



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

"A Community For All Seasons"

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, May 6, 2008

7:00 PM

Members present: Steve Burch, Chair, Bill Gajewski, Vice Chair, Pat Kelly, Secretary, Mary Adams, Planning Commission Representative, Paul Godek, Alternate

Absent:

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

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7:06 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 5-0.
- IV. Approval of Meeting Minutes**
April 1, 2008 - Motion by Kelly supported by Gajewski to approve the minutes as submitted. Carried 5-0.
- V. Public Comment- Non Agenda Items:**
None
- VI. Action Items:**

Agenda Item #	1
Appeal Number:	08-ZBA-683
Property Tax ID:	04-18-463-025
Applicant Name(s):	Harry Biller
Property Address:	13995 Aberdeen Road

The purpose of this variance request is to allow for construction of a shed and deck at 13995 Aberdeen Road, Gregory, MI 48137 (parcel 04-18-463-025). The parcel currently contains a single-family home. The shed was recently constructed without a Zoning Permit or variance.

Chair Burch indicated that he went to the property prior to the meeting and had contact with Mr. Biller, but that no discussion regarding the variance took place.

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

Chair Burch informed the ZBA and public that, due to the length of the list of persons notified for the variance request, he would not read aloud, noting that the list is on file at the Township.

Chair Burch asked Mr. Biller if he had anything to add.

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- Gajewski said that he spoke with Mr. Biller earlier this evening when he went to look at the property. He discussed storm\water mitigation. Gajewski indicated that Mr. Biller does receive a lot of water run off from the neighbors. Gajewski also indicated that he felt the stormwater management plan for the rear of the property was adequate and that the front of the property posed more of a problem. He felt it could be mitigated by a 70 square foot rain garden and installing a downspout that directed the water into it.
- Kelly felt that the shed was in the best position it could be given the topography. Also stated that the deck request is for a short extension, just big enough for a table and 4 chairs. She also stated she would like to see vegetation placed on top of the fill. The practical difficulty she felt was the topography.
- Godek had a question for one of the neighbors and Chair Burch indicated that he was going to open comment up for the public and it would be answered at that time.
- Burch read aloud a letter from one of the neighbors.

Public Comment –

Bob Maynard, 7077 Glen Circle, Gregory - Stated he had no objections.

Corey Weid, 13973 Aberdeen, Gregory – Stated he had no objections

Matt Hintzen, 7061 Glen Circle, Gregory – Wanted to make sure that the natural flow of the water run off was not interrupted.

Motion by Kelly, support by Gajewski to approve as requested. The practical difficulty being the topography of the land. The practical difficulty for the deck is that the house placement cannot be changed. The approval is based on the condition that a front (Aberdeen side) downspout be installed and drained into a 70 square foot rain garden.

Roll Call Vote:

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

Motion Carried

Agenda Item #	2
Appeal Number:	08-ZBA-684
Property Tax ID:	04-06-355-017, 04-06-355-018, 04-06-355-020, 04-06-358-001, and 04-06-358-002
Applicant Name(s):	Karen Nolte (owner and applicant) and Judith Quinlan (owner and applicant)
Property Addresses:	14415 Edgewater, 14422 Edgewater, and 14450 Edgewater

The purpose of this variance request is to allow the sale of property that will change or create nonconforming lot areas and nonconforming lot widths/frontages. All of the property in question were recently sold without a variance.

Patrick Sloan, DPZ, gave a brief description of the variance being requested.

Questions and answers were exchanged by the applicants and the ZBA members. The Nolte's stated that they were just trying to make things right as they would like to remodel in the future. Mr. Quinlan indicated that he planned on keeping as is. And that the second residence is intended for visitor overflow and possibly a rental.

Kelly asked Mr. Quinlan if the two houses were torn down would he be willing to only construct one home instead of the two. He answered no, because he wants to maintain what he has.

PUBLIC COMMENT –

- Matt Hintzen – Had no concerns

- Rob Stofer – Wanted to know if the Quinlan’s non-waterfront home would still have outlot access provided for non-waterfront owners.

After a lengthy discussion a motion was made by Kelly, supported by Gajewski to defer this matter pending obtaining advice from the township attorney, Peter Flintoft. Carried. 5-0

Agenda Item #	3
Appeal Number:	08-ZBA-685
Property Tax ID:	04-18-432-004
Applicant Name(s):	Jon & Janice Inwood
Property Address:	13776 Rustic Drive

The purpose of this variance request is to hold a rehearing on a previous variance request by the Inwoods to tear down an existing garage and build a new garage on the same footprint ~~rebuild an existing garage~~ at a grade 3 feet higher than the current grade.

Chair Burch informed the ZBA and public that, due to the length of the list of persons notified for the variance request, he would not read aloud, noting that the list is on file at the Township.

Patrick Sloan, DPZ, gave a brief description of the history of the applicant’s variance request.

Chair Burch distributed and read a letter from Scott Robertson.

Chair Burch asked Mr. Inwood if he had additional information he would like to add. Mr. Inwood passed out pictures and stated that he would like to amend his request and raise the grade by 18” not 36”.

A discussion was held regarding ways to mitigate the storm water from running into the existing garage.

Gajewski mentioned that a grate could be installed in front of the garage to divert storm water from the street. Mr. Inwood replied that he has used them for commercial buildings and they have worked.

Kelly indicated that she had safety concerns with the request ~~regarding due to~~ the close proximity of the existing and proposed garage to the extremely narrow private road and also concerns with adequate parking. She noted that she had expressed the same concerns previously and read a portion of the September 11, 2007 ZBA meeting minutes into the record:

“Kelly questions whether or not the applicant would be willing to tear down the shed to provide for additional parking. The applicant replies that he would like to keep it because it is a “historical” structure, but he would be willing to remove it.”

Kelly indicated that the only reason she had not recommended the garage be torn down as a condition of the Inwood’s previous variance request (07-ZBA-668) was Mr. Inwood’s statement that it was “historic”. Kelly stated that if Mr. Inwood is now willing to tear down the existing “historical” structure, there is not a practical difficulty to allow the expansion of the structure. She noted that the existing structure is legally non-conforming and the Zoning Ordinance protects non-conforming structures by allowing them to continue and provides even greater protection by allowing non-conforming structures to be rebuilt exactly as they existed. The Ordinance stops short, however, of allowing non-conforming structures to be expanded and Mr. Inwood has not demonstrated a practical difficulty to justify his request to expand the non-conformity of the garage. (because of the placement of the garage and the road) and has wanted to see the garage torn down since the first variance request (07-ZBA-668) came before the Board. She feels that the sooner it gets torn down the safer the road will be. The road width is very narrow.

Neighbor, Warren McCormick, has no objections to Mr. Inwood’s request.

Kelly made a motion to deny the applicant’s request. No practical difficulty being demonstrated and is not the intent of the Zoning Ordinance, section 19.01. Gajewski supported. Kelly amended the motion by adding that by denying this request it would improve safety (i.e. more clear vision for traffic) if the garage was removed and potentially increase parking. Gajewski supported.

Godek asked Mr. Inwood if the current garage could be salvaged. Mr. Inwood stated that it could, be he needs to decide whether to re-shingle it or replace it.

Roll Call Vote

Burch noted that a yes vote would be in favor of denying request.

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

Motion carried - Variance request denied

VII. Public Comment:

None

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

IX. Adjournment

Motion by Adams, support by Kelly to adjourn the meeting at 8:50 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary

These minutes have been approved by majority vote at the _____August 5,
2008 Zoning Board of Appeals Meeting.