Wexford Joint Planning Commission

c/o Cherry Grove Township
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Cadillac, Michigan 49601 www.wexfordjpc.org

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(231)775-1138x6

Agenda

Time, date: 6pm, December 28th, 2022
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, roll call of the panel to hear the case, and Pledge of Allegiance.

B. Approval of Minutes for October 26th, 2022

C. Set / Amend Agenda

D. Public Comment

E. Matters pertaining to citizens present at the meeting, in the following order:

1. Advertised Public hearing: (Funke Variance Request / Case # ZBA-2022-05)
Cherry Grove Township-(Ron Vaughan)
   a. The Chair shall declare the public hearing open
   b. Planning and Zoning Administrator - Staff Presentation
   c. Applicant Presentation
   d. The Chair shall allow public comment
   e. The Chair shall declare the public hearing closed

2. Zoning Board of Appeals [Deliberations / Findings / Conclusions ZBA-2022-05] The Zoning Board of Appeals may ask additional 'fact-finding' questions of the applicant, staff, or members of the public.

G. 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

H. Public Comment

I. Report / Comments from each member of the ZBA regarding their respective participating municipality, and comments from Staff

J. Adjournment.

125.3605 Decision as final; appeal to circuit court.

Sec. 605. The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under section 606.

125.3606 Circuit court; review; duties.

Sec. 606. (1) Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

(a) Complies with the constitution and laws of the state.

(b) Is based upon proper procedure.

(c) Is supported by competent, material, and substantial evidence on the record.

(d) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

(2) If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

(3) An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:

(a) Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.

(b) Twenty-one days after the zoning board of appeals approves the minutes of its decision.

(4) The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires.