TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

APPROVED Minutes of Zoning Board of Appeals Meeting AS PREPARED

August 10, 2016

Community Service Building

Torch Lake Township

Present: Bretz, Jakubiak, Barr, Houghton, Spencer

Absent: Sumerix

Recording

Secretary: Olsen

Audience: Martel, Kulka

1. Meeting was called to order at 7:02 p.m.

2. **Roll Call:**

Bretz, Jakubiak, Barr, Houghton, Spencer.

3**. Approval of July 14, 2016 ZBA Special Meeting Minutes:**

Motion to approve July 14 ZBA Special Meeting Minutes by Spencer, seconded by Houghton, passed 3-0. Bretz and Jakubiak abstained.

4. **Final Approval of “Appeal Criteria” for Inclusion in Rules of Procedure:**

Reference handout *Rules of Procedure, Torch Lake Township, Zoning Board of Appeals*, dated August 10,2016.

* Bretz questioned relevance of Appendix.
* Spencer said that ZBA, after discussion with attorney, formulated Appendix with requirement of “substantial change”.
* Bretz said it is organizationally wrong. It should be a list of things that have substantially changed, not a list of questions.
* Spencer said that the “question” format was intentional.
* Bretz said to remove the word “suggested” from paragraph 1 and remove the word “suggestions” from paragraph 2.

Motion to accept Rules of Procedure as presented by Spencer, seconded by Jakubiak, passed 5-0.

Bretz said if it is not on the list, it shouldn’t be considered, don’t make it more vague.

5. **Final Approval of ZBA Appeal Documents:**

Spencer said that changes to the document were minimal.

Added: (1) Date ZA received appeal, (2) Date ZA inspected property, (3) Date ZA verified completeness of appeal form.

As suggested by members, the statement “Date ZBA received completed Appeal Form”, will be added.

Motion to approve changes to the ZBA Appeal Form by Houghton, seconded by Jakubiak, passed 5-0.

6. **Discussion of Amendments/Changes in the Packet of Appeal Forms:**

* Spencer said that pages 1 and 2 have been agreed upon in past. In Item #2, delete . . . ZBA and copies sent to the . . .
* Continue using scale of 1” = 40’.
* Bretz said circle of “Variance needed” on sample ZBA site plan drawing is confusing.
* Barr asked others about their thoughts on this demarcation and all agreed it should be removed.
* Houghton asked about Lake Michigan Ordinary High Water Line.
* Question as to whether there should be several sample site plan drawings, depending on location and body of water.
* Jakubiak added confirming statement that there should be a 15 day notification period that commences with date of mailing.
* Motion, with statement above and inclusion of draft language for Site Plan Drawing, to approve changes to Guidelines – Appeal Application by Houghton, seconded by Spencer, passed 5-0.
* Site diagrams, one for waterfront and one for land, will be accepted at a later date when modifications have been made. Draft language should be included on Site Plan Drawing.

7. **Comments from the Public:**

* Martel complimented ZBA on a job well done with the Criteria. He will write a memo to the Zoning Administrator that Appeal Form must be complete before submission to ZBA.
* Barr will be acting as chairperson. Jakubiak will be a regular member, with Sumerix as an alternate.
* Martell will recommend Rick Martel as alternate.
* At August 16 meeting, TLT Board will take under consideration recognizing Pat Keelan and Jim King for service to Township.
* Spencer, commenting as member of public, said that any changes or additions to the agenda should be requested at the beginning of a meeting. With regards to this request, he wanted to review ZBA minutes of September 9, 2015 and October 27, 2015 minutes regarding Martin and request from Zoning Administrator about gazebo on wheels being a structure.
* Spencer read Item #9 – Consideration of Martin Appeal, from November 11, 2015 minutes.
* Discussion of Zoning Administrator Vey not following up on Martin Appeal or Bucklew-Petrillo Appeal. Spencer talked to Vey on August 8, 2016 and he (Vey) felt that the Martin Appeal was over. Also, he said that Bucklew was talking to a contractor about moving deck into the hill and out of the setback, and that deck is legal.
* Houghton will send a letter to Vey asking about follow-ups.
* Martel will also talk to him.
* Spencer reviewed Job Description of Zoning Administrator and it states that ZA should be at ZBA meetings.
* Barr said that Vey should respond in written form as follow-up.
* Spencer asked what happens if ZBA makes decision and it does not get implemented by Zoning Administrator. The burden is on the TLT Board.

1. **Adjournment:**

With no further business, motion by Bretz to adjourn meeting at 8:31, seconded by Jakubiak, passed 5-0.