



Wexford Joint Zoning Board of Appeals

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DRAFT Meeting Minutes

Time & Date: 6pm, Wednesday, June 28, 2023

Meeting location: Wexford County Road Commission Meeting Room, 85 West Highway M-115, Boon, Michigan. Coordinates: 44° 19' 32.5" N, 85° 34' 53.4" W (44.325685, -85.581500)

A. Call to Order, Pledge of Allegiance, Roll Call

Present: Beverly Monroe, Chairman (Liberty)
 Bill Swank, Vice Chairman (Antioch)
 Jack Prebay, Secretary (Selma)
 Judy Kowalski (Springville)

Absent: Carol Perrin (Selma)

Others Present: Robert Hall, Zoning Administrator
 Ben Townsend, Assistant Zoning Administrator

B. Approval of Minutes for January 25, 2023 – Motion to approve Meeting Minutes as presented made by Judy Kowalski supported by Jack Prebay and passed via voice vote by Board Members present.

C. Public Comment – Zero members of the public were present. No comments were offered.

E. Matters pertaining to citizens present at the meeting, in the following order:

1. Advertised Public Hearing: (Tiseo Variance Request / Case # ZBA-2023-02)

Selma Township Representative – Carol Perrin (Absent)

a. The Chair shall declare the public hearing open – Chair Beverly Monroe declared the public hearing open at 6:06pm.

b. Planning and Zoning Administrator - Staff Presentation – Mr. Bob Hall, Zoning Administrator delivered the Staff Report as mailed via USPS to the Board members.

c. Applicant Presentation – Applicants, Mr. and Ms. Tiseo said that the trailer was placed there in 1964, and the room was added in the 1970's. They were wanting Kessler excavation to knock down the current house and place a new house there. They are trying to make the place better. 30'x30' is what they want, and for it to go two stories.

d. The Chair shall allow public comment – Chair Beverly Monroe opened the floor for public comment – Dave Fox, treasurer for Wexford Township – was in favor and support of the house because the property tax would help the township. Also four emails were read as public comment by Robert Hall, zoning administrator, in which two were for the project and two wanted the project tabled or postponed until further documents could be given.

e. The Chair shall declare the public hearing closed – With no further comments, Chair Beverly Monroe declared the public hearing closed at 6:43pm

2. Zoning Board of Appeals [Deliberations / Findings / Conclusions ZBA-2023-01]

The Zoning Board of Appeals may ask additional ‘fact-finding’ questions of the applicant, staff, or members of the public – It was noted by discussion that three (3) of four (4) the board members present had personally visited the Tiseo property, noting the proposed location of the Variance Request. The Standards of Review were discussed and reviewed in accordance with the variance request as follows:

STANDARDS FOR GRANTING A DIMENSIONAL VARIANCE

4.1 According to WJZO, Article 9607.F.2.a.(1) thru (5) - The following standards **shall** be used by the Zoning Board of Appeals when considering a variance request.

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty

Board Comments:

The ZBA stated that the size of the property is too small to do setbacks.

2. That the need for the requested variance is **not** the result of actions of the property owner or previous property owners (self-created).

Board Comments:

The need was not created by the Applicant

NO – 4 YES - 0

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose **or** will render conformity with those regulations unnecessarily burdensome.

Board Comments:

According to ZBA there is no way to meet the requirements of the zoning ordinance. Strick compliance with the ordinance will help meet the standards.

Does this prevent the owner from using the property – building a garage on the property?

4 NO – 0 YES

4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Board Comments: Prebay stated that the lake side of the house should go back farther in order to protect the lake. Prebay wanted the building to go from 30’x30’ down to 24’x36’, or 864 square feet. Wanted a minimum setback off alleyway. Swank was looking at a 20’x30’ house. Monroe suggested a 24’x36’ with a minimum setback from the water of 35’, minimum 10’ from the alley, and minimum side setbacks at 5’.

Has Applicant demonstrated a practical difficulty exists? Yes, but the conditions of the ZBA made the compromise of a 22’x30’.

0 NO – 4 YES

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district

Board Comments: Stated that this would not have an adverse effect in the neighborhood, and that it would improve the condition of surrounding property owners.

The Applicant has demonstrated that a practical difficulty exists for this standard? – **0 NO – 4 YES**

After deliberation and discussion, the motion was made by Beverly Monroe supported by Bill Swank to APPROVE the Dimensional Variance for ZBA-2023-02 with the conditions of having a 22'x30' house.

Roll Call vote as follows:

Monroe – Aye

Swank – Aye

Prebay – Aye

Kowalski – Aye

The motion to approve the Dimensional Variance for ZBA-2023-02 was APPROVED.

- F. **Unfinished Business and Reports** (items considered here are taken up in the same order as established by the Appeals Board to fix a priority for consideration and work done in the planning office).
 - 1. Staff Updates – Training Opportunities – Mr. Hall will send out training opportunities
- G. **Public Comment** – From Mr. Tiseo, who stated that he echoed Prebay's comments bent on 35' from the water, and he is now 16' from the water. Comment by David Fox that he was not disappointed in the decision, but was not in agreement of the decision. Then he stated that he was terribly disappointed.
- H. **Report / Comments from each member of the ZBA** regarding their respective participating municipality – None offered. A Code of Ethics was brought up by Bill Swank, who stated the assistant zoning administrator should look into writing a Code of Ethics for the ZBA.
- I. **Adjournment** – Moved by Kowalski to adjourn. The meeting was adjourned at 7:22pm

Prepared by Benjamin Townsend, Assistant Zoning Administrator, for Board Members of the Zoning Board of Appeals.