

**CLEARWATER TOWNSHIP
ZONING BOARD OF APPEALS
Regular Meeting
July 9, 2012**

Minutes approved 10/8/2012

Meeting called to order at 7:05 p.m. by Lucy Gerlach, Chairperson. The Pledge of Allegiance followed.

Board members present: John Margo, Tina Fields, Jim Adams and Lucy Gerlach.
Excused absence, Dave Lawicki.

Also present: Denise Lawicki, acting recording secretary in the absence of Dave Lawicki.

The agenda was approved as presented.

Minutes from the last regular meeting of April 9, 2012 were approved as presented with no objections. Suggestion was made by Tina Fields that any person doing minutes in the future might want to **BOLD FACE** the word **MOTION** so that any motion stands out in the minutes.

There was no public comment.

OLD BUSINESS: Revisit standards for reviewing a request for Dimensional Variance.

Gerlach presented proposed changes to the standards which would incorporate the definition of "practical difficulty", thus making it easier for an individual to understand the standard. All of the necessary information would then be in the application. In Standard A, the wording (***thus presenting the possibility of a practical difficulty for this particular property***) would be added to the end of the sentence. Standard B would be revised to read as follows: 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.) The order of Standards C, D, & E were changed, with C and E being reversed. The proposed changes are attached herewith.

After discussion, the board unanimously agreed upon the proposed changes. Gerlach will send a letter to the Planning Commission for their review of the changes. If they are in agreement, a public hearing will be held since this is a change to the ordinance. After that the changes would go to the Township Board for their consideration. If approved, the ordinance would then be amended.

Gerlach questioned whether the procedures for a public hearing had been incorporated into the ordinance. Fields responded that it has not since there is still considerable work to be done.

Schurman Storage Shed – It has now been six months since the Schurman variance request was denied, and Schurman has not complied with moving the shed. Gerlach feels that we should not ignore that fact and the Board of Appeals should request that the township take whatever steps are necessary to have the shed moved. Schurman had a month to appeal the decision. Since she did not, the decision needs to be enforced. Fields suggested the concerns of the Board of Appeals be put in writing to the Township Board requesting that the Zoning Administrator take whatever steps are necessary to see that the decision is carried out. Gerlach agreed to draft a letter and e-mail to the ZBA members for their feedback. If they are in agreement, the letter will be sent on to the Township Board for their consideration at their next regular meeting.

NEW BUSINESS: Proposed Changes to ZBA ByLaws: Gerlach presented suggestions for changes to the ZBA By Laws. The most important she felt was the fact that the secretary is supposed to fill out time sheets. In the current by-laws under “Secretary Duties” nothing is said about that. She proposed the following be inserted as #4 in Section 1, D: ***“The secretary shall quarterly submit to the township office the appropriate form to provide for the compensation of ZBA members”.*** ***The present #4 would change to #5.***

Motion by Margo and seconded by Fields to add that wording to the By-Laws. Motion passed.

Gerlach also suggested that wording be added to the by-laws requiring ZBA members to view the site of a variance request. Therefore, the present wording would be deleted and the following inserted under Section 3, E. ***“View the site in question so as to make an informed decision on the matter before the board. Site visits shall be conducted individually; the matter shall not be discussed either with the appellant or among members of the board until the hearing”.*** The property owner already signs and agrees to allow board members to go onto their property on page 7 of the application.. Members agreed that the property owner should be called before a visit just as a common courtesy.

One “housekeeping” change was made in Section 2, G, 8. Reworded to say ***“Applicant presents request/notice of appeal/interpretation to be reviewed.***

Gerlach explained that a “Final Decision Form” which was sent to Schurman in January had been changed slightly before sending out. However, it was agreed by the board that wording referencing Article 26.13 of the Clearwater Township Zoning Ordinance in regards to ***“appeals within 30 days”*** should be removed from the form until it is incorporated into the ordinance. The reference to ***“appeals within 30 days”*** would then come under Article 26.10 D in the zoning ordinance.

Fields will take care of this “housekeeping” issue

Motion by Margo, seconded by Gerlach to adjourn the meeting. Motion passed.

Respectfully Submitted

Denise Lawicki and Pat Gray for David Lawicki, Recording Secretary