

CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
January 13, 2014

DRAFT MINUTES

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

Board members present: Lucy Gerlach, Tina Fields, Dave Lawicki

Also present: Pat Gray, Township Deputy Clerk; Guy Molby, Township Zoning Administrator; Teresa O'Hara, ZBA Recording Secretary

The board reviewed the agenda; it was approved as written.

Board members declared no conflicts of interest.

Board reviewed minutes of October 14, 2013, and approved as written.

No public comment.

OLD BUSINESS:

Gerlach distributed copies of ZBA By-laws Section G, No. 14 corrected to read: "Within 30 days, chairperson will complete ZBA decision form." This correction reflects the wording of the change to Section 26.12 of the Zoning Ordinance passed by the ZBA at its October meeting.

Vice-chair Tina Fields related that the Planning Commission had passed the proposed changes which will be sent on to the Township Board. Fields will follow-up and report on any action the board takes. Fields will provide updated by-laws to ZBA board members.

NEW BUSINESS:

Gerlach related to the board that Kathy Eldridge resigned to take a position on the Board of Review and Jim Adams, whose term has expired, did not wish to continue. Gerlach stated that it is perfectly legal to function as a board of three but we need an alternate. Deputy Clerk Pat Gray stated that the position has been advertised and posted on the website without results. Board will pursue alternate.

Gerlach opened the discussion of variance decisionmaking. She had expressed her concern about a lack of support for the zoning ordinance in an earlier email to board members stating, "It can be difficult to say no to someone seeking a variance. Just one little variance to the law doesn't seem like much, and if it were just one, it probably

wouldn't be. But the cumulative effect of saying yes to every request can be harmful in several ways: people come to believe that the ordinance isn't important to observe; the environment can be negatively affected; and the ordinance can be undermined to the extent that it can no longer be enforced should the township decide to try." Fields agreed that variances should be granted "very sparingly" but added that "if it was cut and dry, there would be no need for us." Secretary Dave Lawicki spoke about the possibility of an enforcement officer to aid Zoning Administrator Guy Molby. Molby explained that enforcing can result in an "expensive proposition." Molby related his procedure when he receives a complaint; beginning with a field check to see if there is a violation, at which time he would speak to the resident and ask resident to comply. This led to a discussion on the township's enforcement policy. Gerlach stated that there is no mention of a need for a written record and that the policy "lacks specificity." Fields agreed that it "left a gap." Following a discussion of several more of the enforcement policy provisions, the board moved on to the election of officers.

Fields nominated Gerlach for Chairperson, Lawicki seconded the motion and the board was in agreement. Gerlach will remain Chairperson for a one year term. Gerlach nominated Fields for Vice-Chair, Lawicki seconded the motion and the board was in agreement. Fields will remain Vice-Chair for a one year term. Gerlach nominated Lawicki for Secretary, Fields seconded the motion and the board was in agreement. Lawicki will remain Secretary for a one year term.

Meeting dates were set for the coming year: April 14, July 14, and October 13, 2014, and January 12, 2015

Zoning Administrator Guy Molby read his monthly report.

No public comment; meeting adjourned at 8:13p.m.

Respectfully submitted,

Teresa O'Hara, ZBA Recording Secretary