

**CLEARWATER TOWNSHIP
ZONING BOARD OF APPEALS
Regular Meeting
July 12, 2010**

Draft Minutes

Present: Jim Adams, Tina Fields, Lucy Gerlach, John Margo, Al McShane

Agenda approved as presented.

Minutes of April 12, 2010 approved as written.

No members of the public present.

McShane announced that, as he will be in Arizona for a considerable period of time each year, he will be submitting his resignation as a member of the ZBA to the Township Board; this will be his last meeting. The current vice chair will fill the position until the next ZBA election of officers in January 2011.

Fields reported on Planning Commission activities. In its review of the entire zoning ordinance, the commission presented a number of proposed changes at a public meeting on May 3, including changes to Article 26, Zoning Board of Appeals. Those changes, as adopted by this ZBA at its January 11, 2010 meeting, had been forwarded to the commission, then to the township attorney, than back to the commission, which accepted some of the attorney's changes and rejected others, most notably his suggestion to remove the conditions section which we had added. The commission's changes were approved at the public hearing and, finally, by the Township Board, and have now become law.*

The Planning Commission is presently considering the township's commercial zoning, Articles 19 - 22. The review of Village Commercial is complete; the other three will be incorporated into one commercial district. They are also working on Article 24, special use permits; this and Article 28, site plan review regulations, will both be difficult. The commission hopes to have all this ready for a public hearing in September.

In addition, Fields is working on the data compilation from the public survey, which will be used in the update of the master plan. By this time next year, the township should have an updated master plan and a completely revised zoning ordinance to reflect it.

The Planning Commission has reviewed two applications for special use permits recently: one request from Gerald Jenkins to erect a second home on his property and one by the Sheriff's Department to erect a communications tower on the veteran's memorial property on M 72. The commission recommended both applications for approval to the Township Board.

A discussion of enforcement of the zoning ordinance, in relation to the Planning Commission's review of same, centered around strengthening enforcement by incorporating stronger language in appropriate places of the ordinance.

Gerlach brought up the language in the MZEA [M.C.L. 125.3604, Sec. 604 (7)], which she believes requires that ZBA procedures for reviewing a request for a variance are to be incorporated into the zoning ordinance. Fields feels that this limits the ZBA in establishing its own by-laws. Each member will investigate this matter and it will be on the agenda for our next meeting.

Next ZBA meeting will be October 11, 2010.

Submitted by Lucy Gerlach, ZBA Secretary

*Secretary's note: The changes from what this ZBA approved to the final approval by the Township Board do not alter the intent of our original changes; in fact, the only substantial change is the elimination of our proposed standard #4, A variance will not impair the intent and purpose of the zoning ordinance regulation that is the subject of the variance request; i.e., the reason for the regulation will not be compromised. • We neglected to discuss this, and perhaps should at our next meeting, so that we might understand why it was eliminated from the new standards.