



"A Community For All Seasons"

# Dexter Township

## Zoning Board of Appeals

6880 Dexter-Pinckney Road  
Dexter, MI 48130

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Steve Burch,  
Chair

Bill Gajewski,  
Vice Chair

Pat Kelly,  
Secretary

Mary Adams

Paul Godek, Alt  
James Cormier, Alt

DeNette Bolyard,  
Recording Secretary

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, February 12, 2008

7:00 PM

Members present: Steve Burch, Chair, Bill Gajewski, Vice Chair, Pat Kelly, Secretary, Mary Adams.

Absent: None

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

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:07 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 submitted. Carried.
- IV. **Approval of Meeting Minutes -** Motion by Kelly, supported by Gajewski to approve the January 8, 2008 minutes as amended. Carried
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

<b>Agenda Item #</b>	<b>1</b>
<b>Appeal Number:</b>	07-ZBA-677
<b>Property Tax ID:</b>	04-18-432-004
<b>Applicant Name(s):</b>	Jon & Janice Inwood
<b>Property Address:</b>	13776 Rustic Drive

The purpose of this variance request is to allow for an addition to the house, a new second story deck, and a replacement garage.

At its September 11, 2007 meeting, the Zoning Board of Appeals granted the Inwoods a variance, with conditions, to renovate their single family home. The approved renovation included raising the roof lines by 4', extending the front porches on the road side upward to the second story of the home, and reducing the overhangs from 12 inches to 6 inches.

Mr. Inwood reported that he had discovered during renovation work that the foundation of the existing home was not adequate to support the proposed addition approved by his previous variance. Due to problems discovered with the foundation, Mr. Inwood stated that it was neither possible nor financially feasible to keep the existing structure and it was decided to demolish the existing structure, repair and/or

replace the foundation and build a new structure. Mr. Inwood stated that he obtained all the necessary demolition permits from Chelsea Area Construction Agency (CACA) and that the foundation footprint, building profile, and square footage of the new house would be the same as previously approved by the Zoning Board of Appeals. However, Dexter Township never issued any approvals for the demolition and reconstruction. Otherwise, a footing inspection by the Township would have been required.

This request was tabled last month to allow the applicant time to become compliant with the Multi Lakes Water and Sewer (MLWSA) requirements regarding MLWSA equipment, including the grinder pump. Until this was completed a stop work order was to be issued by Patrick Sloan, Director of Planning and Zoning.

MLWSA requested that Jones & Henry Engineering review the condition of the existing grinder pump at the property in question and recommend any action that should be taken prior to reconnecting the grinder pump. (A copy of the letter will be placed in the property file).

Board Discussion:

- Adams had commented that she had visited the site between snow falls and found it to be very muddy. Was surprised that a silt fence was not in place. And was also surprised to see October 9<sup>th</sup> plans of the house showing the notch filled in.
- Gajewski stated that CACA should have enforced soil erosion standards.
- Kelly had concerns regarding the proposed increase in height of the new garage. Increasing the grade for a higher garage would increase the nonconformity.

After discussion a motion was made by Kelly, supported by Gajewski to approve the variance requested, except for the increase in height on the existing garage with the condition that the applicant comply with all of the MLWSA directives as specified in the Jones and Henry letter. There was found to be no practical difficulty to allow any variances related to the proposed garage. Gajewski made an amendment to the motion to add that the terraced vegetation storm water plan be restored to its original state and inspected by Sloan, DPZ. Kelly supported the amendment.

Sloan stated that he was comfortable with inspecting the site.

Kelly made an additional amendment to the motion, the lake side shed is not to be replaced without a variance. Gajewski supported Kelly's amendment.

The first amendment to the motion was carried 4-0.

The second amendment to the motion was carried 4-0.

The original motion was carried. 4-0

Roll Call Vote –

BURCH – YES      KELLY – YES      ADAMS- YES      GAJEWSKI – YES

<b>Agenda Item #</b>	<b>2</b>
<b>Appeal Number:</b>	07-ZBA-678
<b>Property Tax ID:</b>	04-12-400-029
<b>Applicant Name(s):</b>	Gary Mosher
<b>Property Address:</b>	8505 Bell Road

<b>Variations Requested Per Submitted ZBA Application:</b>				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted/R equired</u>	<u>Description/Notes</u>
12.01(E)(1)	1.78 acres	same	2 acres	Recognize lot is less than 2 acres. No change is proposed.
18.23(A)(4)(a) & (i)	Approx. 20' (Bell Rd.); Approx. 24' (Huron River Dr.)	same	100 feet	Recognize front yard setbacks are less than 100 feet. No changes are proposed.

(home)				
18.23(A)(4)(i) (barn)	Approx. 40.5' (Huron River Dr.)	same	100 feet	Recognize front yard setback is less than 100 feet. No change is proposed.
18.18(F)(2)	6 feet*	6 feet	3 feet	To allow a fence height to exceed the maximum allowed.

*\*Constructed recently without a zoning permit or a variance.*

The purpose of this variance request is to allow for construction of a 6 foot-high solid wooden fence to run north from the north side of the pole barn at 8505 Bell Road, Dexter, MI 48130. (Constructed without a permit)

Persons noticed were not read into the record, they are on file in the township office.

Patrick Sloan, Director of Planning and Zoning gave a brief summarization of his report. Mr. Sloan stated that Mr. Mosher and Dexter Township appeared in court and it was decided between both parties to appear before the Zoning Board of Appeals and request a variance.

Nik Lulgjuraj, was present representing his client Gary Mosher.

Mr. Lulgjuraj addressed the Board and presented a letter from the neighbors who were in favor of the fence. Mr. Lulgjuraj stated that the fence did not block the view for any of the neighbors and felt that the practical difficulty was the set backs from Huron River Drive and Bell Road.

Board Member Discussion and Comments:

- Kelly asked Mr. Mosher why he would put a fence there. Mr. Mosher responded, to put equipment back of it rather than have it in plain sight in the yard. Kelly also said she was having a hard time justifying the practical difficulty.
- Gajewski questioned what the practical difficulty was for keeping the fence. He stated that he tried to look at the fence with a couple of different perspectives.
- Adams asked if it wouldn't be setting a precedent allowing a variance for a fence to hide blight. She stated that there was so much activity on the site she thought sure there was commercial activity going on.

Kelly stated that variances have to meet all the standards of review, not just one.

A motion was made by Kelly to deny the applicant's request.

Kelly read aloud the findings of fact:

1. **Use:** Does the variance request permit the establishment of any use which is not a permitted principal use within that district?
  - No, the variance requests a dimensional (Structure), not a use variance.
2. **Property Control:** Does the variance request relate only to the property under the control of the applicant?
  - Yes - The fence for which a variance is requested is entirely on the owners property.
3. **Practical Difficulty:** Are there genuine practical difficulties which prevent carrying out the strict letter of this Ordinance?
  - No – The applicant has not provided any rationale describing a practical difficulty and none was observed on a site visit to the property. The fence was constructed without benefit of a building permit or variance. The applicant could easily have build a fence of a conforming height of 3 feet if he had followed proper procedures.

4. **Economic Circumstances:** Are the supposed practical difficulties deemed economic.
  - N/A – There is not practical difficulty. No evidence supplied by the applicant.
  
5. **Actions of the Applicant:** Do the supposed practical difficulties result from actions of the applicant?
  - N/A – There is no practical difficulty. No evidence supplied by the applicant.
  
6. **Unique Physical Conditions:** Does the supposed practical difficulty exist because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district?
  - N/A – There is no practical difficulty. No evidence supplied by the applicant.
  
7. **Unnecessary Burden:** Would strict compliance with area, setbacks, frontage, height, bulk, or density unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome?
  - No – Applicant has provided no evidence. Strict compliance with the fence height requirement does not in any way prevent the owner from using the property for any permitted purpose.
  
8. **Minimum Variance Necessary:** Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?
  - N/A – There is no practical difficulty. No evidence supplied by the applicant.
  
9. **Adverse Effect:** Will the variance requested cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district?
  - No
  
10. **Intent of the Ordinance:** Will the variance be in harmony with the general purpose and intent of the Ordinance?
  - No

Adams supported the motion.

Gajewski stated that he had mixed feelings. He believed that a height of 3 feet is reasonable use, so reasonable use of the property is not denied. Also, the alleged practical difficulty according to the applicant was self created in this case.

Roll Call Vote:

BURCH – YES      KELLY – YES      ADAMS- YES      GAJEWSKI – NO

Motion to deny carried 3-1

<b>Agenda Item #</b>	<b>3</b>
<b>Appeal Number:</b>	06-ZBA-679
<b>Property Tax ID:</b>	04-13-300-002

<b>Applicant Name(s):</b>	Matt Schuster (applicant for Dexter Dental Center)/ 7141 Dexter Pinckney, LLC (owner of Dexter Dental Center)
<b>Property Address:</b>	7141 Dexter-Pinckney Road

<b>Variations Requested Per Submitted ZBA Application:</b>				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted/ Required</u>	<u>Description/Notes</u>
13.01(E)(1)	.91 acres	same	1 acre	Recognize lot is less than 1 acre. No change is proposed.
13.01(E)(2)	171.6 feet	same	200 feet	Recognize lot is less than 200 feet wide. No change is proposed.
18.23(A)(1)(c) / 21.04(E)	Approx. 51 feet	Approx. 40 ft.	100 feet	To allow further encroachment into the required front yard setback area by the parking lot.
21.04(B)(1)	20 feet	24 feet	30 feet	To widen the driveway to a less nonconforming width.
21.05(B)	No loading space	Same	1 loading space	To waive the requirement of 1 loading space and allow for no loading space.

The purpose of this variance application is to allow for the expansion of the parking lot at Dexter Dental Center, located at 7141 Dexter-Pinckney Road, Dexter, MI 48130

Patrick Sloan, Director of Planning and Zoning gave a brief summary of his report. He indicated that it was preferable by both Chairman of the ZBA and Planning Commission that the applicant would apply to the Planning Commission first and then the ZBA.

The applicant, Matt Schuster, stated that at a cost efficient stand point, it would make more sense to go before the ZBA to obtain a variance for the front yard set back and then the Planning Commission. If the variance is not granted, he would not be able to put a parking lot in.

The site plan that was distributed to the ZBA is the site plan that is going to be submitted to the Planning Commission.

Board Discussion and Comments:

- Gajewski stated that a pre planning conference is very beneficial. Also that section 1.02 of the Zoning Ordinance is to preserve rural character. An option would be to put in berms. Agrees with Patrick Sloan, first step would be Planning Commission.
- Kelly, feels there is a practical difficulty. However, feels that Planning Commission should review and recommend.

Motion by Kelly, support by Gajewski to table the request pending review and recommendation of the site plan by the Planning Commission, acknowledging that the applicant's property has a practical difficulty with respect to providing the required number of parking places.

Motion Carried 4-0

**VII. Public Comment:** None

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

Burch indicated that he went to Lansing attending a land use leadership academy. Recommends that next time that the Vice Chair and Township Supervisor consider attending.

Kelly stated that Mary Adams, Steve Burch and herself will be attending the legal defensibility workshop training.

**IX. Adjournment –** Motion by Kelly, supported by Adams to adjourn at 9:20 p.m.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary