

Clearwater Township
Zoning Board of Appeals
Regular Meeting of October 13, 2014

Approved minutes 1/12/2015

Call to order, Pledge of Allegiance:

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

Roll call of members:

Chairperson Lucy Gerlach, Vice-Chair Tina Fields, Secretary Dave Lawicki and Pat Hubble were present.

Also present: Guy Molby, Zoning Administrator; Teresa O'Hara, ZBA Recording Secretary

Approval of Agenda:

Chairperson Lucy Gerlach presented agenda, which was approved as written.

Call for Disclosure of Conflict of Interests:

No conflicts of interest declared by members on items on the agenda.

Approval of Minutes:

Minutes of July 13, 2014 approved with stipulation of correction to April minutes. (See below)

Public Comment: None.

Old Business:

Correction of Planning Commission Report in the April 2014 minutes: Vice-Chair Fields stated: The Planning Commission is working on wording and details of a new Ag-Residential District that would be composed of property from an agricultural property (that) could be split off in lots no smaller than 1 square acre and no larger than 4 square acres by 1 acre and they would be along the roadside. The remaining agricultural property would have to continue to meet the requirements of the Ag District, as they have to be at least 5 acres. Fields went on to state that the 4 to 1 ratio meets the dimensional requirements for Michigan. •

Chairperson Gerlach asked about the status of the proposed rewording of ZBA section of zoning ordinance, including removing the ZBA from PUD and Special-use decision-making. Fields related that the commission sent the township board a memo with attachments of proposed amendments but noted that no action has been made. Fields will request that Planning Commission re-send material to township board to act upon. Removing the ZBA from PUD and Special-use decision-making is a new proposed change and will be considered at a later date.

Regarding the ZBA Notice of Public Hearing Form, Gerlach stated that the form is misleading, suggesting that by asking the neighbors' opinion the ZBA will consider their responses in the decision-making process. In reality, the ZBA's decision is based on the standards, not on public opinion. Fields noted that the neighboring residents may have pertinent facts but only the ZBA gets to vote. Pat Hubble stated that the ZBA is locked in by standards and the current form can cause confusion. The board agreed to eliminate the survey portion of the ZBA Notice of Public Hearing Form and to conclude the form with the following statement: There will be time set aside at the public hearing for anyone who has an interest in this matter to comment on the requested variance. If you wish to be heard, please attend or have someone attend in your stead, keeping in mind that the ZBA is required to make its decision based on whether or not the standards are met. A motion to approve was made by Fields, seconded by Hubble. Motion passed.

Gerlach reiterated the content of her earlier email to board members regarding Township Assessor Dawn Kuhns attending a ZBA meeting to discuss Clearwater Township Parcel Division Ordinance No. 27 of 2013. Kuhns explained to Gerlach that she was not familiar with Clearwater's ordinance, was surprised that it was so recently enacted, and that, in her experience, the only time that a ZBA was called upon to make a parcel division decision, it did not fall under a parcel division ordinance per se, but was actually a request for a variance from a lot size requirement in the zoning ordinance. After discussion, Gerlach suggested that the ZBA might consult with the township attorney if required to act on any parcel division requests.

New Business:

On the topic of separate email addresses for ZBA business, Fields stated that the MTA suggests that all township business be done through township email addresses, so as not to open up personal email to scrutiny. Fields related that the Planning Commission has already begun setting up their own email accounts. She stated that the township's website is set up for only ten email accounts but another option would be to set up a business account at a free email service like gmail. Fields offered to help ZBA members set up a separate account for ZBA use; after discussion only Gerlach was interested in taking on additional email addresses.

In her Planning Commission report, Fields stated that the commission and township board had met and had taken care of some wording issues with the Master Plan. Fields expects the township board to act on the Master Plan at their meeting on Wednesday, October 15, 2014.

Hubble reported that he and Dave Lawicki attended a July MTA Training Seminar stressing hot topics like medical marijuana and adult bookstores. The speaker noted the importance of keeping accurate meeting minutes--if it isn't recorded, it didn't happen. Fields and Molby also attended the seminar.

The meeting adjourned at 7:55 p.m. Next meeting is Monday, January 12, 2015.

Respectfully submitted, Teresa O'Hara, ZBA Recording Secretary