

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

% Cherry Grove Township  
 4830 E. M-55  
 Cadillac, Michigan 49601-9332

(231)775-1138x6  
[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org) | [www.wexfordjpc.org](http://www.wexfordjpc.org)

**APPROVED**                      ~~Proposed~~ Minutes  
**Wexford Joint Planning Commission**  
**Zoning Board of Appeals**  
**October 25, 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, G. Ronald Vaughan (Cherry Grove TWP Member)  
 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. Approved Minutes of 9-27-2017 Meeting – Vaughan Moved to approve, support by Swank, unanimous voice vote in favor.
  
- C. Approve/Set Agenda  
 Motion to approve agenda by Vaughan, support by Prebay, unanimous voice vote in favor.
  
- D. Public participation for items on agenda – there is none.
  
- E. Matters pertaining to Citizens at the Meeting:
  - 1. Advertised Public Hearing (Bacha Variance Request/Case# ZBA-2017-08)
    - A. Chair declared open meeting at 6:08
    - B. Staff Presentation – Robert Hall: Explained his written report that this is a dimensional variance request related to Cherry Grove Township, and because this case is in Cherry Grove, we have the representative for that Township, Mr. Ron Vaughan sitting in for this case. Mark Bacha applied for a Land Use Permit (LUP) on September 13, 2017. Currently it is not allowable by the Ordinance in that it sets too close to the property line. Mr. Bacha wishes to add onto his log

house a room which comes within five (5') feet of the property line. Therefore, I was required to deny the application. The Applicant was very cooperative, visiting with us several times in order to try to redo his plans in order to fit within the Ordinance. He did redo his addition to make it smaller, but was still well within the setback. Then he proceeded to find out what the process was to appear before the Zoning Board of Appeals (ZBA). He decided to make application requesting variances from the setbacks so he could continue with the building project. We placed into the Report in section 4 the Standards of Review for the ZBA, as well as Article 9604 the Standard articles of review the ZBA must find.

C. Applicant Presentation – Mark Bacha: Thanked the board for hearing the appeal. Thanks Mr. Hall for working with him in the process. Gave a history of the property, stating that he was trying to maintain the architecture and character of the home. Has owned the home since 1994 and used it as a weekend cottage. Now he was looking to use it as a permanent residence, so a bedroom was to be added. Spoke about the distance to the house next door from the proposed addition would be twenty (20') feet, even though his setback to his line was five (5') feet. The property does drop off and also widens toward the lake. He presented his neighbor, Jack Powell, at 255 W. Lake Drive, who will be his general contractor for the project.

Chair Monroe: Asked of people from the audience would like to speak in favor of the project.

James Taylor, 239 West Lake Drive, spoke in favor of the plan.

Jack Powell, 255 West Lake Drive, spoke in favor of the plan.

D. Chair closed Public Comments:

E. Deliberations

Prebay: Asked about the slab the addition was to be placed upon and asked clarification from Hall whether this was a good idea or not.

Hall: Stated that this was not a Zoning question but rather a Building Department question and they could answer better than we could. The ZBA should not be even looking at this subject to make a determination in this case.

Chair Monroe: Questioned if the variance is needed since there is adequate room toward the lake to build upon and keep the proper Ordinance setback. (There was back and forth discussion on this point, and Hall stated the Applicant was determined to keep the same look of the log home. Also, it was stated there was a drastic fall off of eleven (11%) percent slope.

Vaughan: Responded for the township which he was representing on the ZBA. Explained the lots around Lake Mitchell were mostly nonconforming, which caused the Ordinances in the past to make smaller side setbacks. Discussed the view of the neighbors across the street or next door would be decreased. Stated the Ordinance review standards passes on all five (5) of the standards. Stated he did a site visit on Monday, and thought there was plenty of room between the

Wexford Joint Zoning Board of Appeals  
Minutes, October 25, 2017

houses to get fire equipment passed the houses in case there was a fire. Stated that he would support this project going through with the setbacks outlined in Bacha's plan.

Chair Monroe: Stated that the Applicant had already encroached on setbacks on two sides, the front and the other side in which the shed is right up to the property line. Stated that it was not the position of the ZBA to maintain someone's view of the lake.

Swank: Stated he spoke to a neighbor across the street who was upset that fifteen (15') feet of the view of the lake would be lost. He agreed with the Chair that the view was not something we take into consideration.

Chair Monroe: Again stated that strict compliance with the Ordinance would not disallow the Applicant from building closer to the lake with the addition, and he could keep the proper ten (10') foot setback on that side. Stated that the standards in the Ordinance which the ZBA looks at are not being met because there is an alternate way in which the Applicant could build which conforms with the Ordinance.

Hall: Stated that he had received an email from the neighbor across the street that said there were no concerns with the project.

(There was discussion back and forth about people who wanted to view the lake should buy property on the lake. There should not be an assumption that the lake can be viewed from other properties across the street from the lake.)

Flies: Did not see a problem with the variance because Applicant was sticking with the log theme. Stated that everything that was proposed suited his opinion that the standards were met.

Vaughan: Moved that the ZBA grant the Applicant's request for variance as stated in the Applicant's report. Seconded by Prebay.

Roll Call Vote:

Mr. Vaughan -	Yes
Mr. Prebay -	Yes
Chair Monroe -	No
Mr. Flies -	Yes
Mr. Swank -	No

Three (3) votes for and two (2) votes against. The motion passes.

**E. F.** There were no matters pertaining to citizens present at the meeting.

**F. G.** Unfinished Business and Reports:

1. Discussion about Secretary / Recording Secretary: In the light of the Recording Secretary not being able to be at the meeting, Assistant Zoning Administrator Townsend will continue doing the ZBA minutes.

Wexford Joint Zoning Board of Appeals  
Minutes, October 25, 2017

**F.H.** New Business:  
Either learn to say “No,” or else go to the Planning Commission with a recommendation to change the Ordinance to relax the side setbacks.

**G.I.** Public participation: There was none.

**H.J.** Adjournment:  
Mr. Vaughan moved to adjourn. Mr. Flies second. Unanimously approved.  
Meeting concluded at 8:11 p.m.

Signed: \_\_\_\_\_  
Benjamin E. Townsend, A.P.Z.A