

**Wilber Township—Iosco County  
Planning Commission Meeting  
Public Hearing-Kubisiak Proposed Zoning Ordinance Amendment  
November 9, 2023  
7 PM  
Minutes**

**Call to Order:** Chairman Bob Golka called the meeting to order at 7:02 PM,

Roll was called. Also present were members Bob White, Deb Mioduch, and Evan St. Aubin; there is one vacancy on the commission. Zoning Administrator/Ordinance Enforcement Officer Ron Phillips and Assessor Jessica Landry, and 25 members of the public.

**New Business:**

The purpose of this Public Hearing is regarding a proposed amendment to the Wilber Township Zoning Ordinance, an application for same having been filed by residents Daniel & Lynn Kubisiak, allowing them to split their forty (40) acres in the Agricultural (AG) District into one thirty-eight (38) acre parcel (AG) , and one two (2) acre parcel (which currently includes a dwelling, which would be rezoned to Medium Density Residential (MD) with the **condition** that the latter parcel be used only as a single family dwelling.

Moved by St. Aubin, seconded by Mioduch to open the Public Hearing at 7:14. All ayes, motion carried.

The Public Hearing regarding the proposed amendment to the Wilber Township Zoning Ordinance initiate by Daniel and Lynn Kubisiak slowing them to split off two acres from their 40 acre parcel was opened at 7:02 pm , by Planning Commission Chair Bob Golka

There were 25 guests.

Mr. Golka asked if the Kubisiaks would like to make a statement. Mr. Kubisiak described how the situation arose thusly: In addition to the ‘main’ residence on the parcel/property at 2407 Wilber Road where he and his family live, there is a smaller residence where his mother, Helen Kubisiak, lived, 2403 Wilber Road.

The elder Mrs. Kubisiak has moved out of state, and the Kubisiaks want to split off two acres where the smaller residence is, and sell it. (NOTE: the current township zoning ordinance prohibits parcels smaller than ten acres in this zoning district (AG), which is also cited in the Wilber Township Master Plan).

The rezoning application asks for a conditional rezoning, stating that the small house would only be used as a single family residence.

**PUBLIC COMMENTS**

Of the 25 members of the public in attendance, six offered oral comments, while there were two written respondents:

**Oral Comments:**

Dana Atton, 752 Esmond Road: Why can’t you just sell the small house and ten acres?

Dennis Cholger, 2034 Sherman Road: Township residents fought to have a ten-acre minimum lot size when the Township Master plan was adopted, and again when it was incorporated into the zoning ordinance, because we want to keep Wilber Township a rural community.

Dan Kubisiak: Splitting off ten acres would interfere with what he's doing with the rest of the land, and he really doesn't want to lose ten acres. Also, no one is looking to convert the township into two acre parcels.

Dana Atton: Since, as the Kubisiaks' assert, that the original large house was built prior to 1900, it must be a centennial house/property. He then reiterated the previous statements about retaining the ruralness of the township.

Dennis Cholger 2034 Sherman Road: Responded that his property/family farm, 3355 Brooks Road, inherited from his late father Herbert Cholger) was recently recognized by the Michigan Historical Commission as being a Centennial Farm. The process for attaining this designation is long and arduous, with many aspects needing to be offered as proof, along with photographs, etc.

Sean Doran, 36 & 112 E. Davison Road: Described his prior experience with land division.

Danne Youngs, 2242 Wilber Road: recently split property and built a house on ten acres.

All Strickland, 2347 Wilber Road: Understands that the Kubisiaks' want to sell only two acres.

Dan Kubisiak: They *could* split the remaining 38 acres into 10-, 10-, and 18-acre parcels.

Dennis Cholger: This could set a precedent, since Larry Alda, 2974 Sherman Road, has a smaller house on his property that has been there for many years, could decide that he wanted to split two acres off of his property that contains this small house.

Larry Alda, 2974 Sherman Road: This action would create undesirable .....

Dana Atton: Retaining the 10 acre minimum size parcels is more desirable for the rural aspects of the township.

Two written comments were received relative to this issue:

Phil Babe, 115 Davison Road: Mr. Babe is against approving this change.

Rick & Nicole Barrick, 620 Curtis Road: Are in favor of the proposed amendment.

There being no further comments, it was moved by St. Aubin, seconded by Mioduch, to close the Public Hearing at 8:30.

Moved by St. Aubin, seconded by White, to move the question to disposition by approval of the proposed amendment. All ayes, motion carried. A roll call vote was conducted:

.	Aye	Nay	Absent: None, one vacancy
Evan St. Aubin	X		
Robert D. White		X	
Deb Mioduch		X	
Bob Golka		X	

The motion to approve the action is defeated.

The application for this conditional rezoning and the minutes of this hearing must now be submitted to the Iosco County Planning Commission for review and recommendation, which shall have thirty (30) days to review and respond to the proposed ordinance amendment. If it does not do so within thirty (30) days, the County will have waived its right to review and recommend. The Wilber Township Board of Trustees cannot commence final consideration of the proposed amendment until either comments from the County Planning Commission are received, or the thirty (30) day period has elapsed without receiving any of same.

Moved by St. Aubin, seconded by Mioduch, to adjourn at 7:30 PM. All ayes, motion carried; the meeting/public hearing is adjourned.

Respectfully submitted,

/s/

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Robert D. White, Secretary