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DATE: February 14, 2014
TO: Dexter Township Planning Commission
CC: File
FROM: Zach Michels, Director of Planning & Zoning
RE: Proposed Revisions to Article 4 of the Zoning Ordinance, Zoning Board of Appeals

MEMORANDUM

The Zoning Ordinance Review Group (Pizza Club) has been reviewing the Zoning Ordinance and preparing revisions to the document. Pizza Club feels there is value to reviewing the proposed revisions to the Zoning Board of Appeals Article of the Zoning Ordinance, Article 4, and adopting it without delay or waiting for the rest of the revised Zoning Ordinance because of the benefits it would provide to the community.

The proposed revisions are to the form, structure, and text of the Article. The intent is to make it easier to understand for individuals appearing before the Zoning Board of Appeals or considering taking an appeal to the Zoning Board of Appeals and easier for Zoning Board of Appeals and Township staff to administer.

The intent and purpose is elaborated on. (§4.05)

The membership is made more clear. (§4.10(B) and (C))

The jurisdiction section is made more clear and explicit. (§4.15) Please note that §4.05(H) has been discussed at length by Pizza Club. State law requires a zoning ordinance to explicitly state that appeals of special land uses and planned unit developments are permitted or else, by default, they are not permitted. Allowing for such an appeal by the Zoning Board of Appeals would allow an unsatisfied party the opportunity to appeal one of those decisions before having to go the courts, but it may create tension between the two bodies. Not permitting an appeal would move the process into the courts more quickly.



Each type of appeal that can go to the Zoning Board of Appeals, developmental-standard variance, appeal of decision, and interpretations are each given their own section. The intent is that an applicant could look at that section and have a better idea of what to expect. This does result in some redundancy, but it was felt that the extra pages would be worth the clarity that it provides applicants.

The variance section, §4.25, revises the decision criteria for granting variances, makes it clear that the burden of showing the criteria have been met lies with the applicant, makes it clear that variances run with the land, allows for the Zoning Board of Appeals to amend and extend variances (and provides criteria and limitations for doing so), and establishes that zoning permits and site plan approvals are necessary even if a variance is granted.

The appeals of decision section, §4.30, extends the deadline for appealing a decision from 10 days to 30 days, establishes decision criteria for appeals of decisions, makes it clear that the burden of showing the criteria have been met lies with the applicant, and gives a refund to the applicant if the decision is fully reversed.

The interpretation section, §4.35, outlines what types of interpretations the Zoning Board of Appeals may hear, outlines decision criteria for those interpretations, and gives a refund to the applicant if the interpretation is fully reversed.

The procedures section §4.40, clarifies Zoning Board of Appeals procedures and makes them consistent with Township practices. The rehearing, reapplication, and revocation process are defined or refined.

The highlighted text does not reflect revisions from the current Article 4. Consult with the Article 4 in your Zoning Ordinance if you want a direct comparison.

Please contact this office with any additional questions.

Zach Michels
Director of Planning & Zoning
Dexter Township