

CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
Regular Meeting
July 17, 2017

Approved October 9, 2017

Present: ZBA members Dave Lawicki, Bob Bergman and Lucy Gerlach
Zoning Administrator Guy Molby
Resident, Gianine Casassa

Absent: ZBA members Tina Fields and Mike Gaylord

Pledge of Allegiance

Minutes of April 10, 2017 approved.

No agenda presented.

No conflicts of interest declarations necessary.

Short discussion of the Umlor case, the Plan Commission consideration of the definition of 'structure,' and the possibility of their further consideration of the proposal sent to them by the ZBA regarding the 50-ft. setback on lake shores. Also touched on was the issue of the red trailer advertising a building supply co. north of Kalkaska.

Gerlach expressed concerns about the decision at the April 10 hearing granting a variance for an addition to a legal non-conforming structure. She took issue with the ultimate granting of the variance on the basis of the lot being only 72 feet wide (present zoning ordinance requires lots platted after the passage of the ordinance be a minimum of 100 feet wide). Standard A requires that the conditions do not apply generally to other properties. However, many properties in the township, especially those surrounding bodies of water, are lots narrower than 100 feet. This 72-foot lot is neither exceptional nor extraordinary. Even if the owners were not able to add on an office-storage area, they would not be deprived of a minimum practical legal use of their property (Standard B does not guarantee that every resident may have any and all additions for any and all purposes they may want). Gerlach's question as to why there could not instead be an addition to the rear of the house on the east side was not resolved; an addition here could meet the requirement of Standard C, a minimum variance necessary. Bergman and Lawicki stated their positions, basically that the present structure is legal and the residents are constrained by the 72-ft. lot.

Meeting was adjourned; next meeting, October 9, 2017

Submitted by Lucy Gerlach, ZBA Secretary