



# Dexter Township

## Zoning Board of Appeals

6880 Dexter-Pinckney Road  
Dexter, MI 48130

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Steve Burch,  
Chair  
James Cormier,  
Vice Chair  
Pat Kelly,  
Secretary  
Hank Byma  
Bill Gajewski  
Dave Millar, Alt.  
Wendell Wagner, Alt.  
DeNette Bolyard,  
Recording Secretary

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

#### Tuesday, November 14, 2006 7:00 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, Jim Cormier, and William Gajewski

Members absent: Hank Byma

Also present: Patrick Sloan, Director of Planning and Zoning and DeNette Bolyard, Office Manager-Recording Secretary.

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7:08 p.m.
- II. Pledge of Allegiance:** Chair Burch led the Pledge of Allegiance to the Flag
- III. Approval of Agenda:** There was a motion by Kelly, support by Gajewski to approve the agenda as submitted. Carried
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

1)

<b>Appeal Number:</b>	06-ZBA-641
<b>Property Tax ID:</b>	04-18-133-002
<b>Applicant Name(s):</b>	Marc Toth
<b>Property Address:</b>	13741 North Lake Road

<b>Variances Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
12.02.E.1	.107 acres	.107 acres	1 acre	Recognize lot area is less than 1 acre.
12.02.E.2	51 feet	51 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a	Approx. 2 feet (road side)	Approx. 2 feet (road side)	50 feet	Recognize current front yard setback on the road side is less than 50 feet.
12.02.E.3.a	28 feet (water side)	14 feet (water side)	50 feet	To allow further encroachment into the required front yard setback on the water side.
12.02.E.3.b	Approx 2' (east); Approx 15' (west)	Approx 2' (east); Approx 15' (west)	5 feet	Recognize current side yard setback is less than 5 feet.

The purpose of this variance request is to allow for the construction of an attached, uncovered deck on the south (water) side of the existing single family home at 13741 North Lake Road, Gregory, MI 48137 (parcel 04-18-133-002). The parcel currently contains a two-story single family home. There is no on-site garage or driveway. The proposed deck, including the landing and stairs, is as wide as the structure (24 feet) and extends 14 feet south of the

structure at its farthest point. According to the plot plan, the distance between the proposed deck and the water would be 14 feet. Please see the plot plan and deck sketch for more details.

Patrick Sloan, Director of Planning and Zoning gave a brief history of the additional information requested by the ZBA to the public.

Marc Toth, applicant wished to submit a letter to the Board written by a neighbor regarding removing of the steps. He also commented on the large size of the deck two doors down and why wouldn't the board approve one for him that was even smaller.

Sloan stated that he had researched the deck two doors down and it had been constructed in 1980. It was then considered a legally non conforming structure. In 2004 it was rebuilt.

Board Member Gajewski explained what the definition of greenspace was and why it is needed to protect water quality.

Board Member Kelly still has concerns with the size of the deck being requested.

Board Member Cormier said that a stormwater management plan still needed to be submitted by the applicant.

Gajewski stated that as the Zoning Administrator pointed out the stormwater management plan should handle a 1" rain event. Many options are available to accomplish this requirement.

Comments were open to the public - None

Kelly made a motion to table this variance request to allow the applicant time to comply with the stormwater management plan requirements to mitigate a 1" rain event. Gajewski supported the motion with options of how to accomplish a approved stormwater management plan.

Burch asked the Board if they were satisfied with the size of the deck being proposed.

Kelly – No would like to see a 4' landing with steps going down.

Cormier – Would be more comfortable if it was reduced in size by 9' x 20'.

Kelly then made a motion to table this variance request to allow applicant to obtain a stormwater management plan and reduce the size of the deck not to exceed 9' in width. Supported by Cormier. Carried

2)

<b>Appeal Number:</b>	06-ZBA-644
<b>Property Tax ID:</b>	04-02-400-023
<b>Applicant Name(s):</b>	Charles Sessink (builder)/ Terry & Ellen Walter (owners)
<b>Property Address:</b>	9451 Dexter-Pinckney Road

<b>Variations Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
12.02.E.1	.29 acres	.29 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	70 feet	70 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (home)	86' (road); 8' (water)	50' (road); 8' (water)	200' (road); 50' (water)	To allow the proposed structure to encroach further into the front yard setback on the road side.
12.02.E.3.a (garage)	15' (road)	15' (road)	200' (road)	Recognize current garage is within the front yard setback on the road side.
12.02.E.3.b (home)	2' (southeast)	4' (southeast)	5'	To allow a nonconforming setback to be changed to a lesser nonconforming setback.

12.02.E.4	24.12%	29.62%	25%	To allow for a higher, nonconforming lot coverage.
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The purpose of this variance application is to build an addition and extend the carport on the front (northeast) side of the single family home at 9451 Dexter-Pinckney Road, Pinckney, MI 48169 (parcel 04-02-400-023). Specifically, the applicants propose to remove the existing 14' x 18' carport, and add a 15' x 26' addition and 20' x 26' carport on the front (road) side of the home.

Persons noticed were read aloud to the public by Chair Burch.

Patrick Sloan explained the variance requested to the public.

It was noted that there is a discrepancy in the side yard set back being requested. Also the site plan states the lot coverage would be 23. ? % the application states 29.62%.

Kelly stated that the application does not demonstrate any kind of practical difficulty, nor is it minimum for reasonable use.

Cormier is concerned with 29.62% requested lot coverage.

Gajewski stated that the house sits on a filled cattail filled wetland. The water table is very high making a stormwater management plan difficult.

Kelly made a motion to table this request to allow the applicant to revise the site plan, lower the lot coverage percentage, and to submit an acceptable stormwater management plan. Motion supported by Cormier. Kelly then amended her motion to state that the applicant must submit revisions within 6 months. Supported by Cormier. Carried.

3)

<b>Appeal Number:</b>	06-ZBA-645
<b>Property Tax ID:</b>	04-14-400-001
<b>Applicant Name(s):</b>	T-Mobile (applicant) c/o Ellen Tencer
<b>Property Address:</b>	9500 North Territorial Road

<b>Variations Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
16.24.A.2	N/A	Less than the minimum amount of clear radius	Enough clear radius to contain tower if it collapses	To allow a variance from the requirements of Section 16.24.A.2

The purpose of this variance application is to build a 195-foot cellular telephone tower on the northern part of the site at 9500 North Territorial Road, Dexter, MI 48130 (parcel 04-14-400-001). The Dexter Animal Clinic is located on the southern part of this parcel.

Patrick Sloan explained the variance requested to the public.

Persons noticed were read into the record by Chair Burch.

Burch pointed out to the public that should they be present to complain about the tower they should wait and address their concerns to the Planning Commission if and when the application is addressed at that level.

Linda Rooney representative for T Mobile was present and addressed the Board. She stated that a cell tower has never fallen and brought pictures of towers that survived hurricane Katrina.

Burch stated that he is not comfortable approving the variance request. He feels that just because a tower has never fallen doesn't mean it cannot happen.  
Cormier agrees with Burch's statement.

Kelly – There are other places in the township which would be more accommodating. Also the applicant is required to show a practical difficulty. Cannot imagine approving this request.

Gajewski – The public survey results stated the people wanted to preserve and protect the rural character of the township. Feels that 200' fall radius is a safety issue and is not willing to compromise safety.

Public Comment:

Jason Jones – 7191 Mountain Ridge - Had a couple of concerns. Stated that UofM had to divert traffic away from tower on their property due to ice falling, people going back to cross country skiing would be within the fall zone.

Jim Kosteva – UM- 503 Thompson, Ann Arbor- Concurred with the comments made by the ZBA concerning safety issues.

Betsy Emrich – Submitted handout containing information regarding the safety fall zone of a tower. States that the fall zone should be 2-5 times what the height is.

Neil Jackson – 7227 Mountain Ridge – Agrees that tower would probably never fall, however, the twin towers were designed to never fall either.

Tom Wilson – 7184 Mountain Ridge - Does not fit in with the character of the township.

T-Mobile Representative – Linda Rooney - Requested that the Board table this matter to allow them enough time to review materials submitted to them this evening.

Kelly stated that her opinion would not change and that she could not imagine ever approving this request. However, was in favor of tabling to review additional information.

Gajewski – Stated that there is no practical difficulty regarding this variance request.

Cormier – Probably would not change his mind.

Kelly – Still would be willing to review information and allow tabling in order to do so.

Burch – Concurred with above comments.

George Latimer – U-M Observatory - Stated that once the tower was constructed that there was nothing from preventing it from expanding.

Alina Makin – 7200 Mountain Ridge – What additional information would the board require in order to change its mind.

Kelly made a motion to table to the January 9, 2007 meeting. Applicant is to submit any new information no later than December 15, 2006. This would allow the ZBA time to review the additional information and allow the applicant to demonstrate a practical difficulty. Cormier supported. Carried.

4)

<b>Appeal Number:</b>	06-ZBA-646
<b>Property Tax ID:</b>	04-29-300-004
<b>Applicant Name(s):</b>	Wilburn Ramsey (owner)/Frank Grohnert (applicant)
<b>Property Address:</b>	12999 Island Lake Road

	Required by Zoning Ordinance (18.18.D)	Proposed for Parcel A	Proposed for Parcel B
Maximum Lot Coverage for Accessory Structures	*1,000 sq. ft. for parcels between 5-10 acres. *2,000 sq. ft. for parcels 10 acres or more.	<b>Approximately 5,000 sq. ft.</b>	n/a. Parcel is vacant.

The purpose of this application is to appeal a condition on the approved land division of the parcel at 12999 Island Lake Road (Parcel 04-29-300-004). This parcel was divided into two (2) parcels, and the surveyed plot plan refers to them as "Parcel A" and "Parcel B." The residual parcel (Parcel A) contains a single family home with a detached outbuilding. The area of the entire outbuilding is approximately 5,000 square feet. Section 18.18.D.1 (Lot Coverage) of the Dexter Township Zoning Ordinance prohibits the construction of any accessory structure exceeding 2,000 square feet on a parcel of ten (10) acres or more. This accessory structure is more than 2,000 square feet and the original parcel was 10.1 acres before the division. The applicant believes that this outbuilding was constructed in 1977, which would have been approved under the previous Zoning Ordinance. Because Parcel A is now 5.1 acres, the maximum allowable area of any accessory structure to be constructed on it is 1,000 square feet. Therefore, the decrease in lot area increases the nonconformity of this structure.

Patrick Sloan explained the variance requested to the public.

Persons noticed were read into the record by Chair Burch.

Cormier asked the applicant if the property was co-owned. Applicant stated that yes his brother used to live there.

Gajewski asked if any one else lives there now ? Applicant stated no.

Kelly asked the applicant if he could remove any of the structures to make it less non conforming ? Applicant stated that it would be difficult to remove any of the structures.

Gajewski made a motion to approve variance as requested. Reason for approval is that there are much larger outbuildings that exist in the township, the structures were pre-existing, and structures are well screened. Kelly supported the motion.

Gajewski – yes  
Kelly – yes  
Cormier – no  
Burch – yes

Motion Carried – Variance approved

**VI. Public Comment:** None

**VII. Concerns of Board Members, Zoning Administrator, Recording Secretary**

Kelly distributed a informational handout regarding "Variance Madness". This will be placed on the next agenda for discussion by the Board.

**VIII. Approval of Meeting Minutes**

Minutes of September 12, 2006 meeting - Motion by Kelly, supported by Cormier to table the review of the minutes to the next ZBA meeting. Carried.

Minutes of the October 10, 2006 meeting - Patrick Sloan explained the variance requested to the public. Motion by Gajewski, support by Cormier to approve the minutes as amended. Carried.

**IX. Adjournment**

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:35p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary