

**Clearwater Township**  
**Zoning Board of Appeals**  
**Meeting April 9, 2012**

**Minutes approved July 9, 2012**

Meeting called to order at 7:05PM by John Margo acting Chairperson. The Pledge of Allegiance followed.

Board members present: Tina Fields, Dave Lawicki, Jim Adams, John Margo.

Public present: Guy Molby, Zoning Administrator, Pat Gray, Denise Lawicki

It was moved by Tina and seconded by Dave to approve agenda as presented. Motion passed.

It was moved by Jim and seconded by Dave to approve the minutes from the regular meeting of Clearwater Township Zoning Board of Appeals, Public Hearing, dated January 9, 2012 as presented. Motion passed.

No other public attending.

No public comments.

**New Business to be discussed:**

1. ZBA by Laws
2. Copy of attorney memo regarding ZBA ruling not allowing Theresa Schurman a variance
3. Surrounding area Township ZBA appeals process documents and some changes to the current standards for consideration by the ZBA submitted by Lucy Gerlach document.

Jim stated: a 10 foot setback only allows 30 feet to build on a 50 foot lot. He feels a 5 foot setback on 50 foot lots should come into effect. He stated his opinion that a 5 foot setback on a 50 foot lot is not harmful to public health...has to be turned down. A positive of allowing a 5 foot setback would be more property improvements made increasing value resulting in more tax dollars paid to the township.

Dave stated: He disagrees. A 5 foot setback is not safe because the fire department cannot get firefighting equipment back around buildings.

Jim stated: He has spoken to neighbors, etc. He will approve a 5 foot setback.

Dave stated: Reducing 10 foot setback to 5 foot setback will only encourage property owners to request an even smaller setback requirement.

Tina stated: The ZBA has the authority to ask property owners to move building back to a 10 foot setback.

Dave stated: That does not happen in practice. And wants to know why we need more taxes.

Jim stated: We need road repair.

Dave stated: This money would not go for road repair.

Jim stated: That we need road repairs.

John stated: He agrees that a 50 foot is small and should be given a 5 foot variance.

Dave stated: He still is not in agreement with 5 foot variance. A 50 foot lot is what it is. Setback should not change.

Jim motions to recommend to planning commission that a change is made to allow 5 foot setback to sides of 50 foot lots. John seconds the motion. The motion is passed with two yes and one no vote.

John stated: The ZBA Standards for Reviewing Dimensional Variances need to be considered.

Jim stated: That each member takes home ZBA Guidelines and other surrounding township guidelines provided to discuss with neighbors.

Pat stated: She will send copies to Lucile.

It is noted that Traverse City Guidelines were probably written by an attorney.

Tina stated: To consider hardship is not the issue only dimensional ordinance standards are for consideration.

John asked: Are there any more points to discuss?

Tina stated: Board members should be prepared to discuss the ZBA guideline issues a next meeting. Send any comments to Pat in the meantime.

Pat stated: A person looking for a variance should be given copy of all three documents when requesting appeal; Article 26 Zoning Board of Appeals, Zoning ordinance (in procedures of the by-laws) and application for variance.

Tina asked that discussion be tabled. Acting chair directs members to review ZBA guidelines and literature from other local governments along with Lucy's changes for consideration by ZBA for the July meeting.

Jim stated: This gives us time to discuss with constituents.

Pat stated: A lot of lots have been given variances around town, for example Shellway Drive.

John stated: Trees have been taken down to comply with setbacks variance.

Dave stated: Potential builders should check rules before building.

Guy will talk with Larry regarding law on condemned property.

**Next meeting is July 9, 2012.**

Tina motions to adjourn meeting. Dave seconds motion. Motion passed.