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**VILLAGE OF OXFORD  
ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES**

*Zoning Board of Appeals Members: Sue Bossardet, Marilyn Benner, Rose Bejma, Dave Bailey*

22 West Burdick Street  
Oxford, MI 48371

March 4, 2019

7:00 pm

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**CALL TO ORDER**

Chairperson Rose Bejma called the meeting to order at 7:00 p.m.

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**ROLL CALL ATTENDANCE:** Present: Bailey, Benner, Bejma, Bossardet.

Members Absent: none.

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Staff Present: Planning Consultant Mario Ortega, Village Manager Joe Madore, Recording Secretary Clerk/Treasurer Tere Onica.

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**APPROVAL OF AGENDA**

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**MOTION:** by Bossardet/Bailey to amend the order of business per the request of the chair to address some housekeeping issues moving item 4 to 5. All present voting in favor. Motion carried.

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**APPROVAL OF THE MINUTES**

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**MOTION:** by Bailey/Benner to approve the December 3, 2018 meeting minutes as presented. Motion carried by voice vote with Bossardet voting no.

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**MOTION:** by Bossardet/Benner to set aside and vacate the decision to grant a variance for 77 S. Glaspie St. on December 3, 2018. All present voting in favor. Motion carried.

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**MOTION:** by Bossardet/Bailey to set aside and vacate the February 4, 2019 meeting due to the lack of a quorum. All present voting in favor. Motion carried.

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The Chair explained the notice of Public Hearing for the variance for 77 S. Glaspie was republished and the applicant's request will be reheard. The previous Hearing held on December 3, 2018 was vacated after a conflict was discovered in the Zoning Ordinance prohibiting an individual to serve on the both the ZBA and DDA.

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The Chair turned the floor over to Planner Mario Ortega to review the application submitted by David Weckle of Valley Building (on behalf of Michael Maruska), seeking a variance to be able to construct a new two-family residential structure. Mr. Ortega reviewed (2) variances needed from the Zoning Ordinance.

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1.) Article 3, Zoning District Uses, Section 3.4.2 RM Multiple Family District Front Yard Setback. The minimum requirement: 25 feet. The proposed setback: 6 ft.

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4 inches, for a Variance request of 18 ft. 8 inches.

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2.) Article 3, Zoning District and Uses, Section 3.4.2, RM Multiple Family residential District, Rear Yard Setback minimum required:30 feet. Existing setback: 0 feet.

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Proposed setback: 5 feet, variance requested: 25 feet.

45 Mr. Ortega referenced McKenna comments from the November 29, 2018 Variance  
46 review letter. In accordance with Section 9.7.8 of the zoning ordinance, the ZBA  
47 may grant a dimensional variance upon finding that there is a practical difficulty in  
48 carrying out the strict standards of the zoning ordinance. Six (6) items were reviewed. Mr.  
49 Ortega noted strict compliance, substantial justice to the applicant and adjacent property  
50 owners, unique circumstances on the property, not a self-created problem, the spirit and  
51 intent of the ordinance, and the ability of the applicant to meet the minimum necessary  
52 requirements.

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54 **PUBLIC HEARING:**

55 **MOTION:** by Bossardet/Benner to open the Public Hearing for a requested Front-Yard  
56 variance of 18 ft. 8 inches with a proposed setback of 6 ft. 4 inches and for a Rear-Yard  
57 variance request of 25ft. for a proposed 5 ft. setback for PO-04-27-232-004, commonly  
58 known as 77 S. Glaspie St., at 7:07 p.m.

59 **ROLL CALL VOTE:** Ayes: Benner, Bejma, Bossardet, Bailey. Motion carried.

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61 **Applicant:** Dave Weckle, Valley Bldg. and Repair Co., Inc. representing Michael Maruska  
62 **Property:** PID #04-27-232-004 (commonly known as 77 S. Glaspie)  
63 **Zoning:** RM-1 Multiple Family district (Moderate density)

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65 Dave Weckle- Local builder representing Michael Maruska was not present.

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67 Gayle Grix, 9151 Seymour Rd., Oxford- Spoke in opposition of the variance. Ms. Grix is  
68 the property manager representing tenants and landlords for 52 & 56 Broadway. Ms.  
69 Grix disputed Article 8.7 of the Zoning Ordinance questioning the Public Hearing  
70 procedure. Ms. Grix had offered to purchase the property to be divided by 52 & 56  
71 Broadway as a solution. She presented comments at the December 3, 2018 meeting  
72 in opposition to the variance. Ms. Grix challenged Article 3, 7 and 8 of the Zoning  
73 Ordinance and questioned the new notice mailed to residents within 300ft, asking Mr.  
74 Weckle's variance request be denied.

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76 Joe Madore, Village Manager responded to complaints on the language in the notice,  
77 stating it was the same language that was sent out the first time commenting on  
78 the ordinance language and request for a variance as being the process for relief,  
79 which is what variances are for.

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81 With no other public wishing to speak, the public hearing was closed at 7:35 p.m.

82 **MOTION:** by Bossardet/Bailey to close the Public Hearing for PO-04-27-232-004. All  
83 present voting in favor. Motion carried.

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85 **OLD BUSINESS:**

86 **A. Zoning board of Appeals Consideration of Requests for a Principal Structure Set**  
87 **Back Variance for PO-04-27-232-004, aka 77 S. Glaspie.**

88 Mr. Ortega discussed with the commissioners the property lot line issues and trespassing

89 mentioned as being a civil dispute between property owners. The application is based on a  
90 certified survey. As proposed, the use of a two-family home is permitted.

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92 Two letters were received and read into the record:  
93 Larry Royster, property owner at 77 Glaspie Street has no objections to the Weckle project  
94 and thought the project will add value to the neighborhood. The second letter came from  
95 Irene Fischer, 77 S. Glaspie who also approved of the application to rebuild a principal  
96 structure by Mr. Weckle.

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98 Commissioners heard, discussed and understood the concerns expressed.  
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100 **MOTION:** by Bossardet/Bailey to approve the variance requested of 18 feet 8 inches  
101 to allow a front yard set-back of 6 ft.4 inches, and granting the requested variance of 25 feet  
102 to allow for a rear yard set-back of 5 feet, both variances requested for PO 04-27-232-004,  
103 commonly known as 77 S. Glaspie St. based on the following findings:  
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- 105 1) Compliance with the zoning ordinance standards renders the parcel unbuildable.
- 106 2) The need for variance results from the orientation of the parcel with reduced depth,  
107 creating an impractical building envelope.
- 108 3) The resulting lot coverage of 36% is not greater than the maximum allowed lot  
109 coverage of single-family residential uses;
- 110 4) The variance will provide substantial justice to the applicant, and is not adverse to the  
111 interest of other property owners and Zoning Ordinance;
- 112 5) The variance requested is the minimum possible to establish modestly sized  
113 residential units.
- 114 6) The need for variances is not self-created.

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116 **ROLL CALL VOTE:** Yes: 4, Bailey, Bossardet, Bejma, Benner. No: 0. Absent: 0.  
117 Motion carried. Variance granted.

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119 **NEW BUSINESS:**

120 A.) 2019 election of Officers  
121 **MOTION:** by Bossardet/Bailey to reappoint Rose Bejma as Chairperson. All  
122 present voting in favor. Motion carried.

123 **MOTION:** by Bejma/Benner to appoint Sue Bossardet as Vice-Chair. All present  
124 voting in favor. Motion carried.

125 **MOTION:** by Bejma/Bossardet to appoint Dave Bailey as Secretary. All present  
126 voting in favor. Motion carried.

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128 B.) Presentation and discussion of updates to by-laws presented for review. The most  
129 important and significant change is to Article III Section (1) MEMBERSHIP  
130 COMPOSITION. Currently, the Bylaws define the number of members  
131 appointed by the Oxford Village Council as 6-members on the ZBA. It is  
132 recommended to change the number from (6) to (5) as permitted under MCL

133 125.3601 and to be in compliance with Village Zoning Ordinance Section 9.4.5.B  
134 Number of Members, Appointment. *‘The board shall consist of five (5) members,*  
135 *all appointed by the Village President with the consent of the Village Council.’*

136 **MOTION:** by Bossardet/Benner to recommend the By Laws to be presented at the  
137 next meeting to adopt changes. All present voting in favor. Motion carried.

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139 **PUBLIC COMMENT:** None.

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141 **CONSULTANT & ADMINISTRATION COMMENTS:** None.

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143 **BOARD COMMENTS:** The ZBA is seeking applications to fill vacancies.

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145 **ADJOURNMENT:**  
146 **MOTION:** by Bossardet/Benner to adjourn at 8:00 p.m. All present voting in  
147 favor. Meeting adjourned.

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150 Respectfully submitted,

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153 Tere Onica  
154 Recording Secretary

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