Wexford Joint Planning Commission
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July 23, 2025
Wexford Joint Zoning Board of Appeals
Case #ZBA 2025 03

'draft' MINUTES

Chair Swank called the meeting to order at 6:00 pm. Roll Call indicated that members Swank, Kowalski, Monroe, and Nixon were present. Member Harvey was absent (with prior notice). Also, in attendance were Zoning Administrators Hall and Townsend, as well as the applicants requesting a variance. A quorum being present to conduct business, the Pledge of Allegiance, was recited.

There was a **MOTION by member Monroe** to approve the minutes of June 25, 2025 with a **second by member Kowalski**. After discussion, a roll call vote indicated unanimous approval from all members present.

There was unanimous consent to correct the date on the agenda for this meeting to July 23, 2025 from May 28, 2025 and to proceed as corrected.

Chair Swank offered a period for public comment – there were no members of the public present.

Chair Swank opened the public hearing portion of the meeting at 6:03 pm by announcing the case number and identified the property by tax identification number and common street address.

ZA Townsend identified that staff (ZA Townsend and ZA Hall) and the applicant (Carolyn Hanus), and ZBA member Nixon all have a 'working relationship'. Member Nixon is the Cherry Grove Township Clerk, and Cherry Grove Township is the designated fiduciary for the Wexford Joint planning Commission. The applicant (Carolyn Hanus) is the Cherry Grove Township Treasurer. Cherry Grove Township processes payroll for staff and the Wexford Joint Planning Commission and the Zoning Board of Appeals as well as staff and pays the bills for the same. There was

unanimous consent from the Zoning Board of Appeals that there were no actual conflicts of interest.

ZA Townsend introduced the ZBA members to the staff report and it is incorporated into the record. ZA Townsend presented additional images via a PowerPoint presentation. Images included Wexford County GIS images of the subject property, original plat map (Westwood Beach Park) images with dimensions, and various angles of the existing house and garage on the property as a means of displaying visual perspective for the Zoning Board of Appeals.

It was explained to the ZBA by ZA Townsend that if not for the proposed expansion of the garage along the same plane that is positioned within the required front yard setback, the breezeway attaching the house to the garage could be approved by staff.

As part of the staff presentation, ZA Townsend took great care in comparing actual parcel dimensions to the minimum requirements of the Wexford Joint Zoning Ordinance, emphasizing the various areas of nonconformities related to both the parcel dimensions and the current and proposed structure locations. ZA Towsend continued by showing images of neighboring homes where garages were similarly situated close to the road (and even in the road right of way) which seemed to help define the general community character.

ZA Townsend summarized the presentation and concluded with brief discussion of the standards of review from Article 96 of the Wexford Joint Zoning Ordinance. It was noted by several ZBA members that ZA Townsends staff report inadvertently referred to Section 9607.F.2 but understood that it was meant to be Section 960(8).F.2, wherein the specific standards are applied regarding dimensional variances.

The applicant was offered an opportunity to present their request. The applicant emphasized that staff had provided an accurate description of the intentions to expand the existing garage from a single stall to a two-stall garage and connect it to the existing house via a breezeway. The applicant expressed that the intention is to keep the construction in character with the community and to be able to enjoy a similar benefit of having space to park two vehicles.

Chair Swank offered a period for public comment – there were no members of the public present.

Chair Swank closed the public hearing portion of the meeting at 6:27.

The Wexford Joint Zoning Board of Appeals reviewed the following standards as required in Article 96, Section 9608.F.2 of the Wexford Joint Zoning Ordinance for dimensional variances:

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.

a. The ZBA finds that the subject property is substantially smaller than the minimum lot size required of the ordinance, and;
b. The ZBA finds that the subject property has substantially less waterfront than other properties in the vicinity, and;
c. The ZBA finds that the subject property is irregularly shaped when compared to other properties in the vicinity.

There was a **MOTION by member Monroe** with a **second by member Nixon** that the findings related to standard No. 1 above support the conclusion that the need for the requested variance is NOT due to the applicant's personal economic difficulty. A roll call vote indicated all members unanimously in support of this motion – motion passed.

2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
    a. The ZBA finds that the subject property is a single lot within the plat of Westwood Beach Park laid out in 1926, and;
    b. The ZBA finds that the existing structures (house and accessory / garage) pre-date the existence of any zoning ordinance in Wexford County.

There was a **MOTION by member Kowalski** with a **second by member Monroe** that the findings related to standard No. 2 above support a conclusion that the applicant has taken no action on their own to create the need for the requested variance. A roll call vote indicated all members unanimously in support of this motion – motion passed.

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.
    a. The ZBA finds that the existing structures (house and accessory / garage) pre-date the existence of any zoning ordinance in Wexford County establishing regulations related to lot size, setbacks from roads or property lines, or dwelling sizes, and;
    b. The ZBA finds the proposed alterations and additions will continue the continuity of, and be in harmony with the general character of the neighborhood, and;
    c. The ZBA finds that while the use is already established, the expansion / alteration to update is causing the conflict with the front yard setback.

There was a **MOTION by member Kowalski** with a **second by member Nixon** that the findings related to standard No. 3 above support a conclusion that the nonconforming status of the property (by virtue of its over-all area), and the irregular shape of the lot, make it unreasonably burdensome to comply with the specific zoning district regulations (especially front yard setback) for this particular property. A roll call vote indicated all members unanimously in support of this motion – motion passed.

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.
    a. The ZBA finds that the **staff** report and PowerPoint represented a true depiction of the property and the overall community character, and;
    b. The ZBA finds that the applicant is seeking a variance that will allow expansion very similar to the already established neighborhood characteristics, and;
    c. The ZBA finds that the requested variance is an approximate increase of XX% of total building area.

There was a **MOTION by member Nixon** with a **second by member Kowalski** that the findings related to standard No. 4 above support a conclusion that the requested variance is not excessive and that, if granted, would permit a similar property use, thus ensuring 'substantial' justice to the applicant. A roll call vote indicated all members unanimously in support of this motion – motion passed.

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.
    a. The ZBA finds that there is no evidence that the requested variance will cause any adverse impacts on surrounding property values, and;
    b. The ZBA finds that the requested variance will be in harmony with the neighboring characteristics of the community based upon physical observation of ZBA members and information presented in the staff report and presentation.

There was a **MOTION by member Nixon** with a **second by member Monroe** that the findings related to standard No. 5 above support a conclusion that the requested variance will not have an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district. A roll call vote indicated all members unanimously in support of this motion – motion passed.

Chair Swank called for continued deliberations regarding any other issues related to this variance request.

Member Nixon (representing the participating municipality of Cherry Grove Township where this case is located) brought attention to the fact that the property was located on the sewer line. Member Nixon further explained that the Lake Mitchell Sewer Authority has miscellaneous equipment, lines, pumps, and easements that all must be observed so that there are no unintended encroachments. There was consensus among all members present that this was indeed an important '**fact**' to be considered. Member Nixon also informed the ZBA members about a previous variance that was granted wherein the contractors / property owner was unaware that a sewer line bisected their property. It was discovered while digging the foundation and has not yet been resolved.

There was a **MOTION by member Nixon** with a **second by member Monroe** that the requested variance to allow the expansion of the existing garage within the front yard setback along the same plane, along with a breezeway connecting the house, be **granted** conditioned upon written approval by the Lake Mitchell Sewer Authority that the proposed construction will not interfere with sewer operations. A roll call vote indicated all members unanimously in support of this motion – motion passed.

Chair Swank certified the decision on this date.

The meeting continued with ZA Hall informing the ZBA that the previously approved Stipulation Agreement had been recorded and that a Land Use Permit would be issued shortly.

ZA Hall yielded to ZA Townsend as he presented a PowerPoint featuring some conflicting zoning ordinance language between the R-1 and R-2 zoning districts. Specifically, these zoning districts have very similar language for front yard setbacks on nonconforming parcels allowing setback averaging. Comparisons were made with the R-1 language. The ZBA, after deliberations, agreed that it was probably an administrative (copy/paste) error that resulted in an average setback in the R-2 that exceeds the required front yard setback.

There was a **MOTION by member Nixon** with a **second by member Kowalski** directing staff to advise the Wexford Joint Planning Commission of their recommendation to change Article 46, Section 4604.D.1.a(2) to read as follows:

> (2) If the parcel is nonconforming, the front yard setback shall be the average setback of the existing dwellings on adjacent parcels on each side, or ~~twenty~~ **five** ~~(25)~~ **(5)** feet, whichever is greater.

Chair Swank offered a period for public comment – there were no members of the public present.

There being no further business before the Zoning Board of Appeals, Chair Swank declared the meeting adjourned.

Judy M. Kowalski

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Judy Kowalski – Secretary | Zoning Board of Appeals

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