



Dexter Township

Zoning Board of Appeals

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

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, September 11, 2007
7:00 PM

Members present: Steve Burch, Chair, Jim Cormier, Vice Chair, Pat Kelly, Secretary, Mary Adams, Planning Commission Representative, Bill Gajewski

Absent: None

Also present: Patrick Sloan, Director of Planning and Zoning (DPZ), 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, Kelly supported by Cormier to approve the agenda as submitted. Carried.
- IV. Approval of Meeting Minutes**
Motion Cormier, support Gajewski to approve the minutes of August 14, 2007 as submitted. **Carried.**
- V. Public Comment- Non Agenda Items: None**
- VI. Action Items:**

Agenda Item # 1
Appeal Number: 07-ZBA-668
Property Tax ID: 04-18-432-004
Applicant Name(s): Jon & Janice Inwood
Property Address: 13776 Rustic Drive

Variations Requested Per Submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.02.E.1	.14	.14 acres	1 acre	Recognize lot is less than 1 acre. No change is proposed.
12.02.E.2	47.5 feet	47.5 feet	150 feet	Recognize lot width is less than 150 feet. No change is proposed.
12.02.E.3.a (home)	42' (road); 41.5' (water)	42.5' (road); 42' (water)	50 feet	Retract nonconforming front yard setback by 6 inches while extending the roof and road side porches upward.
12.02.E.3.a (deck)	28' (water)	28' (water)	50 feet	Recognize current front yard setback nonconformity. No change is proposed.
12.02.E.3.a (garage)	2.5' (road)	2.5' (road)	50 feet	Recognize current front yard setback nonconformity. No change is proposed.
12.02.E.3.a (shed)	17.5' (water)	17.5' (water)	50 feet	Recognize current front yard setback nonconformity. No change is proposed.
12.02.E.3.b (home)	3.5' (east)	4' (east)	9 feet	Retract nonconforming front yard setback by 6 inches while extending the roof and road side porches upward.
12.02.E.3.b (deck)	4' (east)	4' (east)	5 feet	Recognize current side yard setback nonconformity. No change is proposed.

12.02.E.3.b (garage)	2.5' (west)	2.5' (west)	5 feet	Recognize current side yard setback nonconformity. No change is proposed.
12.02.E.3.b (shed)	1' (east)	1' (east)	5 feet	Recognize current side yard setback nonconformity. No change is proposed.
Purpose: Renovate the existing single family home by replacing the roof and raising the roofline by 4 feet and extending the front porches on the road side upward to the second story. Overhangs to be reduced from 12 inches to 6 inches.				

Due to length of list of persons noticed, the Chair dispensed with reading them out loud. They are on file in the Township Office.

DPZ Sloan gave a brief description of the proposed project and storm water runoff plan.

Kelly questioned whether or not Multi Lake Sewer Authority approved the site plan. Sloan indicated that it was approved but that the site plan that was stamped with the approval had been misplaced. Sloan will contact the sewer authority to obtain another approved copy.

Mr. Inwood explained that his property is already significantly landscaped and that the lake is well protected from any harm caused by stormwater runoff.

Burch stated that he sees no reason not to grant the request since the proposed plan does not raise the roof higher than the neighbor immediately to the east.

Cormier asks if the shed by the road is included in the stormwater management calculations and if the plan will really keep stormwater from going into the lake. Mr. Inwood replies that his property has good percolation due to porous soils. He also suggests adding rain barrels to his stormwater plan.

Gajewski stated that the stormwater plan requires more detail. The steep slope of the property requires additional mitigation due to the increased “energy” of the stormwater. Gajewski also asks the applicant where the existing 4-inch PVC pipe goes. The applicant stated that the pipe is routed to an existing garden. Gajewski states that parking is an issue and asks if the applicant does or can park in the existing shed. The applicant replied that the shed is used for storage, not parking.

Kelly questions whether or not the applicant would be willing to tear down the shed to provide for additional parking. The applicant replies that he would like to keep it because it is a “historical” structure, but he would be willing to remove it.

Adams asks whether runoff from the road drains onto the property. The applicant replied that stormwater does not drain on his property, but it does drain on other properties in the area.

Gajewski remarks that the plans show downspouts. The applicant states that he would rather not add downspouts.

Cormier asks if we can ensure that stormwater will stay on property as required by the Ordinance. DPZ Sloan replies that he is capable of doing the calculations but, due to the steep slopes and unique characteristics of the property, it would be best to have an engineer make the determination.

Kelly reiterated that parking on Bramble Brae was a significant issue and suggested that the applicant “create” additional parking by adding a cantilevered type structure for parking similar to a neighbor on the road.

Public Comment:

- Scott Robertson, 13753 Bramble Brae – Is in support of the variance request and believes that the existing landscaping of the property handles all the stormwater.

Motion by Kelly, supported by Gajewski to approve the variance as requested, based on the following findings per Section 4.05.C.a thru h, as follows:

- Approval of the variance does not permit the establishment of any new use. The use will remain as a single family home which is a permitted principal use in the Lakes Residential District.
- The applicant is the owner of the property for which the variance is sought.
- The practical difficulties which prevent carrying out the strict letter of the Ordinance are the narrowness and steep topography of the lot and the location of the existing home.

- The practical difficulties are not deemed economic since they cannot be mitigated by spending a reasonable amount of additional monies.
- The practical difficulties were not created by the applicant.
- The practical difficulty exists due to unique physical conditions (narrowness, steepness) that do not apply to all other property in the Lakes Residential District.
- Strict compliance with area, setbacks and frontage requirements would be unnecessarily burdensome due to the fact that it would be unreasonable to expect the applicant to demolish the existing home.
- The variance requested is the minimum required to mitigate the practical difficulties as the applicant is actually reducing total lot coverage somewhat and stormwater runoff will be mitigated more fully than at present.
- Approval of the requested variances will not cause an adverse effect upon surrounding properties, property values or the use and enjoyment of property in the neighborhood since the profile and bulk changes to the residence will not affect views of other homeowners in the area and the overall size and character of the home will remain in keeping with others in the neighborhood.

Roll Call Vote:

Adams: **YES** Cormier: **NO** Kelly: **YES** Gajewski: **YES** Burch **YES**

Motion Carried.

Agenda Item #	2
Appeal Number:	07-ZBA-669
Property Tax ID:	04-02-401-013
Applicant Name(s):	Jay & Scarlett Bennett
Property Address:	9670 Winston Drive

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.22	.22 acres	1 acre	Recognize lot is less than 1 acre. No change is proposed.
12.02.E.2	75 feet	75 feet	150 feet	Recognize lot width is less than 150 feet. No change is proposed.
12.02.E.3.a (home)	49.7' (road); 22.3' (water)	27.7' (road); 22.3' (water)	50 feet	Encroach 22 feet farther into the front yard setback on the road side due to an attached 2-car garage.
12.02.E.3.a (shed)	37' (road)	37' (road)	50 feet	Recognize current front yard setback nonconformity. No change is proposed.
12.02.E.3.b (shed)	1.67' (south)	1.67' (south)	5 feet	Recognize current side yard setback nonconformity. No change is proposed.
12.02.E.4	17.53%	28.94%	25%	Increase lot coverage.
Purpose: to demolish the existing single family home and to construct a single family home with an attached garage.				

Persons noticed were not read into the record due to the length. They will be on file in the township office.

DPZ Sloan, summarized the proposed plan and variances being requested and added detail concerning the applicant's stormwater runoff plan.

Yvonne Lewis, the applicant's builder, and the applicants were present.

Chair Burch stated that the proposed placement of the new home with respect to setbacks was in line with immediately neighboring properties, but the lot coverage requested was over the standard of 25%.

Gajewski noted that the provided photo of the property showed water ponding on the site which indicates that the water table may be too close to the surface to allow the proposed trenches to work properly. However, other options for storm water management could be used. The requested lot coverage of 28.94% is more than has ever been approved by the ZBA.

Chair Burch inquired as to whether or not a soil boring had been done to judge the depth of the water table. Ms. Lewis replied not yet.

Gajewski noted that there didn't appear to be any objections from adjacent homes to the plan. Also, the human scale of the cape-cod style of the home is positive, but 28% lot coverage is a problem.

Ms. Lewis reported that the Bennett's sent out a letter soliciting input on the project from their neighbors. Chair Burch read the letter into the record. Ms Lewis supplied the Chair with the neighbors' responses to the Bennett's request for input. The following neighbors responded:

9574 Winston – Harold & Janet Bowles
9580 Winston – Michelle Fingerle
9586 Winston – Donald & Nancy Bieske
9639 Winston – Lawrence Brandt
9652 Winston – Lamar & Dorothy Fletcher
9686 Winston – Leo & Holly Hollenbeck
9634 Winston – Bryan & Tammy Straub
9742 Winston – Donald & Mary Ann Fraser
9655 Winston – Marcus & Janet Jones
9690 Winston – Suzanne Boltach
9620 Winston – Donald Gibb
9623 Winston – Edward & Rose Launstein
9624 Winston – Robert Leighton
9698 Winston – Steven & Nancy Weinmann
9732 Winston – Marjorie Dallmann & Kathlee Starkey
9647 Winston – John Faitel

Kelly agreed with Gajewski that the water table on the property appears to be high. Also agreed that an adequate SWMP can be designed but would like an engineer to review the plan. Kelly questioned whether or not the current detached shed/garage could be demolished to lower the lot coverage. She also suggested the applicant make assurances of some kind that the final grade of the property would not be changed in a manner to affect neighboring properties.

Public Comment:

- Sharon Tshirhart, neighbor to the south had no objections to the proposed plan.

Mr. Bennett stated he would be willing to consider reducing the size of his garage from 28'x28' to 24'x28' and reduce the porch and overhang size.

Cormier asked the applicant about his plans for a driveway. The applicant replied that he intended to install a gravel driveway.

Gajewski stated that gutters and downspouts would be helpful.

Chair Burch called a 10 minute recess.

Motion by Kelly, supported by Gajewski as follows:

- Recognize existing nonconformities of a lot less than one acre, a lot width less than 150 feet and a front yard setback of 37 feet and a south side yard setback of 2.6 feet to the existing shed. Note that the existing shed will not be removed.
- Grant a front yard setback from Winston Drive to the proposed new home of 28.2 feet.
- Grant a front yard, waterside setback from Portage Lake to the proposed new home of 22.8 feet.
- With conditions as follows:
 - Driveway to be 21AA natural gravel.
 - Stormwater management plan to be designed to handle a 1-inch rain event using best management practices. The plan will be reviewed and approved by the Township Engineer with the cost paid by the applicant.

- Final grading to comply with Section 24.02.D of the Zoning Ordinance.
- Lot coverage to comply with the Ordinance requirements (less than 25%).
- Based on the following findings of fact:
 - Approval of the variance does not permit the establishment of any new use. The use will remain as a single family home which is a permitted principal use in the Lakes Residential District.
 - The applicant is the owner of the property for which the variance is sought.
 - The practical difficulties which prevent carrying out the strict letter of the Ordinance are the narrowness and shallowness of the lot and the location of the existing shed.
 - The practical difficulties are not deemed economic since they cannot be mitigated by spending a reasonable amount of additional monies.
 - The practical difficulties were not created by the applicant.
 - The practical difficulty exists due to unique physical conditions (narrowness, shallowness) that do not apply to all other property in the Lakes Residential District.
 - Strict compliance with area, setbacks and frontage requirements would be unnecessarily burdensome since it would be unreasonable to expect the applicant to demolish the existing shed. Strict compliance would also prevent the construction of a reasonable size single family home.
 - The variance requested is the minimum required to mitigate the practical difficulties as the new home is a reasonable size and bulk which is in keeping with the neighborhood.
 - Approval of the requested variances will not cause an adverse effect upon surrounding properties, property values or the use and enjoyment of property in the neighborhood since the setback, profile and bulk of the new residence will not affect views of other homeowners in the area and the overall size and character of the home will remain in keeping with others in the neighborhood. In addition, stormwater management and grading for the proposed new structure will conform to the Ordinance.

Roll Call Vote:

Cormier: **YES** Adams: **YES** Kelly: **YES** Gajewski: **YES** Burch **YES**

Motion Carried.

Appeal Number:	07-ZBA-670
Property Tax ID:	04-18-100-028
Applicant Name(s):	James McInnis
Property Address:	13257 Redmonds Hill Court

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.12 acres	.12 acres	1 acre	Recognize lot area is less than 1 acre.
12.02.E.2	49.5 feet	49.5 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (home)	20.5' (road); 37' (water)	20.5' (road); 37' (water)	50 feet	Recognize current front yard setbacks on the road side and water side are less than 50 feet.
12.02.E.3.a (shed)	--- *	12 feet * (road)	50 feet	To allow encroachment into the required front yard setback on the road side.
18.18.B	--- *	1 foot *	10 feet	To allow a separation distance of less than 10 feet between the principal structure and an accessory structure.
18.18.C	--- *	Yes *	No	To allow a detached accessory structure to be located in a front yard.
Purpose: to allow an already constructed 8' x 10' shed to remain.				

*Constructed in 2006 without a zoning permit or a variance.

Chair Burch dispensed with reading persons noticed out loud due to the length. They are on file in the township office.

Mr. McInnis addressed the board and explained why he did not obtain a permit to construct his 8'x10' shed.

- Chair Burch asked the applicant what was being vented from the house to the shed ? Mr. McInnis stated the vent was for an on-demand gas hot water heater. He added that the installation had successfully passed all required building inspections.
- Gajewski stated that the shed does not conform to the ordinance.
- Cormier asked if the well house was figured in the calculations for lot coverage. Also, if a stormwater management plan was submitted.

Mr. McInnis stated he would be willing to work with the Engineer to design a acceptable storm water management plan.

- Burch would like it noted that MLWSA indicated that the grinder pump would have to be moved.
- Kelly would like the Dexter Area Fire Dept. to review and approve due to fire safety concerns caused by the close proximity of the shed to the house. Mr. McInnis offered that both his house and the requested shed were constructed using fiber-cement siding.

Public Comment:

Don Brooks, applicant's next door neighbor, is in support of variance request.

A motion was made by Gajewski to approve the variance with the following conditions:

Applicant to be in compliance with the Multi Lake Water and Sewer Authority.

Storm water management plan to handle a 1" rain event. To be reviewed and approved by Patrick Sloan, Director of Planning and Zoning.

Motion supported by Cormier.

Roll Call Vote:

Gajewski: YES Kelly: YES Adams: YES Cormier: YES Burch YES

Motion Carried.

VII. Public Comment:

Tom Bell, 9124 N. Territorial

- Would like to know when the public will have access to the Master Plan survey.
- Would like to see the Township Board put in place a better procedure to do the follow-up that is required to be done by the Zoning Board of Appeals.

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

- Lot Coverage data submitted by Patrick Sloan was discussed.
- Pat Kelly indicated that wireless Washtenaw may be working in a about a year. Will look into further.

IX. Adjournment

Motion by Kelly, supported by Gajewski to adjourn at 10:33 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary