

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

Draft Minutes

Meeting called to order at 7:08 by Chair Adams, followed by Pledge of Allegiance.

Members present: Jim Adams, Lucy Gerlach, Dave Lawicki

Members absent: Tina Fields, John Margo

Township official present: Supervisor Larry Niederstadt

No members of the public present.

Minutes of the meeting of July 11 approved as written.

Agenda approved as presented.

Adams introduced new member of the ZBA, Dave Lawicki, who lives on Aarwood Trail. He is active in the current effort to analyze sand and sediment buildups and restore fish habitats in Rapid and Grass Rivers and is interested also in being involved in local government.

Supervisor Niederstadt addressed the recent ZBA decisions to grant variances to two land owners on Crystal Beach Rd., who had requested side variances from the required 10', to the 5' required before local zoning was enacted (1985). Niederstadt spoke to the importance of upholding the integrity of the setbacks unless there is a compelling reason to grant a variance. He noted that there may be ways to allow the owner to achieve what he/she is seeking, as allowed in ZBA standards, while upholding the ordinance requirements. For example, he cited the conditions at the Graham property, where the owner would not have required a variance for a garage had he supported the sides of his drainage field with blocks rather than sloping it, thus allowing room for the garage within the 10' setback. Niederstadt reiterated that variances should be granted sparingly, as they are a license to break the law (the Zoning Ordinance).

Gerlach reminded the ZBA and the supervisor that ZBA procedures for consideration of an appeal need to be included in the Zoning Ordinance. Gerlach will provide the supervisor with a copy of the procedures.

Meeting adjourned.

Submitted by Lucy Gerlach
ZBA Secretary