



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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PAT KELLY,
SECRETARY

BILL GAJEWSKI
DAVE MILLAR, ALT.
WENDELL WAGNER, ALT.
DENETTE BOLYARD,
RECORDING SECRETARY

SPECIAL MEETING OF THE ZONING BOARD OF APPEALS

Thursday, April 6, 2006 7:00 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, William Gajewski

Members absent: Jim Cormier,

Also present: Peter Flintoft, Attorney, DeNette Bolyard, Recording Secretary,

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

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

III. Approval of Agenda:

Item number 1- Applicant requested to be tabled. Motion by Gajewski to table to May, Kelly offered amendment to motion "if room on May agenda", amendment supported by Gajewski. Carried.

Item number 3- Stewart is an administrative appeal. Person that lives at the property address is not able to attend. Kelly made a motion to table to May if room on agenda. Supported by Gajewski. Carried

Item number 4 – Mr. Pitrone’ sent an email which was read aloud by Chair Burch. He is requesting to be tabled to a future date. Mr. Burch informed the board members that the court upheld the Zoning Board of Appeals decision. Motion by Kelly to table until May if room on the agenda. Supported by Gajewski. Carried.

Motion by Kelly supported by Gajewski to approve agenda as amended. Carried.

IV. Public Comment- Non Agenda Items: None

V. Action Items:

1)

Property Tax ID 04-02-401-010 / 04-02-402-011
Appeal Number: 06ZBA624
Applicant Name(s): Sue Boltach
Property Address: 9690 Winston Drive

Variances Requested per submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.23.A.	51'	25'	50'	To allow 25' from Winston Drive to proposed new garage.
18.23.B.	22'	21'	50'	To allow 21' from covered porch to waters edge.
12.02.E.3.b	5.3'(south side)8'	5' on the South side,	8'	To allow a 5' setback on the South side

	(north side)	and 6' on the North side.		and a 6' setback on the North side.
12.02.E.1				Recognize lot less than one acre.
12.02.E.2				Recognize lot less than 150' wide.
Purpose: To demolish existing home and garage. To construct a new two story home with one car attached garage and a 24' x30' garage on back lot.				

Tabled as stated above.

2)

Property Tax ID **04-02-101-006/ 04-02-175-008**
Appeal Number: **06ZBA 625**
Applicant Name(s): **Richard and Donna Blakeney**
Property Address: **9912 Winston Drive**

Variations Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.A.	28.5'	23.5'	50'	To allow 23'6" from Winston Dr. to new covered front entrance.
12.02. E.4.	25.2 %	25.6%	25%	To allow 25.6% lot coverage where 25% permitted.
19.04.B.1				To allow two dormers to be constructed. Profile would then be changed.
18.23.B	28'	28'		To recognize 28' from waters edge to existing home.
12.02	Over property line	same	5'	To recognize that the existing home is over the property line on the East side.
Purpose: to allow for a 4'x5' covered entry way as well as two new dormers on the roof of the existing home. Home owner received a permit from Chelsea Area Construction for some new up grades and believed they had a permit to do the construction. Both dormers as well as the front entrance have been constructed.				

Persons notified are on file in the record. List was too long to read.

Burch gave the Board members a little background information. Construction had already been started on this dwelling but they should consider this variance application as a new request.

Mr. Blakeney addressed the Board to explain what variance he is requesting. No additional living space has or will be added. He would like a covered door entryway. He feels the two dormers that have been added on the roof provides for additional light.

Board member Gajewski indicated that a stormwater management plan is required which could entail a rain garden and other options. He would like to see the stormwater plan. Also a 10'x20' parking area is required.

Board member Kelly stated that the dormers do not change the profile of the dwelling. However indicated that the covered porch does change the lot coverage and increases the non conformity.

Public Comment: None

Member Kelly stated for the record that the Zoning Administrator issued a waiver which states that there will not be an increase in footprint, profile, etc.

Chair Burch asked Mr. Blakeney if he put in the new driveway. He stated yes, he removed existing and replaced what was there.

Member Kelly stated that a neighbor had concerns regarding the existing home not being totally contained within the property lines. He wanted to know if the Township was aware of this.

Kelly stated she did not have a problem with the dormers but that the covered porch is an increase in set backs. It was asked what could possibly be done to make the situation better. It was felt that a decrease in impervious surfaces would improve the situation. (ie. the concrete pavers) Also a stormwater management plan needs to be put into place enough to hold a 1" rain event.

Kelly stated for the benefit of the public that since the new zoning ordinance was put into effect in 2003, ZBA has approved one variance with a lot coverage of over 25%. It was for the same variance request of a covered porch,

After discussion the following resolution was offered by Gajewski, supported by Kelly.

Whereas, on March 15, 2006, Richard Blakeney filed a notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit a 4' x 5' covered entryway as well as two new lift dormers on the roof of the existing home on property located at 9912 Winston Drive 04-02-101-006 and 04-02-175-008. and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held

on April 6, 2006 was attended by the applicant, representatives of the applicant, and members of the public and application materials were reviewed and public comments, were entered into the record and,

Whereas, per section 4.05.C.1, the Dexter Township Zoning Board of Appeals has the authority to authorize the requested variance(s) from site development requirements provided that required findings 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 use of the property will create 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 small shallow lot bisected by Winston Drive represent unique physical conditions that do not generally apply to other property in the Lakes Residential zoning district that will not recurrent in nature and,

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

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) will apply only to property under the control of the applicant even though the southeast corner of the existing home is over the property line, the covered porch addition is completely on the applicants property and,

Whereas, in compliance with section 4.05.C.1.e, the 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 or district because the proposed addition is in character with the lakeside community and because the applicant will reduce the total impervious surface by removing portions of the concrete drive and,

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

Whereas, in compliance with section 4.05.C.1.g, the variances requested is/are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property and in fact the total impervious surfaces are reduced and,

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

Be it therefore resolved that the following variance(s) are approved:

- From Section 18.23.A., a front yard setback of 14.5' from Winston Drive to the new covered front entrance
- From Section 19.04.B.2. To allow a change in the structures profile by allowing the two new loft dormers on the roof of the existing home. And to allow an increase in the lot coverage non-conformity by the addition of a covered porch. 4.5' x 5'.

Lakes Residential Zoning:

- From Section 12.02.E.4, a lot coverage of 25.6 percent. Because of the addition of small covered front entry as existing home had none.

Be it also resolved that the following existing non-conformities are recognized:

- Section 12.02.E.1, a lot area of less than one acre.
- Section 18,23,B, A water body setback of 23.5' from existing home to Portage Lake.
- Section 12.02.E.B. The existing home is encroaching over the east property line.

Be it also resolved that the following conditions shall apply to the issuance of these variances:

1. The 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 a final certificate of zoning compliance.
3. Pursuant to the Dexter Township Fee Schedule, payment of engineering consulting and/or legal fees as required by the ZBA for the purpose of stormwater management prior to the issuance of a final certificate of zoning compliance.
4. Submission of a stormwater management plan to be approved and inspected by the Township Engineer at the application cost. Said plan to handle a 1" rain event via best stormwater management practices.
5. The concrete slab to the garage at the north side of Winston Drive shall be removed and replaced with 21AA natural stone.

Roll Call Vote

Kelly – yea
Burch – yea
Gajewski – yea

Resolution was declared adopted.

3)

Property Tax ID 04-07-108-001/017
 Appeal Number: 06 ZBA 626
 Applicant Name(s): Pat A. Kelly
 Property Address: 13505 and 13521 Edgewater Drive, Gregory, Michigan 48137

Variances Requested per submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
Purpose: To appeal the decision of the Zoning Administrator, Steve Piatt as expressed in a 12-22-05 letter to Katrina Stewart. Letter stated that permission is not needed prior to selling property located at 13505 Edgewater.				

Tabled as stated above.

4)

Property Tax ID 04-01-230-004/007 04-01-231-012 04-02-101-015
 Appeal Number: 06 ZBA 627
 Applicant Name(s): Joseph Pitrone
 Property Address: 9972 Winston Drive

Variances Requested per submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.23.A		20'	50'	To allow a 20' setback from covered porch to Winston Drive. (50' required)
18.23.B		37.5'	50'	To allow a 37'6" setback from new construction to the waters edge.
12.02.E.1				Recognize lot less than one acre.
12.02.E.2				Recognize lot less than 150' wide.
Purpose: To allow for the construction of a new two story home. Also for the removal of an existing shed and garage on lots on the North side of Winston Drive, and for the construction of a new 30' x 60' pole barn. Home that was on the lake lot was destroyed by fire.				

Tabled as stated above.

VI. Public Comment:

Dennis Lange, 3436 Green Acres Lane, Pinckney - Requested Sue Boltach's phone number. He was told that we could give him her address but that phone numbers were not available.

Tom Bell – 9068 North Territorial Rd., Dexter – Stated that F & J Rental's sign was posted for public hearing but that it was upside down and difficult to read.

Mr. Blakeney stated he had heard a rumor that there may be some changes in the zoning ordinance to allow more of an increase to lot coverage for smaller lots. Kelly explained to the public what the Planning Commission has been considering.

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

Discussion was held with regards to procedure of writing the resolutions.

Chair Burch asked if it would be possible to write a finding of fact sheet to be used when writing the resolutions.

Kelly indicated that Mr. Pitrone had telephoned her earlier in the day and asked what would be a reasonable request with respect to his variance request in view of his recent denial by the court. Kelly stated she would pass along his question to the Board members with possible discussion at a future meeting.

Burch indicated he would like to discuss with the Board what provisions are in place for taking public hearing notice signs down.

VIII. Approval of Meeting Minutes

Meeting minutes of March 14, 2006 will be reviewed at the next regular meeting, April 11, 2006.

IX. Adjournment

Motion by Gajewski, supported by Kelly to adjourn the meeting at 8:50 p.m. Carried

Respectfully submitted,

DeNette Bolyard, Recording Secretary

Pat Kelly, Secretary