



## Wexford Joint Zoning Board of Appeals

% Cherry Grove Township  
4830 E. M-55  
Cadillac, Michigan 49601  
(231)775-1138x6

planningandzoning@wexfordjpc.org | [www.wexfordjpc.org](http://www.wexfordjpc.org)

### DRAFT Meeting Minutes

Time & Date: 6pm, Wednesday, December 01, 2021

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)  
Ron Vaughan (Cherry Grove)

*Others Present:* Robert Hall, Zoning Administrator  
Heather O'Connor, Recording Secretary

*Absent:* Jack Prebay (Selma)  
Vacancy, Secretary (at Large)

B. **Approval of Minutes for June 23, 2021** – Motion to approve Meeting Minutes made by Ron Vaughan seconded by Bill Swank and adopted by Board Members present.

C. **Set / Amend Agenda** - A motion to approve the Meeting Agenda as corrected to add maintaining current officers, noting vacancy for Secretary presented was made by Bill Swank seconded by Ron Vaughan and Corrected Agenda was adopted by Board Members present. Motion to maintain current officers noting Secretary vacancy made by Bill Swank, seconded by Ron Vaughan and adopted by Board Members present.

D. **Public Comment** – Zero (0) 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: (Skotanis Variance Request / Case # ZBA-2021-02)

Township Representative – Ron Vaughan (present)

a. The Chair shall declare the public hearing open – Chair Beverly Monroe declared the public hearing open at 6:04pm

b. Planning and Zoning Administrator - Staff Presentation – Mr. Robert Hall, Zoning Administrator delivered the Staff Report as mailed via USPS to the Board members (see documents [staffreport-webpacket20211119\\_11063143](#)) – NOTE - original plats were conducted/determined in the 1920's

c. Applicant Presentation – Applicants, Bill & Fay Skotanis, noted the following additional comments: Owned the cottage over 25 years with no major work having been performed. As time has passed and family has grown, the applicants are looking to expand the living space without interfering with views, utilities, grading or neighbors' properties and will make the cottage more appealing with the bay window addition, giving it dimension.

d. The Chair shall allow public comment – Chair Beverly Monroe opened the floor for public comment. No further comments were offered by the public present.

e. The Chair shall declare the public hearing closed – With no further comments, Chair Beverly Monroe declared the public hearing closed at 6:16pm

## 2. Zoning Board of Appeals [Deliberations / Findings / Conclusions ZBA-2021-02]

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 the board members present had personally visited the Claus 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:

---

### Case # **ZBA-2021-02**

**Property Description** – LOTS 35, 36, 37, BLK. 13 BOULEVARD BEACH SUBDIVISION #1 CG. SEC. 3 T21N R10W

#### **Action Report –**

- A. The Applicant is requesting to encroach farther into the waterfront yard setback than the existing dwelling currently sits, proposing an addition to the footprint that includes a bay window as demonstrated on the applicant provided site plan.
- B. The Applicant, on their own accord, proceeded directly to requesting a variance from the required setback without consulting with the planning and zoning administrators.

#### **Background:**

1. This property is approximately **7500 feet**; more than the required minimum of 7000 square feet.
2. The property is located in the R-2 Residential Zoning District

#### **Current Narrative:**

1. The Applicant via his Agent contacted the Zoning Administrator on or about the 29<sup>th</sup> of October, inquiring about submitting an application for a variance request via overnight mail. The Applicant was advised of possible meeting dates and required processing timelines.
2. The Zoning Administrator received an application and the fee to appear before the zoning board of appeals in the WJPC office on November 3<sup>d</sup>, 2021. The Zoning Administrator notified the applicant about a special meeting date of December 1<sup>st</sup>, 2021 to navigate around the Thanksgiving holiday and to ensure ZBA members were available.
  - a. A Land Use Permit application was reviewed and approved (LUP-160) for a second-floor addition to the existing dwelling. (*see attached Michigan Court of Appeals case for training purposes*)
3. The Zoning Administrator made a site visit to the subject parcel on the afternoon of Wednesday, November 10, 2021 to compare the specifications (or lack of) on the applicant provided site plan to the physical layout of the property.
4. Public Hearing Notification was published in the Cadillac News on: November 16<sup>th</sup>, 2021, in accordance with the Zoning Enabling Act; 15 days in advance of any required public hearing
5. Three hundred (300) Foot Notices were sent out and the public hearing / special meeting was ‘posted’ on November 12<sup>th</sup>, 2021; more than 15 days in advance of any required public hearing – no response was received from neighboring property owners
6. Packets were mailed out to the Zoning Board of Appeals members on November 23, 2021.

**STANDARDS FOR GRANTING A DIMENSIONAL VARIANCE**

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

**Staff Comments:** *Tile subject property exceeds tile minimum lot size and area required for building and has an existing dwelling and accessory structure. The property is generally flat. Although the property 'fronts' on water, that is not a characteristic that is 'unique' to this parcel.*

Applicant Comments: See Applicant Presentation

Board Comments: Discussion regarding uniqueness of property as uniqueness based on original lot sizes

Does the Variance Request meet the Standard for Granting a Dimensional Variance – **2 NO – 1 YES**

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

**Staff Comments:** *The existing dwelling and accessory structure are currently built into the required fifty-foot setback by approximately twenty+ feet. The property owner is requesting to encroach even further with the proposed bay window addition by four feet.*

Applicant Comments: See Applicant Presentation

Board Comments: Discussion regarding existing setbacks already encroached. The 4 foot addition would further encroach.

Does the Variance Request meet the Standard for Granting a Dimensional Variance – **1 YES – 2 NO**

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.

**Staff Comments:** *The property is currently being utilized as a permitted use. The desires of the applicant are to add to their house, a bay window with a physical increased footprint.*

Applicant Comments: See Applicant Presentation

**Board Comments:** Discussion regarding a burden for desire for a larger footprint – to increase the common living space. Burden does not seem to be unnecessarily burdensome as the property is functional at present.

Does the Variance Request meet the Standard for Granting a Dimensional Variance – **2 YES - 1 NO**

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.

**Staff Comments:** *The applicant is requesting a variance of the waterfront setback to add on to an existing dwelling and increase the nonconforming setback from the waters' edge.*

Applicant Comments: See Applicant Presentation

**Board Comments:** Discussion regarding lack of or zero response from 300 ft neighboring properties, either in the affirmative or against the request. Lot to immediate East is mostly trees with a ravine.

Does the Variance Request meet the Standard for Granting a Dimensional Variance – **2 YES - 1 NO**

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

**Staff Comments:** *This standard cannot be immediately determined by staff – however, long-term goals are typically only realized through adherence to the required regulations. One of the primary purposes of the Zoning Board of Appeals is to ensure that: "...the spirit of the Ordinance is observed, public safety secured, and substantial justice done..."*

**Applicant Comments:** See Applicant Presentation

**Board Comments:** Discussion regarding lack of or zero response from 300 ft neighboring properties, either in the affirmative or against the request. Lot to immediate East is mostly trees with a ravine.

Does the Variance Request meet the Standard for Granting a Dimensional Variance – **3 YES**

**Staff recommends that the Wexford Joint Zoning Board of Appeals make independent findings and conclusions and take into consideration this report in order to make independent findings to support your decision whether to approve, approve with conditions, or deny the application for the requested variance.**

The Recording Secretary was requested to read back the Standards, discussion and agreement or disagreement for the motion by Ron Vaughan seconded by Beverly Monroe to APPROVE the Dimensional Variance for ZBA-2021-02 as the request does meet the majority of the five (5) of the standards of review.

A Roll Call vote was taken:

Monroe – Not Approve

Swank – Not Approve

Vaughan – Approve

The motion to approve the Dimensional Variance for ZBA-2021-01 failed as noted by above Roll Call vote.

- 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 – vacancy on ZBA – looking into the ordinance standard if member must be a legislative member or can be a member at large
- G. **Public Comment** – No further comments/items were offered
- H. **Report / Comments from each member of the ZBA** regarding their respective participating municipality
- I. **Adjournment** – The meeting was adjourned at 6:46pm

Prepared by Heather A. O'Connor, Recording Secretary, for Board members of the Zoning Board of Appeals in lieu of Secretary vacancy.