



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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STEVE BURCH,
CHAIR

BILL GAJEWSKI,
VICE CHAIR
PAT KELLY,
SECRETARY

MARY ADAMS
JAMES CORMIER

PAUL GODEK, ALT
WENDELL WAGNER, ALT

DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Thursday, November 6, 2008

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

Absent: James Cormier

Also Present: Patrick Sloan, Director of Planning and Zoning

I. Call to Order: The meeting was called to order by Chairman Burch at 7:03 p.m.

II. Pledge of Allegiance: Chair Burch led the Pledge of Allegiance to the Flag

III. Approval of Agenda: Sloan, Director of Planning and Zoning addressed the Board and requested that two items be added to the agenda. As number 3, Donald Brooks, number 4, Paul Godek.

Pat Kelly requested that the approval of the minutes of October 7, 2008 be reviewed for approval at the special meeting to be held Monday, November 10, 2008.

There was a motion by Kelly, supported by Gajewski to approve the agenda as amended. Motion Carried.

IV. Approval of Meeting Minutes – October 7, 2008 – Deferred until Monday, November ~~11~~10, 2008.

V. Public Comment- Non Agenda Items: None

VI. Action Items:

Agenda Item #	1
Appeal Number:	08-ZBA-699
Property Tax ID:	04-06-356-004
Applicant Name(s):	Shaun Smith & Keli Schneberger
Property Address:	8855 Argonne

The purpose of this variance application is to add 3 dormers and 2 attached, uncovered decks to the existing single family home at 8855 Argonne Drive, Gregory, MI 48137 (parcel 04-06-356-004).

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 brief summary of his report.

Chair Burch asked the applicant if he wished to make additional comments to Sloans report. Shaun Smith, the applicant, explained what his variance request entailed.

Board Comments –

- Burch questioned the the lakeside deck setback
- Kelly - Said that she felt the lot coverage was not impacted at all. The house is not unreasonable in size. Instead of seeking a larger variance to add a 2nd story the request is more modest.
- Gajewski – Likes the proposal of 1 1/2 story. Drawings were exceptionally well done.
- Adams – No Concerns

Public Comment - None

Gajewski made a motion to approve as requested and listed below. Kelly supported the motion indicating that the practical difficulty was the small size of the lot and the placement of the existing home and that the dormers were all within height requirement.

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)	7,950 sq. ft. (0.18 acres)	Same	1 acre	Recognize lot area is less than 1 acre. <u>No change is proposed.</u>
12.02(E)(2)	60 feet	Same	150 feet	Recognize lot width is less than 150 feet. <u>No change is proposed.</u>
18.23(A) (road)	-2.6'	Same	50 feet	Recognize front yard setback of the house is less than 50 feet. <u>While the proposed dormers and decks will be on the applicants' property, all 3 of the dormers and 1 of the decks will be within the required front yard setback area.</u>
12.02(E)(4)	26.99%	Same	25%	Recognize lot coverage is more than 25%. <u>No change is proposed.</u>

Roll Call Vote:

ADAMS – YES BURCH – YES KELLY – YES GAJEWSKI – YES

Motion Carried

Agenda Item #	2
Appeal Number:	08-ZBA-700
Property Tax ID:	04-13-100-015
Applicant Name(s):	Michael & Robertha Cohen
Property Address:	9205 Huron River Drive

The purpose of this variance application is to add a 23' x 36' addition onto the existing barn and construct a 12' x 16' horse run-in at 9205 Huron River Drive, Dexter, MI 48130 (parcel 04-13-100-015).

Persons noticed were read into the record by Chair Burch.

Sloan gave a brief summary of his report.

Burch for the record - Met the applicant when visiting the property and would like it noted that the case was not discussed.

Michael Cohen, applicant, gave a Power Point presentation and explained to the Board what he was requesting.

Kelly asked whether or not this application would comply with the draft amendments to the Zoning Ordinance currently being discussed by the Planning Commission. Sloan replied that it would not, but stated that the amendments may change and have not yet been scheduled for a formal public hearing. Sloan also stated that the lot coverage standard of section 18.18.(D) may be moot if there was a commercial component (e.g. riding lessons) to the proposed use.

Board Comments:

- Kelly stated that it was a very peculiar lot.
- Gajewski stated that it was an exemplary presentation. His only concern would be the housing of animals and if the neighbors would have any objection. According to their letter, they do not.
- Adams indicated she had no concerns

Gajewski questioned the Board as to what they felt would be the practical difficulty if this application were approved.

Public Comment –

John Gannon, 9211 Huron River Drive, Dexter - Owns property to the east and used to own and stable horses ~~on it~~. Stated he was in support of his neighbors request.

Kelly made a motion to approve variances from Section 18.17(B)(2) and section 18.18(C) as listed below but not from section 18.18.(D) as a commercial component would make this standard moot. Supported by Gajewski. The practical difficulty is the peculiar access which is secluded from the neighbors and not visible from the road. This request preserves the intent and spirit of the ordinance.

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.17(B)(2)	15 feet	Same	50 feet for buildings that house animals	Recognize that the setback of the current barn for the proposed use is less than 50 feet from the north property line. <u>The applicants propose to change the use to house a horse, extend the setback nonconformity by 23 feet eastward (plus a 1-foot overhang) and add a 12' x 16' horse run-to the east of the proposed addition within the required setback area.</u>
18.18(C)	Located in front yard	Same	No	Recognize that the existing barn and 2 sheds are located in the front (east) yard area. <u>The applicants propose to extend the nonconformity of the barn by 23 feet eastward (plus a 1-foot overhang) and add a 12' x 16' horse run-to the east of the proposed addition in the front yard area.</u>

Roll Call Vote:

ADAMS – YES BURCH – YES KELLY – YES GAJEWSKI – YES

Motion Carried

Agenda item #	3
Appeal Number:	08-ZBA-696
Property Tax ID:	04-18-100-027
Applicant Name(s):	Donald Brooks
Property Address:	7571 Noah's Landing

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02(E)(1)	Approx. 4,950 sq. ft. (Approx. 0.11 acres)	Same	1 acre	Recognize lot area is less than 1 acre. <u>No change is proposed.</u>
12.02(E)(2)	49.5 feet	Same	150 feet	Recognize lot width is less than 150 feet. <u>No change is proposed.</u>
18.23(A) (road)	Approx. 19.5' (house)	Same	50 feet	Recognize front yard setback of the house is less than 50 feet. <u>No change is proposed.</u>
18.23(A) (road)	Approx. 8.5' (shed)/ Approx. 18.5' (well house)	Same	50 feet	Recognize front yard setbacks of the shed and well house are less than 50 feet. <u>No changes are proposed.</u>
18.23(B) (water)	36.5' (house w/ no deck)	28' (new deck)	50 feet	Recognize front yard setback of the house (no change) and allow further encroachment into the front yard setback via a 10-foot deck.
12.02(E)(3)(b)	0' (shed)/-2' (well house)	Same	5 feet	Recognize side yard setbacks of the shed and well house are less than 5 feet. <u>No changes are proposed.</u>
18.22(A)	20' 4"	Same	26 feet	Recognize that the front elevation width of the house is less than 26 feet. <u>No changes are proposed.</u>

Donald Brooks requested in writing that a rehearing regarding his variance request be considered by the Zoning Board of Appeals. The letter indicated that there were errors of omission and of fact. He stated that letters submitted on his behalf from his neighbors were never entered into the record at the previous meeting.

Sloan read aloud section 4.06F. of the Zoning Ordinance which explained under what circumstance a rehearing would be justified. Regardless of whether the letter were received in a timely manner, or at all, if the neighbors intended to comment, a rehearing is warranted. He recommended that the Board rehear this request at the December 2, 2008 meeting.

Kelly made a motion to have a rehearing at the request the Board, December 2, 2008 at 7:00 p.m. Justification is that there is newly acquired evidence. Gajewski supported the motion.

4-0 Motion Carried

Agenda Item #	4
Appeal Number:	08-ZBA-694
Property Tax ID:	04-01-181-002
Applicant Name(s):	Paul & Nancy Godek
Property Address:	9669 Portage Lake Ave.

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02(E)(1)	About .128 acres	Same	1 acre	Recognize lot area is less than 1 acre. <u>No change is proposed.</u>
12.02(E)(2)	About 35 feet	Same	150 feet	Recognize lot width is less than 150 feet. <u>No change is proposed.</u>
18.23(A)	About 65 feet	About 46.5 ft.	50 feet	To reduce the front yard setback from the road by adding a garage and upstairs addition.
18.23(B)	37' 11" (to house); About 13' to deck	Same	50 feet	Recognize existing front yard setback nonconformities from Portage Lake. <u>No changes are proposed.</u>
12.02(E)(3)(b)	About 2' (north side[deck only])	Same	7 feet	Recognize side yard setback from the deck stairs to the north property line is less than 7 feet. <u>No changes are proposed.</u>
12.02(E)(3)(b)	1' 7.5" (south side)	1' 7.5" (south side)	7 feet	To extend the nonconforming side yard setback on the south side by adding a garage and upstairs addition to be set back 1' 8".
12.02(E)(4)	22.53%	29.23%	25%	To create a nonconforming lot coverage by adding a garage and upstairs addition.
18.22(A)	24 feet	Same	26 feet	To extend the nonconforming front elevation of the house by adding a garage and upstairs addition.

At the last Zoning Board of Appeals meeting. Mr. Godek's variance request was tabled pending verification of the 851.54 foot contour line on the survey.

Mr. Godek was present this evening and submitted a new survey from ~~the his~~ land surveyor. The Board reviewed the survey and determined that the 851.54 ~~foot elevation number~~ still was not ~~written- indicated~~ on the survey. The Board discussed that if the surveyor were to write a letter verifying that in fact the ~~contour line labeled "851" represented number was the an elevation of 851.54 feet~~, the matter would be clarified. ~~The consensus of the Board was that all other information submitted with the Godek application is They also discussed if there was enough complete enough to allow for ZBA deliberation of the appeal. and concise information on the survey to move forward and place this request on the special meeting agenda November 10, 2008.—It was decided there was and a~~ motion was made by Kelly, supported by Gajewski to place this item on the November 10, 2008 agenda as long as a letter confirming the 851.54 elevation contour is submitted by the surveyor that evening.

Carried

VII. Public Comment: None

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

Sloan indicated that prior to sending the 34-7 text amendments back to the Planning Commission that he would like to submit them to the Zoning Board of Appeals for review on the December 2, 2008 agenda.

Burch stated that the joint meeting held on October 30, 2008 went well and that Zoning Board of Appeals applications were discussed. Both the Planning Commission and Zoning Board of Appeals anticipate zoning ordinance changes that would hopefully reduce variance requests.

IX. Adjournment

Motion by Kelly, supported by Adams to adjourn the meeting at 8:37 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary

These minutes have been approved by majority vote at the

Zoning Board of Appeals Meeting.