

DEXTER TOWNSHIP

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Zoning Board of Appeals
Meeting Minutes
February 8, 2005

Present: Steve Burch, Chairman, Pat Kelly, Acting Secretary, Bill Smith, Bill Gajewski, Jim Cormier.

Motion by Gajewski, support by Cormier- To appoint Kelly as Acting Secy.

The meeting was called to order at 7:34 p.m. by Chair Burch.

1)

04-01-108-018

04-ZBA-599B

Richard Naylor/Greg Koepp

9818 Portage Lake Ave

Applicant requests relief from:

Section 18.23.A to allow a 33' setback from new construction to Portage Lake Ave. (50' Req. and presently only 7.9'.from existing home to Portage Lake Ave.)

Section 12.02.E.3.b. To allow a 6.5' Setback on both the North and South side of new home to property line. (7' required)

Sections 18.22A.to allow a front and rear elevation of 25' where 26' is required.

This request was tabled from last month in order to give applicant time to revise plans.

New variance request is as follows:

Applicant requests relief from:

Section 18.23.A to allow a 33' setback from new construction to Portage Lake Ave. (50' Req. and presently only 7.9'.from existing home to Portage Lake Ave.)

Section 12.02.E.3.b. To allow a 6.5' Setback on both the North and South side of new home to property line. (7' required)

Sections 18.22A.to allow a of 25' width of dwelling where 26' is required.

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And to recognize the following existing non-conformities:

Lot less than one acre.
Lot less than 150' wide.

Existing home is only 7.9' from Portage Lake Avenue.

To allow for the removal of the existing homes and shed. To construct a new 25' x35' two story home, with a basement. New home to have a 1' overhang on all four sides.

Notices to neighbors were not re-sent due to item being tabled.

PUBLIC COMMENT -

Trudy Widner 9810 Portage Lake Ave. - If applicant is allowed to build a two story dwelling she will not be able to see her land behind him. Her lot is a L shape.

Jim Hartman – 9823 Portage Lake Ave. – In support of applicant's request

Robert Buchholz 9838 Portage Lake Ave., (neighbor to the north)– Also in support of applicants request.

Both neighbors above are in support of requested set backs. If dwelling is placed further back on the property there would not be enough parking spaces.

Trudy Widner asked Mr. Buchholz if he would be in favor of the plan if they wanted to tear down the garage and build a two story home so they couldn't see their property.

Gajewski – Zoning Board of Appeals member had questions regarding the stormwater management plan submitted.

Cormier – No questions at this time.

Kelly – Stated that she feels the proposed dwelling is larger than it needs to be for reasonable use.

Burch declared a 10 minute recess.

Gajewski offered the following resolution, supported by Smith

Whereas, on October 20, 2004 Richard Naylor and Greg Koepp filed a Notice of Appeal (04-ZBA-599) requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the removal of all existing structures and new construction of a 2-story single family

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home with attached garage on property located at 9818 Portage Lake Avenue, Parcel ID 04-01-108-018 and;

Whereas, at a duly noticed public hearing on November 9, 2004, the Zoning Board of Appeals motioned that the applicant's request for variance be tabled due to a determination that, per Section 18.25 of the

Zoning Ordinance, the applicant had not placed the required public hearing notification signage and the applicant had also failed to stake or mark the area of the proposed new construction on the property. Additionally, members of the ZBA suggested to the applicant that his plans be revised to eliminate the need for a lot coverage variance and;

Whereas, the applicant submitted revised plans to the Zoning Administrator on December 13, 2004 and was placed on the agenda for the January 11, 2005 regular Zoning Board of Appeals (ZBA) meeting and;

Whereas, the four Zoning Board of Appeals members present at the January 11, 2005 meeting were unable to make a decision on the request since it was determined that there would not be three votes in favor to either approve or deny the request and;

Whereas, at the applicant's request, the matter was tabled until the February 8, 2005 regular meeting of the ZBA and;

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variances from site development requirements provided that all required findings (4.05.C.1.a through 4.05.C.1.h) are met and the record of the ZBA contains evidence supporting each conclusion and,

Whereas, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the single family home (SFH) use of the property creates a non-economic practical difficulty due to the fact that the standards of the Ordinance are being applied to an existing condition and,

Whereas, in compliance with section 4.05.C.1.b, the narrowness and shallowness of the parcel represent physical conditions that do not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical condition does not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variances will apply only to the property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.e, the requested variances will be in harmony with the general purpose and intent of the Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood and,

Whereas, in compliance with section 4.05.C.1.f, strict compliance with setbacks would unreasonably prevent the owner from using the property for a permitted purpose and render conformity unnecessarily burdensome and,

Whereas, per section 4.05.C.1.g, it is the finding of the ZBA that the variances requested are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property.

Whereas, in compliance with section 4.05.C.1.h, the requested variances permit only a single family residential use with is a principally permitted use in the Lakes Residential district and.

Since ALL of the required findings per section 4.05.C.1 have been met

Be it therefore resolved that the requested variances are approved with the following conditions:

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- 1) Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a. thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.
- 2) Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of final certificate of zoning compliance.

Hancor Envirochambers to be connected in a linear arrangement.

Kelly – Nay
Cormier – Nay
Smith – Yea
Burch – Yea
Gajewski – Yea

Resolution passed

2)
04-06-286-001 **Tabled**
04-ZBA-601
Thomas Prose
9485 Lakeview Drive

Applicant requests relief from:
Section 18.23.A. to allow a 42' setback on the North side of property to proposed deck. (50' req)
Also to allow a 10.3' East Side setback from the Easement to the new garage.
Section 12.01.E.3.C to allow a 15' setback on the West Side to proposed deck. (30' req)

Also to allow a 15' setback on the South side to new home.
Section 12.02.E.4. To allow 27.2% lot coverage where 25% is allowed.

3)
04-18-210-009 **Tabled**
04-ZBA-600
Robert Rock/Eugene McKee
13953 Gilbert Drive

Applicant requests relief from:
Section 18.23.B to allow a 19'9" setback from the edge of North Lake to the new deck.
Section 12.02.E.3.c. To allow a 13'7" setback from rear property line to new deck.
Section 12.02.E.3.b to allow a 1'6" setback on the East Side and a 2' setback on the West Side from property line to side of new deck.

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4)

04-02-403-025

05-ZBA 602

Robert and Kathy Lane

9558 Winston Drive

Applicant requests relief from:

Section 18.23.A to allow an 8'6" setback from new addition to Winston Drive.

(Workshop)

To allow a 15' setback to Dexter-Pinckney Road from new addition. (Workshop)

To allow 42' from new attached garage to Dexter-Pinckney road.

To allow a 0' setback from Winston Drive to new attached garage.

Section 18.23.B to allow a 30.5' setback from new home to Portage Lake.

To allow a 28' setback from new deck to Portage Lake.

Section 12.02 to allow an 8'6" setback on the South side of new attached garage to side property line. (10' required)

Persons notified were not read into the record as the list was very lengthy. List is on file.

The Chair requested that the Lane's explain to the Board what variances they were requesting.

Kelly questioned the lot calculations and whether or not the easement was included. She also outlined additional variances that she believed were necessary for the proposed plan.

Public Comment –

Mike Enis – 9568 Winston - In support of variance request

Janet Bowles- 9574 Winston – In support of variance request

Donald Bieske - No comment at this time

Gajewski outlined storm water suggestions.

Burch stated it was important to him that side yard set backs be maintained for emergency purposes.

Questioned the applicant if she had enough information from the Board to be able to revise her plan.

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A motion was made by Kelly, supported by Smith to table variance request to no later than the May meeting. This will allow applicant enough time to address the following issues: Lot coverage calculations, Parking, Driveway Alignment, Stormwater run off plan, set backs. Carried

A motion was made by Kelly, supported by Gajewski to allow the Faith Lutheran Church to table their variance request to no later than the April 12, 2005 meeting. Carried

Minutes of November 9, 2004- A motion was made by Kelly, supported by Cormier to approve the minutes as amended. Carried.

Minutes of January 11, 2005 - Motion by Cormier, support by Gajewski to approve the meeting minutes as submitted. Carried 4-0 Burch abstained.

ELECTION OF OFFICERS:

A nomination was made by Kelly, Gajewski seconded the nomination to elect Burch as Chairman. Carried

A nomination was made by Smith, seconded by Gajewski to elect Kelly as Secretary. Carried.

A nomination was made by Kelly, seconded by Gajewski to elect Cormier as Vice Chair. Carried.

Kelly invited the Zoning Board of Appeals Members to a joint meeting to be held with the Township Board and the Planning Commission on May 3, 2005 at 7:30 p.m. here at the Township Hall. Agenda is proposed changes in the Zoning Ordinance regarding Lot Coverage.

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:17 p.m. Carried

Respectfully submitted,

DeNette Bolyard, Recording Secretary

Pat Kelly, Secretary

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