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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, Elgin  
Nichols, Dave Bailey*

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22 West Burdick Street Oxford, MI 48371	December 3, 2018	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: Benner, Bejma, Nichols, Bossardet  
Members Absent: Bailey.

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Staff Present: Planning Consultant Mario Ortega, Attorney Robert Davis, Recording Secretary  
Clerk/Treasurer Tere Onica.

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**APPROVAL OF AGENDA**

**MOTION:** by Bossardet/Nichols to approve the December 3, 2018 meeting agenda as  
presented. Motion carried with Bossardet voting No.

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**APPROVAL OF THE MINUTES**

**MOTION:** by Benner/Nichols to approve the May 7, 2018 meeting minutes as presented. All  
present voting in favor. Motion carried.

**Applicant:** Dave Weckle, Valley Bldg. and Repair Co., Inc. representing Michael Maruska

**Property:** PID #04-27-232-004 (commonly known as 77 S. Glaspie)

**Zoning:** RM-1 Multiple Family district (Moderate density)

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Planner Mario Ortega reviewed the variance application submitted by David Weckle of Valley  
Building (on behalf of Michael Maruska) to construct a new two-family residential structure.  
Mr. Ortega gave the project background reviewing (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. Variance requested: 6 feet 5 inches.
  - 2.) Article 3, Zoning District and Uses, Section 3.4.2, RM Multiple Family residential  
District rear yard setback. Minimum required:30 feet. Variance requested: 25 feet.

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Mr. Ortega presented planner comments from the November 29, 2018 Variance Review letter. In  
accordance with Section 9.7.8 of the zoning ordinance, the ZBA may grant a dimensional  
variance upon finding that there is a practical difficulty in carrying out the strict standards of the  
zoning ordinance. Comments were based on a review of the criteria and sound planning  
principles outlined in the November 29<sup>th</sup> letter to the ZBA. Six (6) items were reviewed. Mr.  
Ortega noted strict compliance, substantial justice to the applicant and adjacent property owners,

45 unique circumstances on the property, not a self-created problem, the spirit of the ordinance, and  
46 the ability of the applicant to meet the minimum necessary requirements.

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48 **PUBLIC HEARING:**

49 **MOTION:** by Nichols/Bossardet to enter a public hearing for a requested front-yard  
50 variance of 6 ft. 4 inches and a rear-yard variance request of 5 ft. for PO-04-27-278-013,  
51 commonly known as 77 S. Glaspie St., at 7:20 p.m. All present voting in favor. Motion  
52 carried.

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54 Dave Weckle- Local builder representing Michael Maruska. Mr. Weckle gave the legal  
55 description of the property, dimensions, explaining the overlap of the building envelope, lot  
56 width, parking beneath the planned two-story structure and reference to a survey and the  
57 minimum amount of variance needed. All other zoning requirements can be met by the applicant.

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59 Gayle Grix, 9151 Seymour, Oxford-Ms. Grix presented the commissioners with an 8-page  
60 document asking it to be entered into the record. The first page was an aerial view from Oakland  
61 County of Broadway and S. Glaspie Streets. Ms. Grix was the property manager representing  
62 tenants and landlords for 52 & 56 Broadway pointing out perceived errors and deficiencies in the  
63 ZBA application. Ms. Grix disputed Articles 7 & 8 of the Zoning Ordinance. Ms. Grix had  
64 offered to purchase the property to be divided by 52& 56 Broadway and opposed the variance  
65 request.

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67 Kathy Rittendale, was in the process of purchasing the property contingent upon being able to  
68 build on the lot.

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70 Two letters were received and read into the record:

71 Larry Royster, property owner at 77 Glaspie Street has no objections to the Weckle project and  
72 thought the project will add value to the neighborhood. The second letter came from Irene Fischer,  
73 77 S. Glaspie who also approved of a variance to rebuild a principle structure by Mr. Weckle.

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75 With no other public wishing to speak, the public hearing was closed at 7:45 p.m.

76 **MOTION:** by Nichols/Benner to close the Public Hearing for PO-04-27-232-004. All present  
77 voting in favor. Motion carried.

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79 **OLD BUSINESS:** none.

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81 **NEW BUSINESS:**

82 **A. Zoning board of Appeals Consideration of a request for a principle structure set back**  
83 **variance for PO-04-27-232-004, aka 77 S. Glaspie.**

84 Mr. Ortega discussed with the commissioners the property lot line issues and trespassing  
85 mentioned as being a civil dispute between property owners. The application is based on a  
86 certified survey. As proposed, the use of a two-family home is permitted. The issue of  
87 drainage and run off was raised. The task of the commissioners was to consider the  
88 variance request. Other issues would be part of a future review by the building

89 inspector/department.

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91 Commissioners heard, discussed and understood the concerns of 52 & 56 Broadway.

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93 **MOTION:** by Nichols/Bossardet to approve the front yard set-back of 6 ft.4 inches, and rear  
94 yard set-back of 5 feet, both variances requested for PO 04-27-232-004, commonly known as  
95 77 S. Glaspie St. based on the following findings:

- 96 1) Compliance with the zoning ordinance standards renders the parcel unbuildable.
- 97 2) The need for variance results from the orientation of the parcel with reduced depth,  
98 creating an impractical building envelope.
- 99 3) The resulting lot coverage of 36% is not greater than the maximum allowed lot  
100 coverage of single-family residential uses;
- 101 4) The variance will provide substantial justice to the applicant, and is not adverse to the  
102 interest of other property owners and Zoning Ordinance;
- 103 5) The variance requested is the minimum possible to establish modestly sized  
104 residential units.
- 105 6) The need for variances is not self-created.

106 **ROLL CALL VOTE:** Yes: 4, Benner, Bossardet, Nichols, Bejma. No: 0.

107 Absent: 1, Bailey. Motion carried. Variance granted.

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109 **PUBLIC COMMENT:** None.

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

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113 **BOARD COMMENTS:** The ZBA is still seeking applications for an alternate member.

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115 **ADJOURNMENT:**

116 **MOTION:** by Nichols/Bossardet to adjourn at 8:05 p.m. All present voting in favor. Meeting  
117 adjourned.

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120 Respectfully submitted,

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123 Tere Onica

124 Recording Secretary

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