TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Community Service Building

Zoning Board Meeting

APPROVED Minutes 5-0

October 9, 2019

**Present:** Chairman: Dave Barr Members: Cole Shoemaker, Bob Cook, Mark Jakubiak, Greg Sumerix

**Alternates:**  Jim Meinke

**Absent:** Alt: Jim Gainey

**Others:** Deb Graber - Zoning Administrator

**Recording Secretary:** Jacqueline Petersen

**Audience**: 5

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

Meeting called to order at 7:04 pm by Dave Barr

Roll call conducted by Barr

**3. Approval of Agenda;**

Motion by Jakubiak to approve the agenda; seconded by Cook, Barr called for further discussion and vote; 5/0 motion carried

**4. Approval of last ZBA Draft Meeting Minutes (September 11, 2019)**

Corrections:

Page 1 typo under approval of agenda Motion by Barr

Page 2, item B should state Cook moved to accept B as “NOT” met.

Motion by Jakubiak to approve the draft meeting minutes from September 11, 2019 with corrections; seconded by Cook, Barr called for further discussion and vote; 5/0 motion carried

**5. Conflict of interest to agenda items**

Barr polled all ZBA members asking if any conflict of interest and or recusal issues existed Sumerix stated he purchases his Christmas Trees from the Builder named in the appeal to be heard tonight. The members deliberated and agreed a conflict of interest did not exist.

**6. Communications Received**

Barr stated none was received

**7. Public Comment**

Barr called for public comment and none was given

**8. Discussion of Appeal ZBA #2019-4 at 4851 NE Torch Lake Drive, Central Lake, MI Parcel #05-14-775-013-00, appealing the Zoning Administrator’s decision regarding roof overhang is in the front yard setback.**

Barr outlined the appeal and read from the Zoning Ordinance; 20.04 and pointed the thirty day rule is not met.

The Zoning Admin sent the homeowner/builder a letter of violation on 7-18-19. Graber stated the original submission on 8-12-19 of the appeal application was incomplete and went beyond the 30 days. (void was the site plan and authorization for Derman to speak on behalf of the township.) The members discussed the problems created by setting precedent by hearing an appeal submitted after the 30 day deadline. Barr called for further discussion from the ZBA, polling each member with no comments. Barr called for a motion to accept or reject the appeal. Cook Moved to reject the appeal, as it did not meet the 30 day requirement; motion seconded by Shoemaker; Bar conducted a roll call vote; Cook Yes, Sumerix No, Jakubiak Yes, Shoemaker yes, Barr yes - Motion Carried 4/1

Cook stated the applicant could pursue a variance request or an ordinance interpretation

Derman (atty for the applicant) stated he would seek a zoning interpretation and asked ZBA to waive fees due to fees being paid for the appeal, and no appeal being heard tonight. Graber instructed Derman that the request for interpretation must be received in completion by Thursday October 14, 2019 at 5pm.

Barr motioned to waive the Fee for the interpretation; motion seconded by Cook, Barr called for further discussion and conducted a roll call vote passing 5/0.

**9. Report on Matters of Interest to the ZBA from the PC**

Shoemaker stated the PC meeting was cancelled for October

**10. Report from Zoning Administrator**

Graber distributed an updated *Checklist for September 2019* and TLT 2019 Land Use Permits spreadsheet through Permit #2019-51, Land Division App # LDA2019-3 and ZBA Appeals ZBA 2019-4. Violations, civil infractions, enforcement, court cases, pending court cases, complaints, on-going permit status, and current zoning applications were summarized.

**10. Miscellaneous Administrative Matters**

Barr distributed newly updated and printed pages containing the updates to the zoning ordinance (provided by Graber) and all ZBA members updated their zoning ordinance books

**11. Summary of Action items to be taken on or before the next ZBA meeting**

Next Meeting is November 13, 2019 - yearly mandatory meeting appointing officers, etc. Barr distributed copies from the ordinance instructing zba members how requests for interpretations are handled, and asked them to read and become familiar with the procedure for the next meeting.

**10. Comments / Concerns of the public**

Barr called for comments from the public and there were none.

**13. Adjournment**

With nothing further, a motion was made by Barr to adjourn, the motion was seconded by Jakubiak, Barr called for further comment and vote; passing 5/0. The meeting was adjourned at 7:55 pm