



Dexter Township

Zoning Board of Appeals

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

SPECIAL MEETING OF THE ZONING BOARD OF APPEALS

Monday, July 16, 2007 7:00 PM

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

Members absent: Hank Byma

Staff present: Patrick Sloan, Director of Planning and Zoning.

I. Call to Order: The meeting was called to order by Chairman Burch at 7:01 p.m.

II. Pledge of Allegiance: Chair Burch led the Pledge of Allegiance to the Flag

III. Approval of Agenda: Chair Burch noted that this special meeting of the ZBA was called specifically for the purpose of consideration of the Circuit Court remand in the Prose ZBA appeal case. The ZBA will not consider the remand since Judge Swartz has ordered a stay in the case pending a ruling from the Court in the Prose v Glennbrook Beach Association, et al, replatting case.

Chair Burch also noted, per action taken at the regular ZBA meeting on July, 10, 2007, the ZBA would consider the Hans & Deborah Horstick appeal (07-ZBA-666).

IV. Public Comment- Non Agenda Items: None

Action Items:

Agenda Item No. 1
Appeal Number: 04-ZBA-601
Property Tax ID: 04-06-286-001
Applicant Name(s): Thomas Prose
Property Address: 9485 Lakeview

No action due to a stay ordered by the Circuit Court.

Agenda Item No. 2
Appeal Number: 07-ZBA-666
Property Tax ID: 04-28-400-016
Applicant Name(s): Hans & Deborah Horstick
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.

Chair Burch summarized the ZBA action from the July 10, 2007 ZBA meeting.

Patrick Sloan, director of Planning and Zoning described his interpretation of Section 18.18.D of the Zoning Ordinance. Mr. Sloan stated that he felt the wording of Section 18.18.D was not as clear as desired. However, he stated that Section 18.18.D has historically been interpreted exactly as in the Horstik case.

Chair Burch read into the record an email, dated 7-12-07, from Mr. Jeff Bies, a neighbor of the Horstiks. Mr. Bies objects to the proposed project.

Board Concerns and Comments:

- Burch - Observed, of the 9 homes closest to the Horstik's, all have outbuildings. Of those, 2 appear significantly larger than Horstik request. Believes the request to be reasonable.
- Kelly – Does not believe that the requested variance meets the standard of review as to a practical difficulty because an outbuilding, albeit smaller, can be constructed. She suggests that the Horstik's attend a Planning Commission meeting to voice their concerns concerning the size of the accessory structures allowed by the Zoning Ordinance.
- Cormier – Does not see a practical difficulty.
- Gajewski – Concur there is no practical difficulty.
- Godek – Concur there is no practical difficulty.

Public Comment: None

A motion was made by Cormier to deny the variance request due to the fact that no practical difficulty, as required per Section 4.05.C.1.b, is present. The motion was supported by Gajewski.

Roll Call Vote:

Cormier: **YES** Godek: **YES** Gajewski: **YES** Kelly: **YES** Burch **YES**

Motion Carried.

There was no additional public comment.

The board discussed the current accessory building standards and possible amendments to the Zoning Ordinance. It was agreed that this issue should be addressed at the upcoming joint meeting of the Township Board, Planning Commission and ZBA.

Motion by Cormier, supported by Gajewski to adjourn the meeting at 7:55 p.m. Motion Carried

Respectfully submitted,

Pat Kelly,
Secretary