



Dexter Township

Zoning Board of Appeals

6880 Dexter-Pinckney Road
Dexter, MI 48130

Telephone: 734-426-3767
Fax: 734-426-3833

www.twp-dexter.org

Steve Burch,
Chair
James Cormier,
Vice Chair
Pat Kelly,
Secretary

Bill Gajewski
Paul Godek, Alt.

DeNette Bolyard,
Recording Secretary

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, July 10, 2007 7:00 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, Bill Gajewski, Jim Cormier, Paul Godek, Alternate

Absent: Patrick Sloan, Director of Planning and Zoning

Also present: DeNette Bolyard, Office Manager-Recording Secretary.

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7:04 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, supported by Kelly, supported by Gajewski to approve the agenda as submitted. Carried.
- IV. Approval of Meeting Minutes**
June 12, 2007 Motion by Kelly, supported by Gajewski to table the minutes to the next meeting to allow for a correction to be made.
- V. Public Comment- Non Agenda Items:** Wayne Castledine, Anne Drive, questioned when the lot coverage changes were going to take place within the zoning ordinance. Kelly replied that it was still currently at the Board level.
- VI. Action Items:**

Agenda Item #	1
Appeal Number:	07-ZBA-664
Property Tax ID:	04-02-402-007
Applicant Name(s):	Rick & Samantha Brandt
Property Address:	9639 Winston Road

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.3.a (2 nd story home/roof)	Approx. 42 ft.	Approx. 12 ft.	50 feet	To increase the front yard setback nonconformity by extending the second story to match the first story elevation on the east side.

The purpose of this variance application is to renovate the existing single family home.

Persons notified were not read into the record due to the length. They are on file in the township office.

Concerns of the Board were:

Gajewski - Having difficulty trying to determine what the practical difficulty is. Changing the profile and creating a box will have an effect on neighbors and value of properties.
Godek agreed with Gajewski

Kelly looked at the homes immediately surrounding this home and the other homes are smaller than this one being requested. On the positive side, this does not increase lot coverage. Also noted that only one side have eave troughs, would like to see the garage have them as well.

Burch stated that he had concerns with the proposed storm water management plan. Is about 20% of the size it should be.

Applicant stated that she will contract with the appropriate company to have them design the plans for a storm water management plan if request is approved.

Michael Truax – Scio Township
Aesthetics is relative to an individual persons view point.

Gajewski explained the calculation for mitigating a 1” rain event and how it can be controlled.

Cormier arrived at 7:55 p.m.

After discussion a motion was made by Kelly, supported by Godek to approve the requested variance as follows:

<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.02.E.1	.11 acres	.11 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	45 feet	45 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (1 st story home/roof)	Approx. 12 ft.	Approx. 12 ft.	50 feet	Recognize that the front yard setback to the 1 st story is less than 50 ft.
12.02.E.3.a (2 nd story home/roof)	Approx. 42 ft.	Approx. 12 ft.	50 feet	To increase the front yard setback nonconformity by extending the second story to match the first story elevation on the east side.
12.02.E.3.b (Shed)	1.5 feet	1.5 feet	5 feet	Recognize current side yard setback nonconformity. No change is proposed.
12.02.E.4	32.08%	32.08%	25%	Recognize lot coverage is more than 25%. No change is proposed.
18.18.B	Approx. 5 ft.	Approx. 5 ft.	10 feet	Recognize shed is less than 10 feet from the house.

Also to place the shed in a conforming set back within the yard. 5’ side yard and a 30’ rear set back. The exact lot coverage to be calculated after a 10’ x 15’ shed is constructed. Applicant to submit a stormwater management plan to handle a 1” rain even to be approved by the Director of Planning and Zoning. Lot coverage not to exceed the existing 32.08%. If unable to obtain a conforming set back (to be determined by Director of Planning and Zoning) applicant can come before the ZBA again without additional fees.

After discussion it was determined that the rear yard set back could not be met with the size of the shed. Kelly amended her motion, supported by Godek to allow a 10’ rear yard set back.

Practical difficulty is the size and shape of the lot. House is across the road and will only impact light and air of the immediate neighbors. Meets all other conditions of 4.05.C.

BURCH – YES CORMIER – ABSTAIN KELLY – YES GODEK – YES GAJEWSKI – NO

Motion Carried

Agenda Item #	2
Appeal Number:	07-ZBA-665
Property Tax ID:	04-03-226-011
Applicant Name(s):	Thomas Flynn
Property Address:	9377 Anne Drive

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	Approx. .16 ac.	Approx. .16 ac.	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	Approx. 50 feet	Approx. 50 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a	19.8 feet (road); Approx. 33 feet	19.8 feet (road); Approx. 33 feet	50 feet	To extend the front yard setback nonconformities of the home by adding a second story to match the first story

(Home)	(water)	(water)		elevation.
12.02.E.3. a (Overhang)	Approx. 30 feet (road); Approx. 40 feet (water)	19.8 feet (road); Approx. 33 feet (water)	50 feet	To increase front yard setback nonconformities of the overhang on the west side of the home by enlarging it to have the same front yard setbacks as the home.
12.02.E.3. a (Decks)	Approx. 0 feet (road); Approx. 13 feet (water)	Approx. 0 feet (road); Approx. 13 feet (water)	50 feet	To extend front yard setback nonconformities by extending the deck in the northwest to the same road side setback as the home and connect the decks in the southwest side of the home.
12.02.E.3. a (Garage)	Approx. 36 feet (south); Approx. 12 feet (east)	Approx. 36 feet (south); Approx. 12 feet (east)	50 feet	Recognize existing front yard setback nonconformities of the existing garage. No change proposed.
12.02.E.3. b (Home)	Approx. 10 feet (west); .8 ft .(east)	Approx. 10 feet (west); .8 ft .(east)	8 feet	To extend the side yard setback nonconformities of the home by adding a second story to match the first story elevation.
12.02.E.3. b (Overhang)	-1 foot (west)	+1 foot (west)	8 feet	To decrease the side yard setback nonconformity of the overhang on the west side of the home and extend the nonconformity to be the same length as the west side of the home (34.6 feet).
12.02.E.3. b (Decks)	0 feet (west); 1.8 feet (east)	0 feet (west); 1.8 feet (east)	5 feet	To extend the west side setback nonconformity in the southwest corner and slightly increase the nonconforming setback in the northwest corner by adding deck in those areas per the plans.
12.02.E.4	41.88%	43.62%	25%	To increase the nonconforming lot coverage as a result of the proposed overhang increase on the west side of the home.
18.18.C (Garage)	Approx. 4' (west); Approx. .5' (north)	Approx. 4' (west); Approx. .5' (north)	16 feet	Recognize existing rear yard setback nonconformities of the existing garage. No change proposed.
18.18.D (Garage)	144%	144%	25%	Recognize that the lot coverage of the garage is greater than 25% of the ground floor area of the principal structure. No change proposed.

The purpose of this variance application is to renovate the existing single family home.

Chair Burch indicated that due to the lengthy list of persons noticed that he would dispense with reading it aloud and stated it would be on file in the township office.

Mr. Flynn addressed the Board and submitted two letters from Eugene Mills and Don & Terri Kleinschmidt, neighbors. Both letters were in support of the variance request.

Concerns of the Board:

- Cormier questioned whether or not the storm water management plan included the garage. He also indicated that he could not approve an increase in lot coverage. Lot coverage needs to remain the same or smaller.
- Burch asked the applicant if the downspouts were going to empty into a drywell. Mr. Flynn stated yes.
- Gajewski feels that the structure would compromise the neighbors light, air, and ventilation.
- Godek asked applicant if the lot coverage increase was due to the overhang on the house. Mr. Flynn said yes, needed more overhead coverage due to a tree being removed.
- Kelly noted that numerous utility lines were running through the property, wondered if the applicant had contacted the utility companies to obtain their approval. Also asked if the north side will remain open. Kelly also indicated that she questioned the need to expand the deck.

Public Comment:

- Robert Spehar
9363 Thumm

Mr. Spehar stated that he has owned his property for forty years and if Mr. Flynn is allowed to renovate his home and increase its height it would hinder his view of the lake.

- Don Spehar stated that if their view of the lake was obstructed it would decrease the value of the property.
- Jessie Coburn
Gregory, MI

Asked if the GIS was a overhead photo.

Public Comment Closed –

Motion by Cormier to table this variance request to allow enough time to determine the following:

- Legal and illegal nonconformities
- Submit a sufficient stormwater management plan to include both the home and the garage.
- Plan to be amenable to the neighbors
- Make smaller

Kelly supported the motion

Larry Spehar voiced that he was concerned with his father’s view.

Gajewski indicated that he would vote to deny as he does not see any room for negotiations.

5 – yeas to table. Carried

Cormier amended his motion, supported by Kelly to indicate that the table would be for no longer than 3 months. Carried

Agenda Item #	3
Appeal Number:	07-ZBA-666
Property Tax ID:	04-28-400-016
Applicant Name(s):	Hans & Deborah Horstik
Property Address:	11706 Island Lake Road

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
11.01(E)(1)(a)	1.81 acres	1.81 acres	5 acres	Recognize that existing lot area is less than 5 acres.
18.18(D)	--	47.35%	25%	To allow the lot area of a detached accessory structure to exceed 25% of the ground floor area of the principal structure.

The purpose of this variance application is to construct a 24’ x 32’ pole barn (with 1’ overhangs) north of the existing single family home.

Chair Burch read into the record persons noticed for this request.

Mr. Hotstik addressed the Board and explained what his variance request consisted of.
Board Comments:

Kelly asked if the pole barn was going to be constructed of wood. Mr. Horstik replied yes.

Additional Board discussion was held regarding whether or not the lot would be considered legally nonconforming.

Chair Burch indicated that when reading section 18.18.D. of the Zoning Ordinance he felt that it was possible Mr. Horstik did not require a variance. It was determined that the Board would like to discuss with Patrick Sloan, Director of Planning & Zoning to determine if this was his interpretation as well.

Jess Bies neighbor that owns vacant lot is concerned with the size of the pole barn and how it would fit. He also said there were deed restrictions placed on the property when they were sold.

After discussion a motion was made by Kelly, supported by Gajewski to recognize the lot as legally nonconforming and that if was determined that a variance was still needed it would be placed on the agenda at the special meeting that was to be held on Monday, July 16, 2007.

KELLY - YES GODEK – YES GAJEWSKI – YES BURCH – YES CORMIER - YES

Motion Carried

VII. Public Comment: None

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

Gajewski feels that as the Planning Commission should make changes to the Master Plan and zoning ordinance. i.e., the intent of the Lakes Residential District should be changed.

Discussion was held regarding the Prose' case and the Huron Creek Party Store.

IX. Adjournment

Motion by Kelly, supported by Gajewski to adjourn at 9:55 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary