

**CLEARWATER TOWNSHIP
ZONING BOARD OF APPEALS
Regular Meeting
January 10, 2011**

Draft Minutes

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

Agenda approved as presented.

Minutes of July 12, 2010 (as there was no October ZBA meeting due to lack of a quorum) were approved as written.

No public present.

Fields, the Planning Commission representative, reported that the commission has completed their review and revision of Zoning Ordinance Articles 11, 19-22, 24 and 28; these Articles will be considered by the Township Board at their meeting on January 19, 2011. A copy has been made available to the Zoning Administrator. Fields will work with township staff to see that ZBA members receive a copy of the updated Zoning Ordinance Articles as they receive final approval by the Township Board.

Under new business, the members present agreed to send to the Planning Commission (Fields will see that the commission receives it) the following:

In order to comply with MZEA 125.3604(7), which states in part, "The ordinance shall establish procedures for the review and standards for approval of all types of variances," and with an opinion rendered by Jim Beelen on behalf of the MTA in an email to Supervisor Niederstadt dated July 22, 2010, we request that you adopt and forward to the Township Board the following addition to the Clearwater Township Zoning Ordinance as 26.12 (with subsequent sections of Article XXVI re-numbered accordingly):

26.12 PROCEDURES FOR REVIEWING DIMENSIONAL (NON-USE) VARIANCES

1. *Chairperson opens public hearing and announces the subject.*
2. *Pledge of Allegiance.*
3. *Roll call: members and township officials.*
4. *Approval of agenda.*
5. *Approval of minutes.*
6. *Chairperson summarizes procedures/rules to be followed during the hearing.*
7. *Call for disclosure of conflict of interest (see ZBA By-Laws, Section 5).*
8. *Applicant presents request/notice of appeal to be reviewed.*
9. *Township zoning administrator presents a summary or analysis of the request.*
10. *Persons wishing to comment on the request are recognized. [Public comments should be directed to the chairperson and not to the applicant or people in the audience.]*

11. Chairperson closes public hearing (or announces the continuation of the public hearing at another specified time and date if additional pertinent information must be obtained).

12. Chairperson reads each standard, pertinent findings of fact are presented and discussed, and a roll call vote is taken on whether or not the requested variance meets the standard.

13. If each standard is determined to be met by a majority vote, the variance is approved; otherwise, the variance is denied.

14. Chairperson and secretary sign and date ZBA decision form and the chairperson assigns appeal number.

15. Statement of next meeting or hearing.

16 Adjournment.

To ensure that everyone has the opportunity to speak, the ZBA may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

At the next meeting, members will consider reworking ZBA By-Laws Section 2 G as procedures for the consideration of appeals, interpretations or other matters as required by the zoning ordinance and the MZEA.

With all members concurring, officers for 2011 were elected as follows: Jim Adams, Chair; John Margo, Vice-Chair; and Lucy Gerlach, Secretary. The question arose as to each present member's (except for Fields, the Planning Commission representative) term of service. Adams will check with Township Clerk Crambell.

Upcoming meeting dates were set as follows: April 11, 2011; July 11, 2011; October 10, 2011; and January 9, 2012.

Meeting was adjourned.

Submitted by: Lucy Gerlach, Secretary