



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130

TELEPHONE: 734-426-3767  
FAX: 734-426-3833

WWW.TWP-DEXTER.ORG

STEVE BURCH,  
CHAIR  
JAMES CORMIER,  
VICE CHAIR  
BILL GAJEWSKI,  
SECRETARY  
PAT KELLY  
WILLIAM SMITH  
DAVE MILLAR, ALT.  
WENDELL WAGNER, ALT.  
DENETTE BOLYARD,  
RECORDING SECRETARY

---

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, April 12, 2005 7:30 PM**

Present: Steve Burch, Chair, Pat Kelly, Secretary, William Gajewski, Dave Millar, Alternate, Wendell Wagner, Alternate.

Absent: Jim Cormier, Bill Smith

The Zoning Board of Appeals meeting was called to order at 7:35 p.m. by Chair Burch.

1)  
**04-14-400-018**  
**04-ZBA-581B**  
**Faith Lutheran Church**  
**9575 North Territorial Road**

Applicant requests relief from:  
Section 22.04.A.16. To allow a 25 square foot sign (16 square foot permitted).  
And to recognize the following existing non-conformities:  
All non-conformities were recognized in January of 2004.

To allow for the removal of a 63 square foot sign, and to construct a 25 square foot sign. A variance was granted in 1973 for the sign that exists today.

Variance request had been tabled from a previous meeting therefore new notices were not sent to neighboring properties.

Application and supporting documents had been distributed prior to the meeting which showed that the new variance being requested was different from the original. Applicant was requesting a sign which is much smaller than the one that exists on the property today.

Comments from the Board:

Gajewski stated that he felt the new sign preserves the rural character of the township and is definitely an improvement.

Kelly agreed

Millar had a question regarding section 22.05.B.2.B of the Zoning Ordinance wondered which section would apply. Also stated that ground mounted lights shining up would go against the dark skies ordinance.

Burch requested comment from the public. – There were no comments

After questions and answers were exchanged a resolution was offered by Member Kelly and supported by Member Gajewski:

Further discussion was held

Gajewski questioned section 4.05C.1.H., which states: The variance shall not permit the establishment, within a district of any use which is not a permitted principal use within that zoning district. Consensus was that because a special land use was granted that this section of the ordinance would not apply.

Whereas, on May 14, 2004, Faith Lutheran Church filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the removal of an existing 63 square foot illuminated sign with single sign face placed parallel to North Territorial Road and the replacement of the sign with a smaller, internally illuminated sign, on property located at 9575 North Territorial Road, Parcel ID # 04-14-400-018, and;

Whereas, on March 15, 2005 amended plans were submitted to Dexter Township requesting the replacement of the existing sign with a two-sided externally illuminated sign with an area of 25 square feet placed perpendicular to North Territorial Road, and;

Whereas, amended plans also indicate illumination for the proposed sign to be by two bullet architectural lamp holders with tempered lenses sealed in extension collars with deep shielding visors for glare protection and capable of accepting a 150 maximum watt bulbs, and;

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on April 12, 2005, was attended by a representative of the applicant and members of the public and application materials were reviewed and 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 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, 4.05.C.1.b, and 4.05.C.1.f, conformance to the strict letter of the Ordinance as applied to the religious institution use of the property will create a non-economic practical difficulty and unnecessary hardship that will not be recurrent in nature. The finding of the ZBA is that the practical difficulty and unnecessary hardship are the combination of a relatively small allowable sign area coupled with the relatively high 50 mph speed limit on North Territorial Road which makes reading of an allowable sized signed difficult and a potential safety hazard to the public, and;

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

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

Whereas, in compliance with section 4.05.C.1.e, the variance 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 since the proposed sign is made of like materials to the sign it replaces and is actually smaller than the current sign, and,

Whereas, in compliance with section 4.05.C.1.g, the variance requested is the minimum amount necessary to mitigate the hardship and,

Whereas, in compliance with section 4.05.C.1.h, granting the requested variance does not permit the establishment of a use which is not a principally permitted use, and;

Be it therefore resolved that the requested variance to Section 22.04.A.16 allowing a two sided bulletin board sign with a sign area, as measured by Section 22.03.A, of 25 square feet with the following conditions:.

1. Total wattage of lights used in fixtures to be as low as reasonably possible, but in no case to exceed 150 watts per fixture.
2. Operation of the sign illumination to be on a timer set to allow operation only from sunset until 10:00 PM and also from 5:00 AM until daylight.
3. The placement of the light fixtures will be field adjusted for correct focal point.
4. 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.

Roll call vote:

Burch: Yes, Kelly: Yes, Cormier: Absent, Gajewski: Yes, Smith: Absent, Millar: Yes, Wagner: Yes

Chair Burch declared the resolution adopted.

2)

04-24-300-007

04-ZBA-584

Huron Creek Party Store (Ali Damsaz)

6100 Dexter – Pinckney Road

(Previously Distributed Materials)

Section 22.03.A to allow a 42-sq. ft. lighted sign. 32-sq. ft. maximum is allowed. (Dexter Township vs. Optima oil settlement agreement mandates the allowance of 117.4-sq. ft. minus the existing “Huron Creek Party Store” building signage.)

Section 22.03.B to allow a 6’6” front yard setback from Dexter-Pinckney Road to edge of existing lighted sign. (30 required) To allow 9’6” from the North side property line (20’ required) To allow the sign to be within a required buffer area.

Section 22.03.C to allow a 9’10” high (existing) lighted sign. 4’ Maximum allowed.

Mr. Damsaz stated that he looked everywhere for a new sign, but could not find one. He said he reduced the wattage lighting instead and turns it off at 9 p.m.

Millar stated that the Zoning Ordinance allows for a sign that is maximum 4’ in height. He thinks it is possible to accomplish this. Also stated that he recently visited other areas where signs were side by side.

Kelly questioned Zoning Administrator Piatt if he knew which bulbs were removed to accomplish a lower wattage. Piatt said there were originally 4 fluorescent tubes 60 watts each. Two in the top sign and two in the lower sign. One tube was removed in each sign.

Public Comment:

Kevin Sullivan  
9511 Huron Creek Drive  
Dexter

- Cannot support the requested set back because he feels it is a safety hazard.  
Feels the Township does not need to grant a variance greater than 32 square feet for the sign.

Lavonne Devlin  
6140 Dexter Pinckney

C:\Documents and Settings\Asst Assessor\Local Settings\Temporary Internet  
Files\Content.IE5\UH3WPOZM\050412.doc

Dexter

- Sign does not distract her from pulling in or out. If moved further back light would shine in her windows.

Bill Wetzel  
9597 Half Moon Lake Hills Dr  
Pinckney

- Does not have a problem pulling in or out of the driveway. Sign is not a distraction.

Donald Crenshaw  
6021 Dexter Pinckney  
Dexter

- If sign is not a problem then why are cars screeching in and out at all times ?

Kelly – Is current sign lighting on a timer ?

Damsaz – No, but can be.

Recess 8:14 p.m. – 8:30 p.m.

Burch wanted the public to know that the Board was under mandate by the court and therefore is obligated to render some kind of decision.

Motion by Kelly, supported by Gajewski to table the appeal until the May 10, 2005 regular ZBA meeting to provide the applicant time to provide the township a design for the court ordered signage that meets the following criteria:

1. The product and price components of the sign to be aligned horizontally
2. The total internal illumination wattage to be no greater than is currently in the existing sign; wattage to be verified by the Zoning Administrator.
3. Design to include proposed screening provisions for neighboring properties.
4. Proposed sign location to be shown on plot plan.

3)  
04-06-286-001  
04-ZBA-601  
Thomas Prose  
9485 Lakeview Drive

Applicant requests relief from:

Section 18.23.A. to allow a 42' setback on the North side of property to proposed deck. (50' req)

Also to allow a 10.3' East Side setback from the Easement to the new garage.

Section 12.01.E.3.C to allow a 15' setback on the West Side to proposed deck. (30' req)

Also to allow a 15' setback on the South side to new home.

Section 12.02.E.4. To allow 27.2% lot coverage where 25% is allowed.

A Court Stenographer was present of which a copy will be attached to these minutes.

Motion by Kelly, supported by Gajewski to adjourn the meeting at 9:43 p.m.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary