

CLEARWATER TOWNSHIP ZONING BOARD OF APPEALS

Regular Meeting, July 12, 2021

Proposed Minutes

Call to Order:

Chair Lucy Gerlach called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was made by those present.

Roll call of Members, Public Present:

ZBA members: L. Gerlach, D. Packer, G. Snyder, K. Cox, M. Seefried, G. Casassa

Zoning Administrator: not present

Public Present: none

Public Present via Zoom: none

Agenda was approved with the addition of a report by the Planning Commission representative, G. Casassa.

Call for disclosure of conflicts:

All members declared no conflict of interest.

Approval of Minutes:

Minutes of May 4, 2021, were approved with minor corrections.

Old Business:

January 21, 2021 the township board appointed Kurt Cox to the ZBA and Michael Seefried as ZBA alternate. February 18, 2021 the township board accepted the resignation of Zoning Administrator Adam Parzych.

There was no other old business to be discussed.

New Business:

Planning Commission representative G. Casassa reported a public hearing was held July 5, 2021, to hear a petition to rezone property on N. Schneider Rd from Agricultural to Commercial Light Industry. The request was denied. A petition to rezone property from Residential Single Family to Commercial Light Industry was reviewed for completeness and returned to the applicant with necessary corrections indicated.

Chair Gerlach asked the ZBA members to consider rewording 26.11, Standards for Review of a Non-Use (Dimensional) Variance Application as written in Amendment 3 to Clearwater Township Ordinance #22. G. Snyder had examples of language used by Milton Township, Whitewater Township and Helena Township.

Board members discussed and then unanimously agreed the modified Standards would read as follows:

B. The requested variance is necessary to alleviate a **condition** which qualifies as a practical difficulty; i.e., without the variance the owner is deprived of a minimum practical legal use of his/her property such as is possessed by residents of other properties in the

same zoning district. (The possibility of increased financial return is of itself not sufficient to warrant a variance.)

C. The requested variance is the minimum variance necessary to mitigate the ***condition on which the claim of practical difficulty is based.***

D. ***The condition on which he/she bases the claim of practical difficulty*** was not created by any action of the current property owner.

Closing Public Comment:

There was none.

Adjournment:

Chair Lucy Gerlach adjourned the meeting at 8:02 p.m.

Assignments:

Gerlach to prepare a memo for the Planning Commission to introduce the recommended new language.

ZBA members review Ordinance #22, section 8.05 to continue discussion.

Next Meeting: October 11, 2021

Respectfully submitted,

Gianine A Casassa
Secretary