



# Dexter Township

## Zoning Board of Appeals

6880 Dexter-Pinckney Road  
Dexter, MI 48130

Telephone: 734-426-3767  
Fax: 734-426-3833

www.twp-dexter.org

Steve Burch,  
Chair

Bill Gajewski,  
Vice Chair

Pat Kelly,  
Secretary

Mary Adams

Mary Herda-Sprawka  
James Cormier

DeNette Bolyard,  
Recording Secretary

"A Community For All Seasons"

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, September 1, 2009 7:00 PM**

Members present: Steve Burch, Chair, Bill Gajewski, Vice Chair, Pat Kelly, Secretary, Mary Adams, Planning Commission Representative, Mary Herda-Sprawka.

Absent: None

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

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:07 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 Adams to approve the agenda as submitted. Carried.
- IV. **Approval of Meeting Minutes-** August 4, 2009. Motion by Gajewski, supported by Adams to approve as amended. Carried
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

<b>Agenda Item</b>	1
<b>Appeal Number:</b>	09-ZBA-706
<b>Property Tax ID:</b>	04-18-100-015
<b>Applicant Name(s):</b>	Chris & Mary Seitz
<b>Property Address:</b>	7473 Noah's Landing

The purpose of this variance request is to allow an expansion of the deck on the south side of the home. This variance application request includes recognition of existing nonconformities (lot area, lot width, road side setback, and side yard setback on the north side) and approval of new variances (further encroachment into the water side setback area and side yard setback area on the south side). This deck was recently constructed without a Zoning Permit or variance.

Chair Burch did not read persons noticed as this item was deferred from a previous meeting.

Sloan, DPZ, gave a brief history of this applicant's variance request. The applicant has not submitted new information since the last meeting.

Mary Seitz was present and read a statement into the record. Ms. Seitz's stated that a fence erected on the property line by the neighbor on the south created a practical difficulty that affected access and movement around the home. Ms. Seitz also stated that originally there were fences erected by neighbors on both sides of her home; both fences were inspected by the township - one fence was taken down but the other allowed to remain.

Kelly stated she was not inclined to grant a variance because there is no practical difficulty. The fence to the south (Sensoli's) is being claimed by the applicant to be the basis for a practical difficulty. However, this fence is in violation of the Zoning Ordinance and the township is actively engaged in enforcement action on the fence. In addition, the Sensoli fence was neither approved nor inspected by the township as claimed by Ms. Seitz. Kelly also noted that both the original and current decks on the south side of the Seitz home were constructed without variances or permits.

Sloan updated the Board on the status of ordinance enforcement on the Sensoli fence violation.

Burch asked Mary Seitz if the Sensoli's remove the fence, will Seitz's opinion change. Ms. Seitz responded that the new deck still makes a nice walkway to the lakefront.

Kelly stated that the requested extension of the Seitz deck to the south created a situation where it was necessary to go up a number of steps, cross over the deck and then go back down a number of steps to reach the other side. If the deck extension were removed, all the steps are not an issue and lake access will actually be improved, regardless of whether or not the Sensoli fence is removed.

Ms. Seitz stated that the Sensoli fence was approved by the township. Kelly responded that it was not approved, noting that the Seitz's would have been aware of the issue regarding the Sensoli fence if they had applied for a permit for their deck.

Herda-Sprawka stated that the Seitz's were aware of where the property lines were when they built their new home. Since a variance was not requested at that time for a deck, the current situation is the result of a design flaw by the architect and is therefore a self-created problem. The size of the subject deck is not the minimum necessary.

Adams asked Ms. Seitz if their architect had anything to say about how egress from the side door was to be accomplished with a design with only 24" to the property line. Ms. Seitz replied that the architect did not address this issue with them.

Kelly requested that the ZBA review the original Seitz house plans to determine if a south side deck was requested or approved by the township. Sloan retrieved the plans submitted with the variance request for the new home as well as the stamped approved construction plans for the new home. Neither set of plans showed a south side deck.

Gajewski – agrees with Herda-Sprawka that the practical difficulty is due to a design flaw and is therefore self-created.

Kelly made a motion to preliminarily deny the request based primarily on the fact that there is no demonstrated practical difficulty that is not a self created problem, pending review and approval of a formal resolution outlining a full finding of facts to be drafted by Sloan, DPZ, and the township attorney. Supported by Gajewski.

Gajewski made a comment that the ZBA must follow certain standards of review and practical difficulties cannot be self-created.

**ROLL CALL VOTE:**

Kelly: YES Gajewski: YES Herda Sprawka: YES Burch: YES Adams: YES

Motion Carried

<b>Agenda Item</b>	2
<b>Appeal Number:</b>	09-ZBA-708
<b>Property Tax ID:</b>	04-13-100-021
<b>Applicant Name(s):</b>	John & Jane Kelly
<b>Property Address:</b>	9449 Huron River Drive

The purpose of this variance request is to permit variances in relation to a landscape nursery operation (John Kelly Landscaping), which was recently approved, with conditions, by the Dexter Township Planning Commission. This variance application request includes approval of new variances (waiving the topographic survey requirement, waiver of the clear vision zone requirement, allowing commercial vehicles to be stored outdoors, allowing a narrower driveway and driveway setback, allowing a narrower maneuvering lane, and waiving the requirement for a designated loading area).

Chair Burch did not read persons noticed aloud as this application was deferred from a previous meeting.

Sloan gave a summarization and update regarding this variance request.

Burch asked if all the ZBA members reviewed the resolution drafted by Sloan, DPZ, and the township attorney. All members stated yes they had. Kelly had a few small changes. She distributed a marked up draft copy for ZBA to review.

Burch and Kelly alternated reading the resolution aloud to the public.

A motion was made by Herda-Sprawka, supported by Gajewski to approve as read.

**ROLL CALL VOTE:**

Kelly: YES Gajewski: YES Herda Sprawka: YES Burch: YES Adams: YES

**Motion Carried**

<b>Agenda Item</b>	3
<b>Appeal Number:</b>	09-ZBA-711
<b>Property Tax ID:</b>	04-15-100-002
<b>Applicant Name(s):</b>	Washtenaw County Health Organization
<b>Property Address:</b>	10865 N. Territorial Road

The purpose of this variance request is to allow the reconstruction of a porch and wheelchair ramp within the front yard setback area of the property.

Sloan, DPZ gave a summary of the variance application.

Gajewski asked Sloan if there was a reason given for the size of the deck. Sloan stated that it was not on the application.

Herda-Sprawka said the extra room at the front door is required for the Americans with Disabilities Act (ADA).

Kelly asked if the zoning ordinance amendment that is under consideration by the Planning Commission would allow this deck without a variance. Sloan replied that it probably would not. Kelly also would like it noted that replacing the existing structure is only 39” closer to the setback.

Gajewski made a motion, supported by Adams to approve the variance as requested. The practical difficulty is the location of the house on the lot. This will also allow ADA compliance with wheel chair turnaround.

**ROLL CALL VOTE:**

Kelly: YES      Gajewski: YES      Herda Sprawka: YES      Burch: YES      Adams: YES

**Motion Carried**

<b>Agenda Item</b>	4
<b>Appeal Number:</b>	09-ZBA-715
<b>Property Tax ID:</b>	04-02-401-019 & 04-02-403-002
<b>Applicant Name(s):</b>	Donald & Nancy Bieske
<b>Property Address:</b>	9586 Winston Drive

The purpose of this variance request is to allow the construction of 2<sup>nd</sup> story and changed roof profile on the existing single-family residence. The existing home and proposed addition are within the required front yard setbacks on the road side and water side. This variance application request also includes recognition of existing nonconformities (lot area and lot width).

Burch will not read the persons noticed due to the length. It will be on file in the township offices.

Sloan, DPZ, gave a summary of the applicants' request. He distributed plans to the ZBA. They were not mailed in the packets due to late submission by the applicant.

Gajewski asked Sloan if he was satisfied with the plans that Bieske submitted. Sloan indicated that they were not to scale, but relatively close.

Kelly asked where the drain field was located. It is shown on the last page of the new plan.

Gajewski asked if the drain field is on file with the Washtenaw County Health Department. Mr. Bieske replied yes, it was raised in 1982. Gajewski asked where the current downspouts go. Storm water run off - Tree canopy is good, vegetation at the lake is good. Bare ground and raw compacted soils are not good.

Applicant says he tries to get water to run to the dog area to "cleanse it" and keep odors down for the neighbors. Gajewski said the tractor is in a bad place. The applicant says it is there to help get to the roads to plow them in the winter. Gajewski said he noticed a test well with water showing only 6" from the surface. He also stated that the ZBA's preference around the lakes is to see a stable groundcover that will encourage infiltration and minimize erosion. He asked if the septic field is functioning. Applicant stated that it is an experimental field to make it work.

Public Comment Open:

John Fraital  
9647 Winston.

Property appears to be a "fortress". If a second story is added, will it become worse?

Applicant states he thinks it looks "old world" and more inviting, was built up to improve septic function. Cannot see in from outside. He also stated that there have been many new 2<sup>nd</sup> stories built in the neighborhood.

Chair Burch read aloud two letters from neighbors.

Heidi & Leo Hollenbeck  
9686 Winston

No objections

An anonymous letter with no date. Letter questioned height vs. side yard set backs. Are there permits for the work that has been done? Letter also complained about the "junk" in the yard.

Gajewski said that the Zoning Ordinance has language that encourages providing open space for air and light. He stated that he would eventually like to see the Zoning Ordinance contain more form-based standards.

Kelly asked who lived to the south. Is there a problem with drainage on neighbor's garage? Any approval would be conditioned on storm water runoff plan by Township Engineer at the applicant's expense. She would be comfortable having the Township Engineer report to the ZBA, but would welcome the applicant having his own professional do a design and have the Township Engineer review the design.

Gajewski said that he would like to see a storm water runoff plan that handles all of the storm water in a 1-inch rain event. He would also like to see the plan reviewed by the Township Engineer.

Adams asked who designed the plans. Mr. Bieske said the head of drafting at Pinckney High School.

Kelly made a motion to defer consideration pending receipt of the storm water runoff plan, demonstrating the ability to hand a 1-inch rain event and a review and report by the Township Engineer for efficiency. Also, the applicant must submit a plot plan acceptable to Sloan, DPZ, and in accordance with Section 6.03(A) of the Zoning Ordinance.  
Supported by Gajewski.

**ROLL CALL VOTE:**

Kelly: YES      Gajewski: YES      Herda Sprawka: YES      Burch: YES      Adams: YES

**Motion Carried**

**VII. Public Comment:** None

**VIII. Concerns of Board Members, Zoning Administrator, Recording Secretary**  
Memo from Sloan, DPZ regarding Huron Creek Party Store, for your information.

**IX. Adjournment:** 9:59 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.