



Dexter Township

Zoning Board of Appeals

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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, March 11, 2008

7:00 PM

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

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 7:04 p.m.
- II. Pledge of Allegiance:** Mary Adams led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Chair Burch requested that the Board add an item onto the action items of the agenda. Scott Robertson 07ZBA659 has asked for an extension on his approved variance.

Motion by Kelly, supported by Gajewski to move the approval of the meeting minutes after action items.
Carried

A motion was made by, Gajewski, supported by Kelly, to approve the agenda as amended. Additional item will be added as action item number two. Carried.

IV. Public Comment- Non Agenda Items: None

V. Action Items:

Agenda Item #	1
Appeal Number:	08-ZBA-680
Property Tax ID:	04-02-180-050
Applicant Name(s):	James Robertson (owner and applicant)
Property Address:	9545 McGregor Road

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.31 acres	.31 acres	1 acre	Recognize lot is less than 1 acre. No change is proposed.
12.02.E.3.a (home)	Approx. 42'	Approx. 38'	100 feet	Encroach 4 feet farther into the front yard setback due to a new home.
12.02.E.3.a (garage)	Approx. 32'	Approx. 32'	100 feet	Recognize front yard setback for garage is less than 100 feet. Also, to allow expansion on the west (rear) side of the garage via an attached 13' x 28' shed.
12.02.E.3.c (home)	Approx. 11.5'	Approx. 12'	30 feet	To allow a slightly less nonconforming rear yard setback.
18.18(D)	103.3%	83.73%	25%	To allow a less nonconforming lot coverage (as a percentage of the ground floor area of the principal structure) of a detached accessory structure.

The purpose of this variance application is to remove the existing single family home and replace it with a new, slightly larger single family home with an attached uncovered deck on the north side. Patrick Sloan, Director of Planning and Zoning gave a brief description of the applicants request.

Chair Burch stated that the number of persons notified of this request was too lengthy and would not be read aloud. It will placed in the file in the township hall.

Board Member discussion and concerns:

- Chair Burch asked Member Gajewski if the existing drain field would be sufficient for his stormwater management plan. Gajewski indicated that it would and explained how a drain field was generally constructed.
- Kelly questioned where on the plot plan was the deck placement.
- There was a lengthy discussion regarding percentage of lot coverage and section 18.18.D of the Township Ordinance which is basically to allow a less nonconforming lot coverage (as a percentage of the ground floor area of the principal structure) of a detached accessory structure. Different scenarios were discussed, such as if the extension on the garage (attached shed) were removed how would that effect the percentage. It was also noted that the lot coverage percentage would only be 20.74% if allowed to construct the new dwelling.
- Kelly had indicated that if the applicant had requested the 13'x28' shed to be placed on the side of the garage (applicant constructed shed without a variance or a building permit) her answer would have had to been no. It was felt that the garage provided adequate storage. Also the applicant has not demonstrated a practical difficulty to keep the shed.
- Gajewski felt that the current house which is 22 ½ wide home is not a workable design and that the proposed construction was a much better design. He had no concerns regarding the SWMP, however feels that all the structures would need gutters and downspouts as to not direct water run off onto the neighbors. He asked the applicant if he had any plans on changing the current grade. Applicant replied no. Gajewski stated that even with the shed, the lot coverage was less than the allowed 25% and that the practical difficulty would be the small size of the lot.
- All Board members agreed the existing shed is as unobtrusive as could possibly be.
- The Board discussed section 18.18.D. further and questioned whether or not the Planning Commission had any intentions of amending it.

Gajewski made a motion to approve as follows:

12.02.E.1	.31 acres	.31 acres	1 acre	Recognize lot is less than 1 acre. No change is proposed.
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Additional conditions placed on the approval are:

- Lot grading of the house must comply with the Dexter Township Zoning Ordinance.

- Gutters and downspouts are required to be put on the house.

Adams supported the motion. Gajewski amended the motion to recognize section 18.18.C. to allow the garage to set further into the front yard set back than the house. Adams supported the amendment.

Roll Call Vote:

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

Motion Carried.

Agenda Item #	2
Appeal Number:	07-ZBA-659
Property Tax ID:	04-18-431-005/006/007
Applicant Name(s):	Robertson/Kaiser
Property Address:	13753 & 13448 Bramble Brae

Request by Scott Robertson to extend the approval for an additional year. They are diligently pursuing clear title to the property so that they can complete the transaction. The original variance was approved on May 8, 2007.

Motion by Kelly to extend variance approval for up to one year. Gajewski supported.

Motion carried

VI. Approval of Meeting Minutes – To be discussed and reviewed at the April 1, 2008 meeting.

VII. Public Comment: None

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

- Jon Inwood contacted Pat Kelly and indicated that he felt he was misled by the Board at the January 8, 2008 meeting. He stated he had asked the Board if he needed to be present at the February 12th meeting and he was told his presence was not necessary. Requested variances pertaining to the single family home were approved. However, a variance to allow the demolition and reconstruction of a detached garage was denied. He believed that if he had been present to state his reasons for requesting the variance that the outcome may have been different.

Chair Burch read aloud section 4.06.F. of the Dexter Township Zoning Ordinance which states the provisions for a re-hearing.

The Board will discuss further whether or not a re-hearing will be granted to Mr. Inwood after the February 12, 2008 minutes are approved.

- Sloan indicated that he had sent a email to the Board (Gajewski a hard copy) informing them of the March 13th Huron River Watershed Council meeting regarding Portage Creek Watershed.

- Sloan stated that the Dexter Dental Center is slated for the March 25th Planning Commission meeting. His expectation is that the Planning Commission will refer the record back to the ZBA for consideration of variance requests.

IX. Adjournment

Motion by Kelly, supported by Gajewski to adjourn the meeting at 8:56 p.m.

Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary