

**CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**APRIL 10, 2017  
Approved July 17, 2017**

Meeting called to order at 7:02 p.m. by chairperson, Dave Lawicki with the Pledge of Allegiance.

Roll call of members present: Tina Fields, Bob Bergman, Mike Gaylord, and Dave Lawicki. Absent, Lucy Gerlach. Also present, Adam Parzych, acting zoning administrator, Pat Gray, recording secretary, and four guests; Bob & Connie Primeau and Ned & Donna Palmer.

Moved by Gaylord, seconded by Lawicki to approve the agenda as presented. All in favor.

Moved by Gaylord, seconded by Lawicki to approve the minutes from the meeting of January 9, 2017 as presented. All in favor. Motion passed.

No conflicts of interest declared.

New Business: Variance request from Robert & Connie Primeau to allow a side setback for an addition to their home located at 7716 Hoiles Dr., Williamsburg, MI. 49690. Parcel # 40-004-125-029-00.

The public hearing was opened. Bob Primeau explained they wanted to add an addition directly behind an existing bathroom and garage which are 16" from the property line. They are asking for a side setback from the property line of 16" which includes the overhang. The addition will be used for additional storage and office area. The only other option for the addition would be to build up.

Parzych commented that the addition would not make any difference on that side of the property. They would be approximately 15' from the neighbors.

The lot is 72' wide and a substandard lot of record. The original cottage has been in place since the early 1960's which was before the current zoning ordinance. The neighbors, Ned and Donna Palmer spoke in support of the variance request.

Public Hearing closed.

**Findings of fact:**

- 1) The lot is only 72' wide, a substandard lot of record.**
- 2) The original cottage has been in place since the early 1960's, before zoning was enacted, and is therefore a legal non-conforming structure.**
- 3) The existing side setback is 16".**
- 4) The neighboring cottage setback is approximately 15' so that the distance between the buildings is adequate for emergency vehicle access.**
- 5) The only other possible location for the requested addition would be a second story.**

Standards for a dimensional variance were addressed by board members as follows:

A. The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district (e.g., unique dimensional, topographical, and/or structural conditions) thus presenting the possibility of a practical difficulty for this particular property.

Fields: Yes, this is a substandard lot of record. This standard has been met.

Gaylord: Yes, agrees standard has been met since this is a substandard lot of record.

Bergman: Yes, agrees standard has been met for same reason.

Lawicki: Yes, agrees standard has been met for same reason.

**The board finds that standard A has been met.**

B. The requested variance is necessary to alleviate a situation which qualifies as a practical difficulty; i.e., without the variance the owner is deprived of a minimum practical legal use of his/her property such as is possessed by residents of other properties in the same zoning district. (The possibility of increased financial return is of itself not sufficient to warrant a variance.)

Gaylord: Yes, it meets the standard because of the substandard lot. It makes the best use of the lot. This was previously a cottage and summer home, but is now a year around dwelling.

Bergman: Yes, agrees the standard has been met for the same reasons.

Fields: Yes, agrees this standard has been met for same reasons.

Lawicki: Yes, agrees this standard has been met for same reasons.

**The Board finds that standard B has been met.**

C. The requested variance is the minimum variance necessary to reasonably mitigate the practical difficulty.

Gaylord: Yes, standard has been met.

Bergman: Yes, standard has been met.

Fields: Yes, standard has been met.

Lawicki: Yes, standard has been met.

**The board finds that standard C has been met.**

D. The practical difficulty resulting in the need for the requested variance was not created by any action of the current property owner.

Gaylord: Yes, agrees. Difficulty was already there based on findings of fact. Standard has been met.

Bergman: Yes, agrees. Existing structures were created before zoning ordinance. Standard has been met.

Fields: Yes, agrees. Standard has been met.

Lawicki: Yes, agrees. Standard has been met.

**The board finds that standard D has been met.**

E. The requested variance will not be detrimental to adjacent property and the surrounding neighborhood.

Gaylord: Yes, agrees. They are asking for a small area. Standard has been met.  
Lawicki: Yes, agrees. Feels it is the minimum asked for. Standard has been met.  
Bergman: Yes, agrees. Standard has been met.  
Fields: Yes, agrees. Standard has been met.

**The board finds that standard E has been met.**

Moved by Gaylord, seconded by Bergman to allow the variance for a side setback of 16" for parcel #40-004-125-029-99, located at 7716 Hoiles Dr., Williamsburg, MI 49690. Roll call vote: Gaylord-yes; Bergman-yes; Fields-yes; Lawicki-yes. Motion carried.

No Old Business.

No Public Comment.

Next regular meeting will be July 17, 2017.

Gaylord moved to adjourn meeting at 7:45 p.m.

Respectfully submitted,

Pat Gray  
Recording Secretary