



Dexter Township

Zoning Board of Appeals

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

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, January 9, 2007 7:00 PM

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

Members absent: None

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 7:05 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 Byma, supported by Kelly to approve the agenda as submitted. Carried.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**
 - 1) Election of Officers:**

Motion by: Byma, supported by Cormier to re-elect Kelly as Secretary. Carried 4-0

Motion by: Byma, supported by Kelly to re-elect Cormier as Vice Chairman. Carried 4-0

Motion by: Byma, supported by Kelly to re-elect Burch as Chairman. Carried 4-0

(Member Gajewski arrived at 7:15 p.m.)

2) Appeals:

Item Number	1
Appeal Number:	06-ZBA-650
Property Tax ID:	04-13-100-021
Applicant Name(s):	John & Jane Kelly (Owners)/ Susan Bryan (Landscape Architect)
Property Address:	9449 Huron River Drive
Appeals Requested Per Submitted ZBA Application:	
Section	Description/Notes
4.06.A.2	Administrative Review of Zoning Administrator decision to deny Home Occupation Permit
4.06.A.2	Administrative Review of Zoning Administrator interpretation of on-site operation as "landscape nursery operation."

Purpose of Variance Request:

In accordance with Section 4.06.A.2, the purpose is to appeal two decisions of the Director of Planning and Zoning. The first decision was to deny the applicant a home occupation permit, the second was to classify the current use of the property as a "landscape nursery operation".

Patrick Sloan, Director of Planning and Zoning, addressed the Board and gave a brief history of application.

Per discussion at the December ZBA meeting, Sloan questioned the Township Attorney as to whether or not the Planning Commission had the authority to waive any of the requirements of site plan review per Section 6.03.B of the Zoning Ordinance. Sloan stated that Mr. Flintoft opined that the Planning Commission cannot waive requirements of site plan review. However, the ZBA does have the authority to waive site plan review requirements, if all the standards of review, per Section 4.05.C are met. Mr. Flintoft's opinion was that the ZBA would have difficulty meeting the "practical difficulty" standard to grant such a variance. Mr. Sloan stated that the applicant was informed of the attorney's opinion.

John Kelly asked the Board if there was any body in the township that had the authority to grant relief from fees and standards. It was explained that yes, the Township Board had the authority to do so.

Kelly stated that variances are intended to grant relief only in specific circumstances when the applicant could demonstrate that the relief requested was tied to a practical difficulty with the property or land involved in the request. In rare circumstances, this would allow for relief from 6.03.B, but probably not in this case. Burch and Gajewski agreed.

Byma challenged whether or not the use is a landscape nursery operation.

Sloan stated he felt that Mr. Kelly should go through the procedure of applying and let the Planning Commission make the determination regarding the site plan.

Following further discussion a motion was made by Kelly, supported by Byma to:

- Affirm the decisions of the Director of Planning and Zoning to deny the applicant's Home Occupation Permit and to class the usage of the applicant's property as a "Landscape Nursery Operation".
- Tentatively approve variances from section 6.03.B (per Byma, Planning Commission representative, discussion) to allow the Township Attorney and Staff to draft a resolution to be presented and voted upon at the February 13, 2007 meeting. Carried 5-0.

3) Discussion of By-Laws:

Examples of By-Laws were distributed at a previous meeting. Changes were discussed. To be revised and brought back to a future meeting for discussion.

(Member Cormier left at 8:45 p.m.)

4) Discussion MTA article "Variance Madness":

There was brief discussion on the article. It was noted that the Board members had received and read the article.

VI. Public Comment: None.

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

Patrick Sloan, Director of Planning and Zoning distributed a memo requesting the Board to interpret what is considered a "Change in Profile".

After discussion a motion was made by Byma, supported by Gajewski to concur with Mr. Sloan's interpretation of "Change in Profile" as outlined in his January 9, 2007 memo on the subject and, further, to include bay windows and other structures in the category of "minor or decorative structures" as long as they do not protrude outside the current overhang, or the existing roofline. Carried 4-0.

VIII. Approval of Meeting Minutes

Motion by Kelly supported by Gajewski to approve the November 14, 2006 with a change in formatting. Carried.

IX. Adjournment

Motion by Kelly, supported by Byma to adjourn the meeting at 9:40p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary