

DEXTER TOWNSHIP

6880 DEXTER PINCKNEY RD
DEXTER, MICHIGAN 48130

(734) 426-3767

Fax (734) 426-3833

E-mail dbolyard@twp-dexter.org

www.twp-dexter.org

Zoning Board of Appeals Meeting Minutes August 10, 2004

Present: Steve Burch, Chairman, David Millar, Secretary, James Cormier, William Gajewski, Pat Kelly.

The meeting was called to order at 7:35 p.m. by Chair Steve Burch

1)

04-14-400-018

TABLED

04-ZBA-581

Faith Lutheran Church

9575 North Territorial Road

Applicant requests relief from:

Section 22.04.A.16. To allow a 52.5 square foot sign (16 square foot permitted). Also to allow the sign to be 5'3" tall, where 4' is permitted.

And to recognize the following existing non-conformities:

All non-conformities were recognized in January of 2004.

To allow for the removal of a 63 square foot sign, and to construct a 52.5 square foot sign. Sign is requested to be 5'3" tall. A variance was granted in 1973 for the sign that exists today.

2)

04-06-461-011

04-ZBA 588

Charles Armstrong

8750 Beechwood Drive Gregory

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

Applicant requests relief from:

Section 18.23.A to allow 37.7' from Ridgmont to the overhang of the new construction.

Persons notified were read into the record and present were the applicants.

Discussion was held and a resolution was offered.

Notice of Appeal – Charles Armstrong (File No. 04-ZBA-588)

The following preamble and resolution were offered by Member Kelly and supported by Member Millar:

Whereas, on June 24, 2004, Charles Armstrong filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of a 19' 7" x 11' addition to the existing Single Family Home on property located at 8750 Beechwood, 04-06-461-011 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on August 10, 2004, was attended by the applicant, and application materials were reviewed and public comments, both oral and written, were entered into the record and,

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings are met and the record of the ZBA contains evidence supporting each conclusion and,

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family home use of the property will create a non-economic hardship due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, the corner, small, irregular shaped lot represent unique circumstances that do not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical conditions do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant and,

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

Whereas, in compliance with section 4.05.C.1.f, strict compliance with setbacks, would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome and,

Whereas, in compliance with section 4.05.C.1.g, the variances requested are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property. and,

Whereas, in compliance with section 4.05.C.1.h, the requested variances permit only the single family home, which is a principally permitted use in the Lakes Residential Zoning District and,

Be it therefore resolved that the following variances are approved:

From Section 18.23.A, a front yard setback of 37.7 feet from Beechwood to the existing home.

From Section 12.02.E.3.c, a East rear yard setback of 14 feet to existing home.

Be it also resolved that the following existing non-conformities are recognized:

Section 12.02.E.1, a lot area of .36 acres.

Section 12.01.E.2, 12.02.E.2, a lot width of 112.67 feet to Ridgemont.

Be it also resolved that the following conditions shall apply to the issuance of these variances:

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.

Burch - yea

Kelly - yea

Cormier – yea

Millar - yea

Gajewski - yea

3)

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

04-01-108-039

04-ZBA-589

Tamala Wonnacott

8600 Portage Lake Blvd.

Applicant requests relief from:

Section 9.10. To allow a 16' rear setback from property line to overhang of new construction.

Persons notified were read into the record and present was the applicant.

Questions and answers were exchanged and concerns of the Board were storm water management and the size of the addition.

A motion was made by Kelly, supported by Cormier to table this request to allow the applicant time to submit an appropriate plan for storm water run off, and plans to reduce the addition size.

Carried

4)

04-15-300-001

04-ZBA-590

Woods of Portage Lake (Carl Calfin)

Corner of Dexter-Pinckney/ McGregor

Applicant is appealing a decision of the Zoning Administrator deeming variances granted by the zoning board of appeals to have expired.

Discussion was held and the following resolution was offered

Woods of Portage Lake

A resolution to affirm the decision of the Dexter Township Zoning Administrator

Whereas, on December 12, 2000, pursuant to an appeal filed by Cal Calfin, for property located at Dexter-Pinckney Rd and McGregor Rd (Parcel ID 04-12-200-002), the Dexter Township Zoning Board of Appeals (ZBA) approved the following variances from the 1973 Dexter Township Zoning Ordinance (1973 ZO):

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

1. Section 4.30.E.1 to allow for less than the required minimum lot size of one acre.
2. Section 4.30.E.2 to allow for less than the required minimum lot width of 150 feet.
3. Section 4.30.E.3 to allow for more than the maximum floor area ration of 15 percent.
4. Section 5.15.G to allow for the use of “private” rather than “public” (dedicated to Washtenaw County Road Commission) streets within a site condominium.

and,

Whereas, in a letter dated June 16, 2004, the Dexter Township Zoning Administrator issued an interpretation and decision that the variances granted to Carl Calfin on December 12, 2000 were expired and no longer valid and,

Whereas, on July 1, 2004, pursuant to Section 4.05.A of the Dexter Township Zoning Ordinance, Carl Calfin, on behalf of Woods at Portage Lake, LLC, filed a Notice of Appeal requesting administrative review and reversal of this decision by the Zoning Administrator and,

Whereas, Section 12.07.A of the 1973 ZO provides for an expiration date of variances by stating that *“Each variance granted under the provisions of this ordinance shall become null and void unless . . . The construction authorized by such variance or permit has been commenced within 365 days after the granting of such variance and pursued diligently to completion. . .”*. and,

Whereas, Section 12.07.A of the 1973 ZO does not contain any provision for an extension of the 365-day authorization period and,

Whereas, no zoning permit required for construction authorized by the approved variances was issued prior to the December 13, 2001 expiration date and,

Whereas, it is acknowledged that, while operating under the provisions of the 1973 ZO, it had been the recent practice of the ZBA to grant extensions of the authorized time period of up to one year if requested by the applicant in writing and,

Whereas, the Township has no record of a request from the applicant for extension of the authorized time period and,

Whereas, the Dexter Township Planning Commission and Dexter Township Board reaffirmed their intention to limit the effective authorization period for approved variances to the same 365-day limit of the 1973 ZO by adoption of Section 4.06.E.2 of the 2003 Dexter Township Zoning Ordinance (2003 ZO) and,

Whereas, Section 4.06.E.2 of the 2003 ZO also specifically authorizes the granting of up to an additional authorization period of one year when requested in writing and approved by the ZBA, and,

Whereas, expiration of authorized periods for variances are both reasonable and necessary to provide for development that is considered and implemented under updated

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

Master Plans and Zoning Ordinances that are adopted by elected officials after public hearings and reflect the latest knowledge in land use planning techniques and most current local conditions and,

Whereas, a neighbor to the proposed site condominium project, Ms. Pamela Radcliffe, expressed concerns at the December 12, 2000 public hearing regarding the granted variances and,

Whereas, seven neighbors of the proposed condominium development were present at the August 10, 2004 public hearing, all voicing concerns about the project and this is a reflection of added resident interest over the last 3.5 years and,

Whereas, the final site plan submitted for Woods of Portage Lake does not conform with the ZBA conditions placed on the December 2000 variances due to the proposed development of land area required to remain “open space” for a marina access and,

Whereas, the 2003 ZO provides for a doubling of the minimum lot size from 1 to 2 acres for property zoned Rural Residential and it is unlikely that the same dimensional variances granted in December of 2000 would be granted under the provisions of the 2003 ZO, and,

Whereas, the 2003 ZO provides a new option for residential development under provisions of Article 17, Open Space Communities (OSC) Overlay District property and,

Whereas, the proposed Woods of Portage Lake site condominium could be considered for approval under Article 17 of the 2003 ZO without the need for the variances requested under the 1973 ZO and,

Whereas, Section 11.08 of the 1973 ZO provides a definition of “construction” as follows: *“Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation . . . such excavation . . . shall be deemed to be actual construction, provided that work shall be carried on diligently.”* and, using this definition, no actual construction on the site occurred and,

Whereas, the applicant has employed engineers, consultants and legal counsel experienced in the application of municipal zoning ordinances, Dexter Township ordinances in particular, it is not expected that these representatives of the applicant would rely solely on verbal advice from Township staff and/or consultants,

Be it therefore resolved, that the Dexter Township Zoning Board of Appeals affirms the decision of the Dexter Township Zoning Administrator that the zoning variances granted for Cal Calfin on December 12, 2000 have expired and are no longer valid.

5)
04-18-430-004
04-ZBA-591
Matthew and Michelle Doan

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

13700 Rustic Drive

Applicant requests relief from:

Section 18.23.A. to allow 23.1' from SE corner of garage to Rustic Drive.

Section 9.10 to allow 28' from rear of new home to property line. (30' required) currently 28'.

Section 9.10 to allow 30' from easement on South side, to new garage. (50 required)

To allow for the destruction of the existing home and to construct a new two story single family home with walkout basement, and attached garage.

Persons notified were read into the record and present was the applicant.

Questions and answers were exchanged and concerns of the Board were:

3 car garage not reasonable

Storm water management calculations

After discussion a resolution was offered

Notice of Appeal –Matt and Michelle Doan (File No. 04-ZBA-591)

The following preamble and resolution were offered by Member Gajewski and supported by Member Millar:

Whereas, on July 15, 2004, Matt and Michelle Doan filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the destruction of the existing single family home and construction of a new 2 story single family home with a walk out and attached 2 car garage. work to be completed on property located at 13700 Rustic Drive, 04-18-430-004 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on August 10, 2004 , was attended by the applicant, and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings are met and the record of the ZBA contains evidence supporting each conclusion and,

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family home use of the property will create a non-economic practical difficulty due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, the irregular shape of the lot, steep topography and layout of easements represent unique circumstances and physical conditions that do not generally apply to other property in the lakes residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the hardships, do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.e, the variance(s) will be in harmony with the general purpose and intent of the Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district and,

Whereas, in compliance with section 4.05.C.1.f, strict compliance with setbacks, would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome and,

Whereas, in compliance with section 4.05.C.1.g, the variance(s) requested is the minimum amount necessary to overcome the inequality inherent in the applicant's particular property. and,

Whereas, in compliance with section 4.05.C.1.h, the requested variance permit only a single family homes, which is a principally permitted use in the lakes residential zoning district and,

Be it therefore resolved that the following variances are approved:

Section 18.23.A, a front yard setback of 17.25 feet from the southwest corner of the garage to the property line.

Section 12.02.E.3.c.a. North rear yard setback of 28.1' to new construction.

Be it also resolved that the following existing non-conformities are recognized:

12.02.E.1, a lot area of 1 acre.

Section 12.02.E.2, a lot width of 150 feet.

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

Be it also resolved that the following conditions shall apply to the issuance of these variances:

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.

Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of storm water management.

Prior to the issuance of a final certificate of zoning compliance storm water management techniques shall handle a 1 inch rain event. Therefore, 4 rain gardens shall be provided with a minimum total area of 519 square feet. However, a combination of rain gardens or envirochambers or their equivalent may be used. The bottom of the chamber area shall be a minimum of 2 feet above the water table. The exact requirements can be field adjusted with approval by the Zoning Administrator or the Township Engineer.

Burch – yea, Cormier – nay, Gajewski- yea, Kelly- yea, Millar – yea

Resolution adopted

APPROVAL OF MINUTES –

May 11, 2004 – Motion by Kelly, supported by Gajewski to approve minutes as amended. Carried

June 8, 2004 – Motion by Cormier, supported by Kelly to approve minutes as amended. Carried

July 13, 2004 – Motion by Cormier, supported by Gajewski to approve minutes as amended. Carried

The meeting was adjourned at 12: 20 a.m.

Respectfully submitted,

**Dexter Township
Zoning Board of Appeals
Meeting Minutes**

DeNette Bolyard,
Recording Secretary

David Millar,
Secretary