



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

SPECIAL MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, April 13, 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 7:37 p.m. by Chair Burch.

1)
04-06-385-003/004
05-ZBA 603
Glenn Jennings
14120 Edgewater Drive

Applicant requests relief from:
Section 18.23.A to allow a 34' setback from the proposed garage over hang.
To allow for the demolition of an existing garage, and construction of a new 24' x24' garage.

Persons notified were read into the record and present was the applicant and Fred and Robert Noch, neighbors.

Glenn Jennings addressed the Board and stated he wished to demolish an existing garage and construct a 24' x 24' garage.

Burch and Kelly complimented the Jennings on their application. It was very complete and easy to read.

Gajewski recommended although not required that the Jennings put down spouts on the garage.
Storm water management plan is sufficient.

Wagner wished to verify that since the grade is higher on both sides that the Jennings were planning on raising their grade.

Millar stated that on the east side of the property there is brush along the property line. Will run off affect the grinder pump ? Is the existing concrete slab going to be removed. Applicant stated that yes it was and would be replaced with limestone or mulch.

Gajewski stated that 21AA natural is more permeable.

Discussion regarding parking took place.

Burch asked if the public had any comments.

Fred Noch, neighbor, supports the Jennings variance as requested.

Kelly asked Gajewski if he was satisfied with the storm water management plan enough to write a resolution. He stated yes.

Recess 8:00- 8:05

Notice of Appeal – Glenn Jennings (File No. 05-ZBA-603)

The following preamble and resolution were offered by Member Kelly and supported by Member Millar:

Whereas, on March 2, 2005, Glenn Jennings filed a Notice of Appeal requesting a variance from specific site development requirements of the Dexter Township Zoning Ordinance to permit the destruction of an existing 319 square foot garage and the construction of a new 676 square foot garage on property located at 14120 Edgewater, 04-06-385-003/004 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on April 13, 2005, was attended by the applicant, and members of the public and application materials were reviewed and public comments, were entered into the record and,

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

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

Whereas, in compliance with section 4.05.C.1.b, irregular, pre-shaped lot and location of existing single family home, storm water run off issues represent unique circumstances or physical condition(s) that do not generally apply to other property in the lakes residential district that will not be recurrent in nature and,

Whereas, in compliance with section 4.05.C.1.c, the physical conditions and circumstance 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 plan will correct existing storm water run-off issues created by construction on adjacent lots, and the new garage will align with the adjacent garages and,

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

Whereas, in compliance with section 4.05.C.1.g, the variance requested is 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 variance(s) permit only single family home, which is a principally permitted use in the Lakes Residential Zoning District and,

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

From Section 18.23.A, a front yard setback of 34 feet from Edgewater to new garage.

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

Section 12.02.E.1, a lot area of 8979 sq ft

Section, 12.02.E.2, a lot width of 45 feet.

Section 12.02.E.3.b, a East side yard setback of 2 feet to existing home.

Section 12.02.E.3.c, a North rear yard setback of 15 feet to existing home.

Be it also resolved that the following conditions shall apply to the issuance of this/these variance(s):

- 1) Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.
- 2) Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.
- 3) Storm water plan to field assessed by the Township Zoning Administrator and/or Township Engineer at owners expense.
- 4) Final grade is to be no higher than the neighbors to the East and West.
- 5) Concrete slab between house and existing garage to be removed.
- 6) Drive area to be crushed limestone; paving will not be permitted.

Burch – yes, Cormier- absent, Gajewski- yes, Kelly- yes, Millar- yes

Wagner – yes, Smith- absent

Resolution Adopted

2)

04-19-200-001

05-ZBA 604

F and J rental Properties

14495 North Territorial Road

Applicant requests relief from:

Section 18.23. To allow 66.1' front yard setback from the proposed addition to Stofer Road (currently 45' from the same building on the opposite end. 150' required) also to allow a 47.6' front yard setback from proposed addition to North Territorial Road. (Currently 52' and 150' required.)

Section 21.04.E to allow for the required parking to be located within the front and rear yard setback area.

And to recognize the following existing non-conformities

45' front yard setback from existing building to Stofer Road.

52' front yard setback from existing building to north Territorial Road.

Lot less than one acre.

To allow for the addition of 8.7' x8.7' on the NorthWest corner of the building. Persons notified were read into the record and present were the applicants Fred and Julie Ulisse and also Bill Godreau, Civil Design Engineer.

Mr. Goodreau gave a presentation to the ZBA Members. Questions and answers were then exchanged.

Burch asked what has been done to clean up any previous leakage from the gasoline tanks. Mr. Goodreau stated that there has been a phase 1 environmental study done.

It was questioned if food was going to be served on site. Answer was yes, there would be minimal serving of food.

Wagner stated that the volume of traffic has increased since the last business was open. Which has been approximately 15 years or so. Feels the corner is definitely a concern. There is no controlled water run off and it makes it very slippery to drive on.

Millar reflecting on Wagner's comment with school busses and slippery roads etc. Feels the parking should be pushed back as far as possible. Also questioned the applicant as to why he want to square the corner off of the building ? Aesthetic purposes?

Julie Ulisse read aloud a letter from a neighbor that is in support of the project.

Notice of Appeal –F & J Rental Properties File No. 05-ZBA-604

The following preamble and resolution were offered by Member Gajewski and supported by Member Kelly:

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, a public hearing before the Dexter Township Zoning Board of Appeals held on April 13, 2005, 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 66.1 feet from Stofer Road to the New Addition.

From Section 18.23.A, a front yard setback of 47.6 feet from New Addition.

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

Section 18.23.A. a 45' front yard setback from the existing building to Stofer.

Section 18.23.A. a 52' front yard setback from the existing slab to North Territorial Road.

Be it also resolved that the following conditions shall apply to the issuance of this/these variance(s):

Planning Commission approval of the Final Site Plan.

Burch – yes, Cormier- absent, Gajewski- yes, Kelly- yes, Millar- yes, Wagner- yes, Smith- absent

Resolution adopted

3)

04-02-403-025

05-ZBA 602

Robert and Kathy Lane

9558 Winston Drive

Applicant requests relief from:

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

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

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

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

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

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

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

Motion by Kelly, supported by Wagner to table this request. Carried

4)

04-18-210-009

04-ZBA-600

Robert Rock/Eugene McKee

13953 Gilbert Drive

Applicant requests relief from:

Section 18.23.B to allow a 19'9" setback from the edge of North Lake to the new deck.

Section 12.02.E.3.c. To allow a 13'7" setback from rear property line to new deck.

Section 12.02.E.3.b to allow a 1'6" setback on the East Side and a 2' setback on the West Side from property line to side of new deck.

Motion by Kelly, supported by Wagner to table this request. Carried

Motion by Wagner, supported by Kelly to approve the meeting minutes of February 8, 2005 as amended.

Carried

Motion by Millar, supported by Wagner to adjourn the meeting at 9:40 p.m. Carried

Respectfully submitted,

Pat Kelly, Secretary