



Wexford Joint Planning Commission

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The September 26, 2018 meeting of the Wexford Joint Zoning Board of Appeals was called to order by Vice-Chair Swank at 6:00 pm. In attendance were: Swank, Fleis, Prebay, and Vaughan (representing Cherry Grove Township). Vice Chair Swank led all in the Pledge of Allegiance.

Motion by Vaughan, seconded by Prebay to approve the minutes of the June 27, 2018 meeting of the Wexford Joint Zoning Board of Appeals. The agenda was confirmed as presented by consensus.

There were two members of the general public in attendance.

Vice-Chair Swank offered an opportunity for general public comment - none was presented.

Vice-Chair Swank declared the public hearing open for ZBA Case #2018-02 open at 6:02 pm. Chair Monroe arrived at this time and took a seat with the other board members.

Assistant Zoning Administrator Townsend presented the staff report to the Zoning Board of Appeals via a power point presentation summarizing some of the findings of staff such as: a representation of the original plat map (showing a park next to applicant's lot), survey, photographs from various vantage points, existing and proposed lot coverage, and extensive information regarding the impact of impervious surfaces adjacent to water including rates of evaporation, absorption, and resultant water / nutrient runoff. Assistant Zoning Administrator Townsend continued to inform the Zoning Board of Appeals of the fact that applicant previously had several encroachments onto park property that would be remedied with the new construction. Staff also included in their report information about the actual lot size, the size of lots in general within the plat and described the narrowness of the applicant's lot.

Vice-Chair Swank turned the meeting over to Chair Monroe at approximately 6:30 pm.

Staff continued briefly indicating that staff had recently been doing research regarding impervious surface coverage in the vicinity of lakes vs. water runoff issues of general concern. Staff brought to the attention of the ZBA comments for the WJPC planner Chris Grobbel as well as Dr. Jennifer Jones with Restorative Lake Sciences.

General discussion continued with member Prebay commenting that the park (or common property) between the applicant's surveyed property and the waters edge should be counted in the impervious surface calculations. Administrator Hall responded that there are no provisions in the zoning ordinance that permit this and that impervious surface calculations are based upon the individual lot size on a case by case basis.

Applicant Wagner along with his builder, Ken Orshal / Orshal Construction presented their case

summarizing the plans to demolish the existing structure and rebuild with a two-story house with an attached garage. The applicant utilized this time to address staff's concerns regarding impervious surface coverage and potential water run-off by informing the Zoning Board of Appeals that the park (or common property) between the applicant's surveyed property and the waters edge presented a natural swale that would potentially allow for additional absorption / water retention, and infiltration prior to allowing additional run-off directly into Lake Mitchell.

Chair Monroe offered an opportunity for public comment related to this specific public hearing. Assistant Zoning Administrator Townsend read letters in support of the applicant's proposal that were received by staff. Builder Ken Orshal (on behalf of the applicant) explained to the Zoning Board of Appeals that much time and effort went into the site and home design.

Hearing no more public comment, Chair Monroe closed the public hearing portion of the meeting at 6:42 pm.

Zoning administrator Hall requested to be recognized prior to the ZBA findings and deliberation. He reiterated that although the Park (or common area) between the applicants surveyed property and the waters edge could not be counted to off-set the impervious surface calculations, he did feel that it could be considered in offsetting the amount of run-off that would be expected to reach Lake Mitchell.

Member Vaughan (representing Cherry Grove Township) made it known that he was very familiar with the plat (as a former Assessor) and expressed concerns about the amount of impervious surface in light of the Lake Mitchell Sewer Authority and Lake Mitchell Improvement Board concerns regarding current and future water quality. He spoke favorably about wanting the applicant to investigate means by which onsite strategies can be taken to retain as much storm water runoff on the site and to mitigate the potential run-off into Lake Mitchell. He also mentioned that if weighed, the setbacks would not be as much of a concern as the impervious surface issue.

Member Swank asked of staff how a carport would be compared to a typical accessory building as it relates to impervious surface. Staff advised that they were comparable. Staff also advised member Swank that alternative storm water control methods and the extraordinary impervious surface was discussed with the applicant during the application process.

Flies commented that existing setbacks and the potential water runoff should be obvious to potential buyers.

Monroe observed that if the house is raised (demolished) then any new construction should conform to the zoning regulations - the house is too big; Flies agreed.

Chair Monroe called for additional discussion. Swank asked of staff what would be the effect if one wall was left standing. Administrator Hall explained that it was a 'myth' to believe that leaving a wall standing would somehow preserve the existing encroachments into the setback areas.

After a review of the appropriate standards for issuing a variance, was a motion by Flies to DENY the requested variance(s) - the motion was seconded by Vaughan. Chair Monroe asked for a roll call voted signalling YES or NO with a YES vote to support the motion to DENY the

variance request. The roll call vote indicated a unanimous decision to support the motion to DENY the variance request.

Chair Monroe advised the applicant that there were alternatives that could be pursued to comply with the impervious surface area and setback issues. Member Vaughan stressed that he wanted to see less pervious surface and that water quality was of paramount importance.

Under 'unfinished business' the zoning board of appeals briefly discussed possible zoning ordinance amendments that would recognize the many platted and substandard (nonconforming) lots surrounding Lake Mitchell.

Chair Monroe offered an opportunity for public comment - none was presented.

The meeting was declared adjourned.

Respectfully submitted,

Ben Flies
ZBA Secretary

Very truly yours,



Robert (Bob) Hall
Planning and Zoning Administrator