

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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APPROVED ~~Proposed~~ Minutes
Wexford Joint Planning Commission
Zoning Board of Appeals
September 27, 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, William R. Swank, G. Ronald Vaughan (Alternate Member), Bill Wiersma (Alternate Member)
 Members Absent: Carol Perrin (Selma Township), Benedict “Ben” Fleis
 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 8-23-2017 Meeting – Prebay Moved to approve, support by Swank, unanimous voice vote in favor.

- C. Approve/Set Agenda
 Motion to approve agenda by Vaughan, support by Swank, 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 #1 (Faunce Variance Request/Case# ZBA-2017-06)
 - 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. The Faunce’s applied for a Land Use Permit (LUP) on August 10, 2017. Currently it is not allowable by the Ordinance in that it sets too close to the property line. They want to extend against that same plane and not get

any closer to the line. Also, they want to put more bulk and density into the property. Therefore I was required to deny the application. The Applicant's builder was very cooperative, along with Mrs. Faunce visiting with us to find out what the process was to appear before the Zoning Board of Appeals (ZBA). They decided to make application requesting variances from the setbacks so they can continue with the building project. We placed into the Report in section 3 the Standards of Review for the ZBA, as well as Article 9604 the Standard articles of review the ZBA must find.

Question by Monroe: To clarify, if this extending toward the road and the setbacks will be extended also?

Hall: That is correct. They are keeping the same setbacks on each side, but are extending both the house and the garage in the direction of the road. They are also going up with a second story for both the house and the garage which needs to be taken into consideration with the neighbor's view of the street.

C. Applicant Presentation – David Faunce: Thanks the board for hearing the appeal. Thanks Mr. Hall for working with him and educating him in the process. Gave a history of the property, in which his family has owned this particular cottage for fifty-eight years. His father bought it in 1959 and put a small trailer on it. In 1971 he built the cottage on it. Faunce described his purpose was to build a retirement home year round for his wife and him. The house addition will accommodate for a stairwell going to an upstairs living area. For the garage the extension is to include two cars instead of the current one car garage. Also the garage will house the water heater and furnace. The setback on one side is three feet, eleven inches. They submitted letters from neighbors on both sides approving of the variance. Also there will be an increase of their property.

Chair Monroe: Asked if Applicant had another plan to conform to the Ordinance.

Faunce: Indicated going toward the lake was his original plan A, and this variance is ultimately his plan B. He has no other plan than this plan.

D. Chair allowed Public Comments:

Joe Belick: Indicated he was the Faunce's neighbor to the north at 571 E Lake Mitchell Drive, and stated that he has no problem with the variance being granted.

Chair Monroe closed the Public Hearing

E. Deliberations

Swank: Stated that he did a site visit and spoke to the neighbor, Joe. He went all over the property; showed concern with the south property line where a neighbor's building is almost right on the property line. He stated that as long as Joe has no complaint, he did not see a problem with the variance. It will improve the dwelling, the property.

Prebay: Shared the same views as Swank. In his opinion they already had established the property line and the existing building line.

Vaughan: Asked the Zoning Administrator (ZA) questions about the porch and the building extension. Stated that he is the Cherry Grove representative on the ZBA,

was CGT Supervisor for twenty years and was the Assessor for eleven years. Stated in this area the lots are so small and the houses so large that a neighbor can proverbially reach out his window and wash their neighbor's windows. Stated this is a serious issue for emergency personnel, both medical response and fire fighters. That was what really bothered him at first. Had a concern with extending fourteen feet and wondered if Applicant could not live with less than fourteen feet. Stated that the Applicants submitted letters from the neighbors that they were okay with it, but realize they are not going to live there forever. New neighbors may not wish the house next to them was so close to the property line. Something like this could snowball where everyone wants to only be three feet from the property line.

Wiersma: Stated he knew the property well from when he lived in the area. Believes it makes sense and will be a benefit for the neighborhood. It will increase the tax revenue.

Wiersma moves that the Variance be accepted as is. Swank seconded. Weirsma went through the Standards and stated the Faunce's have met the Standards for ZBA Review.

Vaughan: Stated he can support and it will help the township.

Roll Call Vote:

Mr. Wiersma -	Yes
Mr. Vaughan -	Yes
Mr. Prebay -	Yes
Chair Monroe -	Yes
Mr. Swank -	Yes

Unanimous in support of the conclusions given above.

D. Matters pertaining to Citizens at the meeting.

1. Advertised Public Hearing #2 (Hufnagel Variance Request/Case# ZBA-2017-07)

A. Chair declared meeting open at 6:29

B. Staff Presentation – Hufnagel's primary situation is that they are wishing to build closer to the water than the setback requires. Submitted original application on August 2, whereas two days later a denial letter was sent. The Applicants worked well with the staff in providing an abundance of information for the appeal in support of their variance request.

Monroe: To clarify, both side setbacks are within the Ordinance setbacks.

Hall: Stated that was correct.

C. Applicant Presentation – Mr. Hufnagel stated the reason for the expansion was their retirement and family. The cottage is 670 square feet which is less than the Ordinance allows to begin with. This addition will be adding a bedroom, half bath and small kitchen area. Attending the previous ZBA meeting has since as a result decreased the side setbacks. Believes this is the minimum size in order to meet his requirements for expansion. The house is currently 16 feet from the road, Paul

Bunyan Drive, so the expansion cannot go that direction. That leaves going towards the lake as the only option left. The neighbors on either side measure 30 and ½ feet from the water. Hufnagel is proposing to be thirty-one feet from the water. So the house will not be as close as either neighbor. The Hufnagel lot is forty-seven feet wide. He is requesting a 9.1' variance on one side and a 7' variance on the other side. Stated the neighbors on both sides are supportive of the expansion of the cottage.

D. Chair opens the floor for public comment:

Carol Mendendorp, 3311 W Lake Mitchell Drive. This house is always maintained beautifully. Does not believe this to be an issue. She approves.

Sheryl Blanchard, 3247 W Lake Mitchell Drive, believes this addition will be helpful to the neighborhood.

Chair closes public hearing and opened up for debate.

E. Deliberations:

Chair Monroe: Our main debate is only to allow the setback to go from forty-five feet down to thirty-one feet.

Mr. Wiersma: Visited the site and walked the properties to the west and east and found this house's setbacks to be much farther from the water than the houses both ways in each direction. Everybody else's is closer to the water than thirty feet. So, common sense tells me this makes it a level playing ground with the other houses in each direction.

Prebay: Confessed to be a neighbor two houses down. No one questioned a conflict of interest. He stated he approved of what his neighbor was wanting to do and it will make the area a better area and property values will increase with this new expansion of this house.

Swank: On his site visit he stated he was quite concerned going from fifty feet down to thirty-one feet from the water even though the adjacent properties were closer to the water.

Monroe: Showed concern because once a ten foot deck goes onto the house it will only be twenty-one feet from the water. Stated the ZBA's duty is to protect the water.

Mr. Wiersma: Moves that the ZBA approves Hufnagel's variance for the same reason the ZBA approved the Faunce's variance. Seconded by Swank.

Chair Monroe: Asked for discussion. There was none.

Roll Call Vote:

Mr. Swank - Yes

Chair Monroe - No

Mr. Prebay - Yes

Mr. Wiersma - Yes

Motion Carries with a three votes for to one vote against.

E. Unfinished Business and Reports:

Wexford Joint Zoning Board of Appeals
Minutes, September 27, 2017

Page 5 of 5

1. Discussion about Secretary / Recording Secretary: In the light of the Recording Secretary resigning Assistant Zoning Administrator Townsend will continue doing the ZBA minutes.
- F. New Business:
1. Planner and Zoning Administrator Hall admonished the ZBA to sign off on recommending looking at the issues to see if something can be done to alleviate the setback issue on nonconforming lots, specifically around Lake Mitchell.
- G. Public participation: There was none.
- H. Adjournment:
Mr. Wiersma moved to adjourn. Mr. Prebay second. Unanimously approved.
Meeting concluded at 8:11 p.m.

Signed: _____
Benjamin E. Townsend, A.P.Z.A