



Wexford Joint Planning Commission

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JUNE 2022 STAFF REPORT

Ordinance Enforcement

Staff took the opportunity upon direction of the ‘commission’ to pursue prosecution in Cherry Grove Township to also discuss ordinance enforcement issues (informally) with several individuals in the field, such as attorneys, planners, and other zoning administrators. The general consensus was that:

When each participating municipality adopted the zoning ordinance, did they adopt a joint zoning ordinance, or did ‘each’ participating municipality adopt identical zoning ordinances? This point was emphasized in an opinion to the WJPC from attorney Katherine Kaufman in February of 2019 –

The Joint Municipal Planning Act authorizes joint planning by the participating municipalities. MCL 125.137. The Joint Municipal Planning Act also provides that:

“[t]he participating municipalities, with the joint planning commission acting as the zoning commission, may each adopt a joint zoning ordinance which affects the jurisdictional area of the joint planning commission and provides for the joint administration of the joint zoning ordinance, including, but not limited to, a joint zoning board of appeals.” MCL 125.137(4) (emphasis added)

The Planning and Zoning Director (Bob) and the Assistant Zoning Administrator (Ben) are contractors for the Wexford Joint Planning Commission. When performing our administrative functions specific to a municipality it is assumed that we are also acting on behalf of the ‘individual’ municipality. For example, when reviewing an application for a Land Use Permit in Hanover Township, we are acting on behalf of Hanover Township.

1. The **WJPC** ‘commission’ as an entity does not have the authority to enforce zoning ordinances...
2. A ‘contractor’ cannot enforce zoning ordinances of a municipality...
3. A municipal civil infraction must be issued by an ‘employee’ of the municipality...

The number of concerns being presented to the WJPC related to land use / zoning issues is increasing at a rapid rate – enough so that staff is considering logging these in our spreadsheet so the activity can be more accurately documented and tracked by municipality. We must recognize the resources we have available to respond.

As you can see- we have more questions than answers regarding ‘enforcement’ of the zoning ordinance. Staff believes that is incumbent upon the ‘commission’ to seek a focused legal opinion on the above issues so that we can take the appropriate action with all of the participating municipalities.

****** SEE TOP OF NEXT PAGE ******

****Staff recommends that the WJPC direct that a legal opinion be obtained regarding the enforcement of the Wexford Joint Zoning Ordinance as it relates to issues outlined in this staff report of July 2022****

Planning and Zoning

Although Permit Activity is tracking about one week behind last year’s pace – other office responsibilities are keeping staff busy. A letter has been sent out revoking and or terminating special land use(s) and phased proposals for projects in South Branch Township.

As mentioned above under Ordinance Enforcement – we are experiencing a significant increase in calls coming in that are related to

Land Use Permit Activity (since last report)

Permit #	Parcel #	Applicant Information	Use Type	ZONE	TWP	Zoning Comments
2022-78	2410-24-3101-01	Little, Kellie - Pine Grove Homes	ND	RR	GRE	New Dwelling
2022-79	2411-06-2202	Kroesing, Corey	RA	RR	HAN	Accessory Building
2022-80	2210-19-1401	Hoogenboom, Grgory	RA	RR	SEL	Accessory Building
2022-81	2212-10-2102	Luhtanen, Dennis - Russ Long Const.	RA	RR	SPR	Roof over Porch
2022-82	2312-22-2302	Minaudo, Sebastion	RA	RR	SPR	Acc. Bldg addition
2022-83	2210-02-1101	Marshall, Ashley	RAD	RR	SEL	Residential Addition
2022-84	2110-17-3302	Howard, Emily	AG	RR	CHE	Agricultural
2022-85	2210-21-3201	Miles, Randy - Tidey Built Const.	ND + RA	RR	SEL	New Dwelling + Res Acc.
2022-86	2112-29-1201	Falkenstein, Don - ETC Specialties	RA	RR	SOU	Residential Accessory
2022-87	2411-34-3304	Stradling, John - Teall Excavating	ND	RR	HAN	New Dwelling
2022-88	2411-04-4401-04	Berg, Ryan - Sullivan, Amanda	ND+RA	RR	HAN	New Dwelling + Res Acc.
2022-89	2312-28-4304	Geeting, Carrie	RA	RR	SPR	Residential Accessory
2022-90	2211-18-1404	Robidou, david	DECK	RR	BOO	Residential Add. - DECK
2022-91	2409-10-3207	Hurlburt, Mark	ND	MPR	LIB	New Dwelling
ZBA-22-03	2312-FP1-19	Kowalski, Robert and Judy	RA-ZBA	R1	SPR	Residential Acc. - ZBA

ND = New Dwelling RAD = Residential Addition RA = Residential Accessory

Master Plan

As soon as the WJPC can complete the FUTURE LAND USE MAP and a brief narrative – the Master Plan will be ready to send to participating municipalities requesting permission to distribute.¹

Training - GRANT

Request for reimbursement of \$1200.00 has been submitted and acknowledged as received by the Michigan Township Participating Plan as of 07/20/2022

For your review,



Planning and Zoning Director