

# DEXTER TOWNSHIP

6880 DEXTER PINCKNEY RD  
DEXTER, MICHIGAN 48130

(734) 426-3767

Fax (734) 426-3833

E-mail [dbolyard@twp-dexter.org](mailto:dbolyard@twp-dexter.org)

[www.twp-dexter.org](http://www.twp-dexter.org)

## Zoning Board of Appeals Meeting Minutes June 8, 2004

Present: James Cormier, Acting Chairman, David Millar, Secretary, William Gajewski, Pat Kelly

Absent: Steve Burch, Chairman

Kelly made a motion, supported by Gajewski to nominate James Cormier as Acting Chairman. Carried

The meeting was called to order at 7:35 p.m. by Acting Chair James Cormier.

**04-01-106-019**

**04-ZBA-575**

**Robert Reed**

**9957 Algonquin**

Applicant is requesting a boundary line adjustment, with his neighbor to the South. (Applicant.) Mr. Reed presently owns 18,035 square feet of property. (Mr. Reed received a variance in June of 1992 to demolish his house and to rebuild.) Mr. Reed would like to sell 1313 S.F. of property to Mr. Paas. This would allow Mr. Paas more room to demolish his existing home and to rebuild a new house (at a later date) with greater side yard set backs. Current setbacks are 2.3' with parcel number 04-01-106-017. The two houses are currently six feet apart. In order to do this applicant needs the following.

Motion by Kelly, support by Gajewski to table the Reed's variance request until the July 2004 meeting.

Carried

2)

**04-23-105-005**

**04-ZBA-580**

**Thomas/Teresa Moore**

**6470 Meadow Ridge Court**

Applicant requests relief from:

Section 18.23.A to allow a 130' setback on the front yard, rather than the required 150'; (currently 150')

To allow for the construction of an 18' x 43' deck with stairs coming down. Deck to be built above the basement, at the first floor level.

**Notice of Appeal – Thomas and Teresa Moore (File No. 04-ZBA-580)**

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

**Whereas**, on April 28, 2004, Thomas and Teresa Moore filed a Notice of Appeal requesting a variance from specific site development requirements of the Dexter Township Zoning Ordinance to permit a variance from section 18.23.A. front yard set back of 130' rather than the required 150' from Dexter Pinckney Rd. in order to construct a 18' x 43' deck with stairs on property located at 6470 Meadow Ridge Ct. Dexter 04-23-105-005 and,

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on June 8, 2004, was attended by the applicant, and members of the public and application materials were reviewed and public comments, 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 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 Rural Residential 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 existing house having been built too close to the road represent unique circumstances that do not generally apply to other property in the Rural Residential that will not be recurrent in nature and,

**Whereas**, in compliance with section 4.05.C.1.h, the requested variance permit allows only dimensional variance, which is a principally permitted use in the Rural Residential

**Be it therefore resolved** that the following variance(s) are approved:

From Section 18.23.A, a front yard setback of 130' feet from Dexter Pinckney Rd to deck stairs.

**Be it also resolved** that the following conditions shall apply to the issuance of this/these variance(s):

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 prior to the issuance of a final certificate of zoning compliance.

Dexter Township  
Zoning Board of Appeals  
Meeting Minutes  
June 8, 2004  
Page 3

Burch- Absent; Cormier – yea; Gajewski – yea; Kelly – yea; Millar- yea

Resolution adopted

3)

**04-14-400-018**

**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.

Numerous questions were raised regarding the proposed sign and the wattage of lighting.

Motion by Millar, supported by Gajewski to table this request to allow the applicant to find out more information regarding the lighting. Carried

4)

**04-02-400-033**

**04-ZBA-582**

**Christopher Pugh**

**9371 Dexter-Pinckney**

Applicant requests relief from:

Section 18.23.A. to allow a 12.3' setback from easement to existing home, over, which a second story, will be built.

Section 18.23.B to allow 24.5' from new deck to waters edge. (Existing deck to be torn out.)

Section 9.10 to allow a 7' setback from the rear property line to the new deck.

To allow for the construction of a 24'x26' second story addition. Also for the removal of an existing deck, and a new 8' x 52' and 8' x29' wrap around deck to be constructed.

**Notice of Appeal – Christopher Pugh - (File No. 04-ZBA-582)**

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

**Whereas**, on May 17, 2004, Christopher Pugh, as a representative of Wabash Properties, L.L.C., filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit construction of a 24' x 26' second story addition, removal of an existing deck and construction of an 8' x 52' and 8' x 29' (wrap-around) decks on property located at 9371 Dexter-Pinckney Road, Parcel I.D. 04-02-400-003 and,

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on June 8, 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,

**Whereas**, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family residential use of the property will create a 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 small, narrow lot with multiple waterside and front set-back requirements represent unique circumstances and physical condition 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 and circumstances do not result from any action of the applicant and,

**Whereas**, in compliance with section 4.05.C.1.d, the requested variances will apply only to property under the control of the applicant and,

**Whereas**, in compliance with section 4.05.C.1.e, the variances will be in harmony with the general purpose and intent of the Ordinance by reducing the total of impervious surfaces and including a storm water management plan 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 due to the preexisting condition 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, granting of the requested variances do not permit the establishment, within the, any use that is not a permitted principal use and,

**Whereas**, in compliance with section 4.05.C.1.h, the requested variances permit only a single family residential use which is a principally permitted use in the Lakes Residential district ,

**Be it therefore resolved** that the following variance(s) are approved:

From Section 18.23.A, a front yard setback of 12.3 feet from the north side private easement to existing garage.

From Section 18.23.B, a south-side waterside yard setback of 7 feet from Little Portage Lake to existing garage.

From Section 18.23.B, a west-side waterside yard setback of 24.5 feet from Little Portage Lake to the new deck.

**Be it also resolved** that the following existing non-conformity is recognized:

Section 12.02.E.1, a lot area of .22 acres.

**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.  
Total storm-water storage shall be at least 195 cubic feet, not including aggregate, to provide for a one-inch rain event pursuant to Section 24.03.C.  
Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of evaluation and inspection of the storm-water run off plan per Section 24.03.C prior to the issuance of a final certificate of zoning compliance.  
A performance guarantee, per Section 3.05, to provide for the removal of the existing east-side shed and the aluminum roof over the existing west-side deck.  
The new deck shall not extend past the existing west-side deck footprint.  
No additional paved areas shall be added.  
To allow for construction of steps to provide access to the west side garage door. Steps shall be of wood construction and the minimum required per building code standards.

**Burch:** Absent   **Cormier** Yea   **Gajewski** Yea   **Kelly** Yea   **Millar** Yea

5)  
**04-18-100-015**  
**04-ZBA-583**  
**Allyn/ Mary Seitz**  
**7473 Noahs Landing**

Applicant requests relief from:  
Section 18.23.A to allow 33' from new home to Noahs Landing.  
Section 18.23.B to allow 31' from the waters edge to steps of new deck.  
Section 9.10 to allow 5'4" on the North side of new home, and to allow 4'4" on the South side from deck to side property line.( 13' required.)

**Notice of Appeal – Allyn M Seitz (File No. 04-ZBA-583)**

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

**Whereas**, on May 17,2004, Allyn Seitz filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit demolishing existing dwelling and construct new dwelling on property located at 7473 Noah's Landing, 04-18-100-015 and,

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on June 8, 2004 was attended by the applicant, and members of the public and application materials were reviewed and public comments, 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 practical difficulty 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, a small, narrow lot with steep slopes represent unique 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 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,

**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/are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property and,

**Be it therefore resolved** that the following variances are approved:

From Section 18.23.A, a front yard setback of 33' from Noah's Landing to the proposed garage.

From Section 18.23.B, a waterside yard setback of 31' from North Lake to the steps of the proposed deck.

**Lakes Residential Zoning:**

From Section 12.02.E.3.b, a south side yard setback of 7' to side of house.

From Section 12.02.E.3.b, a north side yard setback of 5.8' to side of house

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

Section 12.02.E.1, a lot area of .12 acres.

Section 12.02.E.2, a lot width of 77.5'.

**Be it also resolved** that the following conditions shall apply to the issuance of this/these variance(s):

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 inspecting storm water run off plan as submitted. Existing two

Dexter Township  
Zoning Board of Appeals  
Meeting Minutes  
June 8, 2004  
Page 7

sheds will be demolished. 600 square feet maximum paved driveway. Prior to the issuance of a final certificate of zoning compliance.

Burch – absent, Cormier, - yes, Gajewski- yes, Kelly-yes Millar- yes

Resolution Carried

A request from Mr. Raab was received to extend his variance. A motion was made by Kelly, supported by Gajewski to allow a six month extension. Carried

Minutes of March 9, 2004 were read and a motion was made by Millar supported by Kelly to approve as submitted. Carried

Meeting adjourned at 11:28 p.m.

Respectfully submitted,

DeNette Bolyard, Recording Secretary

David Millar, Secretary