

**CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
October 8, 2012**

MINUTES APPROVED 12/10/2012

Meeting called to order by chairperson Lucy Gerlach, followed by the Pledge of Allegiance.

Board members present: Tina Fields, John Margo, Lucy Gerlach

Absent: Jim Adams, Dave Lawicki

Also present: Guy Molby, Zoning Administrator; Larry Niederstadt, Supervisor; Pat Gray, Deputy Clerk

Teresa O'Hara, Recording Secretary

Motion by Fields to approve agenda with deletion of public meeting section, second by Margo. Amended agenda approved.

Minutes of July 9, 2012 approved as written. Molby asked for a copy and received one.

Three members of the ZBA being present constitute a quorum.

No public comment.

PUBLIC HEARING

Gerlach addressed Molby asking why the public hearing scheduled for this meeting was cancelled. Molby explained that he had met with township attorney Bryan Graham. After review, it was found that Theresa Schurman had a second ordinance violation. Her drawing, showing 35' from the edge of her shed to the road right of way, differs from the measurement made by Molby of 18.' Graham informed Molby that the public hearing could not be held until this second setback issue is addressed. Graham told Molby he would be available to meet on November 12.

After much discussion, the board decided that the next step would be for Molby, in consultation with Graham, to send Schurman a letter stating that, as her pending appeal could not be heard because of the additional setback issue, the township was returning her \$150 hearing payment and advising her of her right to appeal the new setback requirement along with the original side setback appeal. Molby may also want to speak with Schurman, if she is available.

An additional issue presented by Graham brought to light by the Schurman appeal is a Clearwater Township Zoning Ordinance stipulation which allows a person to appeal after 90 days a ZBA denial of an appeal for a dimensional variance. Graham points out that state law precludes an appellant from any further appeals after a denial. Fields stated that the ordinance change would be on the November Planning Commission agenda, and Niederstadt stated that the township would act on it at their December meeting. Niederstadt spoke to the township effort to establish a process for enforcement of township ordinances and all agreed for the need of consistency in applying the law.

OLD BUSINESS

Gerlach presented a list of the zoning ordinance changes that the ZBA has already recommended but which are not as yet incorporated into the zoning ordinance. Fields stated that they would be reviewed and recommended at the November Planning Commission meeting.

NEW BUSINESS

Gerlach presented a list of proposed new changes to the zoning ordinance. Margo requested that the discussion be postponed until the next meeting, although a few of the changes were discussed. Changes will be discussed and voted upon at the January ZBA meeting.

Gerlach also proposed changes to the ZBA Final Decision Form and to the form that is sent to area property owners alerting them to appeals for dimensional variances. The final decision form needs accurate references (MZEA) in two places, the second of which (who signs) will require a change in the ZBA By-laws. Gerlach will update the final decision form and the By-laws, for ZBA approval.

Gerlach proposed that the form sent to area property owners regarding a request for variance not simply ask their opinion on the variance but list the standards on which the ZBA will be making its decision and asking them to comment on whether the standards are met. She suggested that neighbors would have the greatest impact by attending the meeting. Margo pointed out that it might be intrusive to make neighbors face a neighbor; he stressed the importance to him of considering neighbors' opinions in the decision process. Fields agreed that neighbors' opinions are important and that it would be educational to include the standards in the form.

Gerlach asked members to review the proposed new changes to the zoning ordinance for discussion and voting at the January meeting.

Meeting adjourned at 8:10; next meeting, January 14, 2013 at 7:00

Respectfully submitted,

Teresa O'Hara, Recording Secretary