TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Community Service Building

Zoning Board Meeting

APPROVED Minutes AS PREPARED 5-0

June 13, 2018

**Present:**    Chairman: Dave Barr

        Co-Chair: Bob Spencer

Member:  Mark Jakubiak

Member:  Norton Bretz

Member:  Greg Sumerix for Ralph Houghton

Alt Members: Bob Cook

**Absent:** Secretary: Ralph Houghton

**Others:**    Deb Graber - Zoning Administrator

        Todd Millar - Township Attorney

7 in audience

**Recording**

**secretary:** Jacqueline Petersen

**1 & 2     Call to Order Regular Meeting / Record Members Present:**

    Meeting called to order at 7:00 pm by Dave Barr

    Roll call was conducted by Barr

Others were introduced by Barr (see above)

**3.    Approval of Agenda;**

Changes proposed by Barr; insert Todd Millar at #9

Motion by Jakubiak to approve agenda with changes

    Motion seconded by Barr

    Roll call vote taken 5/0; passed

**4.    Approval of May 9, 2018 ZBA Meeting Minutes**

**Modifications:**

**Item #1 “REGULAR” meeting will be changed to “SPECIAL” meeting**

**Section 7, item #2; change minimum to maximum (2 places)**

**change 2018-02 to 2018-05; and Spelling of Sumerix to eliminate extra m.**

Motion by Spencer to approve with changes

    Motion seconded by Jakubiak

    Roll call vote taken 5/0; passed

**5.    Conflict of interest**

Barr asked if anyone had any conflict of interest and there were none.

**6.    Bucklew/Petrillo Appeal #ZBA 2018-05 update**

Two letters were received by the township after the May meeting regarding this appeal.

Mark Jakubiak read the letters aloud.  Letter #1 dated 5-11-18 from Lehman NOT in support of Bucklew/Petrillo and letter #2 dated-9-18 in support of Bucklew/Petrillo.

**7.    Bucklew/ Petrillo appeal #2018-1 letter withdrawing interpretation request.**

Letter from Jeff Bucklew to TLT (Deb Graber) to withdraw the request of ordinance interpretation was read aloud by Jakubiak.

Barr explained rules and procedure for zba appeals and variance requests

**8.    Appeal #ZBA 2018-6**

Barr reviewed the appeal that property owners (Weder) represented by Nicholas Liebler of NJ White Associates, Architect.  The owners at 1193 NW TL Drive are seeking a 7’3” dimensional variance for an expansion of a non-conforming structure.

Liebler summarized the request to construct a carriage house in the spot where a legal non-conforming detached garage stands.  The new building would encompass the footprint of the existing building but would leave a new footprint of 26x34

Members of the zba asked questions of Liebler

Barr asked for final zba member comments there were none

Barr asked for public to speak in support - there was no comment

Barr asked for public to speak if opposed

Tom Petersen from the public spoke to voice concern of the existing foundation being viable to support a new 2 story structure

Liebler replied that it would be inspected

Motion to deliberate by Jakubiak; seconded by Bretz; roll call vote taken passed 5/0

ZBA deliberated and established the following facts;

Reading from the zoning ordinance chapter IV; Section 4.02; paragraph D

#1 A practical difficulty does not exist and unnecessary hardship will not exist if the variance is not approved

Roll call vote taken passing 5/0

#2 There is no public health or safety concern; and a denial of request would not be contrary to the spirit of the ordinance.

Roll call vote taken passing 4/1 (Barr opposing)

#3  It is NOT likely to depress the neighboring property values

Roll call vote taken passing 4/1 (Bretz opposing)

Motion to accept the above as Findings of Fact by Sumerix, seconded by Bretz; roll call vote passing 5/0

Barr asked for further comments and read from the ordinance the 4 criteria to variance approvals.

Item #1 - Barr read and asked for discussion

Motion by Spencer to fail item #1, seconded by Jakubiak; roll call vote taken passed 5/0

Item #2 - Barr read and asked for discussion

Motion by Barr to fail item #2, seconded by Bretz; roll call vote taken passed 5/0

Item #3 - Barr read and asked for discussion

Motion by  Sumerix to accept criteria; seconded by Barr; roll call vote taken passed 5/0

Item #4 - Barr read and asked for discussion

Motion by Sumerix to accept as criteria; seconded by Jakubiak; roll call vote taken passed 5/0

Motion to go out of deliberation by Barr; Seconded by Sumerix; roll call vote taken passed 5/0

Barr announced the variance was denied and would be followed up with a letter.

**9.  Presentation by Todd Millar**

Motion by Barr for Todd Millar to be present and speak to the zba; seconded by Jakubiak; roll call vote passed 5/0

Todd Millar summarized summons from Templin; who had 30 days to appeal to Circuit court the zba’s decision.  Templin has until 9-5-18 to file official complaint.

**10.  Report from PC liaison Norton Bretz**

NO June meeting due to lack of quorom.

**11.  Report from Deb Graber**

Graber stated there were no appeals for next month.

**12.    MISC**

Steven Langworthy’s *ABC’s of ZBA* will be a training seminar held from 6-9pm on October 4, 2018 at TLT for all PC and ZBA members.  The writing/revision of the ZBA rules and procedures will follow this training and the suggestion of the instructor.

**14    PUBLIC COMMENTS**

Barr asked for comments from the public there were none

**15.  Adjournment**

Motion by Spencer to adjourn

Motion seconded by Bretz

Roll Call Vote takenYES 5/0 Passed

Meeting adjourned at 9:13pm