberts

**Others present:** Mark Clymer, Supervisor; Jason Dunn; Brian Kenney; Thomas McPhail (telephone), Dave Murray, *deputy supervisor (telephone)*.

## APPROVAL OF AGENDA

***Motion: Moved by Mr. Schuster, seconded by Mr. Pieri to approve the agenda. All ayes. Motion passed.***

## APPROVAL OF MINUTES: March 24, 2020

***Motion: Moved by Mr. Pieri, seconded by Mr. Pearson to approve the minutes of March 24, 2020 All Ayes. Motion carried.***

**NEW BUSINESS: Case #298** Thomas McPhail appeals for a dimensional variance to construct a 46-foot by 48-foot, 2,208 square feet, new boat house on an existing crib dock.

The construction request was denied by the Zoning Administrator based upon Article 6.24 (C) per the table of Dimensional Standards which shows the maxim width for a shelter on 100 feet of shoreline is 40 feet.

**Mr. McPhail** said he recently had the property surveyed and the actual width is 100.09 feet.

**Mr. Dunn** said the ordinance leaves a gap between 100 feet and 101 feet as it references property 100 feet or 101 feet and larger. Parcels larger than 100 feet but short of 101 feet are undetermined.

**Mr. McPhail** said he considered merging his adjoining properties but that would have created a problem of having too many buildings on one lot and then could not build a boat house.

**Mr. Dunn** said, in response to a question about permits, that bottom land conveyance permits hinge upon a Township resolution which await approval of ZBA for a variance. **Mr. McPhail, Mr. Dunn** said, could deed himself one foot of property but the process would be more cumbersome than the variance request.

**Mr. Harrison** said this type of issue has risen before and the ZBA considers the intent of the ordinance in making a determination.

***Motion: Mr. Pieri moved to approve the variance to allow the boat house to be built as the interpretation of the ZBA is the structure meets the intent of the ordinance, no correspondence or comments from neighbors objecting, and necessary permits will be forth coming from the US Army Corps of Engineers and EGLE.. Mr. Harrison seconded.***

***Roll call: Mr. Pearson, yes; Mr. Schuster, yes; Mr. Harrison, yes; Mr. Pieriyes. Aye 4, Nay 0.***

***Motion carried.***

**Old Business: none**

**ADJOURNMENT: Mr. Schuster moved to adjourn meeting at 6:35 pm, Mr. Pieri seconded. Vote: all ayes.**