



# Dexter Township

## Zoning Board of Appeals

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Steve Burch,  
Chair

Bill Gajewski,  
Vice Chair

Pat Kelly,  
Secretary

Mary Adams  
Mary Herda-Sprawka  
James Cormier

DeNette Bolyard,  
Recording Secretary

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### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, October 6, 2009**

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 (DPZ), DeNette Bolyard, Recording Secretary

**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

**III. Approval of Agenda:**

Motion by Kelly, support by Gajewski to approve the agenda with the addition of approval of the September 29, 2009 joint Township Board, Planning Commission and Zoning Board of Appeals meeting minutes. Motion carried by voice vote.

**IV. Approval of Meeting Minutes:**

Motion by Adams, support by Herda-Sprawka to approve the Tuesday, September 1, 2009 regular meeting minutes as amended. Motion carried by voice vote.

Motion by Kelly, support by Herda-Sprawka to approve the Tuesday, September 29, 2009 joint meeting minutes as amended. Motion carried by voice vote.

**V. Public Comment- Non Agenda Items:**

George Bachmann - 8779 Grove Rd. – Asked “what will the ZBA approve for a side setback”? DPZ Sloan answered by referencing the side setback standards for the Lakes Residential District. Kelly stated that it is impossible to answer the question because, while the ZBA has the authority to grant variances from setback standards, each variance request is required to be evaluated based on standards of review and aspects of the specific property in question.

**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 ZBA preliminarily denied this application on September 1, 2009 pending ZBA review and approval of a formal resolution, to be drafted by the DPZ with review by the township attorney, including a complete statement of facts and findings.)*

DPZ Sloan updated the ZBA on the status of the formal resolution. The draft of the resolution that was distributed with ZBA board packets has been reviewed by township attorney Flintoft and he has suggested revisions to the document. Sloan distributed an email from Mr. Flintoft as well as a revised version of the resolution.

Chair Burch stated that the ZBA should have time to review the amended resolution and he would prefer to defer the matter until the next ZBA meeting, noting that delaying a final decision would have no impact on the Seitzs since the deck is already constructed.

Motion by Kelly, support by Herda-Sprawka to defer action on the Seitz request until November 3, 2009 to allow the ZBA time to review the amended resolution, noting the delay has no impact to the Seitzs. Motion carried by voice vote.

<b>Agenda Item</b>	2
<b>Appeal Number:</b>	09-ZBA-716
<b>Property Tax ID:</b>	04-18-432-006 & 04-18-431-009
<b>Applicant Name(s):</b>	Raymond & Monica Howe
<b>Property Address:</b>	13796 Rustic Drive

<b>Description of request:</b> <ol style="list-style-type: none"><li>1. Parcel 04-18-432-006 - roadside, waterside and side setback variances to allow the addition of a new basement and waterside walk-out under the existing home, a new roadside entry to the house, and an extension of the house's waterside deck. .</li><li>2. Parcel 04-18-431-009 – roadside setback variances to allow construction of a new garage on a vacant parcel.</li><li>3. Recognition of existing lot area and lot width nonconformities.</li></ol>
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Chair Burch noted that, due to length, the list of persons noticed would not be read into the record but it is on file and available for review at the Township office.

DPZ Sloan gave a brief explanation of the request.

Chair Burch asked Mr. Howe if he had anything to add. Mr. Howe replied no but he would answer any questions from the ZBA. Mr. Howe also added that parking in the area is tight and the proposed garage would provide four additional parking spaces – two inside and two outside the garage.

Herda-Sprawka –

- Does the applicant intend to remove the existing shed on the property? Mr. Howe replied that he would like to keep the shed, but would remove it if that was a condition of approval.
- When the steps from the house to the lake are reconfigured, will they be conforming? DPZ Sloan replied that the steps would conform to the side setback, but a front setback variance would be required.

Gajewski –

- Questions what can be done about the negative setback on the existing shed? DPZ Sloan replies that the ZBA may condition approval on decreasing or eliminating existing nonconformities.
- Stated that the plans were well done but the topography on the site makes storm water management more challenging. The culvert to the east and the ditch to the lake have an adverse effect on lake water quality. The addition of storm water runoff from the new garage will negatively impact the present system. He would prefer an upgrade to the system.

Kelly –

- Asked if the roadside setback to the house is measured from the lot line or the edge of the road. DPZ Sloan replied that the setback was measured from the lot line as shown on the applicant provided survey as the road right of way could not be determined. Mr. Howe stated that the original plat from the 1920s shows Rustic Drive as a walkway or access easement; the walkway has evolved into a roadway.
- Asked what the setback to the platted Rustic walkway or access easement would be. DPZ Sloan replied he doesn't know for sure and it appears that the present Rustic Drive is south of the walkway or easement shown on the plat.
- Asked if Mr. Howe could explain the reason for the wood markers with blue tape observed on the upper portion of the vacant lot. Mr. Howe replied that the markers were used as part of an experiment to determine the effect of the proposed garage on the lake view of the Broekhuizen's (a back lot neighbor to the south). Mr. Howe explained that the experiment revealed that the current proposed location of the new garage would, indeed, impact his neighbor's view and that it was his intent to ask that the proposed garage be constructed ten feet further south on the property.
- Stated that the Howe's Multi Lake Sewer Authority grinder pump appears to be located entirely on the Park Lawn Beach Homeowner's Association easement to the east of the Howe property. Scott Robertson, 13753 Bramble Brae, President of the Park Lawn Homeowner's Association stated that the homeowner's association does not have an issue with the location of the grinder pump. However, Mr. Robertson added that Mr. Howe's shed is partially on association property and they would like it moved. Mr. Howe indicated he would agree to relocate the shed. Kelly stated that she would like to see a written response from the homeowner's association regarding the grinder pump location.
- Stated that Multi Lakes Sewer Authority has signed off on the Howe's proposed construction, but she wondered why the grinder pump has an extension that appears to have been installed recently. Since extensions are usually installed due to changes in grade or water runoff issues, does the extension have anything to do with the open drainage ditch directly to the east of the grinder pump? Mr. Howe stated that the extension was recently installed but he did not know why.
- Asked about the function of a pump observed on the lakeshore on the east property line. Mr. Howe stated that the pump was recently installed and located, in error, on the association easement. He intends to move the pump. The function of the pump is to help prevent weeds.

Adams –

- Asked the age of the existing home. Mr. Howe replied the home was built in 1925 or 1926.

- The roof on the lakeside appears to be aged and drooping. Has the Howe architect considered the effect excavation on the walls? Mr. Howe replied that his architect has considered the age and condition of the home and said that the soils on the property and wood framing of the house are favorable.

Chair Burch opened Public Comment-

Deb Ceo, 13702 Aberdeen - Chair Burch read aloud a letter from Ms. Ceo. Ms. Ceo had three main concerns. 1) The size of the garage is too large and will set a precedent. 2) The Howe shed located on association property should be moved. 3) Past experience has indicated that homes are not often constructed as they are requested and approved. *(The letter is on file at the township.)*

Mary Haglund, 13784 Bramble Brae: Ms. Haglund lives directly east of the vacant lot where the new garage is proposed. She stated she has concerns about the contour of the land and “shifting problems”. DPZ Sloan explained that the Chelsea Area Construction Agency (CACCA) is responsible for issuing soil erosion and sedimentation control permits and conducting inspections. Sloan also stated that the ZBA can condition approval of variances on the Township Engineer’s review of plans and inspection during and after construction.

Chair Burch closed Public Comment.

Herda-Sprawka –

- Stated that Mr. Howe has talked about changes to the plan that would require additional review. Asked what the impact of moving the garage 10’ to the south would be. Rob Riemenschneider of Riemco Homes (contractor for the Howe project) stated that more soil would be removed and the retaining wall would need to be modified.

Kelly –

- Asked if Park Lawn Homeowner’s Association would be willing to initiate a plat amendment – the cost could be prohibitive and the process long.
- Asked if Mr. Howe would be willing to move the grinder pump – it would be much easier to do with the equipment already on site for the basement excavation. Riemco could move the pump with approval from the Sewer Authority.
- The driveway for the new garage should remain gravel to help mitigate storm water runoff issues.
- Asked about the height of the proposed garage as compared to the garage on the lot to the west as it appears that it will be taller. Mr. Riemenschneider stated he wasn’t sure.
- Stated that she would like to obtain the township attorney’s opinion regarding the Rustic Drive easement and the appropriate place from which to measure setbacks.

There was general discussion concerning how to measure setbacks considering the easement location shown in the plat. DPZ Sloan stated that the actual location of Rustic Drive appears to be approximately 35 feet from what is shown on the plat.

Chair Burch asked Mr. Howe if his plans would be negatively impacted if the ZBA deferred action on his request. Mr. Howe replied that he does not intend to build immediately.

Motion by Kelly, support by Herda-Sprawka to defer action pending a review and opinion by the township attorney, with concurrence of DPZ Sloan, as to the setback measurements from Rustic Drive to the house and shed. Also to allow the applicant to submit amended plans showing the new proposed location for the garage. Motion carried by voice vote.

<b>Agenda Item</b>	3
<b>Appeal Number:</b>	09-ZBA-717
<b>Property Tax ID:</b>	04-27-400-022
<b>Applicant Name(s):</b>	Robin Warner & Helen Welford
<b>Property Address:</b>	4222 Dexter Townhall Road

**Description of request:**

1. Variance to allow the placement of detached accessory structures (corn crib and greenhouse) in the front yard abutting Island Lake Road. The proposed structures will meet the front yard setback requirements

Chair Burch read the list of persons noticed into the record.

DPZ Sloan described the request and gave a brief summary of his report.

Kelly –

- Asked Mr. Warner to explain his reasoning in selecting the requested location for his greenhouse. Warner explained that he choose the location because its proximity would provide more efficient operation of current work and also a proposed tree farm operation He also explained that the large size of his property combined with the location of his existing home and corner lot created a situation where, per the current Zoning Ordinance (ZO), a large amount of his land is basically unusable.
- Noted that Mr. Warner attended the September 15, 2009 Township Board meeting and the September 29, 2009 joint meeting of the Township Board, Planning Commission (PC) and ZBA to request that the bodies to consider revisions to Section 18.18(C) of the ZO. At the direction of the joint bodies, the PC will consider a reasonable modification to Section 18.18(C).

Gajewski –

- Stated he agrees that the current standards of the ZO are too restrictive, especially for large tracts of land like Mr. Warner's and that the spirit of Section 18.18 would not be violated by granting the requested variance.

Motion by Gajewski, support by Kelly to approve and grant relief from section 18.18(C) to allow the relocation of a 14' x 16' corn crib and construction of a 20' x 24' greenhouse in a front yard area on the south side of the property as shown on the submitted plans. The practical difficulty is the placement of the existing home and two (2) front yards. The spirit of the ZO and rural character of the Agricultural District will not be compromised.

Roll Call Vote:

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

Motion Carried – 5-0

<b>Agenda Item</b>	4
<b>Appeal Number:</b>	09-ZBA-718
<b>Property Tax ID:</b>	04-01-385-010
<b>Applicant Name(s):</b>	Steve & Carol Cafego
<b>Property Address:</b>	8767 Grove Road

**Purpose of request:**  
To allow construction of a single-family home that has a nonconforming front yard setback (roadside), side yard setbacks (east side), and lot coverage that is different than that approved by the ZBA in 2001. This variance application request also includes recognition of existing nonconformities (lot area and lot width).

Chair Burch read aloud persons noticed for this variance request.

DPZ Sloan described the request and gave a brief summary of his report.

Kelly –

- Stated that she doesn't believe the current lot coverage can be considered legally nonconforming because the township has never performed a final zoning inspection or granted a certificate of zoning compliance for the new home.

Chair Burch invited the Cafego's to begin their prepared presentation:

- Carol Cafego stated that the Cafegos originally petitioned the ZBA for variances to construct their new home in 1998 and the ZBA denied their request. Upon appeal to Circuit Court, the original plans were ultimately approved by the ZBA in 2000.
- Steve Cafego stated that their intention was to do an engineered fill for the foundation of the new home. By 2001, building code standards had changed and pilings were needed. The Cafegos worked with Chelsea Area Construction Agency (CACA) on the necessary changes. Many design changes resulted from the change to pilings which increased costs and amenities were lost. Kelly asked if the Cafegos had consulted with Dexter Township prior to making the design changes. Mr. Cafego answered no; they were handed off to CACA after the township issued the zoning permit. Kelly noted that CACA is responsible for building code issues, but that Dexter Township is responsible for the zoning code and work is not automatically approved per the zoning ordinance just because it seemed to be indicated from a building code perspective.
- The Cafegos presented a PowerPoint diagram of their house comparing the approved plan outline with the as constructed outline.

Gajewski –

- Stated that if the ZBA had reviewed the changes when made, a practical difficulty may have been unstable soils.
- Asked about the downspouts. Mr. Cafego stated that he was not required to install a storm water management system but he did anyway.

Chair Burch opened Public Comment –

Myron Farnick, 8773 Grove Rd., Mr. Farnick made the following comments:

- There is no hardship.
- He had a professional survey done to prove that the Cafego house is too close to the lot line.
- The Cafegos have not posted their building permits.
- The Cafego house is built into the electrical lines and dangerous.
- The Cafegos have a shed that is located partially on a neighbor's property.
- The Cafego structure has negatively impacted property values in the neighborhood.
- A letter of concern was sent to the township.

Charles Sebastian, 8761 Grove Rd., Mr. Sebastian read a letter of opposition to the Cafego request into the record. *(A copy of the letter is on file.)*

George Bachmann, 8779 Grove Rd., Mr. Bachmann stated that homes in the area are way too big for the lots and he questions if allowing these big homes is in the spirit of the lakes district.

Kevin Radcliffe, 8755 Grove, Mr. Radcliffe stated that the electrical issue has been in existence for years and that DTE proposed putting the electrical service underground. The electrical problem can be remedied.

In response to comments made from the floor, Chair Burch reminded members of the public that their comments should be restricted to things that are relevant to the variance request.

Chair Burch closed Public Comment.

Carol Cafego stated that the Sebastians purchased their property after the Cafego house was approved and under construction and that the previous owner of the Sebastian property had granted permission for the Cafego shed to be placed on their property until the house was finished. She also commented that she did not think any of Mr. Farnick's comments were related to the variance application.

Adams –

- Asked where the side yard setbacks were measured from in the Farnick survey. DPZ Sloan responded that he thinks the setbacks were measured from the outside wall but that it is impossible to tell for sure. He also stated that everything in the Cafego's application is based on the Cafego mortgage survey, not the Farnick survey.

Kelly –

- Asked why changes were made to close in more area over the garage. Mr. Cafego responded that the building material would only work with the reconfigured structure. Kelly stated that, based on their previous experience with the variance process, the Cafegos must have understood that closing in extra space would increase the Floor Area Ratio (FAR) and that that would mean they would no longer be in compliance with the terms of their variance approval. Kelly stated that she could see no practical difficulty for the noncompliant FAR and the problem was self created.

Gajewski –

- Asked what type of siding the Cafegos planned to use. Mr. Cafego stated there was a five-inch brick ledge in case brick was used, but he decided to fire out the wall and use cement board and stucco instead.

Herda-Sprawka –

- Questioned the Cafegos about the purpose of the “bump-outs”. Mr. Cafego stated they were cosmetic but they also function to conceal the PVC drainage pipes which direct storm water to infiltration trenches.

Kelly stated that, due to the late hour, she would offer a motion to defer consideration of the Cafego request to the next available meeting, where the Cafegos could finish their presentation. The motion was supported by Herda-Sprawka. Chair Burch asked the Cafegos if they consented to the deferral and they answered yes. The motion carried on a voice vote.

VII. **Public Comment:** None

VIII. **Concerns of Board Members, Zoning Administrator, Recording Secretary:** None.

IX. **Adjournment:** Motion by Kelly, support by Herda-Sprawka to adjourn. The motion carried on a voice vote. Chair Burch declared the meeting adjourned at 10:50 p.m.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
ZBA Secretary

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