



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

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STEVE BURCH,
CHAIR
JAMES CORMIER,
VICE CHAIR
PAT KELLY,
SECRETARY

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

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Thursday, April 11, 2006 7:00 PM

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

Members absent: Jim Cormier, Hank Byma

Also present: Steve Piatt, Zoning Administrator

- I. Call to Order:** The meeting was called to order by Chairman Burch at 7: 02 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 as amended, including the removal of the Lane remand from the agenda. Motion Carried.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

1)

Property Tax ID 04-19-200-001
 Appeal Number: 06-ZBA-628
 Applicant Name(s): F and J rental properties (Fred Ulisse)
 Property Address: 14495 North Territorial Road

Variances Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
19.04.A	45'	45'	150'	To allow for a non-conforming structure to be altered or changed.
18.23.	45'	45'	150'	To allow a 45' front yard setback from Stofer Road to new roof.
18.23	47.6'	47.6'	150'	To allow for a front yard setback of 47.6' from new addition, and new roof to North Territorial Road.
21.04.E				To allow for the required parking to be located within the front and rear yard setback area.
Purpose To allow for the construction of a new 8.7' x 8.7' addition to an existing building. Also to allow for the construction of a higher pitch roof on entire building. All of this variance was heard in April of 2005 except for section 19.04.A. Section 19.04.A was added at the advice of our consultant Mark Eidelson. The other variances will soon expire and the applicant has not yet received final site plan approval, and so cannot begin his construction.				

Persons notified are on file in the Township Offices. The applicant and his representative, Bill Goodrow, was present.

Chair Burch explained that the applicant, F & J Rental had previously been granted setback variances per his proposed site plan. Chair Burch read Section 4.06.E.2 of the Zoning Ordinance, and explained that the variances were about to expire. In addition, as part of the Planning Commissions review of the site plan, the Township Planning Consultant discovered that an additional variance was required for Planning Commission approval.

Bill Goodrow, representative for the applicant, presented details of the proposed project.

Comments by the Board Members and Public –

Kelly – Commented that the proposal successfully changed an old gas station building into a small business that fit well with the character of the surrounding area. Feels the proposed use is reasonable given the many practical difficulties inherent in the site.

Wagner – Had no problems with the application. Congratulated the applicant on a job well done with the site.

Gajewski – Commented that, even though the proposed change from a flat to a hip roof design requires a variance, the new roof line design actually serves to bring the building down to a human scale and is less imposing.

Gina Frankhart 9415 Lakeview – Likes the proposed project.

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

Whereas, on March 21, 2005, Fred Ulisse filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit a 8.7' x 8.7' addition on the north corner of the existing building and allow required parking to be located within the front and rear yard setback area on property located at 14495 North Territorial, D-04-19-200-001 and,

Whereas, the Zoning Board of Appeals granted the applicant's variance as requested on April 13, 2005 and,

Whereas, per section 4.06.E. variances approved become null and void after issuance unless construction has commenced within one year of issuance and,

Whereas, the applicant has re-applied for the previously granted variances and an additional variance allowing the construction of a higher pitched roof on the existing non-conforming structure and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on April 11, 2006, was attended by the applicant, representatives of the applicant, and members of the public and application materials were reviewed and public comments, oral and written, 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 C-1 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, lot size, corner lot and topography represent unique physical conditions that do not generally apply to other property in the C-1 zoning district that will not be 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 variances will apply only to property under the control of the applicant 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 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, 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,

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

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

- From Section 18.23.A, a front yard setback of 45 feet from Stofer Road to the roof overhang.
- From Section 18.23.A, a front yard setback of 47.6 feet from North Territorial to the new addition.
- From Section 19.04.A. to allow expansion of a non-conforming structure
- From Section 21.04.E. to allow required off street parking to be located within the front and rear yard setback area.

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

- Section 13.01.E.1 a lot less than one (1) acre

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

- Planning Commission approval of the Final Site Plan.

Burch – yes, Kelly – yes, Wagner- yes, Gajewski- yes Cormier, Byma – Absent

Chair Burch declared the resolution adopted.

2)

Agenda Item: **1**
 Appeal Number: **04-ZBA-601**
 Applicant Name(s): **Thomas Prose**
 Property Address: **9485 Lakeview**
 Property Tax ID (s): **04-06-286-001**

Variations Requested per submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.23.A	--	42'	50' minimum	
18.23.A	--	10.3'	50' minimum	East side from easement to new garage
12.02.E.C.3	--	15'	30' minimum	West side
12.02.E.C.3	--	15'	30' minimum	South side
12.02.E.4	--	27.2%	25%	
Purpose: Allow destruction of existing single family home and detached two-car garage and construction of a new home with attached three car garage.				

At 7:23 p.m. Pat Kelly recused herself due to a conflict of interest with the applicant.

The proceedings were recorded by a court reporter.

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DEXTER TOWNSHIP
ZONING BOARD OF APPEALS

IN RE: PROSE REQUEST FOR VARIANCE
April 11, 2006
7:15 p.m.

PROCEEDINGS HAD in the above-entitled
matter before the Dexter Township Zoning Board of Appeals,
Dexter Township Hall, 6880 Dexter-Pinckney Road, Dexter,
Michigan, on April 11, 2006, commencing at or about
7:15
p.m.

ZONING BOARD OF APPEALS:

MR. STEVEN BURCH, Chairman
MS. PAT KELLY, Member (Recused)
MR. WILLIAM GAJEWSKI, Member
MR. WENDELL WAGNER, Member

ALSO PRESENT:

MR. RONALD L. CORNELL, JR., Applicant's Attorney
MR. JOSEPH LLOYD, Applicant's Attorney
MR. PETER FLINTOFT, Township's Attorney
MR. STEVE PIATT, Zoning Administrator
Members of the public and others

REPORTER: Laurel A. Jacoby, CSR-5059, RPR

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1 Dexter, Michigan

2 April 11th, 2006

3 7:15 p.m.

4 CHAIRMAN BURCH: For the next item on the
5 agenda this evening, 04-ZBA-601 Thomas Prose,
6 9485 Lakeview Drive.

7 Unfortunately, our esteemed zoning or
8 township supervisor lives in the subdivision and has
9 a special interest in this matter; therefore, we
10 will have to ask Ms. Kelly to recuse herself this
11 evening.

12 MS. KELLY: You asked me before I had a
13 chance to ask you.

14 CHAIRMAN BURCH: Thank you, Ms. Kelly. And
15 because Ms. Kelly is also serving as our recording
16 secretary, Mr. Wagner has volunteered to become our
17 recording secretary for the balance of the meeting

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18 this evening.

19 Mr. Gajewski, do you approve Mr. Wagner

20 becoming recording secretary?

21 MR. GAJEWSKI: Yes.

22 CHAIRMAN BURCH: And as The Chair does.

23 All in favor aye.

24 (All say aye.)

25 CHAIRMAN BURCH: Any opposed no?

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1 Mr. Wagner?

2 MR. WAGNER: Yes. You get what you pay

3 for.

4 CHAIRMAN BURCH: In the matter 04-ZBA-601,

5 Thomas Prose, do we have a representative for the

6 applicant?

7 MR. CORNELL: Yes, Ron Cornell.

8 CHAIRMAN BURCH: Mr. Cornell, thank you,

9 sir. And I believe we have a court recorder this

10 evening.

11 MR. CORNELL: That's correct.

12 CHAIRMAN BURCH: Thank you. Persons

13 noticed for this request were noticed -- have been

14 actually noticed several times because of the

15 several iterations of this request coming before

16 the board, and because it is a fairly extensive list

17 and is available in the Township office for perusal

18 by anyone who has interest in doing so, The Chair is

19 going to dispense with the reading of the persons

20 noticed this evening.

21 I choose to open the proceedings this

22 evening by quoting to you from a letter dated

23 February 16th, 2006 on the letterhead of the Law

24 Offices of Seyburn, Kahn, Ginn, Bess and Serlin in

25 Southfield, Michigan. This letter being over the

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1 signature of Ronald L. Cornell, Jr. I believe that

2 is you, sir --

3 MR. CORNELL: That's correct.

4 CHAIRMAN BURCH: -- thank you. This letter

5 was hand delivered to the Dexter Township Zoning

6 Board of Appeals, 6880 Dexter-Pinckney Road; Dexter,

7 Michigan 48130-8542. Reference Prose residence,

8 9485 Lakeview, Pinckney, Michigan.

9 Dear ladies and gentlemen, this letter is a

10 supplement to Dr. and Mrs. Prose's request for

11 certain variances under the Dexter Township Zoning

12 Ordinance to permit construction of a new cottage on

13 their property located on Half Moon Lake.
14 We believe that this letter and the
15 accompanying revised plans address all of the prior
16 concerns raised both by the land plan 31 May 2005
17 review and by the board during the regular meeting
18 on June 14th, 2005. The Proses request that the
19 board issue a finding required by the Ordinance
20 Section 4.05(A) and authorize the specific variances
21 necessary to permit construction of the cottage as
22 described in the revised plans.

23 Subheading, existing structure. The Proses
24 own three contiguous lots, Nos. 16, 17 and 18,
25 located off of Lakeview Drive in the Glennbrook
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1 Beach Subdivision. Combined the lots are 17,562
2 square in size. Presently, the two-story house,
3 garage and shed on the property total 3,837 square
4 feet. To the north, the house and attached wooden
5 deck are approximately 34 feet from the front
6 property line. To the west, the existing home sits
7 approximately 12 feet from the property line and
8 over 50 feet from the water's edge of Half Moon
9 Lake. To the east, the garage sits approximately
10 5.3 feet from the property line and abuts the road
11 easement. To the south, the home's approximately 50
12 feet from the property line. On June 20th, 2005,
13 the Proses received a permit to demolish these
14 structures in anticipation of building their new
15 cottage.

16 Subheading, the Proses' proposed cottage.
17 In December 2004, the Proses submitted this appeal
18 seeking the appropriate variances to construct a new
19 cottage and garage on the property. In June 2005,
20 this board determined that the Prose property had
21 three front yards. This determination confirms that
22 there are practical difficulties in conforming to
23 the strict letter of the ordinance. While the
24 Proses do not agree with the board's initial three
25 front yard determination, this ruling now requires
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1 the Proses to apply for the following variances.
2 I am now not going to quote from the letter
3 any further but I want to pick up on the variances
4 requested.
5 No. 1, from Section 18.23(A) front yard
6 setback north side, 45-foot setback where 50 feet is
7 required. No. 2, 18.23(A) front yard setback east

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8 side, five-foot setback where 50 feet is required.
9 No. 3, 18.23(A) front yard setback west side,
10 42-foot setback requested (to accommodate eight-foot
11 deck) where 50 feet is required.
12 I respectfully suggest that this setback
13 request is incorrect. Dexter Township Zoning
14 Ordinance Section 18.23(A) reads as follows: Quote,
15 front yard setback. The required front yard setback
16 for all lots and parcels shall be 50 feet unless
17 otherwise provided for below, closed quote. The
18 ordinance then goes on to name a number of streets
19 in the township which require different front yard
20 setbacks different from 50 feet. None of the roads
21 identified are located in the Glennbrook Beach
22 Subdivision.

23 The relevant portion of Section 18 is
24 18.23(B) water body setbacks. Quoting here, all
25 lots and parcels shall maintain a minimum 50-foot
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1 setback between the buildings, structures and
2 parking areas and the ordinary high water mark of a
3 lake, pond, river or stream. This requirement shall
4 not apply to boat docks and boat launching ramps
5 where so permitted within the zoning district,
6 closed quote. However, that is not the difficulty
7 here.

8 If we're refer to Dexter Township Zoning
9 Ordinance Article 2, definitions, under Section
10 2.02(D) setback, we find the definition, quote: The
11 minimum distance between the lot line and the
12 structure as required herein, see definition for lot
13 line and its application to waterfront lots: One,
14 front, minimum distance extending the full lot width
15 between the structure and the front lot line.

16 Now, under Section 2.02(B) lot lines, the
17 lines bounding the lot or parcel we find under
18 subsection one, lot line front, the lines separating
19 the lot from any street, right-of-way, private road
20 or other access easement except in the case of a
21 waterfront lot which shall have an additional front
22 lot line consisting of the ordinary high water mark.
23 So in addition to the 42-foot setback from
24 the ordinary high water mark you're also asking for
25 an approximately 20-foot setback from the access

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1 easement of Shore Drive.
2 I suggest that before any variance could be

3 granted, a survey to locate Shore Drive with respect
4 to this property be conducted. This is not unusual
5 in the history of the board. If we have an
6 ill-defined easement for a street or access area, we
7 frequently ask for an additional survey to locate
8 this street or access area with relation to the
9 property variance so that we have identified exactly
10 what we are granting a variance to.

11 Next items requested, variance requested
12 No. 4, 12.02(E)(3)(C), rear yard setback. The
13 applicants are requesting on the south side a
14 15-foot setback where 30 feet are required. Please
15 note, by reducing the roof overhangs, the builder's
16 calculations now show that the lot coverage of 4,315
17 square feet giving a percentage of 24.6 percent, no
18 variance is needed for lot coverage.

19 Again, quoting from the February 16th
20 letter, the revised plans also depict the ornamental
21 structure/tower within the height restrictions
22 mandated by the ordinance Section 18.05. As
23 previously indicated, this structure will be open to
24 the second floor bedroom below and function
25 essentially as a skylight. No portion of the

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1 structure that extends above the second floor will
2 be used for human occupancy. Accordingly, the
3 Proses do not believe that a height variance is
4 needed for this structure, closed quote.

5 At this point, I would like to refer to the
6 court recorder's transcription of the June 14th,
7 2005 regular meeting of the Dexter Township Zoning
8 Board of Appeals. I begin on page 20, line 17 of
9 the recorded transcript.

10 "Chairman Burch: Gentlemen of the board, we
11 are now faced with three questions that Mr. Lloyd
12 has asked we specifically answer in preparation for
13 him developing a final site plan for our evaluation.
14 First item, and Mr. Cormier did address this rather
15 specifically, the floor under the ornamental
16 structure, will there or will there not be a floor
17 allowed or by what means do we ensure that there
18 would be no construction within the ornamental
19 structure to ensure it would remain unoccupied?

20 Mr. Gajewski?

21 Mr. Gajewski: As far as my opinion, the
22 sheer mass of the ornamental structure dictates that
23 it should be removed. As far as that, Mr. Eidelson
24 has pointed out as far as to preserve the community
25 character, and I think that in my opinion that

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1 should be just completely removed because it's too
2 large. I mean, there's always potential for
3 something to go in there, as Jim pointed out, and
4 just doesn't go with the lakes community.
5 Chairman Burch: Thank you.
6 Mr. Wagner: Quite honestly, I agree with
7 Bill. That's my view as well. There's no way to
8 really -- you know, I've sat on this particular case
9 for three or four times at this point and we've
10 talked about several of these issues many times but
11 I'm still looking at all the same details of the
12 site plan and the house and everything.
13 And I recognize that, you know, Dr. Prose
14 and Mr. Lloyd, that your faith and goodwill in terms
15 of doing what is requested or asked by the board is
16 a -- I accept it as that; however, it's just a
17 verbal statement until we see what the designers and
18 the builders and particularly the grading of the
19 property and what final elevation it will be at
20 before you even begin the structure. All those
21 things are still questions that are at the same
22 stage they were three months ago when I got involved
23 in this property.

24 So, you know, I'm not inclined to make a
25 lot of decisions until I see something in writing,

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1 see some facts in terms of what is changing. So far
2 I haven't seen anything change. It's the same
3 variance request that it was when I sat down here
4 three months ago. And clearly, if they were
5 acceptable we would have accepted them and moved on.
6 But there's so many things that just don't fit, that
7 do not fit the ordinances, that I guess we need to
8 see some movement, some solid movement rather than
9 an almost casual verbal statement that we'll do
10 whatever you want. We would like it to be within
11 the zoning ordinance. That's what we would like.
12 So I guess that's where I am at with this right now.
13 Chairman Burch: All right, thank you,
14 Mr. Wagner. Mr. Cormier, anything further on this?
15 Mr. Cormier: Well, actually, I would agree
16 with the other two board members that ultimately to
17 make it the most conforming, the ornamental
18 structure probably should not be there.
19 Mr. Gajewski: Mr. Chair, just one last
20 comment.
21 Chairman Burch: You have the floor, sir.
22 Mr. Gajewski: A cottage, per Webster's
23 dictionary, is usually a one-story house, and

24 therefore that really allows the back lot owners a
25 view of the lake and you're not creating a huge wall

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1 and hogging the view scape. And we do have a letter
2 on file from one of the residents that said that
3 structure would block their view. And so that's
4 just something I wanted to add since we have a
5 letter to that effect.

6 Chairman Burch: Thank you, Mr. Gajewski.

7 Then if I may speak for the board, addressing the
8 issue of the ornamental structure, since we as a
9 board generally approve or disapprove, we do not
10 really negotiate, I believe that if the ornamental
11 structure is included in the final set of plans it
12 may jeopardize the approval by the board.

13 Mr. Lloyd, that may not be satisfactory.

14 Is that sufficiently clear?

15 Mr. Lloyd: It is clear albeit -- let's say

16 I disagree with the reading. Having said that, you
17 are clear."

18 I have completed quoting from the minutes
19 of that meeting. Because the plans submitted still
20 contain no dimensions on the roof plan nor any
21 construction detail on the so-called ornamental
22 structure, I am very skeptical as to what purpose
23 this edifice is going to serve; therefore, I'm going
24 to be very reluctant to approve any structure that
25 will exceed 35 feet maximum height allowed by

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1 Section 12.02.E.5 of the Dexter Township Zoning
2 Ordinance.

3 This proposed construction is governed by
4 Article 19 of the Dexter Township Zoning Ordinance,
5 nonconforming uses, lots and structures. This is
6 because per Article 12.02, lakes residential
7 district, for a single family dwelling the minimum
8 lot area is one acre, the minimum lot coverage is
9 150 feet -- I'm sorry, the minimum lot frontage is
10 150 feet, and the yard and setback requirements are
11 as identified earlier in the variance requests.

12 Quoting Article 19: It is the intent of
13 this article to permit nonconforming lots,
14 structures and uses lawfully existing at the time of
15 the adoption of this ordinance or subsequent
16 amendment thereto to continue until they are removed
17 or discontinued and to provide for their maintenance
18 and repair but not their expansion, enlargement,

19 extension or other alteration which in any way
20 increases its nonconformity except as otherwise
21 provided by this article.
22 Let me emphasize that in no way is Dexter
23 Township denying the applicant the use of the
24 property. To quote Article 19.04 paragraph B: Such
25 a structure -- should such a structure be destroyed,
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1 repaired, renovated or otherwise altered by any
2 means and to any extent including the razing of such
3 structure, it may be reconstructed, repaired,
4 renovated or altered providing that it is not
5 enlarged or otherwise altered in any way which
6 increases its nonconformity as it existed prior to
7 being destroyed, repaired, renovated or otherwise
8 altered, closed quote.
9 Had the applicant chosen to renovate and
10 rebuild on the existing footprint, construction
11 would have commenced on receipt of approved plot
12 plan from the Dexter Township Zoning Administrator.
13 Since the applicant is clearly requesting an
14 increase in nonconformity, it is now the
15 responsibility of the Zoning Board of Appeals to
16 determine whether the proposed construction and
17 requested variances will meet the standards of
18 Section 4.05(C) of the Dexter Township Zoning
19 Ordinance.

20 Thank you. Mr. Gajewski?
21 MR. GAJEWSKI: As far as the -- well, let's
22 see here. Looking at their stormwater management
23 plan -- is the applicant here today, by any chance?
24 MR. CORNELL: No, they're not.

25 MR. GAJEWSKI: Okay. As far as looking at
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1 their existing stormwater management plan, it just
2 seems to be deficient. The ordinance states that
3 the existing predevelopment runoff impact, to quote
4 the ordinance, and that says exactly what it is.
5 The predevelopment hydrology means before
6 it was developed; that is, in a natural state. And
7 the existing predevelopment hydrology does not mean
8 existing postdevelopment hydrology. And per our
9 ordinance, to maintain that predevelopment
10 hydrology, the recharge from postdevelopment site
11 conditions shall mimic the recharge from
12 predevelopment site conditions. And also the canopy
13 interception of rain water by canopy trees is part

14 of that predevelopment hydrology. When you cut
15 canopy trees, you increase the surface runoff which
16 dominates the water balance in a highly impervious
17 site.

18 And as far as the soil types out there,
19 looking at the Washtenaw County Soil Survey map, the
20 adjacent soils or even possibly the soils underlying
21 that property are quote, muck soils, which are in a
22 hydrologic Class D soils. These are soils with low
23 infiltration, high surface runoff potential. And
24 these soil types will not support a very large
25 impervious structure since because recharge is much

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1 more difficult.

2 And looking at the past consultant prior to
3 Atwell and Hicks was ECT, which was Environmental
4 Consultants Tech, they said that you need 1,000
5 cubic feet of water storage for both impervious and
6 proposed lawn area and that was based on a one-inch
7 rain event. And, however, Atwell and Hicks has
8 theirs based on a two-inch event. And with a
9 two-inch event they're saying it only requires 668
10 cubic feet of runoff storage. So there's a big
11 discrepancy in stormwater management plans. So I
12 don't feel the stormwater management plan meets the
13 requirement of Section 2403(C).

14 Also, I would say that the applicant is
15 proposing a huge driveway that is not on his
16 property but is on the association property. And in
17 the stormwater management plan, what they propose to
18 do is to in order to mitigate the stormwater runoff
19 nonpoint pollution to the lake, the stormwater
20 runoff impact, they propose using permeable pavers
21 or porous pavement. And the problem with that is
22 the fact that that is a very high maintenance item
23 and over time it plugs up. And what happens is then
24 you end up with a tremendous amount of nonpoint
25 pollution to the lake. So it's not really a

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1 recommended -- it's not a long-term solution for
2 stormwater management.

3 And in addition, that driveway is to the
4 east and those soils are definitely Houghton muck
5 soils. And again, I said those are Class D
6 hydrologic soils. And so those are soils that have
7 high runoff potential, low amount of infiltration,
8 so that you're again creating a major problem there.

9 That house itself, just looking at a
10 two-inch rain event, as Atwell-Hicks has went with,
11 just the house itself is like 4,315 square feet.
12 That house, you know, if you used a runoff
13 coefficient of point 95, that would provide 684
14 cubic feet of stormwater runoff just from that
15 house. And Atwell-Hicks says that they will handle
16 668 cubic feet of stormwater runoff. So that's --
17 just from the house itself, the stormwater runoff is
18 greater than what Atwell-Hicks has, in fact, said
19 that they would -- the site would handle.

20 So 684 cubic feet of stormwater runoff, if
21 you translate that into gallons, which more people
22 can understand, that's 5,130 gallons of storm water.
23 That's a lot of water. Then if you consider as far
24 as that driveway, I mean, that's even larger than
25 the house. The reason is is because you have a

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1 concurrent front load driveway along with a rear
2 load -- a front load garage along with a rear load
3 garage, so you're creating a tremendous amount of
4 unnecessary impervious surfaces that we really don't
5 need. Just an unreasonable amount.

6 And in addition, as far as -- they're
7 proposing here to fill that driveway with up to six
8 foot of fill. And as far as the part 303 of the
9 PA 451, the Wetland Protection Act, that is, in
10 fact, the wetland area. As far as a wetland is
11 determined by three things: Well and soils,
12 hydrology and vegetation. The soil type there is
13 Houghton muck which is, in fact, a wetland soil.
14 The vegetation out there, there are a skunk
15 cabbage, there are red ocean dogwood, which is
16 wetland vegetation, and as far as the hydrology,
17 there's unquestionably a direct connection with the
18 lake. So that is, in fact, a regulated wetland.
19 And so, therefore, for the ZBA to say that it's okay
20 to fill that would be beyond our purview because
21 that is -- a permit would be required from the
22 Michigan Department of Environmental Quality, the
23 Surface Water Quality Division.

24 I guess that's all I have for this moment.

25 CHAIRMAN BURCH: One question,
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1 Mr. Gajewski. When you first began talking about
2 the driveway --

3 MR. GAJEWSKI: Yeah?

4 CHAIRMAN BURCH: -- you said that this
5 driveway was going to be placed on property the
6 applicant does not own?

7 MR. GAJEWSKI: Correct.

8 CHAIRMAN BURCH: I'd like to reiterate that
9 because we cannot by the zoning ordinance, I don't
10 have a paragraph right here but we can find it, we
11 are not permitted to grant a variance that's going
12 to involve property not under the control of the
13 applicant.

14 MR. GAJEWSKI: Right. And I just want to
15 mention one more thing as far as one of the things
16 with that type of -- with that soil type is that
17 that is a -- as far as the Guidebook of Best
18 Management Practices for Michigan Watersheds, which
19 is the MDEQ, that's Surface Water Quality Division.
20 They are the author of this huge book. And that
21 indicates that Houghton muck soils have the Class D
22 hydrologic soil grouping, as I stated.

23 And these group D soils have again high
24 runoff potential, very slow infiltration rates and
25 permanent high water tables. That being said, the

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1 Atwell and Hicks is proposing dry wells sunk into
2 the ground, and these are huge dry wells five foot
3 in depth, and having a permanent high water table
4 the dry wells don't work too hot when they're filled
5 with water from groundwater, and, obviously, they
6 did no soil borings because the ground water is
7 probably within 20 inches of the surface of that
8 site.

9 And that's all I've got.

10 CHAIRMAN BURCH: Thank you, sir.

11 Mr. Wagner?

12 MR. WAGNER: Thank you, Bill. I'd like to
13 say thank you to Bill for doing all the technical
14 and engineering studies that he has done and they're
15 very thorough and I trust what you say when you talk
16 about those things.

17 My view is more on the human pragmatic side
18 of it and that is that while cottages or homes of
19 this magnitude are commonplace along the Lake
20 Michigan shore, they're really totally out of
21 character, in my view, for a lake that's a mile and
22 a half long and half a mile wide. Having looked at
23 the property many times and walked around the
24 existing home and garage, I personally believe that
25 what is there, the footprint that exists, is well

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1 within the capabilities and neighboring homes I
2 should say, and I don't really believe that a
3 structure of this magnitude is necessary in that
4 environment.
5 There's many things that we still have to
6 address - the ornamental structure, the association
7 property that is included in this latest map or plat
8 that's dictated really by a rear entry garage. Much
9 of what we're looking at wouldn't be an issue if you
10 simply utilized the north entrance into the garage
11 rather than the south.

12 Be that as it may, I would like to --
13 that's all I have for now. I would like to hear
14 from the residents of the community.
15 CHAIRMAN BURCH: Thank you. We will hear
16 from the residents momentarily.
17 Mr. Cornell, sir, would you care to address
18 the board?

19 MR. CORNELL: Yes, I would. Thank you very
20 much. I'd like to pull up a chair so I can kind of
21 spread my papers out on the table there.
22 As I previously introduced myself, I'm
23 Ron Cornell and I'm appearing here on behalf of
24 Dr. Thomas and Maria Prose to request the variances
25 that have been outlined in my February 16th

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1 correspondence that was read in part by
2 Chairman Burch.
3 I want to first address the overall scope
4 of our request and then, to be more specific, to try
5 to address some of the comments that were just
6 raised by board members. I think that the file in
7 this matter is now going on six years as far as the
8 time that the Proses first came to this township and
9 asked for a request for variances to build what they
10 wanted to build on their property.
11 On May 2nd, 2001, this board ruled that a
12 practical difficulty did exist with their property
13 under the old ordinance, made the required findings
14 as you now have under Section 4.05 and did, in fact,
15 grant the Proses variances to construct their home.
16 They disagreed in part with those variances and have
17 gone back to the drawing board to bring us here
18 today.
19 Let's not forget the history of that. The
20 ordinance was changed, and in doing so, the Proses
21 attempt to amend their plans to meet with the
22 requirements of the Township and in particular have
23 spent over the last year a considerable amount of
24 time and effort with the Township zoning

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25 administrator, Mr. Piatt, to address items on their
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1 drawings, some of which I've heard contradictory
2 statements from the board on today. And I'll get to
3 those real shortly.
4 But suffice it to say that the board's
5 decision in June of 2005 that the Proses' property
6 now has the equivalent of three front yards has
7 exacerbated the practical difficulty that existed in
8 2001. If you look at the drawings I presented to
9 this board, the building envelope has now shrunk to
10 1300 square feet if strict conformity with the
11 Township's ordinance were required. Certainly the
12 characteristics of your ordinance allow for
13 variances to be granted under these circumstances.
14 And I highlight to this board the fact that the
15 three front yards have again reduced the building
16 envelope on this property to almost 1300 square
17 feet.

18 In connection with the plans that I've
19 submitted to this board, we have gone at great
20 lengths, as I indicated earlier, to satisfy not only
21 the land plan May 31st, 2005, which incidentally did
22 not find three front yards but rather two front
23 yards, as well as the concerns of the zoning
24 administrator. Included in this was our efforts to
25 provide you with as much detail as possible with
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1 respect to both the site plan, the easements, the
2 drainage, water management plans, and detailed
3 drawings of the house that is to be constructed
4 including elevations, measurements as to the heights
5 of the structures. We have a very significant file
6 with Mr. Piatt going back and forth.
7 Incidentally, as one of the board members
8 suggested, this issue of using pavers to allow for
9 porous surfaces was, in fact, requested by your
10 zoning administrator, Mr. Piatt, to be included on
11 these plans. So to the extent that we have complied
12 with the requests of this board, the Township and
13 its administrator and are now being held to somehow
14 hurt our opportunities to obtain variances, I'd like
15 the board to make note of that.
16 In addition, we believe that the plans as
17 existing today are very similar to the plans which
18 existed back in 2001, and some of the concerns
19 raised today were not raised as a matter of record

20 back then, so I am somewhat questioning the source
21 or the intent of raising these concerns at this time
22 nor do I look back at the prior transcripts and
23 understand that these are some of the concerns that
24 were previously raised. With that being said, let
25 me try to address the ones that were just raised a
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1 few moments ago.

2 As I initially indicated, the front yard
3 issues, we believe that your zoning ordinance
4 dictates that there is one front yard to the north
5 here and not three front yards. And we will be
6 happy to address that further with respect to our
7 construction of the ordinance. Let's suffice it to
8 say with the three front yards I think it
9 necessitates the variances that we've requested.
10 On the drainage issues, as I indicated
11 earlier, some of the porous materials to be used in
12 construction of the driveway and the patio out at
13 the site were, in fact, recommendations made by the
14 Township's zoning administrator. As far as the
15 stormwater runoff calculations that were previously
16 alluded to, I think there may have been a
17 misconception of the narrative contained on the
18 drainage grading plan, again requested by the zoning
19 administrator.

20 The calculations that were drafted by
21 Atwell-Hicks state that the existing site conditions
22 will produce approximately 1,307 cubic feet of
23 runoff, that the proposed conditions will produce
24 1975 cubic feet of runoff thereby calculating the
25 668 cubic feet difference, which is again addressed
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1 by Atwell-Hicks in their narrative as to how that
2 stormwater would be managed through the use of the
3 dry wells.

4 As far as the driveway, again, we've
5 pointed out that the attempts to use the -- as
6 indicated on our notes -- the clay tiles as a way to
7 make sure the porous materials are being used was
8 something that was recommended by your zoning
9 administrator. As far as the fill materials that
10 are being used in this depiction, we again believe
11 those are in conformity with the Township's
12 ordinance because it does not increase the flow to
13 neighboring developed properties and the elevations
14 are not higher than the neighboring elevated

15 properties.

16 The substance of the area, which I believe

17 one board member referred to as a wetland area, is,

18 in fact, dedicated as an easement for access to the

19 Proses' properties. That easement is -- I'm not

20 clear from your comments whether you're considering

21 the easement or the entire area that is situated

22 east of the Proses' property line as being the

23 entire wetland area. As far as I know, there hasn't

24 been any dedication that I have seen formally that

25 this is a wetland area in which no building or no

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1 construction can be permitted on. And I'm not sure

2 if that's what was being implied by the comments by

3 the board but I don't see anything of record that

4 suggests that determination has been made by any

5 authoritative body.

6 With that being said, I'm happy to answer

7 the questions of the board on any of the matters

8 that have been presented. As explained earlier, the

9 ordinances, the setback requirements are again based

10 upon this board's decision in June of 2005 there

11 were three front yards. We have taken that

12 interpretation and extrapolated just like Land

13 Planning did in May of 2005. In fact, I borrowed

14 the chart from Land Plan's draft from May 31st, 2005

15 and appropriated the same chart into my drawing so

16 you could have a side-by-side comparison for what

17 type of variances were needed. We think that the

18 practical difficulties are demonstrated and we think

19 that the plans by the Proses meet this Township's

20 ordinance and would respectfully request that this

21 board today make a ruling on the variances

22 requested.

23 Last point I'll bring up, I jotted down in

24 my notes real quickly here, the ornamental

25 structure. A part of the transcript that was quoted

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1 from June of 2005 referenced the ornamental

2 structure. I don't know what further detail is

3 required by your ordinance other than that which

4 we've already provided with respect to the

5 ornamental structure on the building. Again, no

6 further information was requested by the Township

7 prior to this meeting by your zoning administrator

8 as to what additional information the board needs to

9 consider the ornamental structure.

10 It is clearly depicted on the drawings, its
11 elevations are carefully calculated. I'm at a loss
12 as to what the board needs from us to determine
13 whether the ornamental structure meets or falls
14 within the definition of your ordinance. We believe
15 that it does. The statement in my letter was that
16 the second floor of the house has a bedroom located
17 underneath that ornamental structure. It's going to
18 be strictly open. There will be no living spaces
19 above that second floor within that structure, as
20 was previously thought by some of the board members
21 or somebody else in comments that I read on this
22 previous application. So I don't know what more
23 needs to be said there.

24 If there's any additional questions, I'd be
25 happy to answer them for the board as to the

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1 ornamental structure or as to anything else that's
2 been previously submitted.

3 CHAIRMAN BURCH: Is that all for now, sir?

4 MR. CORNELL: That's all for now unless the

5 board has any questions.

6 CHAIRMAN BURCH: Thank you. Speaking, me

7 as a member of the board, I choose to defer my

8 questions for you until after public comment, sir.

9 Mr. Wagner?

10 MR. WAGNER: Myself as well.

11 CHAIRMAN BURCH: Mr. Gajewski?

12 MR. GAJEWSKI: As far as a wetland

13 determination, that is made by the Michigan

14 Department of Environmental Quality Surface Water

15 Quality Division, and that can be requested by

16 anyone. The determinations that they will use are

17 soils, hydrology and vegetation, and that wetland

18 meets all three.

19 And regarding variances, a variance has to

20 be the minimum necessary to allow reasonable use.

21 And the applicant's attorney, Mr. Lloyd, in his

22 letter claimed that there was one front yard

23 setback, as you are saying. The Township Council

24 stated that there are, in fact, three front yards.

25 However, however, even with the front yard setback,

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1 even with one front yard setback, the proposed

2 structure still would not fit in the building window

3 and would still require variances from north, south,

4 east property lines.

5 And when I referred to page two of the
6 Atwell and Hicks drawings, of the right-hand sketch
7 drawings which indicates a one -- a front yard
8 setback, just one front yard setback. And the
9 building window there would be a very large building
10 window, approximately 97 by 72 feet. And to say
11 that the applicant cannot design a house to fit that
12 large building window is unreasonable and,
13 therefore, it's very clear that this house is
14 unreasonable in size. A variance has to be the
15 minimum necessary and in this case variances are not
16 needed.

17 A 97 by 72 foot building window, ask any
18 builder and he'll tell you, no problem, we can
19 design it. You can design for that site. He's
20 forcing that house on that site, that's the problem.
21 That house is -- that's the problem. That's it.
22 CHAIRMAN BURCH: Thank you, Mr. Gajewski.
23 I am now going to open the forum to members of the
24 general public. If you wish to address the board,
25 please stand, give us your name and your address for
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1 identity purposes. Sir?

2 MR. KELLY: Good evening. My name is
3 Joe Kelly. I live at 9585 Half Moon Lake Drive.
4 I'd like to bring some material forward to the
5 board.

6 CHAIRMAN BURCH: You may, sir.

7 MR. KELLY: This is what I'll be reading
8 into the record. This also has some attachments,
9 copies of sections of our bylaws, and a drawing of
10 the replatting proposal.

11 CHAIRMAN BURCH: Thank you, sir.

12 MR. KELLY: Okay. First I want to make
13 clear that I'm here representing Glennbrook Beach
14 Association reading a statement into the record
15 that's a statement for the Glennbrook Beach
16 Association.

17 The Glennbrook Beach Association is a
18 self-contained community surrounded on two sides by
19 state land and on two sides by Half Moon Lake. The
20 association was established in 1947. It is made up
21 of 44 privately owned home sites and eight acres of
22 property owned in common for the mutual benefit of
23 all association members.

24 Mr. Prose is a member of the Glennbrook
25 Beach Association and subject to the association
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1 bylaws. A current copy of the bylaws is attached
2 for your -- it's attached for the board's reference.
3 The GBA owns the property on three sides of the
4 Prose property now under the consideration of the
5 Dexter Township Zoning Board of Appeals. To the
6 north of the Prose property, Glennbrook owns a lake
7 access lot. To the west, Glennbrook owns the
8 shoreline waterfront property that is used for lake
9 shore pedestrian access. To the east Glennbrook
10 owns approximately 2.5 acres of property that serves
11 primarily as a collection point for stormwater
12 runoff. Also located on the property to the east is
13 a drain for excess storm water and a multilake sewer
14 authority line.

15 Also relevant to the discussion of the
16 Prose variance request is pending Circuit Court
17 action by Mr. Prose. The Prose lawsuit against
18 Glennbrook seeks to replat portions of supervisor's
19 plat No. 2. Specifically, Mr. Prose seeks to
20 incorporate approximately 5,000 square feet of
21 Glennbrook owned land to the east into his lot. A
22 copy of the proposed map is attached on your
23 document.

24 Glennbrook is opposed to the annexation of
25 Glennbrook land into Mr. Prose's lot via the
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1 replatting process. Glennbrook has obtained the
2 latest available application materials submitted by
3 Mr. Prose through a freedom of information request.
4 The Glennbrook board has met and reviewed the
5 following materials: February 16th, 2006 letter
6 from Ronald Cornell, the Prose attorney for the ZBA;
7 January 16th, 2006 Atwell-Hicks engineering drawings
8 including a topographic survey, demolition plan,
9 site easement plan and drainage grading plan; and
10 February 16th, 2006 floor plan and elevation
11 drawings.

12 Based on a Glennbrook board review, the
13 following comments are offered for the ZBA's
14 consideration as to Mr. Prose's appeal for
15 variances. No. 1, the proposed plan indicates the
16 construction of an engineered wall on Glennbrook
17 wetland property to the east and south of the Prose
18 property. Article 10 of the Glennbrook bylaws
19 generally prohibits parking, driveways, walls,
20 fences and other structures on Glennbrook property.
21 The Glennbrook Beach Association has never been
22 consulted about the construction of the structure on
23 their property and vigorously objects to any plans
24 that include a generally prohibited structure
25 without explicit permission of the Glennbrook board.

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1 No. 2, Article 9 of Glennbrook Beach
2 Association Bylaws states that any use of the
3 association property that has the effect of
4 converting it to private use is not allowed.
5 Clearly, the proposed driveway plan has the express
6 effect of converting Glennbrook property to very
7 private personal use by Mr. Prose and is simply not
8 allowed. In addition, the driveway plan would
9 necessitate the removal of mature trees from the
10 Glennbrook property. Glennbrook bylaws require
11 board approval for tree removal on association
12 property. Therefore, the Glennbrook Beach
13 Association objects to the proposed driveway plan.
14 No. 3, the west lakeside setback from the
15 association property to the existing Prose home is
16 12 feet. The proposed lakeside deck of the new home
17 is set back only nine feet from the association
18 property. Article 9 of the Glennbrook Bylaws state:
19 The purpose of association ownership of the
20 shoreline land is to maintain an open, park-like
21 feeling along the shoreline, along pedestrian
22 movement, along the lake edge and provide a forced
23 setback of private uses from the lake edge.

24 To that end, the Glennbrook Beach
25 Association does not support the additional

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1 encroachment into the west setback area and would
2 prefer that the setback from Glennbrook lakeside
3 property be increased. In addition, the lessening
4 of the setback would endanger several large trees on
5 Glennbrook shoreline property.
6 No. 4, to the east Mr. Prose's current
7 garage is five feet from the Glennbrook property
8 line while the proposed plan retains a five-foot
9 east side setback. The layout of the new home
10 requires that Mr. Prose traverse over Glennbrook
11 owned property to the east in order to gain entrance
12 to his new garage. Not only does Mr. Prose's plan
13 require further development and use of property that
14 does not belong to him, the land in question is
15 characterized by wetland and hydric soils. Section
16 24.2(C) of the Dexter Township Zoning Ordinance
17 requires that new development on the parcel shall
18 only occur on those portions of the parcel void of
19 such sensitive resources, wetlands and hydric soils
20 where reasonably feasible.

21 Since Mr. Prose already has a perfectly
22 functional driveway, Glennbrook Beach Association
23 believes that it is reasonably feasible and
24 absolutely possible to restrict development of the
25 Glennbrook Beach Association parcel without
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1 impacting Mr. Prose's dedicated right to
2 nonexclusive ingress and egress to and from his
3 property.
4 No. 5, Section 24.2(D) of the zoning
5 ordinance addresses clearing, grading and filling
6 and provides regulations to protect soil resources
7 and adjacent properties. It is applicable to all
8 construction activities requiring permits pursuant
9 to this ordinance. Specifically, Section 24.2(D)(3)
10 states: Filling a parcel of land to an elevation
11 above the established grade of the adjacent
12 developed land is prohibited without the express
13 written approval of the County Drain Commissioner
14 and approval by the Planning Commission. While the
15 Prose plans are not as clear as they could be with
16 respect to current topography, the plan clearly
17 indicates raising the finished grade over a majority
18 of the parcel between four and six feet higher than
19 the established grade.

20 This massive amount of fill raises the
21 elevation of the Prose property above the
22 established grade of the adjacent Glennbrook land to
23 the east, west and north. The Glennbrook Beach
24 Association believes that Section 24.2(D) applies to
25 the affected Glennbrook land to the east, west and
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1 north and requests the Zoning Board of Appeals order
2 the appropriate oversight for Section 24.2(D) prior
3 to the approval of any plan that seeks to raise the
4 elevation of the Prose property above the
5 established grade of the Glennbrook adjacent
6 parcels.
7 No. 6, Section 24.3(C) of the Dexter
8 Township Zoning Ordinance states that all lots shall
9 retain stormwater runoff on-site or detain it so as
10 to allow discharge without any impact on adjacent
11 lands, streams or water bodies above the existing
12 predevelopment runoff impact.
13 Mr. Prose's latest plans are a great
14 improvement over previous submissions with respect
15 to stormwater management; however, it is unclear how

16 much runoff the plan seeks to mitigate. It appears
17 that Mr. Prose is defining predevelopment runoff as
18 the runoff generated by the parcel as currently
19 developed. Further, his plan intends to mitigate
20 only the increase in runoff due to the additional
21 development of this property.

22 It is the Glennbrook Beach Association's
23 position that since Mr. Prose's plans include an
24 entirely new development, he should be required to
25 demonstrate a plan that mitigates all stormwater

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1 runoff generated by his proposed plan. In addition,
2 due to the high water table of the Prose property we
3 question whether or not all of the proposed dry
4 wells will function effectively as stormwater
5 management devices.

6 Item 7, Glennbrook does not question that
7 the fact that the Prose property has practical
8 difficulty in meeting all of the setback
9 requirements of the zoning ordinance. Glennbrook
10 does not question the need for setback variances to
11 allow for reasonable use of the Prose property.
12 Glennbrook does request the extent and necessity of
13 the requested variances from the setback standards.
14 If allowed as requested, the Prose home will be at
15 least three times larger in livable area than the
16 average association home and would not be in keeping
17 with the character of the neighborhood.

18 In summary, we understand fully that
19 Mr. Prose has a right under the zoning ordinance to
20 tear down his current cottage and build a new one;
21 however, the proposed plan requires development of
22 the property not owned by the applicant and the
23 Glennbrook Beach Association does not believe the
24 Prose plan is feasible without development of
25 Glennbrook property. Therefore, Glennbrook Beach

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1 Association respectfully requests that the proposed
2 plan be denied by the Zoning Board of Appeals unless
3 two minimum conditions are met.

4 First that Mr. Prose adequately
5 demonstrates his proposed plan is completely
6 feasible without any use of association owned
7 property, and secondly, that any approval be
8 conditioned upon receipt of all required Glennbrook
9 Beach Association approvals prior to the issuance of
10 the zoning permit. Signed William Wetzels,

11 president. Thank you.

12 CHAIRMAN BURCH: Thank you, Mr. Kelly.

13 Anyone else in the audience, please? Yes, ma'am.

14 MS. KLUFF: Good evening, my name is

15 Peggy Kluff. I'm a resident of the Glennbrook Beach

16 Association at 9601 Lakeview Drive. I wish to

17 speak to four concerns I have with the proposed

18 Prose cottage. The GBA membership owns the

19 shoreline property along the lake's edge to the west

20 of the Prose property. The Proses figured his

21 setback on the west as 50 feet from the lake's high

22 water line. But his setback should be figured from

23 the property line between his property and the

24 association property. His current house is 12 feet

25 from our property line and I would like to advocate

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1 that the new structure be a minimum of 15 to 20 feet

2 from the association property line and that includes

3 any deck he wishes to have on the west side of the

4 structure.

5 This would be in keeping with the

6 Glennbrook Beach Association Bylaws which state the

7 purpose of association ownership of the shoreline

8 land is to maintain an open, park-like feeling along

9 the shoreline, allow pedestrian movement along the

10 lake edge and provide a forced setback of private

11 uses from the lake. In addition, the 15 to 20-foot

12 setback would protect some large trees that are on

13 the property line. The Dexter Township Zoning

14 Ordinance calls for a 50-foot setback for a front

15 yard setback.

16 No. 2, the Glennbrook Beach Association

17 membership owns the wetlands property to the east of

18 the Prose property. Prose has asked for a five-foot

19 setback from the property line. I would like to

20 advocate that the new structure be a minimum of 15

21 feet from the association property line. The Dexter

22 Township Zoning Ordinance calls for 50-foot setback

23 from the front yards -- as a front yard setback.

24 The Proses certainly need variances from the

25 required 50-foot front yard setbacks required by the

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1 ordinance on the east and west side of their

2 property because without variances they would not

3 have a buildable property. However, with a setback

4 of 20 feet on the west and 15 feet on the east they

5 would have 64 feet in which to build their new

6 cottage.

7 Three, in looking at their plans I am very
8 concerned about their bringing in approximately
9 eight feet of fill at certain parts of the lot.
10 This will completely change the topography of the
11 area, significantly raise the finished grade, which
12 is prohibited by the Dexter Township Ordinance, and
13 affect water drainage flow in the area possibly
14 flooding the association roads and/or the
15 association's lake access lot to the north of the
16 Prose property.

17 Four, finally I have concerns about the
18 size of the cottage they are planning. According to
19 the plans, the square footage of the basement, first
20 floor and second floor equals 8,147 square feet.

21 Plus an additional 960 square feet for their garage.
22 This is an extremely large structure, more than
23 twice the size of the largest home currently in the
24 association and will not fit into the character of
25 the neighborhood and the other 43 homes in the
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1 Glennbrook Beach Association. The amount of roof
2 and hardscape will create significant water runoff
3 and I am concerned that it will impact the
4 association property on the west, north and east
5 sides of the Prose property.

6 CHAIRMAN BURCH: Thank you, Ms. Kluff.
7 Anyone else? Yes, sir.

8 MR. TENAKOWSKI: Chris Tenakowski (ph.),
9 13900 Lakeview Drive. May I approach the board?

10 CHAIRMAN BURCH: You may, sir.

11 MR. TENAKOWSKI: I would just like to once
12 again show you my view. The lines and elevations
13 are approximate, conservatively. This basement
14 starting at the elevation of his current first
15 floor, which is 899, if you look at Atwell-Hicks
16 it's (inaudible) and it does not include the
17 ornamental feature for the total height.
18 I just wish you would consider variances
19 when you do and consider my value and what view I
20 have.

21 CHAIRMAN BURCH: Yes, sir.

22 MR. TENAKOWSKI: I am hoping that you will
23 do that. And I thought of one more thing. Can I
24 look at the plans here?

25 MR. WAGNER: Yes, please.

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1 MR. TENAKOWSKI: One statement was made
2 that their elevation, finish elevation, which is
3 what you see when it's developed, a developed parcel
4 elevation, but if you look --

5 MR. WAGNER: It's on the last page here.

6 MR. TENAKOWSKI: They have what you would
7 call their first floor elevation of 899.

8 CHAIRMAN BURCH: Yes, sir.

9 MR. TENAKOWSKI: A finished grade elevation
10 which is what the topsoil will come to at one point
11 or another up against the house of 896 but yet to
12 the south which is the -- the last known or shown
13 existing elevation is 895.

14 CHAIRMAN BURCH: Thank you.

15 MR. TENAKOWSKI: Thank you.

16 CHAIRMAN BURCH: Okay. Anyone else? Yes,
17 ma'am.

18 MS. STAHL: My name is Elaine Sthal, 13862
19 Lakeview Drive. I'm going to talk from the human
20 side. I'll probably start crying. But we've been
21 there for over 40 years. It's been a wonderful
22 time. I just can't imagine leaving and that's what
23 it would cost. Some of us are uncertain a bit. We
24 don't have a lot of money but we love being there.
25 And we will lose our view of the lake when they go

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1 up. I'd rather if they're going to do it, do it but
2 don't take the rest of it away from us.

3 CHAIRMAN BURCH: Thank you, ma'am.

4 MR. WAGNER: Thank you, ma'am.

5 CHAIRMAN BURCH: Anyone else?

6 MS. COURTNEY: Yes, my name is

7 Ann Courtney. I've owned the property at 9405

8 Lakeview Drive for 20 years. I would like to

9 reiterate that this building is monstrous compared

10 with the buildings that are around the lake. Also,

11 the houses in the association have a very simple

12 facade and this looks like -- it's indescribable

13 compared with everybody else's. It's huge. And I

14 would just like to say that I would prefer not to

15 see this amount of house going up and changing the

16 neighborhood. That is just my opinion. Thank you.

17 CHAIRMAN BURCH: Thank you. Yes, sir.

18 MR. WETZEL: William Wetzel, president of

19 the association and I live at 9597 Half Moon Lake

20 Drive. I think Tom has been unethical in the way he

21 is trying to -- and this is not the board, this is

22 me saying this -- the way he's trying to sue the

23 association and every member and intimidating

24 everybody into saying we should not come to the

25 board meeting and say anything against it. This is

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1 a open meeting and anybody can come here and voice
2 their opinion.
3 This man hasn't paid his dues, he's just
4 hassled this association a lot, and I've only been
5 the president for about three months or six months
6 or less than six months maybe, and the amount of
7 paperwork and crap that we have to go through to
8 take care of this is really ridiculous. And we're
9 going to court about the property. I don't think
10 it's fair. It isn't. It just is -- it's unethical
11 to take somebody else's property and build a house
12 like that.

13 CHAIRMAN BURCH: Thank you, sir. Anyone
14 else? Mr. Kelly?

15 MR. KELLY: Joe Kelly again. This time I'd
16 like to make some personal comments that are not
17 necessarily associated with the Glennbrook Beach
18 Association. May I come forward and --

19 CHAIRMAN BURCH: You may, sir.

20 MR. KELLY: I only have one copy of this
21 because there are so many drawings but these are
22 photographs that I got off the website, off of the
23 Township website of all of the properties within our
24 association, at least all the ones that were up
25 there. I think there's 41 and there should be a
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1 total of 44. I also have a chart I'd like to
2 provide you with.
3 Okay. Let me make some comments about the
4 chart that I've just provided to you. The title of
5 the chart for those people in the audience that
6 can't see it is Glennbrook Beach Association
7 Residences Total Assessed Floor Area Versus Lot Size
8 for All Glennbrook Homes.

9 First off, let me define how I'm defining
10 total assessed floor area. It's based off of a
11 measurement that you actually have on the Dexter
12 Township assessment website. There's a field on
13 that website called floor area. And it includes all
14 livable floor area but it does not include
15 specifically walkout basement with less than two
16 exposed walls. So if there's only one exposed wall,
17 that doesn't count. It doesn't include garage area,
18 does not include a deck area and does not include a
19 porch area.

20 The dots on this chart represent existing
21 homes and cottages in the Glennbrook Beach

22 Association and basically there are three colors to
23 those dots. There are dark blue dots that are
24 seasonal cottages. Probably 90 percent of those
25 cottages are not occupied year around. They're only
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1 occupied during the summer, and you can see that
2 they tend to be pretty small typically, less than a
3 thousand square feet.
4 The second set of dots are converted
5 cottages. These would be cottages, existing
6 cottages that have been remodeled or renovated.
7 They make up the vast majority of the dots and
8 they're all clustered between the 1000 and 2500
9 square foot range. And then finally, there's a set
10 of dots that are yellow dots. These are new
11 construction. So those would be either a new home
12 built on a piece of property that did not have a
13 building or a tear down and rebuild, and those dots
14 range anywhere again from a thousand square feet up
15 to about 2800 square feet.

16 There are two other dots on this chart.
17 One is a large green dot and one is a large red dot.
18 The large green dot represents Tom Prose's existing
19 home which is just a little bit under 2000 -- it's
20 actually about 1800 square feet. And his proposed
21 variance request based on this total assessed floor
22 area measurement is just a little bit under 6,000
23 square feet.

24 For all of the, well, say year around
25 occupied homes, all of the pink and yellow dots on
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1 the chart, the average total assessed floor area is
2 approximately 1800 square feet. He is asking for a
3 variance to build a home that is three times that
4 size. I guess I'm speaking here in terms of
5 character and minimum variance for reasonable use.
6 To me this seems to be completely out of line of the
7 character of the homes in the neighborhood and it
8 clearly doesn't represent minimum variance for a
9 reasonable use to me.

10 A couple other comments I wanted to make.
11 Looking over his plans, his plans do still include
12 this tower. I was very glad to hear you read the
13 transcription from the previous meeting and the
14 dialogue that took place relative to the tower or
15 ornamental structure. I do not believe there's any
16 reason for that to be there. Even if it's open to

17 the floor below, that floor on up still exists as
18 being part of a tower. To me it's a tower.

19 And another item, looking at the plans,
20 there didn't seem to be a third floor plan; however,
21 if you look at the plan view there are definitely
22 third floor windows. So maybe the third floor is an
23 ornamental third floor. I'm not sure. I don't
24 understand that. Also, another thing to consider
25 regarding this plot here or the graph is that he

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1 does intend to have a walkout basement, based on his
2 plans. That would really increase the amount of
3 floor area that a reasonable person would consider
4 to be the living space of their home by another
5 3,000 feet, bringing it up to almost 9,000 square
6 feet.

7 One other comment regarding fill. It
8 appears that about 60 percent of his current lot
9 plus the piece of property that he plans to have
10 replatted to become part of his possession, about 60
11 percent of that total square footage is going to
12 have to go up about five and a half feet. If you go
13 through the math on that, that ends up coming out to
14 about 2800 cubic yards of dirt. If a truck is able
15 to haul about 20 cubic yards of dirt, it's going to
16 require almost 138 truck loads of dirt to come in
17 for one piece of property to bring in the fill. It
18 seems like a little bit excessive to me.

19 And one final comment relative to

20 Mr. Cornell I believe it is?

21 MR. CORNELL: That's correct.

22 MR. KELLY: Yeah. He had made a comment
23 earlier that the land east of Tom's property is
24 dedicated as an easement in Tom's legal description,
25 and that's actually not exactly true.

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1 The easement that he has granted in his
2 legal description is an easement to ingress and
3 egress from his property to the main public road.
4 It does not specify any specific piece of land.
5 That portion of property is included in a much
6 larger piece of property that is described as his
7 easement for ingress and egress. It does not
8 specify that specific piece of land is dedicated for
9 that use.

10 And actually I said the final thing. I had

11 one other comment. I'm going to be -- my wife and I

12 are planning on purchasing 13910 Lakeview Drive,
13 which is two doors down from Vince and Elaine
14 Stahl's, and a home of this size is going to
15 negatively impact our view of the lake from that
16 house. We've been negatively impacted at our
17 current home. We plan on having two homes or two
18 cottages out at the lake, and now we'll be
19 negatively impacted again. Based on that, I would
20 definitely be against this plan. Thank you.

21 CHAIRMAN BURCH: Thank you, Mr. Kelly. And
22 I would like to take one moment here to thank you
23 for your very eloquent presentation earlier, but I
24 would be remiss in my responsibility if I didn't
25 remind the members of the board and the general

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1 public, and I will ask our township attorney to
2 verify this, any of the items that you mentioned
3 that were relevant to the Dexter Township Zoning
4 Ordinance we can and will take into consideration;
5 however, many of the items that you mentioned are
6 strictly violations or concerns within the
7 Glennbrook Beach Bylaws and rules we cannot
8 consider. That is beyond our purview.

9 Mr. Flintoft?

10 MR. FLINTOFT: I think you stated it
11 correctly.

12 CHAIRMAN BURCH: Thank you, sir. Anyone
13 else?

14 MR. CORNELL: I'd like to take a moment to
15 respond to some of the comments, if that's -- or the
16 public comments.

17 CHAIRMAN BURCH: You may sir.

18 MR. CORNELL: Thank you. I'll be brief.

19 In general, I'd like to make a couple of points.
20 First off, in connection with what the board just
21 stated, I believe it's also appropriate that this
22 board should not be considering any matter that's
23 presently involved in any litigation between the
24 Proses, the association or any individual members
25 out here.

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1 And I would like to just say categorically
2 that the representations of unethical behavior,
3 lawsuits, and that nature ought not to be in
4 consideration of the variances that are being
5 requested today, so I would like to just make sure
6 the record is clear that I am objecting to the

7 comments made by some members of this audience about
8 those kind of things that may be occurring within
9 the content of the lawsuit. I certainly take
10 offense to anybody calling my client unethical or
11 suggesting to this board that there's been any
12 threat of any nature to any member here or to any
13 person in the audience not to come today and voice
14 their concerns about what's being presented.
15 No. 2, I think there is a clear indication
16 in the Township's ordinance that the fill that is
17 being proposed to be brought onto the land will not
18 raise the elevation above established grade
19 adjacent -- and this is the key word -- developed
20 land. The land to the north is not developed. The
21 land to the east is not developed. The land to the
22 west is not developed. And clearly in our drawings
23 we depict that the elevation as to the south will
24 not extend above the elevations of the neighbor to
25 the south.

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1 So I want to make sure it is clear on the
2 fill issue that we've taken concern in looking at
3 your ordinance and the terms that developed land
4 making sure that the fill that we're bringing on
5 complies with your ordinance.
6 And in the same vein I'd like to point out
7 that there is no mystery here, certainly by some of
8 the members of the public that have stated some
9 concerns to you that there is a water issue with the
10 Proses' property has been documented both by the
11 association and in their own correspondence, but if
12 we're not considering the association's issues, as
13 this board just indicated, I won't get into that.
14 The last comment I have is on the graph
15 presentation by Mr. Kelly that was just offered to
16 the board. And I will say that this looks markedly
17 similar to the graph that was used the last time we
18 were here in 2001 when your ordinance concerned
19 floor area ratios. We have been very careful in
20 calculating our lot coverage consistent with your
21 ordinance. We've had it measured several times.
22 And it's clear under the ordinance that we have a
23 maximum lot coverage of 24.6 percent. Your maximum
24 is 25 percent. So I would ask that the board
25 disregard this chart to the extent it's being used

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1 to somewhat demonstrate there's a problem with the

2 maximum lot area coverage.
3 And in the same vein, if that is where
4 we're going with this, there is certainly ample
5 evidence in your record of this board having
6 approved floor area ratios and multiple percentages
7 above that which is existing in the ordinance. And
8 there's certainly stuff I can present to this board
9 if that's something they want to consider. But I
10 just wanted to respond to those three items. Again,
11 we believe that the request submitted to you
12 complies with your ordinance. I will again
13 respectfully request that the variance request be
14 granted.

15 CHAIRMAN BURCH: Thank you, Mr. Cornell.

16 MR. FLINTOFT: May I ask a question,
17 Mr. Cornell?

18 CHAIRMAN BURCH: Mr. Flintoft.

19 MR. FLINTOFT: There is a provision in the
20 ordinance which says an applicant's request must
21 include all land under which he has control. I
22 don't have the section in front of me but are you
23 familiar with it?

24 MR. CORNELL: I am.

25 MR. FLINTOFT: Okay. Is it your position

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1 that what has been described as the driveway or the
2 easement area is land under your client's control?

3 MR. CORNELL: It is land that my client's
4 permitted to use within the context of an easement.

5 The definition of control, I'm not sure who's
6 definition you're using.

7 MR. FLINTOFT: The reason I asked you that
8 or raised it is because you had not asked for a
9 variance from that section of the ordinance.

10 MR. CORNELL: That is correct. And as I
11 indicated earlier, 2001 the very same depiction was
12 drawn and a variance was granted without referencing
13 that drawing.

14 MR. FLINTOFT: I can't remember that and I
15 don't want to get into it with you.

16 I have a second question. I understand
17 your concern about the comments, okay, of the
18 exercise of lawful rights that everybody has, okay,
19 to approach the courts for whatever remedy they wish
20 to. But is it your position that the Board of
21 Zoning Appeals cannot take notice of the suit that
22 was filed?

23 MR. CORNELL: I don't see where your
24 ordinance allows for the consideration of any of
25 those legal issues.

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1 MR. FLINTOFT: Not legal issue. Just let
2 me finish. Is it your position that the Board of
3 Zoning Appeals should not take notice of the fact
4 that there is a suit filed?

5 MR. CORNELL: Yes. It would be my opinion
6 that the zoning ordinance does not -- it's not
7 within this jurisdiction of this board to consider a
8 private matter that's being conducted in the courts
9 between Dr. Prose and his neighbors.

10 MR. FLINTOFT: But the Township's a party.

11 MR. CORNELL: That's true.

12 MR. FLINTOFT: Thank you.

13 CHAIRMAN BURCH: Members of the board?

14 MR. GAJEWSKI: Mr. Chair?

15 CHAIRMAN BURCH: Mr. Gajewski.

16 MR. GAJEWSKI: Well, in reference to the
17 chart presented by the Glennbrook Beach Association
18 showing the size of the homes in that area, I mean,
19 the ordinance states that one of the standards of
20 review is that -- one of the tests is that it has to
21 be -- a variance has to be the minimum necessary for
22 reasonable use of the land and buildings and to
23 overcome the inequality inherent in that particular
24 property.

25 And also another one of the standards of
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1 review is, sort of to paraphrase it, the excessive
2 burden reasonable use test. And what that really
3 means is that if the practical difficulty does not
4 create an excessive burden and the applicant still
5 has a reasonable use of their property, the variance
6 cannot be granted.

7 And reasonable use is based on what exists
8 today in the lakes area. It's based on the
9 character and the nature of the neighborhood. As
10 far as I talked with Langley, Straiter and LaBlanc
11 Land Planners, and they are experts in this regard.
12 They teach the stuff to the MTA, the Michigan
13 Township Association, and they said that how they
14 determine reasonable use in many, many, many
15 communities is based on what exists today. They
16 will look within the noticed area, for example, 300
17 feet and determine what size structures are, in
18 fact, there. They'll look within the lakes
19 residential district and do the same. And so,
20 therefore, I think that the Glennbrook Beach
21 Association chart is very relevant to reasonable
22 use, and I guess that's all I can think of at this

23 point.

24 As far as also it was mentioned that the
25 zoning administrator said that Mr. Prose should use
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1 the permeable pavers. And, I mean, permeable pavers

2 are not the best solution because of the fact that,

3 as I said before, they require high maintenance.

4 It's a high maintenance item and they plug up in

5 time. But when I talked about stormwater

6 management, I didn't even consider that in the

7 equation. I just looked at the structure itself.

8 And the structure itself, I didn't even do the

9 calculations, but just the structure itself is 4,315

10 square feet and just that a two-inch rain event,

11 like I said, with a coefficient of -- a runoff

12 coefficient of point 95 will produce 684 cubic feet

13 of stormwater runoff, and Atwell and Hicks has a

14 stormwater runoff calculation of 668. So that

15 wasn't even in the calculations regardless.

16 That's all I've got, I think, for this

17 moment.

18 CHAIRMAN BURCH: Thank you, Mr. Gajewski.

19 Mr. Wagner?

20 MR. WAGNER: Mr. Chair. Yes, thank you.

21 I'm a little troubled that over the past year while

22 the overhangs were reduced enough to fall within the

23 25 percent coverage, the fill allowed for a full

24 walkout lower level. This is in reference to the

25 minimum necessary to allow reasonable use. I wonder

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1 if this goes on another year how much bigger the

2 property will become.

3 I think that somewhere between minimum

4 necessary to allow reasonable use and a 6,000 square

5 foot property in the neighborhood of homes that are

6 clearly a thousand and 2000 square feet requires

7 some serious consideration by the Zoning Board of

8 Appeals.

9 CHAIRMAN BURCH: Yes, sir.

10 MR. WAGNER: I believe there must be a

11 medium, a medium place where the homeowners and

12 Mr. Prose, Dr. Prose, can come where everything is

13 acceptable and in scale. So having said that, I'll

14 pass any comments on to you, Mr. Burch.

15 CHAIRMAN BURCH: Thank you, Mr. Wagner.

16 Ladies and gentlemen, in addition to the comments

17 that I made earlier at the outset of this appeals

18 process, also looking at the requirements of the
19 zoning ordinance and our required findings in which
20 we must find affirmatively for each of the nine
21 criterion to grant the variances, there are several
22 of these criterion that I would just be absolutely
23 hard pressed to find in the affirmative for the
24 applicant.

25 One of the first that pops up is a question

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1 that was raised by our township attorney that the
2 variance would relate only to the property under
3 control of the applicant. I am not personally
4 convinced and especially in light of a lawsuit of
5 which I have only heard rumors that that is
6 necessarily the case nor will the board know that
7 until the adjudication of said lawsuit.

8 Another thing that gives me pause to wonder

9 is Section 4.05.C.E, that the variance will be in

10 harmony with the general purpose and intent of the

11 ordinance and will not cause a substantial adverse

12 effect upon the surrounding property, property

13 values and the use and enjoyment of property in the

14 neighborhood or district. From the comments that we

15 have heard this evening, that in my mind is very

16 questionable.

17 Item 4.05.C.F, that strict compliance with

18 the area setback frontage height, bulk or density

19 would unreasonably prevent the owner from using the

20 property for a permitted purpose or would render

21 conformity unnecessarily burdensome. That is not

22 quite so clearcut, but yet, even as I stated

23 earlier, the ordinance would permit construction on

24 the existing footprint in which this would not even

25 be -- this situation would not even be for us.

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1 And item 4.05.C.G, that the variance

2 requested is the minimum amount necessary to

3 overcome the inequality inherent in the particular

4 property or mitigate the hardship. The recurrent

5 theme this evening has been quite contrary to that,

6 that this is far in excess of the minimum amount

7 necessary.

8 With those thoughts in mind, I will now ask

9 the board if we are ready to write a resolution.

10 MR. GAJEWSKI: I think we can write a

11 resolution, although there is a lot of additional

12 information that has come before the board that the

13 board really hasn't had time to digest. So I don't
14 know if, you know, a resolution would do justice to
15 all that information that as far as that we really
16 haven't had time to incorporate as far as to read
17 over this stuff. And so I don't know, it's
18 questionable.

19 CHAIRMAN BURCH: I fully appreciate your
20 comments, Mr. Gajewski. Mr. Wagner, do you feel --
21 are you of a similar mind?

22 MR. WAGNER: Yes, I believe I am. I wonder
23 if we might take a recess for a moment and so that I
24 can look over some of these things and spend a
25 little time on it. Maybe it's possible to come to a

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1 resolution this evening if we look at it longer.

2 CHAIRMAN BURCH: Thank you, sir.

3 Mr. Gajewski?

4 MR. GAJEWSKI: I guess I'd like to ask
5 Counsel if it would be inappropriate to, as far as a
6 resolution being that additional information has
7 come before the board here, to delay writing this
8 resolution. Is that inappropriate?

9 MR. FLINTOFT: You should take the time
10 that you need to get the job done well.

11 MR. GAJEWSKI: Right.

12 MR. FLINTOFT: So I think everybody
13 including Mr. Cornell's comments and so forth, you
14 ought to take them down, note them, and make
15 findings and deal with them specifically.

16 CHAIRMAN BURCH: Thank you, Mr. Flintoft.

17 MR. WAGNER: Based on that comment, then I
18 believe we would need to review the stenographer's
19 report so that I can remember exactly what
20 Mr. Cornell has said and how we would find in that
21 respect.

22 CHAIRMAN BURCH: And Mr. Wagner, I concur
23 wholeheartedly. I had hoped we could bring closure
24 this evening but as is apparent with the additional
25 wealth of information that has been presented to us

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1 plus I feel to do a good job we should have the
2 benefit of being able to review what was said orally
3 this evening as well as the paper documentation that
4 was provided to us, The Chair would entertain a
5 motion to table the decision on this request until
6 the next Zoning Board of Appeals Meeting.

7 Mr. Piatt, would there be space on the May

8 meeting for this on the May schedule?

9 MR. PIATT: Should be. Absolutely.

10 CHAIRMAN BURCH: And in that case, The
11 Chair will entertain a motion to table this request
12 to the May meeting, May 9th, 2006 meeting.

13 MR. GAJEWSKI: I move to table this to the
14 May 9th, 2006 meeting.

15 MR. WAGNER: I second.

16 MR. CORNELL: Is your proposal that on the
17 next reconvene it will be just for the purposes of
18 rendering a resolution or public comment?

19 MR. FLINTOFT: They should make that clear.

20 I think you should address his comment. I don't
21 know what you're all of a mind but I think two of
22 you said that it was to make a decision. I mean, I
23 think that would be appropriate. And I think it's
24 fair to everybody to close the record I think is
25 what Mr. Cornell is really asking for so he doesn't

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1 have to come back and answer another round of
2 comments and neither does anybody else.

3 CHAIRMAN BURCH: Thank you, Mr. Flintoft.

4 I appreciate your comments, sir.

5 MR. CORNELL: I just want to make sure

6 there wasn't going to be --

7 CHAIRMAN BURCH: Mr. Gajewski, I would ask
8 you to amend your motion that the acquisition of
9 information at public hearing is closed for this
10 issue. The purpose for tabling will be solely and
11 exclusively for the purpose of the board rendering a
12 decision.

13 MR. GAJEWSKI: So moved.

14 MR. FLINTOFT: Mr. Cornell, I should have
15 this conversation on the record. I think the
16 question that he asked me, and I don't know the
17 answer to it, is who will be the board that meets
18 and votes on this decision. I would think properly
19 it would be the three of you that have heard it and
20 if another member comes to the meeting, I wouldn't
21 think that they'd be appropriate.

22 But I'm going to leave this up to

23 Mr. Cornell also because he's the person who needs
24 to have the affirmative vote of the majority of the
25 board for relief.

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1 MR. LLOYD: We need three votes to win.

2 CHAIRMAN BURCH: Mr. Cornell, would you be

3 satisfied, sir, if we stipulate that it would be the
4 three members who heard the information this evening
5 would be the voting members?

6 MR. CORNELL: Hold on just for a minute.

7 We're satisfied with the three members.

8 CHAIRMAN BURCH: And it would be
9 incorporated as part of your motion?

10 MR. CORNELL: We were satisfied with the
11 proposal that the three members that heard the
12 information this evening be the board that convenes
13 to render a decision next time.

14 CHAIRMAN BURCH: Ms. Jacoby, when do you
15 anticipate having the record available?

16 MS. JACOBY: Ten days.

17 CHAIRMAN BURCH: Mr. Piatt, can you assure
18 us that when Mrs. Jacoby provides the record that it
19 would be distributed forthwith to the board?

20 MR. PIATT: I would ask Denette to take
21 care of that. Absolutely.

22 CHAIRMAN BURCH: Mr. Gajewski, would you
23 care to now make your motion as amended?

24 MR. GAJEWSKI: Yes. As far as I'd like to
25 include -- to change the motion that it be amended

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1 to include that only the three board members as
2 present today will be drafting that resolution to
3 make that decision.

4 MR. WAGNER: I second that motion.

5 CHAIRMAN BURCH: It has been moved and
6 seconded that the decision regarding the Prose
7 appeal be deferred to the May 9th, 2006 meeting of
8 the Dexter Township Zoning Board of Appeals. The
9 purpose for removing this item from the table at

10 that meeting will be the exclusive rendering of a
11 decision regarding this request and this decision is
12 to be made by the three members: Mr. Gajewski,
13 Mr. Wagner, and Chairman Burch that heard the appeal
14 this evening.

15 Mr. Gajewski, how do you vote, sir?

16 MR. GAJEWSKI: Yes.

17 CHAIRMAN BURCH: Mr. Wagner?

18 MR. WAGNER: Yes.

19 CHAIRMAN BURCH: And the chair votes yes.

20 This item is now tabled until May 9th.

21 (Proceedings concluded at 9:00 p.m.)

22 - - -

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1 CERTIFICATE
2 STATE OF MICHIGAN)
) SS:
3 COUNTY OF OAKLAND)
4
5 I, LAUREL A. JACOBY, Certified Shorthand
6 Reporter, a Notary Public, hereby certify that I recorded
7 in shorthand the foregoing proceedings; and that the
8 foregoing is a true, correct and complete transcript of
9 the foregoing proceedings.
10 I also certify that I am not a relative or
11 employee of a party or an attorney for a party; or
12 financially interested in the action.
13

14 LAUREL A. JACOBY, CSR-5059, RPR
15 Notary Public, Oakland County, Michigan
16 My commission expires: 9/1/11
17 Dated: This 25th day of April, 2006.
18
19
20

A motion was made by Gajewski, supported by Wagner to table the matter until the May 9, 2006 meeting. Mr. Burch, Mr. Gajewski and Mr. Wagner will render a decision on the appeal at the meeting and no other evidence will be heard or considered. Motion Carried.

Kelly returned to the meeting at 8:59 p.m.

VI. Public Comment: None

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

Motion by Kelly, supported by Wagner to reschedule the August meeting to Monday, August 7, 2006 at 7:00 p.m..

VIII. Approval of Meeting Minutes

Meeting minutes of March 14, 2006. Minutes were discussed and a change was made to the court reporters transcript of the West Lake Hills matter on page 46, line 7, fourth word: should be cite, not incite. Motion by Kelly, supported by Wagner to approve minutes as amended. Carried

IX. Adjournment

Motion by Wagner, supported by Gajewski to adjourn the meeting at 9:21 p.m. Carried

Respectfully submitted,

Pat Kelly, Secretary