



# 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, June 3, 2008

7:00 PM

Members present:

Absent:

Also Present: Patrick Sloan, Director of Planning and Zoning

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7:08 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**  
May 6, 2008- Deferred until the July 1, 2008 meeting. Motion by Gajewski, supported by Kelly.  
Carried.
- V. Public Comment- Non Agenda Items:** None
- VI. Action Items:**

<b>Agenda Item #</b>	<b>1</b>
<b>Appeal Number:</b>	08-ZBA-681
<b>Property Tax ID:</b>	04-03-300-001
<b>Applicant Name(s):</b>	YMCA
<b>Property Address:</b>	9141 Dexter Townhall 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>
11.02(E)(3)(a)/ 18.23(A)(4)(e)	39 feet (Arts & Crafts Pavilion) from Dexter Townhall Road	25 feet	100 feet	To allow <u>further encroachment</u> into the required front yard setback area by the Arts & Crafts Pavilion.
11.02(E)(3)(a)/ 18.23(B)	33 feet (Arts & Crafts Pavilion) from Silver Lake high water mark	40 feet	50 feet	To <u>retract the nonconforming waterside setback</u> to a less nonconforming setback.
11.02(E)(3)(a)/ 18.23(B)	Approx. 25 feet and 40 feet (2 buildings in the northwest corner of the site) from Silver Lake high water mark	Same	50 feet	Recognize the current nonconforming waterside setback for the 2 buildings in the northwest corner of the site. <u>No changes are proposed</u> to these buildings.

18.18(C)	Yes	Yes	No	To <u>allow</u> accessory buildings to be located in a front yard.
18.18(D)	5,644 square feet	4,625 sq. ft.	2,000 sq. ft.	To <u>reduce</u> the nonconforming lot coverage of accessory structures.
20.04	Mature trees within the required clear zone triangles of intersecting driveways and roads	Same	At least 20 ft. (driveways)/ 30 ft. (roads) clear zone triangle	Recognize the driveways do not have a clear zone triangle of at least 20 feet and the intersecting roads do not have a clear zone triangle of at least 30 feet.
21.03(B)(16)	23 spaces	17 spaces	Unknown	To <u>allow</u> for the minimum allowable number of parking spaces to be set at 17.
21.04(A)	Unmarked parking lot	Same	Parking lot must be marked	To allow the continuation of an unmarked parking lot.
21.04(B)	16 feet	18 feet	30 feet	To <u>widen</u> the nonconforming driveway width to 18 feet.
21.04(D)	Gravel parking lot surface	Gravel	Paved	To <u>allow</u> the continuation of a parking lot surface that is not paved.
21.05	No loading space	Same	1 loading space	To waive the requirement of 1 loading space and allow for no loading space.

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 requested that Patrick Sloan, DPZ, give a brief history of the application. Prior to doing so he distributed a copy of the amended Michigan Zoning Enabling Act to each of the Board members and asked that they turn to page 17. Sloan read aloud Article VI, 125.3601(13) which stated a member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property. Because these variance request are directly related to a site plan currently on file with the Planning Commission, Sloan requested that Mary Adams (PC representative) not participate on these particular ZBA items.

Therefore, Chair Burch requested that Mary Adams, also a member of the Planning Commission, not participate in or vote on 08ZBA681 YMCA or case 08ZBA679B-Dexter Dental Center.

Patrick Sloan, DPZ, gave a brief history of the applicants variance request.

Dan Munzel, Washtenaw Engineering, explained briefly to the Board that the YMCA camp was working to upgrade their facilities, and at the same time maintain low impact on the environment.

Dave Bona, Bona and Kolb Architects was present and showed the Board the site plan and explained what improvements they wished to do.

- Kelly stated that she felt that a fabulous job had been done on the site plan improvements, but is concerned with the clear vision on Cedar Rd. Also concerned with the width of the road being only 18'. The Fire Department reviewed the site plan and states it is ok. Dexter Townhall Rd. is used as an emergency access only. Kelly indicated that when the Planning Commission reviews the site plan that the storm water would be addressed by that Body.
- Gajewski had storm water comments. He liked the existing landscape.

Public Comments:

Judy Mulholland, neighbor, stated she had concerns with the loading and unloading of the bus passengers on Cedar. Could be potentially hazardous. She also indicated that the camp unloads on Dexter Townhall Rd.

- Kelly questioned her last statement of loading and unloading on Dexter Townhall. Mulholland stated yes, they do unload in the afternoon on Dexter Townhall Rd. She said she would like to see a better alternative.

Josh Humbel, YMCA representative, said the site does not have enough area for a turnaround. Pick up and drop off is on Cedar.

Mulholland recommended looping around the roads in the area.

- Gajewski questioned clear zone and wondered how the Planning Commission and Road Commission was going to deal with section 20.04.

A motion was made by Gajewski to approve all variances as requested. The practical difficulty being the irregular shape of the parcel and the three front yards.

Kelly supported and offered an amendment.

Would like to add to the motion that the Planning Commission take note that the ZBA would like the PC to scrutinize the loading and unloading of the busses and to also take into consideration the public comment of the citizen at the ZBA meeting. Also, would like it to be noted that there has been no expansion of use. This is a specialized summer use only with minimal parking needs.

Gajewski supported amendment.

Roll Call Vote

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

Motion carried

<b>Agenda Item #</b>	<b>2</b>
<b>Appeal Number:</b>	08-ZBA-679B
<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>Variances Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b><u>Permitted/Required</u></b>	<b><u>Description/Notes</u></b>
13.01(E)(1)	.87 acres	same	1 acre	Recognize lot is less than 1 acre. No change is proposed.
13.01(E)(2)	171.4 feet	same	200 feet	Recognize lot is less than 200 feet wide. No change is proposed.
13.01(E)(3)(a)/ 18.23(A)(1)(c)/ 21.04(E)	Approx. 51 feet	40.05 ft.	150 feet	To allow <u>further encroachment</u> into the required front yard setback area by the parking lot.
13.01(E)(3)(b)	25.27 feet (south)/ 25.61 feet (west)	25.27 feet (south)/ 25.61 feet (west)	30 feet	Recognize the building's side yard setback on the south and rear yard setback on the west is less than 30 feet. No changes are proposed.
21.02(F)	Approx. 55 feet	Approx. 45 feet	50 feet	To <u>create a nonconforming queue length</u> of less than 50 feet by way of adding parking spaces eastward.
21.04(B)(1)	Approx. 19 feet	Approx. 19 feet	30 feet	To realign the driveway while keeping it at the same 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.

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 history of the applicants' variance request.

- Gajewski would like to see more landscaping, and is concerned that screening pine trees could be relocated. Screening around perimeter would provide sense of closure. Is also concerned with storm water management plan. Would like to see rural area kept.
- Godek questioned whether or not this is the best plan for the parking lot layout.

Matt Schuster, applicant, stated that more screening in front would make the business less visible.

Public Comment:

Judy Mulholland, likes the view from the dentist chair when she is a patient there.

Tom Bell, the road used to be lined with oak trees and the Washtenaw County Road Commission cut them all down. He stated that it is after all commercially zoned property.

- Gajewski believes the intent of section 23.04 (B) of the Zoning Ordinance is to screen along the Right of Way line. Because the intent of Section 23.01 is to protect and preserve rural community character.
- Kelly, more trees would improve aesthetics. Agrees with waiving the loading space, but for this use only.

Patrick Sloan, DPZ, stated that the variance runs with the property, but a change in use would trigger a site plan review.

Kelly made a motion to approve the variance as requested with the exception of the driveway width. The driveway width is to be 24'. The practical difficulty is the size and shape of the lot and the existing location of the structure.

Gajewski supported.

Discussion was held regarding the driveway width. Sloan stated that the engineer did not want to go below 24' wide. He stated that it was based on cars pulling in and out of the drive at the same time.

- Gajewski pointed out that the site plan indicated that the driveway would be 24'.

Kelly offered an amendment to the motion to allow a 20' width for the driveway, (because it is 24' at the culvert)  
Gajewski supported.

Roll Call Vote

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

Motion Carried

<b>Agenda Action Item</b>	3
<b>Appeal Number:</b>	08-ZBA-682
<b>Property Tax ID:</b>	04-18-179-020
<b>Applicant Name(s):</b>	Richard Bradburn
<b>Property Address:</b>	7295 Webb Shore Drive

**Variations Requested Per Submitted ZBA Application:**

<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.02(E)(1)	.064 acres	.064 acres	1 acre	Recognize lot area is less than 1 acre.
12.02(E)(2)	32.82 feet	32.82 feet	150 feet	Recognize lot width is less than 150 feet.
18.23(A) (road)	1' (road)	1' (road)	50 feet	Recognize current front yard setback of the home on the road side is less than 50 feet.
18.23(B) (water) (home)	48' (water)	48' (water)	50 feet	Recognize current front yard setback of the home on the water side is less than 50 feet.
18.23(B) (water) (deck*)	37' (water)*	37' (water)*	50 feet	<u>To allow further encroachment</u> on the water side via the deck.
12.02(E)(3)(b) (home)	1' (south)	1' (south)	5 feet	Recognize current side yard setback of the home on the south side is less than 5 feet.
12.02(E)(3)(b) (shed)	3' (north)	3' (north)	5 feet	Recognize current side yard setback of the shed on the north side is less than 5 feet.
12.02(E)(3)(b) (deck*)	2' (south)*	2' (south)*	5 feet	<u>To allow further encroachment</u> on the side yard setback on the south side via the deck.
12.02(E)(4)	32.32%	32.32%	25%	Recognize lot coverage is greater than 25%.
18.22(A)	24 feet	24 feet	26 feet	Recognize that the front elevations are less than 26 feet.

**Purpose:** Allow for construction of a 12-foot wide deck along the west (lake side) elevation of the existing single family home. The parcel currently contains a two-story single family home. The attached deck was recently constructed without a Zoning Permit or variance.

This agenda item was tabled from the April 1, 2008 meeting. It was determined that the stormwater management plan was not sufficient enough for approval.

Mr. Bradburn submitted new plans.

- Gajewski stated that the plan submitted is sufficient for storm water.

Kelly made a motion to approve the variance request with the condition that

1. The stormwater management plan be constructed per the plans dated April 16, 2008.
2. Sloan to inspect before and after installation of trench.
3. Chelsea Area Construction Agency to issue building permit for deck.
4. Deck height no more than 30", therefore not needing a rail.

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

Motion Carried

**VII. Public Comment:** None

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

Mary Adams, PC Member, stated that the Planning Commission was currently working on the Master Plan. Part of the review was regarding water quality. One of the questions the PC has is how they can assist in variances.

Review of the Draft Master Plan to be placed on the July 1, 2008 meeting agenda.

Burch would like the PC to further review section 23.04(B) he feels it is ambiguous

**IX. Adjournment**

Kelly made a motion to adjourn at 9:37 p.m. supported by Adams. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary

These minutes have been approved by majority vote at the July 1, 2008 Zoning Board of Appeals Meeting.