



# Dexter Township

## Zoning Board of Appeals

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Steve Burch,  
Chair

Bill Gajewski,  
Vice Chair

Pat Kelly,  
Secretary

Mary Adams  
Mary Herda-Sprawka

Jim Cormier, Alt

DeNette Bolyard,  
Recording Secretary

"A Community For All Seasons"

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### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

#### Tuesday, July 7, 2009

Members present: Steve Burch, Chair, Bill Gajewski, Vice Chair, Pat Kelly, Secretary, Mary Herda-Sprawka.

Absent: Mary Adams

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

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:10 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 Gajewski to approve the agenda as read. Carried.
- IV. **Approval of Meeting Minutes**
  - November 10, 2008 – Motion by Gajewski, supported by Kelly to approve the amended minutes as presented. Carried.
  - May 5, 2009 – Motion by Kelly, supported by Gajewski to approve the amended minutes as presented. Carried.
  - June 2, 2009 – Motion by Kelly, supported by Gajewski to approve the minutes as amended. Carried.
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

<b>Appeal Number:</b>	09-ZBA-710
<b>Property Tax ID:</b>	04-13-300-013
<b>Applicant Name(s):</b>	Michael Dwyer (owner and applicant)
<b>Property Address:</b>	9061 N. Territorial Rd.

Persons noticed were read aloud by Chair Burch.

Sloan, DPZ, gave a brief synopsis of the applicant's variance request.

Kelly asked Sloan what the gross lot area was. Sloan stated 42,750 square feet, or approximately .8 acres.

Michael Dwyer addressed the Board and stated that he had a small home and would like to enjoy the outdoors by putting on the porch.

Gajewski said he thought it was a very small improvement and had no concerns regarding this request. He stated that the practical difficulty is the existing placement of structures on the lot and the excessive width of the road right-of-way.

Kelly asked the applicant if there was a reason to put the porch on the back of the garage and not the house.

Michael Dwyer stated that it was because it was easier and he could build it himself. He did not have to hire contractors.

Kelly wanted it noted that the Planning Commission is currently working on an amendment for section 18.18(D) to make the maximum lot coverage standards for detached accessory structures more lenient.

Herda-Sprawka did not have any concerns.

Burch opened the public hearing. No public comments. Public hearing closed.

Burch indicated he thought it was very appropriate use of the property. Noting that in the location that it was that it would not be very noticeable.

Gajewski made a motion to approve the variances as requested by the applicant as follows:

<b>Variances Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
11.02(E)(1)	.7 acres	Same	5 acres	Acknowledge lot area is less than 5 acres. No changes are proposed.
11.02(E)(2)	166 feet	Same	330 feet	Acknowledge lot width/frontage is less than 330 feet. No changes are proposed.
11.02(E)(3)(a) i.e. 18.23(A)(1)(a)	12 feet (house); 56 feet (garage)	Same	150 feet	To allow an attached 11' 7" x 11' 6" addition on the rear (south) side of the existing garage. Although this addition does not encroach further into the front yard setback area, it is still located within the front yard setback area.
11.02(E)(5)	4.78%	5.29%	5%	To allow the total lot coverage to exceed 5%.
18.18(D)	63.03%	80.37%	25% of the ground floor area of the principal structure	To allow expansion of a detached accessory structure that has a lot coverage of greater than 25% of the ground floor area of the house.

The practical difficulty is the placement of the existing home and accessory structures on the lot and the extremely large right-of-way width compared to the small size of the lot.

Herda-Sprawka supported the motion

Kelly noted that the Planning Commission is currently considering an amendment to section 18.18(D) whereby the requested porch addition would likely conform.

**ROLL CALL VOTE:**

Kelly: YES      Gajewski: YES      Herda Sprawka: YES      Burch: YES      Adams: ABSENT

Motion Carried

**VII. Public Comment:**

Tom Bell  
9068 North Territorial

Asked if relief is needed because of the Zoning Ordinance. He stated that many of the structures were constructed prior to any zoning. Wondered if some of the decisions couldn't be at the discretion of the Planning and Zoning Director. He also asked the Board if they could explain to the applicants how they could apply to have their application fee refunded. Kelly explained that it would be a Township Board decision and asked the applicants to submit a letter requesting a refund and that she would place their request on the Township Board Agenda.

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

Sloan explained to the Board that the Planning Commission is looking at numerous amendments and that Section 18.18(D) is bundled with the other amendments. Because of the number of amendments, the amendment process could take several months. Due to the recent number of variance requests from Section 18.18(D), Sloan asked if it was the desire of the ZBA to request that the Planning Commission separate its proposed amendment to Section 18.18(D) from the rest of the batch and recommend it for approval to the Township Board as soon as possible. The general consensus of the ZBA members was to recommend that the Planning Commission proceed with its proposed amendment to Section 18.18(D) forthwith.

Sloan distributed a draft copy of a generic resolution that he will begin drafting for all applications starting in August or September of this year. The format was recommended by the Township Attorney. In this format, rather than having all of the "Whereas" statements, the resolution should be indexed with letters and numbers to be more user-friendly. Members expressed their approval of the revised format.

**IX. Adjournment** – Motion by Kelly, supported by Gajewski to adjourn the meeting at 8:26 p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
ZBA Secretary

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