

CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING
December 10, 2012

APPROVED 1/14/2013

Meeting called to order by Chairperson Lucy Gerlach, followed by the Pledge of Allegiance.

All Board members present: Lucy Gerlach, Tina Fields, John Margo, Jim Adams, Dave Lawicki

Also present: Theresa Schurman, Resident; Guy Molby, Zoning Administrator; Pat Gray, Deputy Clerk; Bryan E. Graham, Township Attorney; Brad Watkins, Resident; Teresa O'Hara, Recording Secretary

Chairperson Gerlach directed board to look over meeting agenda. The board accepted as presented. Gerlach asked board for a disclosure of conflict of interest. No conflicts of interest declared. Chairperson went over the procedures to be followed for the meeting and announced that the final decision will be made at the next regular meeting January 14, 2013.

PUBLIC HEARING

Chairperson Gerlach gave Theresa Schurman the floor to address her Notice of Appeal. Initially, Theresa expressed concern over the change in the form sent to neighboring property owners. Chairperson Gerlach explained that the board had passed a renewed form that would give this information as the standards are what the decision will be based on. Attorney Graham "applauded the ZBA" for including the standards stating that the ZBA is required by Michigan law to adhere to standards.

Theresa Schurman introduced herself and addressed the board, requesting a variance for her storage shed at her residence on 6932 Crystal Beach Road NW, Rapid City MI 49676. She stated that she had asked about installing a shed in 2010 and was told there would be no problem. Ms. Schurman asked for "fair and equitable treatment." She cited examples of past variances and felt they had "set a precedent" as similar variances had been allowed. Ms. Schurman reported that neighbors she had spoke with do not have a problem with the shed location. Ms. Schurman proceeded to address the five standards, reading her written narrative on her Notice of Appeal, which is incorporated in the records and a copy attached to these minutes. She stated that she felt she had met the standards and requested that the variance be allowed.

Chairperson Gerlach and the board thanked Ms. Schurman. Zoning Administrator Guy Molby added that Ms. Schurman "has been very cooperative." Attorney Bryan Graham had concern over the fact that the site plan submitted did not have the boundaries of the

drain field. Attorney Graham stated that the board needed to know exactly where the southern boundary of the drain field is as it directly impacts the road setback requirement. After discussion, the drain field will be located by Ms. Schurman with the exact location reported back to the board so the board can take this into consideration when the final decision is made. Attorney Graham requested that Molby add those measurements to the drawing.

At this point, Chairperson Gerlach asked for further questions from the board directed to Ms. Schurman. ZBA Board Secretary Tina Fields asked Ms. Schurman when she asked about the requirements and who she asked. Ms. Schurman responded that she had asked her realtor in 2008.

Chairperson Gerlach requested Public Comment. Brad Watkins stated that he supports the granting of the variance. Gerlach stated that Michigan law does not require the board to survey neighboring property owners on variance requests, that the township does this out of courtesy to residents.

Chairperson Gerlach went through the responses sent in by neighboring property owners. There were five responses submitted, out of the 21 notices sent out.

Attorney Graham stated that the board needs to look at both side and road right of way setbacks and that they should be analyzed independently. Graham stated that the board needs to "be objective" and base decision on detailed "findings of fact."

Secretary Fields made a motion to end the public meeting, Chairperson Gerlach seconded motion and the board approved. The board thanked Ms. Schurman and Attorney Graham.

OLD BUSINESS

The board approved and accepted the minutes from the Regular Meeting held on October 8, 2012.

Chairperson Gerlach directed the board to act on the new Final Decision Form. Secretary Fields moved to approve the form. John Margo seconded the motion and the board approved. Gerlach announced that the decision was carried.

The board discussed specific requirements of zoning regulations for side and road right of way setbacks with Zoning Administrator Molby.

Chairperson Gerlach presented material from Attorney Graham to each board member for their review.

Meeting adjourned at 8:16pm; next meeting, January 14, 2013 at 7:00pm.

Respectfully submitted,

Teresa O'Hara, Recording Secretary

Attachment: Ms. Schurman's written response to the five standards from her Notice of Appeals application.