



Dexter Township

Zoning Board of Appeals

6880 Dexter-Pinckney Road
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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, July 1, 2008

Members present: Steve Burch, Chair, Bill Gajewski, Vice Chair, Mary Adams, Paul Godek, Alternate.

Absent: Pat Kelly, Secretary

Also Present: Patrick Sloan, Director of Planning and Zoning

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7:04 p.m.
- II. Pledge of Allegiance:** Chair Burch led the Pledge of Allegiance to the Flag
Mary Adams volunteered to be acting secretary.
- III. Approval of Agenda:** There was a motion by Gajewski, supported by Godek to approve the agenda as submitted. Carried.
- IV. Approval of Meeting Minutes-**
May 6, 2008- Burch questioned why there was a copy of the September 11, 2007 minutes attached to the May 6, 2008 minutes, with page 2 being highlighted. Sloan said they may be pertinent to the Inwood's case on May 6, 2008 and recommended tabling approval of the May 6, 2008 minutes until Kelly and Bolyard are present to help explain.
June 3, 2008- Motion by Gajewski, support by Godek to approve the minutes as amended. Carried
- V. Public Comment- Non Agenda Items:** None
- VI. Action Items:**

Agenda Item #	1
Appeal Number:	08-ZBA-686
Property Tax ID:	04-07-300-029
Applicant Name(s):	David & Laura Stahl
Property Address:	8147 Stonehedge Valley

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)(3)(a)/ 18.23(A)	About 25 ft. (house)	About 25 ft. (house)	50 feet	Recognize existing home is less than 50 feet from the access easement to the south. No changes are proposed.
18.18(D)(1)	---	1,700 sq. ft.	1,000 sq. ft.	To allow construction of a detached accessory structure that exceeds the maximum allowable lot coverage by 700 square feet.

Chair Burch read aloud persons noticed for this variance request.

Sloan gave his review report

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Burch had a question regarding the access easement.

Sloan stated the parcel to the south, which receives access via the easement is undeveloped.

David Stahl said that his home pre-dates the access easement.

Godek stated that he felt the topography was a practical difficulty.

Gajewski said that the zoning ordinance does not allow “things” going into accessory structure as a practical difficulty. Lot coverage overall is very low. The practical difficulty is the slope of the land, and the location of the septic system is prohibitive.

Public Comment: None

Motion by Gajewski, support by Godek to approve the variance as requested. The practical difficulties are the steep topography and location of the septic system which prevent an allowable attached structure of that size to the principal structure.

Roll Call Vote –

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

Motion Carried

Agenda Item #	2
Appeal Number:	08-ZBA-687
Property Tax ID:	04-18-385-003
Applicant Name(s):	John & Gloria Mitchell
Property Address:	7245 Lakeshore Drive

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02(E)(1)	.44 acres	.44 acres	1 acre	Recognize existing parcel is less than 1 acre. No changes are proposed.
12.02(E)(2)	140 feet	140 feet	150 feet	Recognize existing parcel is less than 150 feet wide. No changes are proposed.
12.02(E)(3)(a))/ 18.23(A)	About 22 ft. (house)	About 22 ft. (house)	50 feet	Recognize existing home is less than 50 feet from the lake. No changes are proposed.
12.02(E)(3)(a))/ 18.23(A)	Garage located in the right-of-way	3 ft. setback from the road right-of way	50 feet	To demolish the existing garage (currently located entirely within the road right of way) and to build a new garage entirely on the applicants’ parcel but with a front yard setback of less than 50 feet from the right-of-way line.
18.18(C)	Garage located in the right-of way	Garage located in the front yard	No	To demolish the existing garage (currently located entirely within the road right of way) and to build a new garage entirely on the applicants’ parcel but also entirely located within the front yard area.
18.18(D)	44.69%	63.29%	25%	To demolish the existing garage and to build a new garage that further exceeds the maximum allowable lot coverage for a detached accessory structure of 25% of the ground floor area of the principal building.

Burch read aloud persons noticed regarding this variance.

Burch distributed Chelsea Area Fire Authority letter to ZBA Members.

Gajewski stated that this is a very small cottage with steep topography and large trees. Practical difficulty is

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- 1) Steep topography and large trees.
- 2) Small size of the cottage, placement and age of the home.
- 3) Current garage is in the road right-of-way and its removal will benefit public safety.

Sloan gave his report.

Burch asked Gajewski if the topography of the land would prevent water from going down to the lake. Gajewski said yes, that would be correct. The tree canopy was good in 2005, but some of those trees have since died. A 9' buffer strip is wide enough to filter storm water, which exists on the site.

John Mitchell stated that they want a 3' setback to save one oak tree. An arborist said he could save another oak if the garage was moved up 3' to the road right-of-way.

Gloria Mitchell said that the garage was not built because it would have required cutting down an oak tree.

Gajewski mentioned the Chelsea Area Fire Authority letter. Is only one tree proposed to be cut?

John Mitchell, the proposed garage was 30' wide but was retracted to 27' to save one tree and only have to cut one.

Adams asked Mr. Mitchell if it was a slab foundation and he replied yes.

Burch read aloud the Glen Oaks letter.

Godek – Feels current garage in the right-of-way is a safety hazard. Section 18.18 (C) of the Zoning Ordinance is prohibitive for a lakefront owner because of the two front yards.

Gajewski – Wants to preserve trees and topography, but the request needs to meet all variance requirements. Original garage was 24' x 20'. Is 24' x 27' the minimum amount necessary for reasonable use?

Mrs. Mitchell indicated that they needed a depth of 27' to store boat and trailers.

Mr. Mitchell – This space is the minimum to fit boat in.

Gajewski – Is 24' x 27' substantial justice and the minimum necessary? He did appreciate that the lot has preserved trees and lot coverage is relatively low for the entire lot.

Godek – Historically, the current garage is in disrepair. Today's minimum standard for a garage is 24' x24'. The size proposed would keep with community character and the proposed road side setback keeps with the site line of other properties on the street.

Burch – Agreed that proposed garage would be consistent with site line on the street. Asked Sloan for comments.

Sloan commented on each individual variance request as each section relates to the application. The most difficult request were 12.02(E)(3)(a)/ 18.23(A) (for 3' setback) and 18.18(D) (larger lot coverage)and though didn't give specific recommendations.

Public Comment: None

Gajewski – Topography is the practical difficulty. 66' ROW is excessive here and in many places.

Mr. Mitchell – Architecture of garage will be the same as house.

Motion by Gajewski, support by Godek to approve variance as requested.

<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.02(E)(1)	.44 acres	.44 acres	1 acre	Recognize existing parcel is less than 1 acre. No changes are proposed.
12.02(E)(2)	140 feet	140 feet	150 feet	Recognize existing parcel is less than 150 feet wide. No changes are proposed.

12.02(E)(3)(a) / 18.23(A)	About 22 ft. (house)	About 22 ft. (house)	50 feet	Recognize existing home is less than 50 feet from the lake. No changes are proposed.
12.02(E)(3)(a) / 18.23(A)	Garage located in the right-of-way	3 ft. setback from the road right-of way	50 feet	To demolish the existing garage (currently located entirely within the road right of way) and to build a new garage entirely on the applicants' parcel but with a front yard setback of less than 50 feet from the right-of-way line.
18.18(C)	Garage located in the right-of way	Garage located in the front yard	No	To demolish the existing garage (currently located entirely within the road right of way) and to build a new garage entirely on the applicants' parcel but also entirely located within the front yard area. Gajewski wished to have the practical difficulties noted here. 1) Steep topography and large trees. 2) Small size of the cottage, placement and age of the home. 3) Current garage is in the road right-of-way and its removal will benefit public safety.
18.18(D)	44.69%	63.29%	25%	To demolish the existing garage and to build a new garage that further exceeds the maximum allowable lot coverage for a detached accessory structure of 25% of the ground floor area of the principal building.

Roll Call Vote

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

Motion Carried

Agenda Item #	3
Appeal Number:	08-ZBA-688
Property Tax ID:	04-02-400-007 & -008
Applicant Name(s):	Anthony Bradshaw
Property Address:	9669 Dexter-Pinckney Road

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.01(E)(1)	.955 acres	.955 acres	2 acres	Recognize lot area is less than 2 acres. No changes are proposed.
12.01(E)(2)	90 feet	90 feet	150 feet	Recognize lot width/frontage is less than 150 feet. No changes are proposed.
12.01(E)(3)(a) / 18.23(A)	About 124.6 ft.	124.6 ft.	150 feet	To demolish the existing single-family home and pole barn and replace them with a new single-family home and attached garage that will be set back less than 150 feet from the Dexter-Pinckney Road right-of-way line.

Burch read aloud persons noticed regarding this variance request.

Sloan described the request and the extraordinary right-of-way (ROW).

Burch questioned the ROW and mentioned that Washtenaw County Road Commission ROW master plan would make the roadside setback better.

Godek - Footprint is good. Integrity of the property is upheld with keeping the trees. Some of the setback is academic.

Gajewski – Location of the house, location of the trees, and slope of the land are practical difficulties. Placement of the current and proposed home on the lot is ideal.

Adams – Was current home there before 1953?

Anthony Bradshaw said he was not sure.

Adams asked what would happen when the Washtenaw County Road Commission wants more ROW?

Burch – Possibly, eminent domain

Sloan stated that the Washtenaw County Road Commission ROW master plan is problematic because it ignore zoning, traffic levels, and on-site land uses. If implemented, it would put countless properties into nonconforming status and create and even larger ZBA workload.

Burch read Bradshaw’s comments in the application.

PUBLIC COMMENT: None

Motion by Gajewski, support by Godek, to approve variance request because Washtenaw County Road Commission acknowledges the current ROW width is excessive. Practical difficulties are location of existing home, large trees to the southwest. Also the desirability to maintain waterside setback to protect water quality are very important.

Roll Call Vote:

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

Motion Carried

Agenda Item # 4

ZBA review and comment on the draft Master Plan.

Gajewski – “Wildlife Corridors” create edge habitat. Goal should be “biodiversity” by preserving large unbroken tracts of land and preventing fragmentation of forests. We should want to limit edge habitat species like deer and raccoon. Likes the idea of wilderness zoning (80-ac lot size) [for public lands to preserve biodiversity](#). Conservation design and open space development is the best and most cost effective way to preserve land. Steep slopes [and severe limitations for septic systems](#) have been circumvented in the past for Portage Base lagoons. How we grow, not how much, will determine how water quality is protected. Low Impact Development is a key component. Soil survey is not entirely reliable, so we should acknowledge its limitations.

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Adams has heard that 20 deer per square mile is an ideal density. Deer are a safety hazard and over population is a problem.

Burch – Deer are also a problem in Carriage Hills.

VII. Public Comment: None

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

Sloan mentioned Guenther ZBA in August and that section 19.04 (B)(2) will be applied because a conforming addition is proposed to a legal nonconforming structure.

November ZBA meeting will have to be changed due to elections. Prefer November 5th or 6th. Sloan will check with the Clerk to see what would be most convenient and let Burch know.

- IX. **Adjournment** – Motion by Gajewski, supported by Godek to adjourn the meeting at 8:30 p.m.
Carried

Respectfully submitted,

Mary Adams,
Acting Secretary

These minutes have been approved by majority vote at the _____ Zoning Board
of Appeals Meeting.