



Dexter Township

Zoning Board of Appeals

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Dexter, MI 48130

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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, November 13, 7:00 PM

Members present: Steve Burch, Chairman, Pat Kelly, Secretary, Bill Gajewski, Mary Adams, Paul Godek, Alternate

Absent: Jim Cormier, Vice Chairman

Also present: Patrick Sloan, Director of Planning and Zoning, DeNette Bolyard, Office Manager-Recording Secretary.

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:04 p.m.
- II. **Pledge of Allegiance:** Bill Gajewski 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 submitted. Carried.
- IV. **Approval of Meeting Minutes:** Motion by Kelly, supported by Gajewski to approve the minutes of October 9, 2007 as amended. Carried.
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

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|---|-------------------------------|--------------------------------------|------------------|---|
| Agenda Item # | 1 | | | |
| Appeal Number: | 07-ZBA-672 | | | |
| Property Tax ID: | 04-18-471-011 | | | |
| Applicant Name(s): | Gary & Catherine Hoepner | | | |
| Property Address: | 7021 North Lake Orchard Drive | | | |
| Variances Requested Per Submitted ZBA Application: | | | | |
| Section | Current | Requested | Permitted | Description/Notes |
| 12.01.E.1 | 1.46 acres | 1.46 acres | 2 acres | Recognize lot area is less than 2 acres. |
| 12.01.E.3.a | Approx. 140 ft. | Approx. 140', extended 16' westward* | 150 feet | To extend the existing front yard (south side) setback nonconformity by 16' westward. |

The purpose of this variance request is to allow for construction of a 16' x 20' attached, uncovered deck on the west side of the existing single family home at 7021 North Lake Orchard Drive, Gregory, MI 48137 (parcel 04-18-471-011). The home is on a corner lot; therefore, it has 2 front yards. The front yard setback from the North Territorial Road right-of-way is approximately 140 feet. Since the minimum setback from North Territorial Road is 150 feet, the existing home is a legal nonconforming structure. The south line of the proposed deck is proposed to follow the south line of the house. Therefore, the proposed deck will also be nonconforming. The deck was built recently without a zoning permit or a variance.

Persons notified were read aloud into the record.

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Patrick Sloan, Director of Planning and Zoning gave a brief summary of the variance being requested.

Board Member Discussion:

Member Gajewski indicated that since it was not a riparian lot that stormwater management would not be an issue. He had no other concerns.

Kelly, Godek, Adams indicated they did not have any additional concerns.

Motion by Kelly, supported by Gajewski to approve the variance as requested to allow a 16' x 20' uncovered deck. Findings of fact are as follows:

- The use of the property will remain a single family home
- The variance request relates only to the property under the control of the applicant.
- The practical difficulty is the placement of the existing home on the lot. It would be impossible for the applicant to construct a reasonable size deck in a practical and feasible location without moving the home or receiving a variance.
- The practical difficulties are not deemed economic.
- The practical difficulty does not result from the actions of the applicant.
- The placement of the home was in compliance when built.
- The practical difficulty exists because of unique circumstances that does not apply to other property or uses in the same zoning district. A change to the Zoning Ordinance in 2003 created a front yard setback from North Territorial Rd. where none existed before.
- Adhering to strict setbacks would prevent the owner from having an attached deck of a reasonable size without moving his existing home.
- The variance being granted is the minimum variance necessary as the deck does not extend further into the North Territorial Rd. setback than the existing home already does. The 16x20 size of the deck is reasonable and in keeping with the scale of the home and of those in the area.
- The variance being granted does not cause an adverse effect on the surrounding properties instead the addition of the deck adds value to the property values in the area. Most other homes in the neighborhood similarly impacted by the Zoning Ordinance revision already had constructed decks that are even closer to North Territorial Rd.
- Granting the variance will not diminish the stated purpose of the Zoning Ordinance in Section 1.02.

Gajewski: **YES** Kelly: **YES** Adams: **YES** Godek: **YES** Burch: **YES**

Motion Carried

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| Agenda Item # | 2 | | | |
| Appeal Number: | 07-ZBA-673 | | | |
| Property Tax ID: | 04-08-255-009 | | | |
| Applicant Name(s): | John & Susan Vredeveld | | | |
| Property Address: | 13246 Noah Court | | | |
| Variations Requested Per Submitted ZBA Application: | | | | |
| <u>Section</u> | <u>Current</u> | <u>Requested</u> | <u>Permitted</u> | <u>Description/Notes</u> |
| 12.01.E.1 | 1.14 acres | 1.14 acres | 2 acres | Recognize lot area is less than 2 acres. |
| 12.01.E.3.a | Approx. 101 ft. (house) | Approx. 41.2 ft. (garage) | 100 feet | To create a new nonconformity in the front (north) yard setback area from Noah Road. |
| 18.18.C | N/A | Yes | No | To locate a detached accessory structure in a front yard area. |

The purpose of this variance request is to allow for construction of a 24' x 24' detached garage proposed to be located north of the existing single family home at 13246 Noah Court, Gregory, MI 48137 (parcel 04-08-255-009). This is a corner lot; therefore, it has 2 front yards. The proposed front yard setback for the garage from the Noah Road right-of-way is approximately 41.2 feet. Since the minimum setback from Noah Road is 100 feet, the proposed garage would involve the creation of a new nonconforming structure. Also, Section 18.18(C) of the Zoning Ordinance prohibits detached accessory structures from being constructed in a front yard area.

The proposed garage is located in both front yard areas (i.e. in the front yards abutting both Noah Road and Noah Court). According to the applicants, locating the garage in a conforming area would involve maneuvering around the septic area and significant tree clearing. The proposed 24' x 24' garage floor area would be approximately 23.79% of the ground floor area of the principal structure.

Persons notified were read aloud into the record.

Patrick Sloan, Director of Planning and Zoning gave a brief summary of the variance being requested.

Mr. Vredeveld indicated that there used to be a 12 x 12 shed in the same place where they now wish to place a garage.

Board Member Discussion:

Gajewski - Proposed location makes sense

Burch is concerned with trying to maintain front yard requirements

Burch asked the public if they wished to comment on any concerns. -No comments

Kelly asked if there was a reason the new structure was being proposed so far away from the dwelling. The applicant indicated that they would like to store their RV in between so it would be out of sight from their neighbors. Also stated that the slope of the land and the placement of the well head was a factor in the decision of the proposed placement. Kelly stated that she preferred the garage to be placed closer to the home. Would also like it to look more like a garage rather than a pole barn. Also would like more year round screening.

Gerald Reed, 13209 Noah Ct., was present to support his neighbors project.

Gajewski stated that since additional screening was recommended that he would like to see 2 rows of conifers 6-8' on center for the length of the proposed building.

The applicant's mother spoke in favor of her son's request.

The Board discussed different scenarios of the placement of the garage, set backs and well head placement.

A motion was made by Gajewski, supported by Adams to approve the variance and grant relief from

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|-------------|-------------------------|---------------------------|----------|--|
| 12.01.E.1 | 1.14 acres | 1.14 acres | 2 acres | Recognize lot area is less than 2 acres. |
| 12.01.E.3.a | Approx. 101 ft. (house) | Approx. 41.2 ft. (garage) | 100 feet | To create a new nonconformity in the front (north) yard setback area from Noah Road. |
| 18.18.C | N/A | Yes | No | To locate a detached accessory structure in a front yard area. |
| 21.02.h.3. | | | | To allow storage in the front yard set back |

to allow a 24' x 24' detached garage located north of the existing single family home. The practical difficulty is the placement of the well. Conditions placed on the approval is the structure is to be vinyl sided and the placement of 2 rows of conifers (spruce or Canadian hemlock) 6'-8' on center 48 lineal feet parallel of Noah Rd.

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

Motion Carried

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| Agenda Item # | 3 |
| Appeal Number: | 07-ZBA-674 |

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|---------------------------|---|
| Property Tax ID: | 04-18-100-026, -033, & -057 |
| Applicant Name(s): | Michael & Kathleen Conter |
| Property Address: | 7563 Noah's Landing and 7557 Noah's Landing |

| Variations Requested Per Submitted ZBA Application: | | | | | |
|--|---|--|--|----------------------------|---|
| Section | Approved for 7563 Noah's Landing in 07-ZBA-657 | Current for 7557 Noah's Landing | Requested for 7563 and 7557 Noah's Landing Combination | Permitted | Description/Notes |
| 12.02.E.1 | .07 acres | .05 acres | .12 acres | 1 acre | To increase lot area to be less nonconforming. |
| 12.02.E.2 | 33 feet | 33 feet | 66 feet | 150 feet | To increase lot frontage/width to be less nonconforming. |
| 12.02.E.3.a (1st story) | 15' 6" (road); 40' 5" (water) | 21.1' (road) | 15' 6" (home-road); 40' 5" (home-water); 21.1' (garage-road) | 50' (road); 50' (water) | To extend by about 10.2' northward the existing 21.1' nonconforming first story front yard setback at 7557 Noah's Landing. |
| 12.02.E.3.a (2nd story) | 15' 6" (road); 40' 5" (water) | N/A | 15' 6" (home-road); 40' 5" (home-water); 21.1' (garage-road) | 50' (road); 50' (water) | To extend by about 29' southward the existing nonconforming second story front yard at 7563 Noah's Landing onto 7557 Noah's Landing |
| 12.02.E.3.a (deck) | 11' 6" (road); 31' 0" (water) | N/A | 11' 6" (road); 31' 0" (water) | 50' (road); 50' (water) | Recognize existing front yard setback nonconformities of the decks at 7563 Noah's Landing. |
| 12.02.E.3.b | 1' 7" (north); 6' 2" (south) | Approx. 2' (north); 4.5' (south) | 1' 7" (north); Approx. 10.2' (south) [conforming] | 7 feet | Recognize current side yard setback nonconformities on the north side of the house at 7563 Noah's Landing. The side yard setback on the south side would be conforming. |
| 12.02.E.3.c (house) | N/A | Approx. 10.5' (west) | Approx. 16' (west) | 30 feet | To retract the nonconforming rear yard setback at 7557 Noah's Landing to approximately 16' and extend the nonconformity northward to the home at 7563 Noah's Landing. |
| 12.02.E.4 | 33.27% | 37.75% | 33.21% | 25% | To reduce the nonconforming lot coverage by way of increasing the lot area and reducing overall lot area coverage. |

The applicants currently own the property at 7563 Noah's Landing (04-18-100-026 & -057), which currently has a single family home. At its April 10, 2007 meeting, the Zoning Board of Appeals granted a variance, with conditions, to complete the second story of the home (07-ZBA-657). The applicants have not yet applied for a zoning permit for this project. The applicants have recently purchased (or have an agreement to purchase) the property at 7557 Noah's Landing (parcel 04-18-100-033), which is located directly south. They propose to demolish the home at 7557 Noah's Landing and replace it with a 2-story structure that will attach to their soon-to-be renovated home at 7563 Noah's Landing. This new structure is proposed to include a new main entry, a 2-car garage, and additional 2nd story living space. The applicants also propose to unite all 3 parcels.

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

Patrick Sloan, Director of Planning and Zoning gave a brief summary of the applicants variance request.

Chair Burch read aloud a letter received from a neighbor.

The applicant, Mr. Conter, was present and explained to the Board the variance he is requesting.

Board Discussion and Comments:

Member Gajewski stated he felt it was a lot of house for such a little lot. Regarding the SWMP, he stated that unilock has been previously recommended to other applicants. Mr. Conter said that he is currently planning on grass pavers.

Jim Guinness, neighbor, was present to express that he is in favor of the plan.

The Board is concerned with the lot coverage.

Burch declared a 10 minute recess,

Kelly made a motion, supported by Gajewski to approve as requested. The findings of fact are as follows:

- The use of the property will remain a single family home
- The variance request relates only to the property under the control of the applicant. The applicant has a signed sales agreement to purchase 04-18-100-033.
- The practical difficulty is the width and irregular shape and depth of the lot.
- The practical difficulties are not deemed economic.
- The practical difficulty does not result from the actions of the applicant.
- The practical difficulty exists because of unique circumstances that does not apply to other property or uses in the same zoning district.
- The variance being granted is the minimum variance necessary as the addition of the storm water management plan and parking decrease the overall lot coverage.
- The variance being granted does not cause a adverse effect on the surrounding properties instead the substandard, blighted home will be torn down.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance since the lots will be combined, and the unsafe home removed.

Conditions of approval are:

- Stormwater management plan will be certified by an engineer.
- The lower portion of the existing deck will be removed.
- The lots will be combined.

Gajewski: **YES** Kelly: **YES** Adams: **YES** Godek: **YES** Burch: **YES**

Motion Carried

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| Agenda Item # | 4 |
| Appeal Number: | 07-ZBA-675 |
| Property Tax ID: | 04-14-400-011 |
| Applicant Name(s): | Kevin & Sandy Sloan |
| Property Address: | 9838 North Territorial Road |

| Variances Requested Per Submitted ZBA Application: | | | | |
|---|-----------------|------------------|------------------|---|
| Section | Current | Requested | Permitted | Description/Notes |
| 12.01.E.1 | 1.17 acres | 1.17 acres | 2 acres | Recognize lot area is less than 2 acres. |
| 12.01.E.2 | 125 feet | 125 feet | 150 feet | Recognize lot width/frontage is less than 150 feet. |
| 12.01.E.3.a | Approx. 150 ft. | Approx. 150 ft. | 150 feet | To change the profile, square footage, and foundation footprint of a nonconforming structure. |
| 12.01.E.3.b | 26 feet (west) | 13 feet (west) | 15 feet | To encroach into the required side yard setback on the west side by 2 feet. |

The purpose of this variance request is to allow for construction of a 30' x 40' attached addition to the rear (north) side of the existing single family home at 9838 North Territorial Road, Dexter, MI 48130 (parcel 04-14-400-011). The proposed addition will include garage area in the lower level and living area in the upper level. Because the minimum front yard setback along North Territorial Road is 150 feet and the single family home is currently set

back approximately 145 feet from the right-of-way line, the single family home is a legal nonconforming structure. According to Section 19.04.B of the Dexter Township Zoning Ordinance, any change to the profile, foundation footprint, or square footage of a nonconforming structure will require a variance.

Persons notified were read aloud into the record.

Patrick Sloan, Director of Planning and Zoning gave a brief summary of the variance being requested.

The applicant explained to the Board members why he was requesting a variance and what his intended plans were.

Board Member Discussion:

Kelly indicated that she could not support the variance request as designed. Kelly said she did not see how the applicant to obtain entry to the garage without going across the neighbors property.

Gajewski indicated that he did not have any concerns with the storm water management plan. He said the type of soil in that area it would be low run off with high infiltration.

Kelly made a motion, supported by Gajewski, to table this request for a maximum of six months, (no later than May 2008) to allow time to resolve issue's regarding encroaching on the neighbors property.

Carried.

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| Agenda # | 5 |
| Appeal Number: | 06-ZBA-676 |
| Property Tax ID: | 04-34-100-019 |
| Applicant Name(s): | Dennis Nuttle (applicant)/Lisa McGuire (owner) |
| Property Address: | 4201 Dexter Townhall Road |

| Variances Requested Per Submitted ZBA Application: | | | | |
|---|--|---------------------------------------|---|--|
| Section | Current | Requested | Permitted | Description/Notes |
| 12.01.E.1 | 1.93 acres | 1.93 acres | 2 acres | Recognize that the lot area is less than 2 acres. |
| 12.01.E.3.a | 93.7 feet | 93.7 feet | 100 feet | Extend the current nonconformity of the "primary" residence upward by way of a second story addition. |
| 12.01.E.3.c | 25 feet | 25 feet | 30 feet | Recognize that the rear yard setback of the deck on the "secondary" residence is less than 30 feet. No change is proposed. |
| 18.06 | 2 single family dwellings on 1 parcel | 2 single family dwellings on 1 parcel | No more than 1 single family dwelling per parcel | Recognize that there are 2 single family dwellings on 1 parcel. |
| 18.18.D.1 | Approx. 165% | Approx. 165% | 25% of the ground floor area of the principal structure | Recognize total lot coverage of accessory structures exceeds 25% of the ground floor area of the "primary" residence. |
| 19.04.B.2 | Current Structure is Legal Nonconforming | Yes | No | Allow change in profile, foundation footprint, and square footage of nonconforming structure. |

The main purpose of this variance request is to allow for the construction of a second story to the "primary" single family home at 4201 Dexter Townhall Road, Dexter, MI 48130 (parcel 04-34-100-019). The parcel currently contains two (2) single

family residences (the residence in question is referred to in this report as the “primary” residence), a pole barn (approved by Dexter Township in 1996), 2 sheds, and a water tower.

The “secondary” residence in the northwest corner of the parcel currently has no occupant, but will be used by the applicants to live in during the construction period on the “primary” residence. Both residences have existed for a long time, and Dexter Township has issued zoning permits for an expansion of the “secondary” residence as recently as 1996. The property has also been assessed for two (2) single family homes.

Persons notified were read aloud into the record.

Patrick Sloan, Director of Planning and Zoning gave a brief summary of the variance being requested.

The applicant addressed the Board and explained what he intended to do if his variance request is approved. He also gave a brief history of the property. There are two single family dwellings, two septic tanks and fields, and two wells on one property.

Board Member Discussion:

Board members discussed what the repercussions would be if a variance was approved without recognizing the existing nonconforming uses.

Kelly stated that she would like to obtain Peter Flintoft’s opinion, would consider approval with the understanding that the attorney would draft the resolution.

After a lengthy discussion a motion was made by Kelly, supported by Godek to approve as requested with the following as findings of fact:

- The use of the property will remain the same. A nonconforming single family dwelling currently exists on the northwest corner of the property. The Zoning Ordinance allows the continuation of this nonconforming use subject to the provisions of section 19.03.
- The variance request relates only to the property under the control of the applicant.
- The practical difficulty is the location of existing home is within the front yard setback. Applicant is requesting a second story on the existing structure.
- The practical difficulties are not deemed economic.
- The practical difficulty does not result from the actions of the applicant.
- The practical difficulty exists because of unique circumstances that does not apply to other property or uses in the same zoning district.
- The variance being granted is the minimum variance necessary.
- The variance being granted does not cause a adverse effect on the surrounding properties.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance. Note that the ZBA declares the existing single family dwelling located in the center of the lot as a conforming use and the existing single family dwelling located in the northwest corner of the lot as a legal nonconforming use.

Gajewski: **YES** Kelly: **YES** Adams: **YES** Godek: **YES** Burch: **YES**

Motion Carried

VII. Public Comment: None

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

The December 11, 2007 meeting does not have any applications to review. A meeting will be held to discuss other issues.

IX. Adjournment was declared at 11:00 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary