



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

"A Community For All Seasons"

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, August 5, 2008

Members present: Steve Burch, Chairman, Pat Kelly, Secretary, Bill Gajewski, Mary Adams, Paul Godek, Alternate

Absent: None

Also Present: Patrick Sloan, Director of Planning and Zoning

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:05 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 with an addition as Action Item #6 Judith Quinlan 08ZBA 684. Carried.
- IV. **Approval of Meeting Minutes** – May 6, 2008 and July 1, 2008
 May 6, 2008 – Motion by Kelly, supported by Gajewski, to approve the minutes as amended. Carried
 July 1, 2008 – Motion by Gajewski, supported by Adams, to approve the minutes as amended. Carried
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

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| Agenda Item # | 1 |
| Appeal Number: | 08-ZBA-689 |
| Property Tax ID: | 04-03-226-008 |
| Applicant Name(s): | Castledine Trust Agreement (owner)/ Wayne & Dorothy Castledine (applicants) |
| Property Address: | 9393 Anne Street |

| 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) | .096 acres | .096 acres | 1 acre | Recognize lot area is less than 1 acre. <u>No changes are proposed.</u> |
| 12.02(E)(2) | 60 feet | 60 feet | 150 feet | Recognize lot width/frontage is less than 150 feet. <u>No changes are proposed.</u> |
| 12.02(E)(3)(a))/ 18.23(A) Anne Street | 29.9 feet (home) | 22.5' (home) | 50 feet | To demolish the existing single-family home and replace it with a new single-family home and attached deck that will be set back less than 50 feet from the Anne Street right-of-way. |
| 12.02(E)(3)(a))/ 18.23(B) Silver Lake | 23.5 feet (home) | 25.5 feet (home); 18 feet (deck) | 50 feet | To demolish the existing single-family home and replace it with a new single-family home and attached deck that will be set back less than 50 feet from Silver Lake. |
| 12.02(E)(3)(c)) | 13.5 feet (home) | 15.5 feet (home); | 30 feet | To demolish the existing single-family home and replace it with a new single-family home and attached deck that will be set back less than 30 feet from the |

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| | | 8 feet (deck) | | property line to the south. |
| 18.22(A) | 440.83 sq. ft. | 920.5 sq. ft. | 1,040 sq. ft. | To demolish the existing single-family home and replace it with a new single-family home that is less than 1,040 square feet. |
| 18.22(A) | 20.3 feet | 24.5 feet | 26 feet | To demolish the existing single-family home and replace it with a new single-family home that has a side elevation of less than 26 feet on the east side. |

Sloan gave a brief explanation of the applicant’s variance request.

Burch asked Wayne Castledine if he had any further information he wished to add. He did not, but noted that the property between the lot line and the lake is privately owned and has an access easement.

Gajewski commented to the applicant that he may want to move the infusion field 5-10’ away from the house or as an alternative put in a rain garden.

Godek asked for an explanation of what section 18.22.A. meant regarding the elevation. Sloan explained that it requires a minimum elevation width of 26 feet.

Kelly asked how high the current house is on the road side. Wayne Castledine answered 12-14’. Kelly also asked if there were any intentions of paving the driveway. Castledine said if anything, he may use eco-stone. Kelly asked Castledine if he would accept this as a condition of approval and Castledine said that he would.

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.

Public Comment: Comment from Tom Kaiser, neighbor.

Adams asked if the new home is higher than the current one. Castledine stated that yes, it was higher.

Kelly made a motion to approve the variance stating that the existing structures are non-conforming and subject to Section 19.04.B of the zoning ordinance. And therefore is the finding of the ZBA that the proposed structures represent an increase in the setback nonconformities. The findings of fact are as follows:

- The proposed use of a single family home will not change
- The variance does relate only to the property under the control of the applicant. All proposed structures will be built on the applicant’s property.
- There are genuine practical difficulties which prevent carrying out the strict letter of this ordinance. The small (.09 acre) and shallow (70 ft) lot prevent conformance with all of the standards.
- The practical difficulties do not result from the actions of the applicant.
- The practical difficulty does not exist because of unique circumstance that do not generally apply to other property or uses in the same zoning district.
- Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonable prevent the owner from using the property for a permitted purpose. The minimum size single family home (1040 sq ft. and 26’ elevation) cannot be built without variances.
- The variance is the minimum necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty. The requested variances provide a reasonably sized single-family dwelling that is actually smaller than the required minimum area. The proposed structures provide a good balance between conflicting sections of the zoning ordinance. (minimum square footage and setbacks). The proposed structures are similar to those in the neighborhood.
- The variance will be in harmony with the general purpose and intent of the ordinance. Applicant has agreed to provide storm water run off mitigation to be able to handle a 1” rain event for all proposed pervious or roofed surfaces on his property.

Condition on approval is that applicant will have his builder supply the certification that all proposed plans meets what has been submitted and approved. (Including storm water management plan).

Gajewski supported the motion

Roll Call Vote –

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

Motion Carried

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| Agenda Item # | 2 |
| Appeal Number: | 08-ZBA-690 |
| Property Tax ID: | 04-02-480-036 |
| Applicant Name(s): | Gwendolyn Fellenberger (owner and applicant) |
| Property Address: | 9294 Dexter-Pinckney Road |

| Variations Requested Per Submitted ZBA Application: | | | | |
|--|--------------------------------------|--|------------------|---|
| Section | Current | Requested | Permitted | Description/Notes |
| 12.02(E)(1) | .17 acres | .17 acres | 1 acre | Recognize lot area is less than 1 acre. <u>No changes are proposed.</u> |
| 12.02(E)(2) | 74 feet | 74 feet | 150 feet | Recognize lot width/frontage is less than 150 feet. <u>No changes are proposed.</u> |
| 12.02(E)(3)(a)/18.23(A) Dexter-Pinckney Rd. | 11.23 ft. (home); 26 ft. (garage) | Same as current but 24.5 ft. for proposed addition | 100 feet | To construct an addition to connect the existing single-family home and garage. |
| 12.02(E)(3)(a)/18.23(A) Dexter-Pinckney Rd. | -1 ft. (shed) | 42.1 ft. (shed) | 100 feet | To relocate the shed from its current placement to the west side of the existing garage. |
| 12.02(E)(3)(a)/18.23(B) | 34 ft. (home); 47 ft. (garage) | Same as current but 47 ft for proposed addition | 50 feet | To construct an addition to connect the existing single-family home and garage. |
| 12.02(E)(3)(b) East side of home | 0 ft. (home) | 0 feet (home) | 5 feet | Recognize side yard setback on the east side of the home is less than 5 feet. <u>No changes are proposed.</u> |
| 12.02(E)(4) | 21.13% | 25.09% | 25.00% | To create nonconforming lot coverage via the proposed addition. |
| 18.22(A) | 18.5 feet | 54.5 feet | 26 feet | To increase the front (road) elevation on the south side from a nonconforming 18.5 ft. to a conforming 54.5 feet. |

Persons noticed for this variance were read aloud by Chair Burch.

Sloan gave a report regarding this variance request. He said it was brought to his attention that there were questions pertaining to the ownership of the property between the high water mark of the lake and the platted property line.

Public Hearing Opened –

Discussion between Fellenberger (daughter), Carol Grove, Surveyor, and ZBA Members.

Carol Grove stated that the plat did not address the area between the lot line and the water, but said that a title company would have documentation.

Kelly made a motion to defer consideration of this request until ownership can be determined on the lake front. Gajewski supported the motion.

Carried

John Young, a member of the audience, asked the Board about adverse possession.

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| Agenda Item # | 3 |
| Appeal Number: | 08-ZBA-691 |
| Property Tax ID: | 04-11-200-014 |
| Applicant Name(s): | James Calder (owner)/Guenther Building Company (applicant) |
| Property Address: | 10010 Stinchfield Woods Road |

| Variations Requested Per Submitted ZBA Application: | | | | |
|--|----------------|---------------------|------------------|--|
| Section | Current | Requested | Permitted | Description/Notes |
| 19.04(B)(2) | Nonconforming | Conforming Addition | Per ZBA Approval | To construct a conforming addition onto a structure that has a nonconforming side yard setback on the east side. |

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.

Sloan gave a report of the nature of this request. He indicated that while the proposed addition conforms to all the dimensional standards of the Dexter Township Zoning Ordinance, the existing side yard setback of the single-family home is 12.6 feet on the east side. According to Section 19.04(B)(2) (Nonconforming Structures) of the Zoning Ordinance, "Where such construction would result in a change in the structure's foundation footprint, profile, or square footage, as it existed prior to being destroyed, repaired, renovated, or otherwise altered, no construction shall be initiated until the applicant has received approval from the Zoning Board of Appeals that such construction shall not in any way increase the structure's nonconformity as it existed prior to being destroyed, repaired, renovated, or otherwise altered, and has received plot plan approval and a zoning permit from the Zoning Administrator pursuant to Article 6." Again, while the proposed addition will alter the footprint, profile, and square footage of the legal nonconforming home, the addition will conform to all of the dimensional standards of the Zoning Ordinance and the side yard setback nonconformity on the east side of the home will not be altered in any way. Therefore, he felt that the ZBA's only duty in this case is to affirm that the side yard setback nonconformity on the east side of the home will not be increased or altered in any way. ZBA Members were in agreement that the introductory paragraph in Section 19.04(B) should supercede.

Discussion was held and a motion was made by Kelly, supported by Gajewski to affirm that the side yard setback nonconformity on the east side of the home will not be increased or altered in any way.

5 yeas - 0 nays - Motion Carried

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| Agenda Item # | 4 |
| Appeal Number: | 08-ZBA-692 |
| Property Tax ID: | 04-15-205-019 |
| Applicant Name(s): | John & Vicki Mazur (owners/applicants) and John Young (applicant) |
| Property Address: | 7235 Ridge Line Circle |

| Variations Requested Per Submitted ZBA Application: | | | | |
|--|----------------|------------------|------------------|---|
| Section | Current | Requested | Permitted | Description/Notes |
| 12.01(E)(1) | 1.039 acres | Same | 2 acres | Recognize existing lot is less than 1 acre. No changes are proposed. |
| 18.18(D) | 0% | 26.4% | 25% | To allow construction of a detached accessory structure (swimming pool) that exceeds 25% of the ground floor area of the principal structure. |

Persons noticed were read aloud by Chair Burch.

Sloan gave a brief summary of the applicants request.

Kelly questioned if this request would be approved without having to come to the ZBA for approval if the Planning Commission makes changes to Section 18.18 (D) that allow more leniency for detached accessory structures.

Gajewski stated water management is not a problem as rain water would fall into the pool.

Public Comment: None

Gajewski made a motion to approve as requested, supported by Godek. The practical difficulty being that it is not reasonable to deny a swimming pool.

Roll Call Vote –

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

Motion Carried

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| Agenda Item # | 5 |
| Appeal Number: | 08-ZBA-681-B |
| Property Tax ID: | 04-03-300-001 |
| Applicant Name(s): | YMCA |
| Property Address: | 9141 Dexter Townhall Road |

| Variations Requested Per Submitted ZBA Application: | | | | |
|--|-----------------|------------------|--------------------------------|---|
| Section | Current | Requested | Permitted/ Required | Description/Notes |
| 21.04(C)(1) | 16-23 feet wide | 20 feet wide | 24 feet wide | To <u>modify</u> the width of the maneuvering lane to be 20 ft. |
| 21.04(C)(6) | 18 feet long | 18 feet long | 20 feet long | To <u>allow</u> the same nonconforming parking space length. |

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.

Sloan stated that he did not have an additional report.

Public Comment:

Jane Sorano, 11100 Cedar Drive - Wanted clarification of what the YMCA was requesting. Also questioned bus access.

Discussion was held again regarding the bus drop off pattern. Sloan said that he would investigate.

Kelly made a motion to approve variance adding that the ZBA requests the Planning Commission to address traffic pattern issues. Adams supported.

Roll Call Vote –

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

Motion Carried

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|---------------------------|-------------------------------|
| Agenda Item # | 6 |
| Appeal Number: | 08-ZBA-684 |
| Property Tax ID: | 04-06-355-017 & 04-06-358-001 |
| Applicant Name(s): | Judith Quinlan |
| Property Address: | 14415 & 14422 Edgewater |

The applicant wishes to obtain a zoning permit to allow for remodeling of the interior of the dwelling. However, the above properties are currently under review of the ZBA case number 08ZBA684, which was tabled by the ZBA at its May 6, 2008 meeting to allow time for review and comment from the Township Attorney. The recommendations of the attorney are summarized as follows:

1. The Quinlans combine parcels 04-06-355-017 and 06-355-018, which are the 2 contiguous waterfront parcels; and

2. The Quinlans acknowledge that parcel 04-06-358-001, which is the non-waterfront home at 14415 Edgewater Drive, have no right of access to Half Moon Lake over parcels 04-06-355-017 or 04-06-355-018, or any successor parcel; and
3. That parcels 04-06-355-017 or 04-06-355-018, or any successor parcel, and parcel 04-06-358-001 must comply with all standards of the Dexter Township Ordinance. Therefore, these parcels cannot be sold or transferred separately without a variance.

Burch stated that he did not want to take action on the application tonight, but did not see a good reason to hold up an interior remodel permit for the Quinlans on parcel 04-06-358-001.

Nolte stated that she had no problem signing and recording a document combining her two documents- parcels.

Kelly stated she had no objection issuing Quinlans an interior remodel permit if they agree to Flintoft's document. The Quinlan's verbally agreed to the content of Flintoft's document.

Motion by Kelly, supported by Gajewski to agree that the internal model zoning permit be issued if the Quinlans agree to sign the document prepared by the Township Attorney. The above ZBA case (08-ZBA-684) proceed with due diligence to resolve the illegal sale issue.

Carried

VII. Public Comment: None

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

Joint Meeting of the Township Board, Planning Commission, and Zoning Board of Appeals. Tuesday, September 30, 2008 at 7 p.m.

The November meeting will be held on Thursday, November 6, 2008 at 7:00 p.m. due to elections being held the previous Tuesday.

IX. Adjournment: Declared at 9:15 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary

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