

**CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING AND PUBLIC HEARING
JULY 8, 2019**

Minutes Approved September 13, 2019

Meeting called to order at 7:10, followed by Pledge of Allegiance

Present: ZBA members Fields, Snyder, Bergmann, Lawicki, Gerlach
Variance appellant Tom Klingler and his architect, Floyd Brooks, Ann Montgomery, Gianine Casassa, Larry Opalewski, Ruthann O'Brien, Lynne Buday, John Boucher, Sandra Wheelock, Terry Wheelock

Agenda approved as presented

Conflicts of interests: Gerlach, Snyder, Bergmann and Lawicki disclosed none. Fields described her friendship with Klingler, expressed confidence that she could, however, make a disinterested decision and asked for colleagues to support her participation, which all did.

Minutes of June 24 approved

Public Comment for items not on agenda: Opalewski expressed continued opposition to the Townline Rd. cell tower even though it is now proposed to be 20 ft. shorter. He explained that it can then be raised 20 ft. without any further approvals, in accordance with federal regulations.

Snyder briefly described the variance request from Klingler for an addition to his garage at 7772 Hoiles Rd. Klingler then spoke to his desire to construct a space above his existing garage with a second-floor connector from the house and an addition to the garage. It then came up that the proposed addition to the garage would be a single-story and would be constructed ten feet from the property line, thus requiring no variance. No drawings of these proposed additions were presented, and the single-story addition set off ten feet from the property line rather than in line with the back of the present garage was a new proposal. Questions were asked regarding the possibility of adding a second floor to a structure of the age and the construction of the existing garage. The architect stated that no investigation had been done on the construction worthiness of the garage. Mention was made of Clearwater Twp. Zoning Ordinance 8.05 regarding destruction or removal of a nonconforming structure, of which Klingler said he was familiar. With no adequate drawings and other relevant information regarding this variance request available to the ZBA for their decision, Gerlach moved and Lawicki seconded that consideration of this request be tabled until a complete application is made available to us.

Motion to table consideration of Klingler variance request approved by unanimous vote.

The absence of the zoning administrator and his approval of an inadequate application were noted.

Montgomery, part-owner of next-door property, whose garage closely abuts Klingler's garage, spoke to the various water issues experienced in the area, specifically the flooding of her garage and areas of the Klingler property. She and her co-owner feel that the proposed Klingler addition may increase the flooding problem on their property, and want assurances that it will not.

Fields reported for the planning commission that both the mass gathering ordinance and the noise ordinance are now before the township board. The noise ordinance will be considered at the board's meeting on July 18. The mass gathering ordinance before the board is for only land-based gatherings, as the commission has not been able to ascertain the exact location of the township line on Torch Lake.

Fields explained to Montgomery that her request to have this hearing postponed could not be complied with because only the appellant has standing to change the date.

Comments from the public and responses from ZBA members were made regarding various levels of local governmental response to public concerns.

Comments on the flooding problems in the Baggs Landing area, caused in part, according to those who spoke to it, to the failure of the county road commission to maintain the drainage ditch along Hoiles Rd., led to a commitment by the ZBA to contact the commission regarding the matter. Lawicki volunteered to follow up on this.

During the public comment, Boucher (adjacent property owner to Klingler) noted that he did not receive notice of the public hearing. Gerlach will check with the twp. deputy clerk that all required notices were sent. Boucher did comment that he is not entirely confident of his mail delivery and was not accusing the township of nonfeasance.

Fields will check with the zoning administrator regarding his approval of the incomplete application and his absence from this hearing.

Meeting closed at 8:20

Submitted by Lucy Gerlach, ZBA Secretary