



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

"A Community For All Seasons"

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, December 2, 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 7:00 p.m.
- II. **Pledge of Allegiance:** Chair Burch led the Pledge of Allegiance to the Flag
- III. **Approval of Agenda:** Applicant Charles Manitz (Agenda Item # 1) requested that he be removed from the agenda. There was a motion by Kelly, supported by Gajewski, to remove Mr. Manitz from the agenda as requested. Carried 4-0. There was a motion by Kelly, supported by Gajewski, to add approval of the 10/30/2009 Joint Meeting minutes to the end of the agenda. Carried 4-0. There was a motion by Kelly, supported by Gajewski, to approve the agenda as amended. Carried 4-0.
- IV. **Approval of Meeting Minutes** – To be discussed, reviewed at the end of the meeting.
- V. **Public Comment- Non Agenda Items:** None
- VI. **Action Items:**

Agenda Item #	1	
Appeal Number:	08-ZBA-702	
Applicant Name(s):	Charles & Rosemary Manitz	B. Allan Townsend
Property Address:	7557 Noah's Landing	7537 Noah's Landing
Property Tax ID:	04-18-100-033	04-18-100-024/-025/-034/-035

The purpose of this application is to transfer approximately 1,353 square feet of land (33' x approximately 41') from 7537 Noah's Landing (04-18-100-025) to 7557 Noah's Landing (04-18-100-033). The area of land in question is vacant and is located directly west of parcel 04-18-100-033 and would, if approved, extend that parcel westward to the water's edge.

- Removed from Agenda

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Agenda Item #	2
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:				
<i>Section</i>	<i>Current</i>	<i>Requested</i>	<i>Permitted</i>	<i>Description/Notes</i>
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>

- DPZ, Sloan gave a brief synopsis of the variance request.
- Gajewski stated that the October meeting did not have a full Board.
- Donald Brooks addressed the Board and said that he was not asking for much. Only wants to go 10' out. Deck would not be larger than the neighbor's deck to the south. ZBA received two letters of support from neighbors. (ZBA confirmed that they were received in their packets last month). Mr. Brooks also wanted to add that they want to retire at the cottage. Both he and his wife have leg health problems. He asked the Board if his chances would be better if there were a full Board.
- Burch said that a full 5 member Board is more definitive. It would also allow a better chance of receiving 3 affirmative votes.
- Gajewski said that the request could be tabled to a later date.
- Burch asked the applicant, Mr. Brooks, if he wished to defer this request.

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- Donald Brooks said that there is not much that could be done on a deck this time of year. He indicated that yes, he would like to postpone to a later date.
- Kelly stated that at the December 16th Township Board meeting a new ZBA member may be appointed.
- Burch wants a full Board to vote, so as to avoid a 2-2 vote.
- Kelly wants to defer until February if possible.
- Burch opened the public hearing.
- Jim McGinnis, 7581 Noah's Landing, neighbor, asked if the variance could be determined tonight with a short Board.
- Kelly stated that yes it could, but applicant could not re-apply for one year if he did not like the outcome.
- Jim McGinnis fully supports, deck on the property promotes camaraderie of the neighborhood.
- Diane Sayer, Donald Brooks' wife, said that the March meeting would be ok.

A motion was made by Kelly, supported by Adams, to defer this variance request to the March 3, 2009 meeting. Carried 4-0.

Jim McGinnis asked if any proposed text amendment to the Dexter Township Zoning Ordinance would affect the deck application.

DPZ, Sloan said yes, there is a proposed text amendment related to decks, but explained that it may not be approved before spring 2009.

Kelly, said that if approved, everyone on the waterside in that area would want one too.

Agenda Item #	3
Appeal Number:	08-ZBA-694
Property Tax ID:	04-01-181-002
Applicant Name(s):	Paul & Nancy Godek
Property Address:	9669 Portage Lake Ave.

Variances 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</u>

				is proposed.
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.

- Sloan gave a brief history of Mr. Godek's variance request.
- Godek distributed google earth pictures and an explanation. Godek stated that he can mitigate water run off on his lot.
- Burch asked how does adding an addition/garage mitigate?
- Godek – stated that his rain garden plan will hold all water. There will be zero runoff. Emergency access would be improved. The architect tried to design the best plan for the addition. Minimal standards are met for parking.
- Gajewski – Stated that he felt that the storm water management plan goes above and beyond what is required. 21AA stone is permeable. There are practical difficulties (topography, small size of the lot). Roadside setback is still large. 25% of 5,199 sq. feet is not very much. Planning and Zoning New writes about Aging in Place (Sept. 2008 issue). We can't use economic hardship as a reason. Elderly housing is neglected in the current master plan.
- Kelly agrees with article's points, but the Planning Commission and Township Board need to start looking at how to house the elderly as a policy matter. Variances should not contemplate this. Only two variances have been approved for over 25% lot coverage from under 25%. Other variances have been approved for over 25%, but less than what they came in with. On one occasion, an applicant took out a large concrete slab to reduce impervious surface cover. To the south of the Godek's house, the first 5-6 houses don't have garages. The next few have small garages, but larger homes. Does not see the practical difficulty or any other reason to approve. Many people don't even use the garage for parking. The Zoning Ordinance continues to be reviewed, but the applicants and the ZBA still have to follow the current rules and standards.

- Gajewski – Sustainable development requires sustainable standard and discussed watershed workshop items.
- Kelly, joint meeting in October looked at Portage Lake area for possible zoning amendments for setbacks.
- Adams, supports Kelly’s comments. Aging in Place is a good concept, but adding a second story living area for handicapped seems contrary.
- Mrs. Godek stated that they would have a stair lift installed.
- Mr. Godek said that a multi-level home is a practical difficulty.
- Gajewski said ZBA interprets the law. DPZ summary on ordinary high water mark is convincing, but he believes a court case calls that into question. Godek’s lot line is submerged under water.
- Kelly said that it doesn’t matter because the under water land is not usable.
- DPZ Sloan explained the ordinary high water mark definition from his report on this matter, dated September 23, 2008.
- Burch, asked if the township attorney reviewed or gave an opinion regarding this variance.
- DPZ Sloan stated there was a verbal opinion on his memo regarding the ordinary high water mark and that the Township Attorney (Peter Flintoft) supported Sloan’s findings and conclusions.
- Kelly made a motion to table this request. Would like to review what has been said tonight, look at neighborhood, and draft a resolution.
- Burch said he personally wants to approve a request for a garage, but has a problem with lot coverage. Maybe Dexter Township is behind the times in terms of aging in place zoning standards, but it is a policy question that must be acted on by the Township Board.
- Gajewski asked if the Godek’s want a motion tonight.
- Paul Godek – Answered yes.
- Kelly was not prepared to take an up or down vote.
- Adams supported Kelly’s motion to table.

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- Kelly asked if the ZBA members want to request more information. There was no request for more information from any of the ZBA members.

4-0 to table to the January 6, 2009 meeting. Carried

Item #4: Review of proposed Zoning Ordinance Amendment 34-7

VII. Approval of Meeting Minutes – November 10, 2008

VIII. Public Comment:

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

X. Adjournment

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary

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