

**CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS  
PUBLIC (VARIANCE) HEARING  
JUNE 24, 2019  
Minutes Approved July 8, 2019**

Present:

ZBA members Greg Snyder, Tina Fields, Bob Bergmann, Dave Lawicki and Lucy Gerlach

Zoning Administrator Adam Parzych

Applicant James Deater, applicant's attorney Paul Vlachos, Gary Deater, Sheryl Knapp, Gary Knapp, Sharon Deater, Karen Cagle

Call to order at 7:00, followed by Pledge of Allegiance

Each ZBA member declared no conflicts of interests

Minutes of ZBA meeting of April 8 were unanimously approved

Snyder summarized the appeal by James Deater for a variance of 7 feet from the right of way at 5460 Water Street to construct a 40' by 30' garage which would be attached to the west side of his house. The house is an existing non-conforming structure 23 feet from the Water Street right of way.

Parzych explained that the road had been constructed not according to plan but further north, to accommodate existing houses, which resulted in none of those on the north side meeting the required 30-ft. setback.

Deater recounted the history of his appeal. Not wanting to wait until the next regular ZBA meeting, he paid \$300, then was required to have a survey, which cost \$650. He asked who ordered that a survey be done and was told, the township supervisor. He felt there were too many hoops to jump through.

Gary Knapp spoke up in favor of granting the variance. Sheryl Knapp said the addition would be beneficial to the neighborhood and noted Deater's favorable history as a builder. Cagle felt it would be an improvement to Rapid City. No opposition from the public present.

A short discussion of how to deal with roads (of which, evidently, there are a number) which were not constructed exactly where planned ensued. No resolution, obviously.

At 7:25, the public hearing was concluded and the ZBA deliberation began.

Standard A was read. Finding of fact: Existing house is non-conforming, due to road being improperly located years ago. River on north side could be an issue.

Standard A vote: Lawicki, yes; Bergmann, yes; Snyder, yes; Fields, yes; Gerlach, yes.

Standard A is met.

Standard B was read. Finding of fact: Can still have garage, just needs to move it back 7 feet; house is legally non-conforming and garage needs to be even with house at front.

Standard B vote: Lawicki, yes; Bergmann, yes; Snyder, yes; Fields, yes; Gerlach, no.  
Standard B is met.

Standard C was read. Same finding of fact as B (above); Instrument #3145980 recorded 6/25/19, Kankaska County Register of Deeds.

Standard C vote: Lawicki, yes; Bergmann, yes; Snyder, yes; Fields, no; Gerlach, no  
Standard C is met.

Standard D was read. Finding of fact: Owner not responsible for house being too close to road.

Standard D vote: Lawicki, yes; Bergmann, yes; Snyder, yes; Fields, yes; Gerlach, yes  
Standard D is met.

Standard E was read. Finding of fact: Garage will look fine attached to west side of house, where there is plenty of yard.

Standard E vote: Lawicki, yes; Bergmann, yes; Snyder, yes; Fields, yes; Gerlach, yes  
Standard E is met.

All standards are met and variance for garage addition at 5460 Water St. is granted.

Meeting adjourned at 7:50

Submitted by Lucy Gerlach, Secretary