

DRAFT MINUTES
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ZBA Meeting
October 13, 2026

Routing ^{10/15/26}
Email
Web
Binder

PLEDGE OF ALLEGIANCE

Visitors: 12

REPORTS FROM REPRESENTATIVES

- Approved land division on lot on M179
- Approved funding for a non-motorized path study.

CONFLICT OF INTEREST

APPROVAL OF MINUTES:

**APPROVAL OF
MINUTES 12/09/2025**

INTRODUCTION OF JEFF CHANEY

- Introduction of new member, Jeff Chaney. He is serving as the second alternate member.

- **ZBA 26-08-01, Parcel ID 16-177-009-00; 1848 Edwin Dr., Wayland.** The property owner, Robert Hoffman, is appealing the decision of the Zoning Administrator regarding the location of an outbuilding, pursuant to Article XII of the township's zoning ordinance.

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- A permit was issued for an outbuilding at 1848 Edwin based on the site plan which showed the outbuilding located 20' setback from the rear lot line.
- Received complaints after the shed was built that it was too close to Archwood Ave.
- Mr. Shea's measurements determined that the shed was not located in compliance with the approved site plan which is a violation of zoning ordinance.
- ZBA is here to determine if ZA's decision was in error.

Motion by Heilman with support from Mawson to open public hearing 6:06 PM. All ayes.
MOTION CARRIED.

- Mr. Hoffman lives at 1847 Edwin, directly across from the lot in question (1848 Edwin). He is questioning which part of Article XII he is not in compliance with. Mr. Shea responded that his decision was based on Section 5.16 of the zoning ordinance which is non conformity with the site plan that was submitted. The setbacks are a different issue. The building location is in violation of the setback requirement as well.
- Mr. Hoffman is challenging the measurements reported by Mr. Shea. He measured 33' from the center of Archwood and states there is a 5' discrepancy.
- He states that the outbuilding is 10' from the lot line based on an existing survey stake. He did put 20' in his site plan because he was in error as to where the lot line was. It was not brought to his attention until 10 months later that there was an issue with the site plan. He states that he will resubmit a plan showing that he is in compliance with the 10' setback requirement.

Email from Sheri Wert (1786 Edwin Dr.) was read into the record. She states that she has no problem with the location of the outbuilding.

Linda Dawson (1945 Archwood Dr): Expressed concern that the barn obstructs visibility for traffic approaching the curve on Archwood Drive from the south. She requested that the township require the building to be moved farther back and noted that she filed a formal complaint.

Jerry Schwartz (1899 Archwood): Stated that, based on his understanding of the setback requirements, the barn may violate zoning regulations if Archwood Drive is considered the front of the property. The property owner may not have any idea what the setbacks are based on the form which he thinks needs to be updated. He also expressed safety concerns about the obstructed view around the curve and submitted a formal zoning violation complaint.

Rob Ezze (1833 Edwin Dr.): He built his home three years ago so he is very familiar with the requirements. He believes the barn meets setback requirements and does not present a safety concern. He noted that other buildings are closer to property lines and suggested submitting an updated site plan to demonstrate compliance. He also stated that the barn became visible after nearby trees were removed.

Don Dawson (1945 Archwood Dr): Questioned whether the barn complies with setback requirements and expressed concern about the obstruction created near a sharp curve on a narrow road. He referenced zoning provisions that he believes require a 25-foot setback from the right-of-way and stated that moving the barn back would improve visibility, particularly during summer.

Cheryl Ezze (1833 Edwin Dr.): Stated that she and her husband drove along Archwood Drive in both directions to evaluate the safety concern. She noted that trees had recently been removed from a nearby property, making the barn visible, but did not believe the barn obstructed drivers' views or posed a safety risk.

- Rob Hoffman states that the location of the barn is actually 10' from the back of my lot, and 33' from the center of Archwood. The building is outside of the 10' setback. The property address is 1848 Edwin Dr., not Archwood, so the front setbacks do not apply.

Kathy Hoffman (1848 Edwin Dr.): Acknowledged the safety concerns but believes vehicle speed is a greater factor and that roadside brush obstructs visibility more than the barn. She states that all brush, trees, and other potential obstructions along the road would also need to be removed if visibility is the primary concern.

Motion by Heilman with support from VanHouten to close the public hearing at 6:40 PM. All ayes. MOTION CARRIED.

Discussion by the Board members occurred. The Board is here to decide if the Zoning Administrator made an error in his decision. The Board inquired of Mr. Shea if the property owner can resubmit a new site plan. Mr. Shea said he would need to consult the township attorney.

Motion by VanHouten with support from Frigmanski to affirm the zoning administrator's decision that the building must be moved as per the site plan.

Amended motion:

Motion by VanHouten with support from Frigmanski that the zoning administrator's decision was correct and that the building was not built per the site plan. Roll Call Vote: Mawson: yes, Welch: yes, Heilman: yes, Frigmanski: yes, VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED.

- **ZBA 26-09-02, Parcel ID 16-019-300-00; 12515 W M-179 Hwy. Wayland.** The property owner, Ryan Winchel, requests a variance from the 50-foot rear setback requirement for the purpose of building a storage building, pursuant to Article XX of the township zoning ordinance.

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- Mr. Winchel owns the Gun Lake mini golf property which he has refurbished and would like to put up a storage building on the property.
- In the Chief Noonday overlay district there is an extra setback requirement when a commercial property abuts a residential property. This applies here because the property to the south is zoned residential single family.

**MOTION TO AFFIRM
DECISION OF ZONING
ADMINISTRATOR**

**ZBA 26-09-02
12515 W M-179
HWY., WAYLAND**

- Ordinance Section 3.16E2 requires Mr. Winchel to have either a 100' setback or a 50' setback if he puts up a 6' screening fence or a 10' berm which would also require shrubs and trees to be planted.
- He is asking for a 38' variance from the rear lot line. On the side, toward Archwood, there is a 25' setback requirement from the right of way and he's requesting a 10' variance from that so that he can locate his outbuilding in that corner of his property.

Motion by Heilman with support from Mawson to open public hearing 6:54 PM. All ayes.
MOTION CARRIED.

- Ryan Winchel states that he is here requesting a variance. If he adheres to the 100' setback on the rear property it would put the building in the middle of his parking lot. The property is surrounded by roads on three sides so the only option is to put it on the south side. To go to the 50' setback and build a fence or a berm still puts it in the parking lot.
- On the west side (Archwood) he wants to put it in line with the parking lot which requires the 10' variance.
- On the south side there is an existing chain link fence that runs along the lot line and he thinks lining it up there would be the best option from a visual standpoint.
- He has worked hard to improve the property and he feels putting the building according to the required setbacks would look awkward and would take away from parking. If the variance is given, he would not be putting up the fence or berm with the plantings.

An email from Kim Siebold (2081 Archwood) was read. She compliments Ryan on the improvements he has made to the property but states that she does not see the need for a 30 x 40 building. She is concerned that once the residential property is developed, a structure that size located close to the property line would have a noticeable impact on the area and may increase the potential for vandalism. The existing 50' setback requirement is important to maintain the character and appearance of the residential area. She asks that the board not allow any variance from the required setback.

An email was read from Beverly Haddad, owner of the property located at 1585 Archwood Dr. She states they are firmly opposed to the variance request and believes the full 100' setback is necessary to maintain appropriate separation between a commercial property and neighboring residential properties. Placing a large structure significantly closer than the required setback would have a substantial impact on her property so she is asking that the request be denied.

Bob Haddad (heir to the property at 1585 Archwood Dr. and POA for Beverly Haddad-Weaver): He states he is opposed to the building and requests that the variance be denied. Variances are designed for situations where the property cannot be utilized for its intended purpose without the variance. There are no issues with the property being used a miniature golf course. Adding the storage building creates the problem which is self-created. The existing building on the residential property was put up with the intention of someday building a home in front of it or on the two lots to the right. He is concerned that blocking the view from M179 will increase chances of vandalism and that there will be runoff from the proposed building onto their property. He requests that the Board uphold the zoning ordinance and deny the request.

Jerry Schwartz (1899 Archwood Dr.): He asks that consideration be given to what this property was before Mr. Winchel took it over. This new business creates another activity for residents and visitors and is a tremendous enhancement to the community. He disagrees with the problem that it will cause to the neighbor's building. That building was built many years ago and would not be conforming if built today.

- Mr. Winchel states there was a lot of vandalism to his property previously and he has added security cameras. The owners of the existing building had allowed him to use it for storage in the past and allowed use of their property for parking. He thought that the property owner would be happy with the proposed building.

Motion by Heilman with support from Frigmanski to close the public hearing at 7:10 PM. All ayes. MOTION CARRIED.

Discussion by the Board members occurred. They considered the practical difficulty test for each variance – the side setback and the rear setback. The board reviewed each of the five points.

1. *Is the alleged plight of the landowner due to unique circumstances of the property that do not generally apply to other properties in the area?* The property is unique due to being surrounded by roads on three sides. There are only 3 instances where commercial property abuts to RSF in the Chief Noonday corridor.
 2. *Would strict compliance with the ordinance unreasonably prevent the landowner from using his property for a permitted purpose or render conformity with such provisions unduly burdensome?* Regarding the side yard setback, no. Regarding the rear setback, Mr. VanHouten feels it should be treated as any other commercial lot with a 25' requirement because the property is unique.
 3. *Would the requested variance be significantly detrimental to adjacent property or the surrounding neighborhood?* Regarding the side yard, no. For the rear lot line, the owners of the residential property do feel that it would be detrimental, but it is a situation where it is one building backing up to another building. This could be different if a residence is built on the RSF property.
 4. *Would granting the variance result in substantial justice to the property owner and to neighboring property owners?* Regarding the road side setback, yes – that would not harm anything. On the back lot line, the same issue if a home is built on the residential property.
 5. *Is the situation self-created? Is the applicant seeking to build a structure that is too big for the parcel, or in a location that's fails to comply with the ordinance, rather than in a location that does comply?* Yes, it is self-created regarding both setbacks.
- Mr. Winchel states that the building could be used for additional uses other than storing tables and chairs.

Further discussion among board members took place.

Motion by Mawson to accept the variation of 25' on the west side and the south side as proposed. Motion dies for lack of support.

**MOTION TO DENY
VARIANCE ON SIDE
YARD SETBACK**

Motion by VanHouten with support from Heilman to deny the 12' variance from the 25' setback required on the west lot lane, based on he has room to abide by the setback; his building is permitted, he doesn't need the variance and nothing in 1 through 5 justifies it.
Roll Call Vote: VanHouten: yes, Heilman: yes, Frigmanski: yes, Welch: yes, Mawson: yes.

Yes: 5, No: 0. MOTION CARRIED.

Motion by VanHouten with support from Heilman to approve a variance on the 50' setback on the south boundary line to a 25' setback, based on there are 3 roads circling that property, and there are 3 commercial properties that surround that property. Discussion: Mr. Mawson states that strict compliance would prevent him from using the property for a permitted purpose. Mr. Frigmanski disagrees because it is self-created. Does the motion include the requirement of putting up a fence or a berm? If that is not included, the motion should be for a 75' variance.

Amended Motion:

Motion by VanHouten with support from Heilman to approve a variance from the 100' setback on the south boundary line to a 25' setback, based on:

- 1) ***Unique situation due to road on three sides – does not apply to other properties in the area.***
- 2) ***Strict compliance unreasonably prevents the property owner from using his land for a permitted purpose – if the 100' is required it would be an extremely small building if any.***
- 3) ***The south property is zoned RSF but is not used as a residence. The house would be behind the garage or utility building. Although there are people that oppose it, the properties on the east and west are zoned C2 and C3, and on the north it is zoned RA so I don't think there's any conflict there;***
- 4) ***Would granting this variance result in substantial justice? Yes, I think so. We have to administer the rules we have fairly. If we make him adhere to that just because of one line that butts up to a residential property that is just a pole building, that would be unreasonable***
- 5) ***Is the situation self-created? To a point, as he wants to build a building larger than could fit in there. I think we would be helping him to be within the 25' and 25' setbacks.***

Roll Call Vote: Mawson: yes, Welch: yes, Frigmanski: no, Heilman: yes, VanHouten: yes.

Yes: 4, No: 1. MOTION CARRIED.

- Such other business as may properly come before the Zoning Board of Appeals: None.

PUBLIC COMMENT:

Susan Gerke (1292 Manitou Lane): She came to the meeting to bring up the issue of the Flock cameras and the Flock camera contract that is up for renewal. Her request is for the contract not to be renewed as a plea for public safety.

Don Dawson (1945 Archwood Dr.): He is confused about the setback requirements. (The board explains that he can contact Mr. Shea at a future time for more information.) He does believe in Flock cameras. He was a law enforcement officer for 33 years and if there are

**MOTION TO APPROVE
VARIANCE ON SOUTH
BOUNDARY SETBACK**

PUBLIC COMMENT

restrictions put on officers on how they use it, it is a great tool. If you were a victim of a crime and that information was used to solve it, that might change your opinion.

Mr. VanHouten: The Veterans Day ceremony will be Saturday, November 7 at 11:00 AM at the fire station.

Mr. Welch: Regarding officer elections, that needs to be put on the agenda at the first meeting of next year.

ADJOURNMENT:

Motion by Heilman with support from VanHouten to adjourn at 7:42 PM. All ayes. MOTION CARRIED

Approved by: _____ Date: _____
Ron Heilman

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
October 14, 2026

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ADJOURNMENT