



# Dexter Township

## Zoning Board of Appeals

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Steve Burch,  
Chair

Bill Gajewski,  
Vice Chair

Pat Kelly,  
Secretary

Mary Adams  
James Cormier

Paul Godek, Alt  
Wendell Wagner, Alt

DeNette Bolyard,  
Recording Secretary

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, May 5, 2009**

**7:00 PM**

Members present: Bill Gajewski, Vice Chair, Pat Kelly, Secretary, Mary Adams, Planning Commission Representative, Mary Herda-Sprawka, James Cormier, Alternate.

Absent: Steve Burch, Chair

Also Present: Patrick Sloan, Director of Planning and Zoning, DeNette Bolyard, Recording Secretary

- I. Call to Order:** The meeting was called to order by Vice Chair Gajewski at 7:04 p.m.
- II. Pledge of Allegiance:** Vice Chair Gajewski led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Motion by, Kelly, supported by, Adams to approve the agenda as submitted. Carried.
- IV. Approval of Meeting Minutes** – Special meeting of November 10, 2008 – Motion by Adams, supported by Kelly to defer until Kelly has time to further review. Carried.  
  
March 3, 2009 meeting minutes – Motion by Kelly, supported by Sprawka, to approve the minutes as submitted. Carried 5-0.
- V. Public Comment- Non Agenda Items:** None
- VI. Action Items:**

<b>Agenda Item</b>	1
<b>Appeal Number:</b>	09-ZBA-706
<b>Property Tax ID:</b>	04-18-100-015
<b>Applicant Name(s):</b>	Chris & Mary Seitz
<b>Property Address:</b>	7473 Noah's Landing

Vice-Chair Gajewski noted that the list of persons noticed was lengthy and therefore would not be read into the record, but the list is on file and available for the public.

The purpose of this variance request is to allow an expansion of the deck on the south side of the home. This variance application request includes recognition of existing nonconformities (lot area, lot width, road side setback, and side yard setback on the north side) and approval of new variances (further encroachment into the water side setback area and side yard setback area on the south side). This deck was recently constructed without a Zoning Permit or variance.

Action on this variance request was deferred from the February 11, 2009 meeting to allow the Seitz's time to work together with their neighbor, Dr. Sensoli to propose a plan to address the ZBA's issues with the Seitz deck and the Sensoli fence with the understanding that Dr. Sensoli will submit an application for a variance request for the existing fence which was constructed without a variance or zoning permit.

Sloan gave a brief synopsis of this application and indicated that the plans were the same as before and that there had been no new information submitted by either the applicant or Dr. Sensoli.

The Board had discussed that the fence and the deck were both safety concerns. Mr. Seitz explained that the Chelsea Area Fire Authority (CAFA) reviewed the plans but did not give a written recommendation at this time. The applicants stated that they will seek a letter from CAFA regarding safety. Mr. Seitz stated that he expected Dr. Sensoli to be in attendance, , but he was not.

Kelly stated she thought that there were two options that could be pursued. Wait for input from CAFA, or rule based on the information that has currently been submitted.

Adams stated that she wants to wait for CAFA's letter.

Mrs. Seitz stated that she feels the hardship is the ability to move around the property. She also stated that she believed CAFA would better access the water side over the current deck than how the deck was previously constructed.

Herda-Sprawka- Suggested that she thought the Seitz's would be bringing back new plans showing alternate design options.

Kelly- feels it is a self-created problem since the access is supposedly blocked by an illegal deck and an illegal fence that were both constructed without variances or permits. However, Kelly would be willing to entertain a design that allows access to the side yard similar to the previous deck.

Gajewski- Asked how long the fence has been in existence. Questioned why would Dr. Sensoli or the previous owner build a fence to block light, air, etc.? Discussed possible alternatives to the deck.

Mrs. Seitz stated that the fence was constructed after their first side yard deck was built.

Adams asked if it was a side door where the deck was. Mr. Seitz stated it is used as a front door.

Cormier stated he feels that the requested variances do not appear to meet the standards of the Zoning Ordinance, but that input from CAFA may change his opinion.

Public Comment: None

Motion by Kelly, supported by Cormier to defer action on this request to the June 2, 2009 meeting to allow the applicant time to get input from the Chelsea Area Fire Authority. Motion Carried 5-0.

<b>Agenda Item</b>	2
<b>Appeal Number:</b>	09-ZBA-708
<b>Property Tax ID:</b>	04-13-100-021
<b>Applicant Name(s):</b>	John & Jane Kelly
<b>Property Address:</b>	9449 Huron River Drive

The purpose of this variance request is to permit variances in relation to a landscape nursery operation (John Kelly Landscaping), which was recently approved, with conditions, by the Dexter Township Planning Commission. This variance application request includes approval of new variances (waiving the topographic survey requirement, waiver of the clear vision zone requirement, allowing commercial vehicles to be stored outdoors, allowing a narrower maneuvering lane and driveway setback, and waiving the requirement for a designated loading area).

Persons notified were not read into the record, but are on file in the township office.

Vice Chair Gajewski read into the record an email received from a neighbor, Steve Gaggi, supporting John Kelly's request.

Sloan, Director of Planning and Zoning gave a brief history of Kelly's request.

Herda-Sprawka asked what the bins were on the site plan submitted by Mr. Kelly. Sloan explained they were to be constructed in the future for material storage.

Gajewski requested that the applicant explain his request to the Board. Mr. Kelly indicated that the topographic survey requirement would cost him up to \$10,000.00. He also stated that he is requesting that his commercial vehicles be allowed to be stored outdoors. He said he would like to come home, get out of his truck and go into his home without having to take the time to store them indoors. If he was required to store them indoors, it would take a long time to maneuver the trucks in and out of the barn and this would result in running his motors for longer periods of time. He said that he has agreed to no customer traffic and that most of his neighbors are in support of his request.

Gajewski had a question about the trees. He does not feel there is a problem with granting the clear vision triangle waiver. He stated that it may help if the applicant trimmed the tree branches to the south of the property within the road right-of-way.

John Kelly said he would be more than happy to clear the tree branches.

Pat Kelly (no relation) asked for clarification of item 1-d, the side yard setback for a driveway. DPZ Sloan responded that the requirement is that the driveway be at least 30 feet wide and at least 25 feet from the adjacent lot to the north.

Gajewski opened the public hearing.

Mark & Cathy VanVoorhis  
8845 Bell Rd.  
Dexter, MI 48130

Mark and Cathy VanVoorhis were present and indicated they had written a letter to the Planning Commission stating their main concern with Kelly's Landscaping was the noise. Mr. VanVoorhis stated that John Kelly Landscaping does not operate during normal business hours and he has become more agitated with the noise. Even on Saturday and Sunday there are rocks being put into trucks etc. He stated that approval of the special land use is not supposed to reduce property values, which they feel is true in this case. He also said that there are road regulations on Huron River Drive, and there is a no truck sign posted at the corner of North Territorial and Huron River Drive. He believes that running dump trucks up and down the road increases costs to maintain the road. Also, he said that bins should not be in the front yard.

John Kelly said he had agreed to certain conditions of the Planning Commission's special land use approval.

Cathy VanVoorhis stated they bought their property 14 years ago to be in the country and outdoors. If she had known that John Kelly's landscape nursery operation use was not a permitted use in the Rural Residential zoning district, then she would have objected to it sooner. She believes the Planning Commission did not take their letter seriously regarding the noise. She took pictures from her property that showed the visibility of John Kelly's property. She stated that she cannot enjoy being outdoors. She suggested moving the operation somewhere else that would reduce wear and tear on road as well.

Jane Kelly stated that the variance request for the loading area is for it to take place closer to Mosher's property than VanVoorhis' property.

Gajewski stated that dense landscaping can help screen noise.

Adams questioned if VanVoorhis' letter had been received by the Planning Commission. Sloan stated that Planning Commissioners did receive the letter at the Planning Commission meeting when the public hearing was held on the special land use application. Also, the Chair of the Planning Commission cited the letter during the public hearing.

Sloan stated that Webster Township's truck ordinance on Huron River Drive cannot regulate land uses in Dexter Township unless Dexter Township also adopts similar regulations. Also, Webster Township's ordinance allows certain exemptions for businesses that are operated out of someone's home. The Washtenaw County Road

Commission has weight standards on its roads, which all trucks must abide by. Regarding the use of the Kelly's property, Sloan stated that the ZBA could hear an appeal of the Planning Commission's decision to grant the special land use permit if somebody appealed it within the specified time period. Otherwise, the Planning Commission cannot decide on a use that it already approved unless there is a change in use or a violation of the terms of the special land use permit approval.

Pat Kelly - The Planning Commission granted the approval of the special land use. They never indicated that noise was an issue. By approving or disapproving these variances, the noise and other issues raised by the VanVoorhis' would not be alleviated. She suggested the VanVoorhis' appeal the Planning Commission decision to approve the special land use to the Zoning Board of Appeals.

Sprawka felt that the board should approve variances, but asked if the land use related issues can be remanded back to the Planning Commission.

Sloan stated that reconsideration of the Planning Commission decision would require a formal application to be made to the ZBA by a person aggrieved by the Planning Commission's decision.

There was further discussion regarding the land use and variance requests.

Cormier asked if there were provisions to allow for weekend use of the business.

Sloan read aloud summarization of conditions placed on Kelly's Landscaping by the Planning Commission. Resolution # 08PC 134A, dated March 10, 2009. There were no weekend restrictions placed on the use.

Jane Kelly stated that heavy equipment is sometimes used on the weekends. Some of the time, this is for personal use of the residence.

John Kelly stated that the heavy machinery of the business is not used during the winter months. He also stated that he previously state to the Planning Commission that he would have been willing to define his hours of operation.

Kelly made a motion to approve all variance requests provisionally pending receipt and approval of a formal resolution to be drafted by the Planning & Zoning Director and Township Attorney. Sprawka supported.

Cormier stated that deferring action now doesn't prohibit the business in the meantime.

Roll Call Vote:

Kelly – yes  
Gajewski – yes  
Cormier – no  
Adams – yes  
Sprawka – yes

Motion Carried, 4-1

**VII. ZBA Rules of Procedure (i.e. bylaws)**

Kelly made a motion to defer discussion to the July meeting. Supported by Adams. Motion carried.

**VII. Public Comment:** None

**VIII. Concerns of Board Members, Zoning Administrator, Recording Secretary:** None

**IX. Adjournment:** Motion by Cormier, supported by Sprawka to adjourn the meeting at 9:04 p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary

These minutes have been approved by majority vote at the \_\_\_\_\_ Zoning Board  
of Appeals Meeting.