

Wexford	Hanover	Greenwood	Liberty
Springville	Antioch	Collax no zoning	Cedar Creek zoned
Slagle	Boon	Selma	Haring zoned
South Branch	Henderson no zoning	Cherry Grove	Clam Lake zoned

■ Planning and zoning by the Wexford Joint Planning Commission

Wexford Joint Planning Commission

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Proposed Minutes Wexford Joint Planning Commission Zoning Board of Appeals November 22, 2017 Wexford Road Commission Building

- A. The meeting was called to order at 6:00 pm by Chair Monroe
 - 1. Roll Call:
 Members Present: Chair Beverly Monroe, John “Jack” Prebay, Benedict “Ben” Fleis, William R. Swank, Terry Garbrecht (Greenwood Township Representative)
 Members Absent: None
 Others Present: Robert Hall, Wexford Joint Planning Commission Planner/Zoning Administrator; Ben Townsend, Assistant Zoning Administrator
 A quorum was present.
 - 2. Pledge of Allegiance

- B. Approval of Minutes
 - 1. It was the consensus of the Zoning Board of Appeals to correct the minutes of October 25, 2017 as follows:
 - E. add a “p” so that it reads ... citizens ‘p’resent at ...
 Recodify beginning with F as the F is duplicated

- C. Approve/Set Agenda
 The agenda for the November 22, 2017 meeting of the Wexford Joint Zoning Board of Appeals was unanimously approved by voice vote.

- D. Public participation for items on agenda – there was none presented.

- E. Matters pertaining to Citizens at the Meeting:
 - 1. Advertised Public Hearing (Komisarz Variance Request/Case# ZBA-2017-09)
 - A. Chair declared the public hearing open at 6:07
 - B. Staff Presentation – Assistant Zoning Administrator Townsend: Mr. Townsend presented a brief visual history of ‘accessory’ structures related to residential development demonstrating that traditional placement was usually beside and/or to the rear of the ‘principal’ use or structure located on the same parcel.

Explained his written report that this is a dimensional variance request related to Greenwood Township, and because this case is in Greenwood, we have the representative for that Township, Mr. Terry Garbrecht sitting in for this case. Jason Burton / Priced Right Builders on behalf of property owners Stanley and Karen Komisarz applied for a Land Use Permit (LUP) on October 19, 2017. Mr. Townsend continued to explain that the proposed location was in violation of the Ordinance in that it sets closer to the road / front property line than the principal structure / dwelling. Therefore, the Assistant Zoning Administrator was required to deny the application. The Applicant was very cooperative, meeting with us at the site in order to try to redo his plans in order to fit within the Ordinance. The Assistant Zoning Administrator presented a couple of different placement options, both of which would allow the applicant to comply with the placement of the proposed accessory building. Mr. Townsend proceeded to show visual representations that included the proposed location of the accessory structure by the applicant (not in compliance with the zoning ordinance) as well as two locations proposed by the Assistant Zoning Administrator that would be in compliance with the zoning ordinance. ZBA member Swank commented that he noticed other accessory buildings in the immediate area that were closer to the road than the house. Planning and Zoning Administrator Hall reminded the Zoning Board of Appeals that the Zoning Ordinance (9604.B) prohibits the consideration of nonconforming neighboring land, building, and / or structures as grounds for issuing a variance.

Finally, the Assistant Zoning Administrator emphasized that the Planning and Zoning office has entertained many similar requests for accessory buildings but they have been advised of alternate locations and have agreed to comply without seeking a variance.

Applicant Presentation – Jason Burton – priced Right Builders was present representing the applicant. Mr. Burton began his presentation by advising the Zoning Board of Appeals that to the south of the house, the soil was ‘low’, and that the soil was bermed to accommodate the septic and drain field to the north and insisted that the locations recommended by the Assistant Zoning Administrator were not suitable.

Chair Monroe offered an opportunity for public comment. There were members of the public present that expressed concerns about the ‘reason’ for a variance request and the associated cost incurred by the applicant.

Chair closed the public hearing at: 6:33 pm.

2. The Chair asked for deliberations from the Zoning Board of Appeals. ZBA

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member and Greenwood representative Garbrecht began by expressing what was characterized as personal opinions regarding his site visit disclosing that he had met with applicant at the site.

Chair Monroe mentioned that her site visit disclosed that the site had obviously been prepared prior to the issuance or application of any permit.

Member Swank mentioned that there are other instances that are in violation.

Chair Monroe lead a discussion of the ordinance review standards stating that the lot may be uneven but that there were no overwhelming facts showing any intense physical characteristics that would warrant the variance being issued.

At this point in the meeting, the applicants' representative, Jason Burton interrupted with comments addressing the variance. Planning and Zoning Administrator Hall immediately called a 'Point of Order' and informed the Chair that the applicant had already presented and that the ZBA was involved in deliberations and had not engaged the applicant in any further discussions.

Member Garbrecht commented that perhaps the need was caused by the previous property owner but ... (inaudible) ... things change.

Member Flies spoke to allow based upon the lay of the land and because it is low it presents a unique circumstance justifying the variance.

Chair Monroe motioned to deny the variance request based upon not meeting district standards and not meeting the review standards of the ordinance; Monroe's motion including a full reading of the standards of review from 9702.F.2.a (1-5). The motioned was seconded by member Prebay. It was explained that a YES vote was to DENY. Monroe Yes, Flies No, Swank No, Prebay No, Garbrecht No. The motion to deny failed.

Member Garbrecht motioned to approve the variance based upon the same standards as read by Monroe in the previous motion. Member Flies seconded the motion. It was explained that a YES vote was to approve. Flies Yes, Swank Yes, Monroe No, Garbrecht Yes, Prebay Yes. The motion to approve the requested variance passed with a 4 to 1 vote.

F. None

G.Planning and Zoning Administrator Hall informed the ZBA that member Flies'

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term on the ZBA expires as of December 31, 2017 and asked if he would be interested in being reappointed. Member Flies agreed to be reappointed to the Zoning Board of Appeals as his term expires December 31, 2017. Planning and Zoning Administrator Hall will solicit nomination by the Wexford Joint Planning Commission on his behalf.

H. Public Participation was offered

I. None

J. Member Prebay motioned, member Flies seconded to adjourn. All members expressed agreement. The meeting was adjourned.

Signed: _____

Benedict Flies