

DEXTER TOWNSHIP

6880 DEXTER PINCKNEY RD
DEXTER, MICHIGAN 48130

(734) 426-3767

Fax (734) 426-3833

E-mail dbolyard@twp-dexter.org

www.twp-dexter.org

Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Present: Steve Burch, Chairman, David Millar, Secretary, James Cormier, William Gajewski, Pat Kelly.

The meeting was called to order at 7:37 p.m. by Chair Steve Burch

1)

04-14-400-018

04-ZBA-581

Faith Lutheran Church

9575 North Territorial Road

Applicant requests relief from:

Section 22.04.A.16. To allow a 52.5 square foot sign (16 square foot permitted). Also to allow the sign to be 5'3" tall, where 4' is permitted.

And to recognize the following existing non-conformities:

All non-conformities were recognized in January of 2004.

To allow for the removal of a 63 square foot sign, and to construct a 52.5 square foot sign. Sign is requested to be 5'3" tall. A variance was granted in 1973 for the sign that exists today.

Request was received from applicant to table until the November meeting.

Motion by Kelly, supported by Millar to table variance request until the November 9, 2004 meeting. Carried

2)

04-24-300-007

04-ZBA-584

Huron Creek Party Store (Ali Damsaz)

6100 Dexter – Pinckney Road

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Section 22.03.A to allow a 42-sq. ft. lighted sign. 32-sq. ft. maximum is allowed. (Dexter Township vs. Optima oil settlement agreement mandates the allowance of 117.4-sq. ft. minus the existing "Huron Creek Party Store" building signage.)

Section 22.03.B to allow a 6'6" front yard setback from Dexter-Pinckney Road to edge of existing lighted sign. (30 required) To allow 9'6" from the North side property line (20' required) To allow the sign to be with in a required buffer area.

Section 22.03.C to allow a 9'10" high (existing) lighted sign.4' Maximum allowed.

Kelly, as Supervisor, wished to table this request due to special circumstances regarding this case. Because the variance was tabled from a prior meeting the neighbors were not noticed again. When contacted by the Supervisor, the neighbors stated they were not aware of the meeting and they wished to have time to rearrange their schedule to attend. Kelly also stated that she felt that because the sign is already in place and because it is functional in every way there would be no detriment to the applicant for this request to be tabled. Ali Damsaz agreed.

There was a motion by Gajewski, supported by Kelly to table this request until the November 9, 2004 meeting. Carried

3)

04-01-108-039

04-ZBA-589

Tamala Wonnacott

8600 Portage Lake Blvd.

Applicant requests relief from:

Section 9.10. To allow a 19' rear setback from property line to overhang of new construction.

This variance request was tabled from the last months meeting and therefore hearing notices were not re sent to the neighbors.

Discussion was held regarding the storm water management plan and the addition plans being reduced by 2'. The Board felt that part of the hardship was the current foundation would not be able to hold an addition. After discussion a resolution was offered.

Notice of Appeal – Tamala Wonnacott (File No. 04-ZBA-589)

The following preamble and resolution were offered by Member William Gajewski and supported by Member James Cormier:

Whereas, on June 28, 2004, Tamala Wonnacott filed a Notice of Appeal requesting a variance from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of 35' 6" x 15' addition. On property located at 8600 Portage Lake Blvd.

D-04-01-108-039 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on September 14, 2004, was attended by the applicant, and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings are met and the record of the ZBA contains evidence supporting each conclusion and,

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family dwelling use of the property will create a non-economic practical difficulty due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, the shallow lot and location of home on subject property represent unique physical conditions that do not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical conditions do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.g, the variance(s) requested is/are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property.

Whereas, in compliance with section 4.05.C.1.h, the requested variance permit only single family dwellings, which is a principally permitted use in the Lakes Residential zoning district and,

Be it therefore resolved that the following variance(s) are approved:

From Section 12.02.E.3.c, a North rear yard setback of 18 feet to the new construction Addition.

Be it also resolved that the following existing non-conformities are recognized:

12.02.E.1, a lot area of less than one acre.

12.02.E.2, a lot frontage and lot width of less than 150 feet.

12.02.E.3.b, a east side yard setback of 3.6 feet to the existing structure.

Section 18.23 18 foot front yard setback from existing home to Portage Lake Blvd.

Be it also resolved that the following conditions shall apply to the issuance of this/these variance(s):

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of storm water management prior to the issuance of a final certificate of zoning compliance.

Storm water management practice shall handle a one inch rain event. A minimum of 156 cubic foot of storm water storage shall be provided. Drywells, envirochambers or another best management practice for Michigan watersheds may be used. Bottom of envirochambers shall be a minimum of 2 feet above the water table. The exact requirements can be field adjusted with approval by the Zoning Administrator or the Township Engineer.

Existing shed to be removed.

Burch - yea Cormier - yea Gajewski - yea Kelly- nay Millar – yea

Resolution adopted.

4)
04-ZBA 592
04-07-108-017
Katrina Stewart
13521 Edgewater Drive

Applicant requests relief from:
Section 18.23.A to allow 40' to new screened in porch and new entry deck.
Section 9.10 to allow 1.4' from overhang to the property line on the West Side. (10' required)

And to recognize the following existing non-conformities:

37.5' from Edgewater Drive to the existing front porch, which is proposed to be torn off.
2.7' from the rear property line to the existing shed, which is proposed to be torn off.
Lot less than one acre.
Lot less than 150' wide.

Applicant is proposing to build a 26' x28' garage on the East Side of the existing one story home. On the West side of the home a 10.4' x26.2' screened in porch is proposed. Also a second story over the new garage and existing home is proposed to be constructed. The existing front porch, as well as the 17'x10' shed will be removed.

Persons notified were read into the record and the applicant was present along with the contractor Paul Johnson.

Questions and answers were exchanged and the following resolution was offered.

Notice of Appeal – Katrina Stewart (File No. 04-ZBA-592)

The following preamble and resolution were offered by Member Kelly and supported by Member Gajewski :

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Whereas, on July 26, 2004, Katrina Stewart filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of a 26' x 28' garage with 2nd story, addition of a 2nd story to existing home and a 1.4" x 26.2" covered screened in porch. On property located at 13521 Edgewater, D-04-07-108-017 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on September 14, 2004, was attended by the applicant and representatives of the applicant, and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings are met and the record of the ZBA contains evidence supporting each conclusion and,

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family dwelling use of the property will create a non-economic practical difficulty due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, shallow shape of the lot and existing location of the home represent the unique circumstances and physical conditions that do not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical conditions do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.f, strict compliance with setbacks, would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome and,

Whereas, in compliance with section 4.05.C.1.g, the variances requested are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property or mitigate the hardship and,

Whereas, in compliance with section 4.05.C.1.h, the requested variances permit only single family dwelling, which is a principally permitted use in the Lakes Residential and,

Whereas, the extension of the west side setback of 1.4" will not impact fire protection effort to either the subject property or adjacent property to the west and,

Whereas, the applicant currently owns the adjacent property to the west and must request relief from the Zoning Board of Appeals to alter or sell the property.

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Be it therefore resolved that the following variance(s) are approved:

From Section 18.23.A, a front yard setback of 40 feet from Edgewater street to the porch
From Section 12.02.E.3.b, a west side yard setback of 1.4 feet to the overhang of the new covered screened porch. (10')

Be it also resolved that the following existing non-conformities are recognized:

Section 12.02.E.1, a lot area of .28 acre.

Section 12.02.E.2, a lot width of 100 feet.

Section 12.02.E.3.b, a west side yard setback of 1.4' feet to existing home.

Be it also resolved that the following conditions shall apply to the issuance of this/these variance(s):

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.

Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of storm water management prior to the issuance of a final certificate of zoning compliance.

Storm water management practices shall handle a 1" rain event and 220 cubic feet of storm water storage per submitted storm water management plan. A combination of rain gardens and envirochambers may be used. Bottom of envirochamber shall be a minimum of 2 feet above the water table. Exact requirements can be field adjusted with approval by the Zoning Administrator or Township Engineer. The following shall be removed: All sidewalks, cement drive, stoop in front of house and shed after the garage and house is completed.

Burch – yea Cormier- yea Gajewski - yea Kelly- yea Millar- yea

Resolution adopted

5)
04-01-182-006
04-ZBA-593
Donald and Lori Rademaker
9547 Portage Lake Ave

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Applicant requests relief from:

Section 9.10 to allow 5' from new addition to side property line on the South Side.

To allow 6' from new deck to property line on the South West Side. Also to allow 4' from new deck on the North West Side. (9' is required)

And to recognize the following existing non-conformities:

Lot less than one acre.

Lot less than 150' wide.

This variance is asked to allow for a 17'x18' addition to the existing house and garage. Addition is to connect the house and garage. Existing garage is to be converted into living space. Also to include a 12' x 32' deck attached to the lakeside of the existing dwelling. Already in place are a set of steps that will be kept to gain access to the deck.

Persons notified were read into the record and the applicant was present along with the following neighbors: Dennis & Jane Keller, Mr. & Mrs. Valerio, Paul Godek. Letter of support are also on file.

Cormier made a statement to the applicant that a future request for a additional garage may not be approved in the future. The applicant agreed that he understood that.

Questions and answers were exchanged and the following resolution was offered.

Notice of Appeal – Donald and Lori Rademaker (File No. 04-ZBA-593)

The following preamble and resolution were offered by Member Cormier and supported by Member Kelly:

Whereas, on August 23, 2004, Donald and Lori Rademaker filed a Notice of Appeal requesting a variance from specific site development requirements of the Dexter Township Zoning Ordinance to permit a 17' x18' addition to connect their existing house and garage, and a 12' x 32' deck on the lakeside of the existing home. On property located at 9547 Portage Lake Avenue, D-04-01-182-006 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on September 14, 2004 was attended by the applicant, and members of the public and application materials were reviewed and public comments, both oral and written were were entered into the record and,

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings are met and the record of the ZBA contains evidence supporting each conclusion and,

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family dwelling use of the property will create a non-economic practical

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

difficulty due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, general topography and shape of the lot represent physical conditions that do not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical condition do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.f, strict compliance with setbacks, would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome and,

Whereas, in compliance with section 4.05.C.1.g, the variances requested are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property and,

Whereas, in compliance with section 4.05.C.1.h, the requested variances permit only single family dwelling, which is a principally permitted use in the Lakes Residential zoning district and,

From Section 12.02.E.3.b, a South side yard setback of 5 feet to new addition.

From Section 12.02.E.3.b, a South West side yard setback of 6 feet to new deck.

From Section 12.02.E.3.c, a North West side yard setback of 4 feet to new deck.

Be it also resolved that the following existing non-conformities are recognized:

12.02.E.1, a lot area of .18 acres.

12.02.E.2, a lot frontage, lot width of 40 feet.

Be it also resolved that the following conditions shall apply to the issuance of this/these variance(s):

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.

Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of storm water management prior to the issuance of a final certificate of zoning compliance.

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004

Storm water management practices will handle a one inch rain event. A 35 sq ft elevated rain garden/planter running parallel to the width of the house and located between the house and the canal shall be provided. Existing terrace water gardens on side of home shall be retained for storm water management. Envirochambers serving down spouts may be necessary to prevent erosion runoff. Exact requirements shall be field adjusted by the Zoning Administrator or Township Engineer

Burch - yea Cormier - yea Gajewski - yea Kelly - yea Millar – yea

Resolution Adopted

Approval of Minutes:

August 10, 2004 special meeting minutes – Motion by Kelly, supported by Cormier to approve minutes as amended.

August 10, 2004 regular meeting minutes – Motion by Kelly, supported by Gajewski to approve the minutes as amended. Carried

Concerns of Board Members, Ordinance Administrator, and Recording Secretary:

Kelly stated she requested the Planning Commission to consider amending the Zoning Ordinance to specify standards to section 24.03.C., storm water management. She asked the rest of the Board members how they felt and if she should pursue the request. Consensus was that it would be very helpful.

Burch stated he would like Steve Piatt, Ordinance Administrator to reiterate to the applicants that their property must be staked so the Board Members could determine what their variance request would resemble. He also stated that the variance request could be tabled if the property was not staked properly.

Motion by Kelly, supported by Gajewski to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary,

David Millar,
Secretary

Dexter Township
Zoning Board of Appeals
Meeting Minutes
September 14, 2004