

Clearwater Township
Zoning Board of Appeals
Regular Meeting of July 14, 2014

DRAFT MINUTES

Call to order, Pledge of Allegiance:

Chairperson Lucy Gerlach called the meeting to order at 7:15 p.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: Teresa O'Hara, ZBA Recording Secretary

Approval of Agenda:

Gerlach presented agenda. Agenda was approved as written; no objections or additions.

Call for Disclosure of Conflict of Interests:

Gerlach requested board members make known any conflict of interests. No conflicts of interest of items on the agenda.

Approval of Minutes:

Gerlach abstained from the approval of minutes as she was not in attendance for the April meeting. Fields asked that her planning commission report be re-worded to accurately state her information on the proposed ag-residential district. Minutes accepted with changes.

Public Comment:

There was none. No public present.

Old Business:

Gerlach questioned whether changes to the ZBA section of the zoning ordinance previously approved by the ZBA (other than those which went into effect on 2/1/13) had been acted upon by the planning commission. Fields questioned which changes; Gerlach will send to the planning commission through Fields the previously approved changes.

New Business:

Gerlach informed the board that the ZBA has a prominent role in the Clearwater Township Parcel Division Ordinance No. 27 of 2013. After discussion, Gerlach will ask the township clerk to make available to ZBA members a copy of the ordinance and she will ask Supervisor Larry Niederstadt to arrange for the township Assessor Dawn Kuhns to attend the October ZBA meeting to discuss the ordinance and answer questions. Should there be an appeal regarding this ordinance before the October meeting, the board would consider a special meeting to discuss with assessor. Gerlach made a motion, Lawicki seconded, all in favor, **motion passed.**

ZBA board members recently attended a MTA workshop. Gerlach noted that the workshop presenter proposed that appeals from PUD or special use decisions should not go to the ZBA. Appellants have already had two shots at the township; sometimes, enough is enough. Fields stated that a citizen should be able to exhaust all appeals before going to Circuit Court, and perhaps one had not received a fair hearing at the other levels. Hubble noted that we need to have some trust. Fields reconsidered—since the decisions are only for PUD and special use and the planning commission and township board have had extensive records to review and adequate deliberations. Finally, the board agreed to request the planning commission to recommend to the township board that the ZBA be removed from PUD and special use decisions in the zoning ordinance. Gerlach made a motion, Lawicki seconded, all in favor, motion passed.

Gerlach led a discussion on the ZBA form that is sent to residents when there is a variance appeal. Gerlach related that the procedure suggests that residents have a say in the decision-making process. Fields stated that valuable knowledge may come from the public forms but added that residents don't really have a say. Lawicki stated that the form should not be complicated. Everyone agreed the present wording is misleading. Gerlach will formulate new wording and email it to board members for review and further discussion.

Gerlach led a discussion on the frequency of variance approvals and other thoughts board members had on the recent MTA workshop. All agreed conditions should be imposed to keep variances as restrictive as possible while alleviating the practical difficulty.

Report of Zoning Administrator and Planning Commission Representative:

There was no report from the zoning administrator, who was not in attendance. Lawicki questioned whether the zoning administrator is able to fulfill his job due to recent health issues. The board discussed the level of zoning violation enforcement.

Fields gave the planning commission report. She stated that the commission has scheduled two public hearings in July: July 21, on a proposed outdoor lighting ordinance; July 28, on the proposed township master plan.

Some board members will attend an MTA workshop in Gaylord on July 29.

Closing Public Comment: There was none.

Adjournment: The meeting was adjourned at 8:10p.m.

Next Regular Meeting: Monday, October 13, 2014

Respectfully submitted,

Teresa O'Hara, ZBA Recording Secretary