



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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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

Tuesday, May 9, 2006 7:00 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, William Gajewski, Jim Cormier, Hank Byma, Wendell Wagner, Alternate

Members absent: None

Also present: Peter Flintoft, Township Attorney, Patrick Sloan, Zoning and Planning Director, DeNette Bolyard, Office Manager-Recording Secretary.

I. Call to Order: The meeting was called to order by Chairman Burch at 7: 05 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 Cormier to move action agenda items #2 (Lane) and #5 (White) to the top of the agenda to allow sufficient time for Township attorney to be present for the first agenda item (Prose).

Motion Carried.

IV. Public Comment- Non Agenda Items: There was no public comment.

V. Action Items:

Agenda Item: 2
Appeal Number: 04-ZBA-602B
Applicant Name(s): Robert and Kathy Lane
Property Address: 9558 Winston Drive
Property Tax ID (s): 04-02-403-025

Chair Burch distributed a copy of the signed Court Order in the Lane case (File No. 05-1079-AA) that was received on May 8, 2006.

Mr. Mark Teicher, attorney for the Lane's, questioned why this item was on the agenda. Kelly responded that the agenda for the meeting was required to be sent out for public notice publication prior to receipt of the signed Court Order and it was not known at that time if action by the ZBA would be required.

Motion by Kelly, support by Byma to acknowledge the case was closed and further ZBA action could not be taken.
Motion Carried.

Agenda Item: 5
Appeal Number: 05-ZBA-612
Applicant Name(s): Cindy White
Property Address: 8401 Thurston
Property Tax ID (s): 04-03-300-007

Member Kelly noted that this item was previously tabled until no later than July, 2006 and that no action was required.

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.				

Chair Burch noted that Member Kelly must recuse herself and that Members Cormier and Byrna should excuse themselves due to an agreement with the Prose legal counsel that only the members present at the April 11, 2006 ZBA meeting (Burch, Gajewski and Wagner) would adjudicate this item. Member Kelly left the room and Members Cormier and Byrna excused themselves to the audience.

The proceedings were recorded by a court reporter. A copy of the transcript is included as part of these minutes.

(See attached transcript)

Members Kelly, Cormier and Byrna returned to the meeting at the conclusion of the Prose matter and Member Wagner excused himself from the remainder of the meeting.

Agenda Item: **3**
 Appeal Number: **06-ZBA-626**
 Applicant Name(s): **Dexter Township Board, Pat A. Kelly**
 Property Address: **13505 and 13521 Edgewater Drive, Gregory, Michigan 48137**
 Property Tax ID (s): **04-07-108-001 and 04-07-108-017**

Purpose: To appeal the decision of Steve Piatt, Zoning Administrator, as expressed in a 12-22-05 letter to Katrina Stewart, owner of the property in question. The letter stated that Ms. Stewart did not need to seek permission of the ZBA prior to selling property located at 13505 Edgewater Drive.

Chair Burch read the persons notified into the record.

Pat Kelly, representing the Township Board, addressed the Zoning Board of Appeals members and gave a brief history of the reason the Township Board was seeking an appeal of Mr. Piatt's decision. She also distributed to ZBA members a GIS aerial photograph of the Stewart property and a photograph of the homes on the Stewart property.

Kelly explained that a 1'4" west side setback variance was granted to Ms. Stewart in 2004 to complete an extensive addition and renovation project to the existing single-family home on parcel 04-07-108-017. The ZBA resolution approving the 2004 variance included two statements pertaining to the current administrative appeal. The first statement, "Whereas, the extension of the west side setback of 1'4" will not impact fire protection effort to either the subject property or adjacent property to the west" was acknowledgement by the ZBA that the approval of a 1'4" side setback variance was justified since the existing home on parcel 04-07-108-001 was far enough from the east property line of the adjacent parcel 04-07-108-017 so as not to hamper fire safety personnel and apparatus. The second statement, "Whereas, the applicant currently owns the adjacent property to the west and must request relief from the Zoning Board of Appeals to alter or sell the property", was acknowledgement by the ZBA that Ms. Stewart's properties were considered one lot under the provisions of the Zoning Ordinance and relief from the ZBA

must be granted for any of the three parcels to be sold independently of one another. Kelly stated that it was her opinion that this second statement was also intended to document the official record with the intention of the ZBA to have input on any future decision concerning the properties that might have a negative impact on fire protection efforts. Kelly further stated that, in her opinion, Ms. Stewart understood the ramifications of the language approving the 2004 variances or she would not have written a letter to the township requesting direction as to what she would have to do to be able to sell one of her houses.

Kelly stated that she had been shown a draft of Mr. Piatt's December 22, 2005 letter to Ms. Stewart and that she had explained to Mr. Piatt that she felt his interpretation was incorrect and contrary to the wishes of the ZBA in granting the 2004 variances and requested that the letter not be sent until there was further conversation on the issue. Kelly stated that Mr. Piatt mailed the letter to Ms. Stewart without further conversation or her knowledge and that she did not receive a copy of the letter. Kelly stated she found out that the letter had been sent when a resident in the area called the township to inquire about "For Sale" signs in front of Ms. Stewart's homes. Kelly stated she then brought the matter to the immediate attention of the Township Board and the Board decided to appeal the decision expressed in the 12-22-05 letter to Ms. Stewart.

Katrina Stewart, property owner, stated that she only wishes to sell one property not alter it. She feels that new owner should be able to come before the ZBA if they need to make improvements.

Kelly explained that, if the property to the west were sold, the new owner could not be prevented from constructing an addition or new home within the required minimum side setback of 5 feet and that this would create a fire protection hazard as the structures on the adjacent lots would only be 6 foot apart.

Member Cormier asked what decision is being made tonight? Overturning Zoning Administrator's decision or placing deed restrictions on the property.

Member Gajewski asked if Peter Flintoft, township attorney, has rendered an opinion regarding this case yet.

Byma again questioned what issue was being decided tonight.

Property owner, Katrina Stewart wished to read excerpts of the Zoning Administrator's letter. Chair Burch allowed her to do so.

Chuck Menitz, friend of Stewart was present to offer his support.

Neighbor, Bill Harper who lives on Rainbow Drive is in similar situation as Stewart and asked Chair Burch to address the ordinance pertaining to this section and how it was being interpreted.

Member Cormier indicated to the public that the Township Board creates the Zoning Ordinance and the Zoning Board of Appeals interprets it.

Member Byma made a motion to support Zoning Administrator, Steve Piatt's letter because it was on Township Letter Head.

Motion failed due to lack of support.

Member Gajewski would like the Township Attorney to review and render an opinion.

Board Member Cormier made a motion that Zoning Administrator, Steve Piatt's decision be overturned and that any land division go before the ZBA for review and decision.

Motion failed due to lack of support.

Chair Burch stated he would entertain a motion to table to the June 13, 2006 meeting to allow time to obtain opinion from the township attorney. Member Byma offered the motion suggested and support was offered by Member Gajewski. **Motion Carried.**

Chair Burch agreed to contact attorney to request an opinion.

Property owner Stewart questioned whether or not she should obtain an attorney at this time. Also questioned whether or not she could keep her property that is for sale on the market. Chair Burch read aloud section 4.07 of the ZO, which in part states an appeal shall stay all proceedings in furtherance of the action appealed.

Stewart asked the ZBA why Steve Piatt was let go. Ms. Kelly responded that Ms. Stewart should attend a Township Board meeting and ask her question there as they are the body that controls township personnel matters.

**Dexter Township
Zoning Board of Appeals Meeting Minutes**

**May 9, 2006
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Agenda Item: 4
 Appeal Number: 06-ZBA-629
 Applicant Name(s): Susan Wright/ Thomas Curran
 Property Address: 9125 McGregor Road
 Property Tax ID (s): 04-01-481-010 and 04-01-482-006/007/008

Variances Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.A.	-2.2	20'	50'	To allow a second story addition.
18.23.B.	40'	44'	50'	To allow a second story deck to be built 44' from the edge of Portage Lake. Also to allow a 49' setback from the overhang of the new second story to the edge of Portage Lake.
12.02	10' on the North side.	7'	7'	7' from the new proposed porch to the side lot line.
12.02	5' on the South side	5'	7'	7' side setback required with the proposed addition being 21'6" high.
19.04	One story	Two story	Two and one half stories.	To allow a non-conforming structure to be enlarged.
12.02.E.1				Recognize a lot less than one acre.
12.02.E.2				Recognize lot less than 150' wide.
Purpose: To allow for the construction of a 3.5' x 6' covered porch. Also to allow for the construction of a 28' x38' second story.				

Persons notified were read into the record by Chair Burch.

Applicant Susan Wright addressed the Board and explained how she wished to expand on the dwelling she is currently in the process of purchasing.

Chair Burch stated he wished the record to indicate that the lot coverage percentage would be 16.2%.

Member Kelly stated that the ZBA variance application required an owner's signature and that the provided faxed copy of a letter from the owner would not be adequate for final approval of variances for the property on behalf of Ms. Wright.

Member Kelly also indicated that the plot plan shows the existing garage is approximately 2' into the existing road easement and referenced Section 18.04 of the Zoning Ordinance that prohibits the location of a structure in a private road easement.

Member Cormier questioned if the Board can rule tonight if there is questions regarding encroachment into the private road easement. Chair Burch stated he felt the Board could make a ruling. Member Kelly stated she would not feel comfortable ruling on the case without legal opinion.

Member Cormier stated he did not see a stormwater management plan submitted with the application. Member Kelly agreed that a plan was not submitted.

Members Gajewski and Byrna both indicated that there were many different ways to make rain gardens.

Member Kelly stated she felt that the side yard set back variance cannot be justified since the second story could be modified to eliminate the need for a side setback variance.

Bette Trippe – Winston Rd. stated that there are several garages and carports currently built on the roadways and that the applicant is not asking to change the existing garage.

Thomas Ehman – made a comment that if it is found that a road dedicated to private use a person could try to obtain it by adverse possession. But not a public roadway.

Member Byrna expressed concern as to the Township's liability if the variances were approved as requested due to the encroachment of the house in the roadway.

Chair Burch asked Ms. Wright if, given the obvious reluctance of the ZBA to grant the relief requested at this meeting, would she prefer that the ZBA make a decision or table the matter pending the submission of additional information and a township legal opinion concerning the road easement issue.

Ms. Wright indicated that she would need to confer with the property owner to answer the question.

Chair Burch declared a 10-minute recess to allow Ms. Wright to contact Mr. Curran, the property owner.

A motion was made by Member Byma, supported by Member Kelly to table the Wright/Curran request to the June 13, 2006 meeting to allow the ZBA to obtain legal opinion as to the road easement issue. Kelly would like to add to the motion that the current variance application be reviewed by the new Director of Planning and Zoning for completeness prior to the June meeting. Member Byma agreed to the amended motion.

Motion Carried 5-0.

Agenda Item: **6**
 Appeal Number: **06-ZBA-624**
 Applicant Name(s): **Sue Boltach**
 Property Address: **9690 Winston Drive**
 Property Tax ID (s): **04-02-401-010 / 04-02-402-011**

Variations Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.A.	51'	25'	50'	To allow 25' from Winston Drive to proposed new garage.
18.23.B.	22'	21'	50'	To allow 21' from covered porch to waters edge.
12.02.E.3.b	5.3'(south side) and 8' (north side)	5' on the South side, and 6' on the North side.	8'	To allow a 5' setback on the South side and a 6' setback on the North side.
12.02.E.1				Recognize lot less than one acre.
12.02.E.2				Recognize lot less than 150' wide.
Purpose: To demolish existing home and garage. To construct a new two story home with one car attached garage and a 24' x30' garage on back lot.				

Chair Burch read the list of persons notified into the record.

Ms. Boltach, the applicant and the project builder were present. The Builder addressed the Board and explained the project.

Member Cormier stated that a stormwater management plan had not been submitted.

Neighbor, Better Trippe- Winston Drive stated that she was never notified of the variance request. Chair Burch verified that Ms. Trippe was on the list of persons notified and confirmed with Ms. Bolyard that a letter had been sent to Ms. Trippe.

Member Kelly stated that the Township does everything possible to ensure proper notification, but they cannot ensure actual delivery by the Postal Service.

Member Kelly stated that the removal of the existing garage which encroaches into Winston Drive was a very positive aspect of the proposed plan and that the parking provided on the back lot was good. She also stated that she would prefer to see the attached garage eliminated since, if built as proposed, the attached garage would be closer to Winston Drive than the existing structures on neighboring properties and also because the plans include a large detached garage. The elimination of the attached garage would allow the proposed home to be set back several additional feet from the lake. Kelly noted that the plans did not include drainage patterns or a final grade plan and she would like assurance that the existing grade would not be raised.

The general consensus of the Board was that they would like to see a plan that does not encroach so much into the roadside setback.

Member Byma made a motion to approve the requested variances based on the following facts: 1) The applicant is willing to remove the non conforming garage that is partially in Winston Drive. 2) The plan demonstrates a creative design. 3) The natural landscape. 4) The stormwater plan. 5) The applicant has a need for an attached garage. Member Kelly supported the motion.

Member Kelly stated that she agreed with Member Byma’s findings but she felt that the applicant could pursue other options to eliminate the need for as much encroachment into the front setback without totally eliminating the attached garage.

Member Gajewski stated the variance needs to be the minimum necessary. Stated that the natural habitat is not a mitigating factor and the requested encroachment into the front setback is a self-created problem.

Member Cormier stated that he felt the plan needed to be as conforming to the Zoning Ordinance as possible.

Patrick Sloan, Director of Planning and Zoning stated that the provisions of Section 18.18.D of the Zoning Ordinance might apply to the plan and another variance may be necessary.

Member Byma stated he wished to amend his motion to 1) Increase the front setback to Winston Drive to the attached garage from 25’ to 27’. 2) Grant a variance to Section 18.18.D for the construction of a 24’ x 24’ detached garage on the back lot based. 3) A condition that natural landscaping features are utilized and back lot roof drains are gathered into natural vegetation cisterns and rain gardens. Member Kelly supported the amendment but added she would like to clarify that the rear yard setback on the back lot would be 17’ and also add a the conditions that no concrete driveways be allowed and that the garage approach aprons be limited to 3 feet. Member Byma agreed with the revisions.

Chair Burch called the question as follows:

Cormier – Yes Kelly - No Burch – Yes Byma – Yes Gajewski – No

Chair Burch declared the Motion Carried as amended.

Agenda Item: 7
 Appeal Number: 06-ZBA-627
 Applicant Name(s): Joseph Pitrone
 Property Address: 9972 Winston Drive
 Property Tax ID (s): 04-01-230-004/007 04-01-231-012 04-02-101-015

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

The proceedings for this agenda item were recorded by a court reporter. A copy of the transcript is included as part of these minutes.

(See attached transcript)

VI. Public Comment: None

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

VIII. Approval of Meeting Minutes

To be reviewed at the next meeting June 13, 2006

IX. Adjournment

Motion by Kelly, supported by Cormier to adjourn the meeting at 11:20 p.m. Carried

Respectfully submitted,

Pat Kelly, Secretary

DEXTER TOWNSHIP
ZONING BOARD OF APPEALS

IN RE: PROSE REQUEST FOR VARIANCE

May 9, 2006

7:05 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 May 9, 2006, commencing at or about
7:05 p.m.

ZONING BOARD OF APPEALS:

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

ALSO PRESENT:

MR. JOSEPH LLOYD, Applicant's Attorney
MR. PETER FLINTOFT, Township's Attorney
MR. PATRICK SLOAN, Director of Planning and Zoning

Members of the public and others

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

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1 Dexter, Michigan
2 May 9th, 2006
3 7:05 p.m.
4 - - -
5 CHAIRMAN BURCH: Good evening ladies and
6 gentlemen. I'll call to order the Tuesday, May the
7 9th meeting of the Dexter Township Zoning Board of
8 Appeals. I invite you to all join me, stand, in the
9 Pledge of Allegiance.
10 (Whereby Pledge of Allegiance was recited.)
11 CHAIRMAN BURCH: Thank you. Our agenda
12 this evening is rather full.
13 (Phone ringing.)
14 CHAIRMAN BURCH: To reiterate, our agenda
15 this evening is rather full so we will move into it
16 as quickly as possible. After we approve the
17 agenda, we'll have the opening of public comment of
18 nonagenda items.
19 Our action items this evening, the first,
20 04-06-286-001 Thomas Prose, 9485 Lakeview Drive;
21 Item No. 2, 04-02-403-025, Robert and Kathy Lane,
22 9558 Winston Drive; Item No. 3, appeal No. 06 ZBA
23 626 which Pat Kelly representing the Township of
24 Dexter; Item No. 4, appeal No. 06 ZBA 629,
25 Susan Wright/Thomas Curran 9125 McGregor Road; Item

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1 No. 5, appeal No. 05 ZBA 612, Cindy White,
2 8401 Thurston; Item No. 6, 06 ZBA 624, Sue Boltach,
3 9690 Winston Drive; and Item No. 7, 06 ZBA 627,
4 Joseph Pitrone, 9972 Winston Drive, followed by
5 public comment, followed by concerns of board
6 members, zoning administrator, recording secretary,
7 followed by the approval of previous meeting minutes
8 and adjournment.
9 Is there any discussion on the agenda this
10 evening?
11 MS. KELLY: Mr. Chair.
12 CHAIRMAN BURCH: Miss Kelly.
13 MS. KELLY: The township attorney would
14 like to be here for agenda item No. 1, and I know
15 there are two that are likely to be extremely short.
16 I'm wondering if we could move the Lane and the
17 White agenda items to the top so we can wait for the
18 attorney to get here. I believe they'll both be
19 simple motions.
20 CHAIRMAN BURCH: I have no problem with
21 that. Members of the board?
22 MR. GAJEWSKI: So moved.
23 MR. CORIMER: Supported.
24 CHAIRMAN BURCH: It's been moved and
25 seconded. We move items two and three, the Lane and

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1 White matters to the beginning of the agenda to
2 allow time for our township attorney to arrive. All
3 in favor aye.
4 (All say aye.)
5 CHAIRMAN BURCH: Any opposed no? Motion
6 carries. The floor will entertain a motion to
7 approve the agenda as amended.
8 MS. KELLY: So moved.
9 MR. BYMA: Supported.
10 CHAIRMAN BURCH: All in favor aye.
11 (All say aye.)
12 CHAIRMAN BURCH: Any opposed no? Motion
13 carries. Next item on the agenda, public comment
14 for nonagenda items. If anyone in the public wishes
15 to address the board this evening regarding items
16 that are not on the agenda, please do so now. And
17 if you choose to do so, please stand and give us
18 your name and address.
19 Hearing none, moving to the next or the
20 first action item now, Robert and Kathy Lane,
21 9558 Winston Drive, 05 ZBA 6029B.
22 Recording secretary, I believe this is the
23 case that you were particularly interested in.
24 Mr. Teicher.
25

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1 -----
2
3 CHAIRMAN BURCH: Are you prepared for the
4 next item on the agenda, which our township attorney
5 has not yet arrived?
6 MS. KELLY: He just walked in right on que.
7 CHAIRMAN BURCH: Very good. Thank you.
8 For this item, case No. 04-06-286-001 I am going to
9 have Ms. Kelly, because of her location of her
10 residence, must recuse herself from this matter, and
11 because Mr. Cormier and Mr. Byma were not at the
12 last hearing when it was agreed with the legal
13 representative of Mr. Prose that only the three ZBA
14 members that heard this case would be adjudicating
15 the case this evening, I will ask Ms. Kelly,
16 Mr. Cormier and Mr. Byma to excuse themselves from
17 the table.
18 MS. KELLY: And Ms. Kelly from the room.
19 CHAIRMAN BURCH: Thank you, Miss Kelly.
20 Proceeding on, Mr. Prose and his legal
21 representation requested relief from Section 18.23.A
22 of the Zoning Ordinance to allow a 42-foot setback
23 on the north side of the property to the proposed
24 deck where 50 feet are required. Also to allow a
25 10.3-foot east side setback from the easement to the

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1 new garage from Section 12.01.E.3.C to allow 15-foot
2 setback on the west side to the proposed deck. Also
3 to allow 15-foot setback on south side to the new
4 home and from Section 12.02.E.4 to allow 27.2
5 percent lot coverage where 25 percent is allowed.
6 And I want to remind the members of the
7 Zoning Board of Appeals this evening that we shall
8 be hearing no additional testimony, that we will
9 make our decision on the information that has been
10 presented to us prior to the end of the last
11 meeting.
12 I also have at my request the --
13 MR. GAJEWSKI: Mr. Chair.
14 CHAIRMAN BURCH: Mr. Gajewski?
15 MR. GAJEWSKI: Due to the length of the
16 resolution, I request that -- Mr. Wagner has
17 volunteered to read part of the resolution
18 addendums.
19 CHAIRMAN BURCH: Consider that done --
20 MR. GAJEWSKI: Thank you.
21 CHAIRMAN BURCH: -- Mr. Gajewski.
22 At my request, our township secretary
23 prepared a chronological list of documents on file
24 and ZBA action items which we used in the
25 preparation of our decision this evening.

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1 I know, Mr. Wagner, I checked with you
2 earlier, you have this list.
3 MR. WAGNER: Yes.
4 CHAIRMAN BURCH: Mr. Gajewski, do you have
5 this list?
6 MR. GAJEWSKI: Yes, I do.
7 CHAIRMAN BURCH: And as The Chair, I have
8 this list. If anyone in the audience would like a
9 copy, I do have some here or they will be available
10 after. Mr. Lloyd?
11 MR. LLOYD: Thank you, sir.
12 MR. KELLY: Excuse me, may I also have a
13 copy?
14 CHAIRMAN BURCH: Of course, Mr. Kelly. I
15 feel that we find ourselves in a rather unique
16 position where we are not taking any additional
17 testimony this evening but in consideration of our
18 previous meetings and the list of documents which
19 have been provided to us, I feel that I am prepared
20 as a member of the Zoning Board of Appeals to make a
21 decision this evening.
22 Mr. Wagner, do you feel that you are
23 adequately informed and prepared to make a decision,
24 sir?
25 MR. WAGNER: Yes, I do.

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1 CHAIRMAN BURCH: Thank you. Mr. Gajewski,
2 do you feel you are adequately informed and prepared
3 to make a decision?
4 MR. GAJEWSKI: I am.
5 CHAIRMAN BURCH: Thank you. Then with no
6 further adieu, we shall begin our motion. And at
7 the request of Mr. Gajewski, Mr. Wagner is going to
8 read into the record two addendums to the motion.
9 Mr. Wagner, you have the floor, sir.
10 MR. WAGNER: I'd like to read into the
11 record regarding the Prose application Article 19,
12 nonconforming uses, lots and structures. Section
13 19.01 purpose. It is the intent of this article to
14 permit nonconforming lots, structures and uses
15 lawfully existing at the time of adoption of this
16 ordinance to continue until they are removed or
17 discontinued and to provide for their maintenance or
18 repair but not to 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 It is the finding of the ZBA that the
23 proposed plan is inconsistent with the provisions of
24 19.01 for the following reasons: One, the proposed
25 plan seeks to construct a significantly enlarged

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1 single family home. A, living space: 1,847 square
2 feet current versus 5,900 square feet requested. B,
3 lot coverage: 11.6 percent current versus 24.6
4 percent requested. C, garage space: 672 square
5 feet current versus 960 square feet requested. D,
6 deck space: 352 square feet current versus 1,628
7 square feet requested. The data is compiled from
8 submitted application materials.
9 Two, the proposed plan seeks to construct a
10 significantly expanded and extended single-family
11 home. Encroachment into south A -- I'm sorry.
12 Encroachment into south setback: 50 feet current
13 versus 15 feet requested. B, further encroachment
14 into west setback: 10 feet current versus 8 feet
15 requested. C, encroachment into the view shed of
16 adjacent property owners: 13 feet current height
17 versus 46 feet height measured to the eave midpoint
18 of tower. Data compiled from submitted application
19 materials and oral and written statements from
20 Elaine Stahl, 13862 Lakeview; Chris Donajkowski,
21 13900 Lakeview; Joe Kelly, 9585 Half Moon Lake
22 Drive.
23 Three, the following nonconformities are
24 increased. A, south side setback: 50 foot current
25 versus 15 foot requested. B, west side setback: 10

<p style="text-align: right;">Page 10</p> <p>1 foot current versus eight foot requested. C, 2 building height: 13 feet current versus 46 feet 3 requested. Data compiled from submitted application 4 materials. 5 Under Section 19.04 nonconforming 6 structures. Where a lawful structure exists that 7 could not be built by reason of restrictions on 8 area, lot coverage, height, yards or other 9 characteristics of the structure or location on the 10 lot, such structures may be continued so long as it 11 remains otherwise lawful subject to the following 12 provisions: A, no such structure may be enlarged or 13 altered in a way which increases its nonconformity; 14 B, should any structure be destroyed, repaired, 15 renovated or otherwise altered by any means and to 16 any extent including the razing of such structure it 17 may be reconstructed provided it is not enlarged to 18 increase its nonconformity as it existed prior to 19 being destroyed. One, where such construction does 20 not result in a change; two, where such construction 21 would result in a change in the structure's 22 foundation, footprint, profile or square footage as 23 it existed prior to being destroyed. No 24 construction shall be initiated until the applicant 25 has received approval from the ZBA that such</p>	<p style="text-align: right;">Page 12</p> <p>1 to justify granting the variances requested. 2 Section 19.59, hardship cases. 3 Nonconforming buildings or structures may be 4 structurally changed, altered or enlarged with the 5 approval of the ZBA when the ZBA finds that the 6 request is a case of exceptional hardship in which 7 failure to grant the relief requested would 8 unreasonably restrict continued use of the property 9 except that any approval for structural changes, 10 alteration or enlargement may be granted only with a 11 finding by the ZBA that the approval will not have 12 an adverse effect on surrounding property and that 13 it will be in the minimum necessary to relieve the 14 hardship. 15 As stated in section -- in regards to 16 Section 19.04, it is the finding of the ZBA that 17 failure to grant the requested relief would not 18 unreasonably restrict continued use of the property. 19 Further, it is a finding of the ZBA that hardship 20 could not be granted as requested since there's 21 sufficient evidence supplied by adjacent property 22 owners to suggest an adverse effect on surrounding 23 properties. This data was compiled from oral and 24 written statements from the Glennbrook Beach 25 Association, Elaine Stahl, 13862 Lakeview;</p>
<p style="text-align: right;">Page 11</p> <p>1 construction shall not in any way increase the 2 structure's nonconformity as it existed prior to 3 being destroyed. Three, in the case where the ZBA 4 finds a proposed structure in the nonconformity, the 5 applicant may seek a variance. 6 The current Prose home is a nonconforming 7 structure. Section 19.04 provides protection for 8 nonconforming structures and a guarantee of 9 continuance as long as the structure is not enlarged 10 or altered in any way that increases its 11 nonconformity. Section 19.04.B further provides 12 protection by guaranteeing the total reconstruction 13 of an existing nonconforming structure provided it 14 is not enlarged. 15 It is the finding of the ZBA that the 16 proposed plan is inconsistent with the provisions of 17 19.04.A and 19.04.B since the applicant seeks to 18 significantly enlarge the proposed structure and 19 significantly increase the level of nonconformity. 20 See data provide for Section 19.01. 21 Further, it is a finding of the ZBA that 22 per Section 19.04.B., since the applicant and his 23 predecessors have used the property for over 50 24 years and the applicant is guaranteed the continued 25 use of his property, no practical difficulty exists</p>	<p style="text-align: right;">Page 13</p> <p>1 Chris Donajkowski, 13900 Lakeview; Joe Kelly, 2 9585 Half Moon Lake Drive. 3 Article 24, environmental standards. 4 Section 24.02.C sensitive lands. One, where a 5 portion of a parcel is characterized by wetlands, 6 hydric soils, flood plains or steep slopes, new 7 developments on the parcel shall only occur on those 8 portions of the parcel void of such sensitive 9 resources where reasonably feasible. 10 It is the finding of the ZBA that the 11 proposed plan is inconsistent with the provisions of 12 24.02.C.1 since the plan calls for the development 13 of a new driveway over a wetland and hydric soils. 14 In addition, the existing driveway provides adequate 15 access to the property thereby eliminating any 16 reason for new development with sensitive resources. 17 This data's compiled from submitted application 18 materials, oral and written statements from 19 Joe Lloyd and oral and written statements from the 20 Glennbrook Beach Association, Chris Donajkowski, 21 13900 Lakeview; Joe Kelly, 9585 Half Moon Lake 22 Drive. 23 Section 24.02.D, clearing, grading and 24 filling. In order to protect soil resources, 25 adjacent properties, public roads, public water</p>

<p style="text-align: right;">Page 14</p> <p>1 courses and to provide for adequate drainage of 2 surface water the following rules shall apply to all 3 construction activities requiring permits. 4 Three, elevation restrictions. Filling in 5 a parcel of land to an elevation above the 6 established grade of adjacent developed land is 7 prohibited without the expressed written approval of 8 the county drain commissioner and approval by the 9 Planning Commission. It is the finding of the ZBA 10 that the proposed plan would require written 11 approval from the county drain commissioner and 12 Planning Commission and this approval is unlikely 13 since the applicant proposes to fill his parcel to 14 an elevation between three feet on the north to six 15 feet on the east above the grade of the adjacent 16 developed land. 17 It is the finding of the ZBA that such 18 claim cannot be made of the property to the north as 19 the Glennbrook Beach Association land to the north 20 is developed and used as an access easement for 21 vehicles, boats and people, a seasonal storage area 22 for docks and boats and a picnic area. Data 23 compiled from submitted application materials, site 24 visits by ZBA members, oral and written statements 25 from the Glennbrook Beach Association,</p>	<p style="text-align: right;">Page 16</p> <p>1 development along the principal lakes of Dexter 2 Township. This district is established in 3 recognition of existing suburban and urban lake and 4 developed patterns and land divisions. 5 It is the finding of the ZBA that the 6 proposed plan is not consistent with the intent of 7 Section 12.02.A since the proposed home is not in 8 keeping with the existing development patterns due 9 to the extreme difference in character and size 10 between the proposed plan and the existing homes in 11 the area. Data compiled from submitted application 12 materials, site visits and photographs submitted by 13 Joe Kelly, 9585 Half Moon Lake Drive. 14 Article 18, general provisions. Section 15 18.04, encroachments into easement and 16 right-of-ways. No building or structure shall be 17 located within a public or private right-of-way or 18 easement except upon approval of a site plan or plot 19 plan by the Planning Commission based on findings by 20 the Planning Commission that there is no other 21 reasonable alternative for the location of such 22 building or structure. This provision shall apply 23 to but not be limited to public road right-of-ways, 24 private road easements, public sewer easements and 25 water easements.</p>
<p style="text-align: right;">Page 15</p> <p>1 Chris Donajkowski, 13900 Lakeview; Joe Kelly, 2 9585 Half Moon Lake Drive. 3 Section 24.03.C, storm water management. 4 All lots shall retain storm water runoff on-site and 5 detain it so as to allow discharge without any 6 impact on adjacent lands, streams or water bodies 7 above the existing predevelopment runoff impact. 8 It is the finding of the ZBA that the 9 proposed plan is not consistent with Section 24.03.C 10 since the storm water runoff calculations do not 11 accurately state the predeveloped runoff impact and 12 the plan does not demonstrate that storm water 13 runoff will be retained on-site or detained without 14 impact to adjacent lands. The applicant chose to 15 only show mitigation for the difference between the 16 current runoff of the already developed property and 17 the proposed new development. By calculating the 18 storm water runoff in this manner the applicant 19 grossly understates the amount of runoff mitigation 20 that is required for this proposed plan. Data 21 compiled from submitted application materials. 22 Article 12, residential districts. Section 23 12.02LR, lake residential district. A, intent: It 24 is the primary intent of the lake residential 25 district to provide opportunities for residential</p>	<p style="text-align: right;">Page 17</p> <p>1 It is the finding of the ZBA that the 2 proposed plan would require Planning Commission 3 approval since an engineered wall, a structure, is 4 proposed to be constructed on the private road 5 easement to the east. Data compiled from submitted 6 application materials, supervisor's Plat No. 2 and 7 multi-lake sewer documents. 8 Section 18.05, height requirement 9 exceptions. Purely ornamental structures such as 10 church spires, belfries, copalpas, domes, ornamental 11 towers, flag poles and monuments are exempted from 12 height limit requirements provided the total height 13 of the building or structure does not exceed 75 feet 14 and no portion of the exempted structure may be used 15 for human occupancy. It is the finding of the ZBA 16 that the proposed tower portion of the proposed home 17 is not purely ornamental and therefore does not 18 qualify for an exemption under Section 18.05 for the 19 following reasons: One, the tower provides a use as 20 a skylight. Data compiled from submitted 21 application materials and oral comments from 22 Joseph Lloyd during ZBA hearings. 23 Two, the tower will be used for human 24 occupancy since it is the functional ceiling or 25 direct vertical extension of the master bedroom.</p>

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1 Data compiled from submitted application materials,
2 oral comments from Joseph Lloyd during ZBA hearings
3 and planning consultant Mark Eidelson's letter dated
4 5-31-05. Three, the tower is not in keeping with
5 the character of the examples noted in Section 18.05
6 as they do not suggest applicability to
7 approximately 20-foot-wide enclosed cavities in
8 association with residences. Data compiled from
9 submitted application materials and planning
10 consultant Mark Eidelson's letter dated 5-31-05.
11 The interpretation of the proposed tower as
12 an ornamental structure is not consistent with some
13 of the principal purposes of the zoning ordinance
14 including the provision of adequate open space for
15 light and air and the preservation of community
16 character. Data compiled from submitted application
17 materials and planning consultant Mark Eidelson's
18 letter dated 5-31-05.
19 That completes this section.
20 CHAIRMAN BURCH: Thank you, Mr. Wagner.
21 Mr. Gajewski.
22 MR. GAJEWSKI: I would like to continue and
23 add that this is file No. 04 ZBA 601 and 05 ZBA 601
24 and whereas on 12-13-2004 Thomas Prose via his
25 attorney Joseph Lloyd filed a notice of appeal

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1 requesting a variance from the specific site
2 development requirements of the Dexter Township
3 zoning ordinance to demolish existing home and
4 replace it with new construction.
5 This appeal has subsequently been changed
6 and new plans submitted to allow for the
7 construction of a new two-story home with walkout
8 basement, attached 40 feet by 24 feet garage, and in
9 parentheses, four car garage in size, and deck along
10 lake side of proposed new home on property located
11 at 9485 Lakeview Drive. Parcel ID 04-06-286-001.
12 Whereas a public hearing before the Dexter
13 Township Zoning Board of Appeals held on April 11th,
14 2006 and subsequently today on May 9th, 2006, for
15 the sole purpose of presenting this resolution with
16 Mr. Gajewski, myself, Mr. Wagner and Mr. Burch
17 voting on this resolution, and whereas the Ann Arbor
18 engineering firm Atwell-Hicks via 1-to-20 scale
19 drawings depict two scenarios. First, a variance
20 request with three front setbacks, and second, a
21 variance request with one front setback on their
22 page two site plan drawings. This is CAD file
23 L-133-2SU1.
24 The second site plan variance request with
25 one front setback will be referenced to throughout

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1 this resolution. The purpose of which is only to
2 show the unreasonableness of the proposed structure.
3 And whereas per Section 4.05.C.1 of the Dexter
4 Township Zoning Board of Appeals has the authority
5 to authorize the requested variances from the site
6 development requirements provided that all the
7 required findings are met and the record of the ZBA
8 contains evidence supporting each conclusion.
9 And whereas to obtain a nonuse variance,
10 the applicant must show practical difficulty by
11 meeting and passing all the required findings also
12 known as standards of review. And whereas per
13 Section 4.05.C.1.C, this large sprawling T-shaped
14 structure with overall dimensions including the west
15 side deck of 102 feet by 87 feet is unreasonable on
16 a small lake lot of 17,562 square feet. A large
17 sprawling house on a small lake lot is not a
18 practical difficulty. It is a self-created problem.
19 See Atwell-Hicks' second site plan. Dimensions were
20 measured with 1-to-20 engineering scale.
21 And whereas this proposed structure is not
22 a normal square or rectangular house footprint.
23 This is a sprawling footprint spreading out a
24 significant distance in four different directions
25 when one includes the west side deck. Clearly, this

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1 is a self-created problem. And whereas Section
2 19.04 of the Dexter Township zoning ordinance is
3 unique in that it guarantees continued use of
4 nonconforming structures and thus the applicant has
5 the right to repair, renovate, raze and reconstruct
6 the existing home on the same footprint and,
7 therefore, no practical difficulty exists.
8 And whereas the applicant's existing home
9 has been used for decades, contains a substantial
10 1,847 square feet in living space and is more than
11 reasonable in size and living area as compared to
12 the other 44 homes that exist today in the
13 Glennbrook Lake Association area and lakes
14 residential district; therefore, the existing home
15 represents reasonable use and no practical
16 difficulty exists.
17 And whereas Mr. Joe Kelly, 9585 Half Moon
18 Lake Drive has provided a graph taken from the
19 Dexter Township Assessment website showing the total
20 assessed floor area versus lot size for all the
21 homes in the Glennbrook Beach Association to
22 demonstrate reasonable use as it exists today along
23 with photographs of 40 of the 44 homes in the GBA to
24 not only demonstrate reasonable use but also the
25 community character of these homes.

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1 And whereas the applicant's proposed home
2 would be at least three times larger in living area
3 than the average GBA home and would be unreasonable
4 in size and not be in keeping with the character of
5 the neighborhood. See Mr. Kelly's graph indicated
6 above.
7 And whereas per Section 4.05.C.1.F, strict
8 compliance with area setbacks, frontage, height,
9 bulk or density would not unreasonably prevent the
10 owner from using the property for the permitted
11 purpose or would render conformity unnecessarily
12 burdensome. There is no excessive burden to the
13 development and reasonable use of this property as
14 indicated above and, therefore, there is no
15 practical difficulty.
16 And whereas applicant's attorneys claim
17 there is only one front yard setback and Township
18 counsel states there are three front yard setbacks.
19 However, even with one front yard setback the
20 proposed structure still does not fit within the
21 very large 97 feet by 72 feet building window as
22 measured with a 1-to-20 engineering scale. It still
23 projects through the building window, that is the
24 heavy black dotted line, on all four sides and thus
25 still would require variances on the north, south,

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1 east and even the west side of the structure where
2 the deck protrudes through the building envelope.
3 This is clearly unreasonable, clearly a self-created
4 problem and clearly precludes granting a variance
5 that is the minimum necessary for reasonable use.
6 And in parentheses, see Atwell-Hicks' 1-to-20 scale
7 drawings, second site plan page two labeled variance
8 request for one front setback.
9 And whereas per Section 4.05.C.1.G, the
10 variances requested are not the minimum necessary to
11 overcome ~~any~~ quality inherent in the applicant's
12 particular property. It is impossible for the ZBA
13 to grant variances that would be the minimum
14 necessary for reasonable use and substantial justice
15 when this large footprint protrudes in four
16 different directions through such a large building
17 envelope. That is, this is in parentheses, that is
18 97 feet by 72 feet on a small lake lot. Therefore,
19 there is no practical difficulty.
20 And whereas the extreme large size of the
21 attached garage by itself sprawling 40 feet in
22 length to the east would exceed and be inconsistent
23 with substantial justice to others and thus
24 inconsistent with reasonable use. And whereas the
25 need for these variances and this self-created

Page 24

1 problem are even further compounded due to the
2 unique problems and unreasonable requirements of the
3 rear load garage which must wind around the front of
4 the home, along the side, and all the way to the
5 rear of the home on this small lake lot.
6 And whereas the variances requested would
7 not do substantial justice to the applicant because
8 the variances requested would greatly exceed
9 reasonable use. And whereas a significantly smaller
10 relaxation that is in harmony with reasonable use,
11 and in parentheses that is the size of the homes,
12 and community character, and in parentheses that is
13 the nature of the neighborhood, in the Glennbrook
14 Lake Association area is more appropriate, and in
15 parentheses see graph and photos provided by
16 Mr. Joe Kelly.
17 And whereas per Section 4.05.C.1.B,
18 although more than one front yard setback are unique
19 circumstances of the property, they are not
20 applicable in this case because, as indicated above,
21 no practical difficulty exists. And whereas per
22 Section 4.05.C.1.D the requested variances do not
23 apply to the property under the control of the
24 applicant and thus the applicant fails this standard
25 of review. The applicant does not have title to the

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1 land over which the driveway comes to his land.
2 And whereas per Section 4.05.C.1.E the
3 variances will be in harmony with the general
4 purpose and intent of the ordinance and will not
5 cause a substantial adverse effect on surrounding
6 property, property values, and the use and enjoyment
7 of property in the neighborhood or district. The
8 applicant fails this standard of review as well as
9 Section 1.02 of the zoning ordinance per data
10 compiled, oral and written statements from
11 Glennbrook Beach Association; Elaine Stahl, 13862
12 Lakeview; Chris Donajkowski, 13900 Lakeview;
13 Joe Kelly, 9585 Half Moon Drive.
14 And whereas Section 1.02 states the
15 purpose, and parentheses to provide adequate open
16 space for light and air and preserving community
17 character, thus the spirit of the ordinance would be
18 violated by compromising community character as
19 indicated above and not provide adequate open space
20 for light and air as indicated below.
21 And whereas the applicant proposes to
22 significantly change the natural topography, that is
23 filling in a natural depressional valley which is a
24 platted lakefront lot, and in parentheses of
25 supervisor's plat No. 2, and whereas applicant

→ strike "any", change "quality" to "inequality" 7 (Pages 22 to 25)

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1 proposes adding several feet of dirt fill to create
2 a significant hill. Applicant's proposed structure
3 already violates the height restrictions of the
4 zoning ordinance since it has an overall height of
5 52 feet.
6 This 52-foot-high structure combined with
7 the sheer mass and sprawling nature of this home
8 sitting atop this hill will hog the lake viewscape
9 and would cause a substantial adverse effect on
10 surrounding property, property values and the use
11 and enjoyment of property in the neighborhood.
12 And whereas the year-around view scape of
13 the lake is obviously what adds value to homes
14 around the lake and the existing low profile home
15 situated in the natural valley allows all to enjoy
16 the view of the lake viewscape. And whereas the ZBA
17 has the authority to interpret the intent of zoning
18 regulations and whereas Section 24.51 environmental
19 standards states as its purpose to protect the
20 integrity of the Township's land, water, air, the
21 quality of the Township's visual environment. These
22 provisions apply to all structures and uses.
23 It is the official ruling of the ZBA that
24 this precludes lakefront lots in the lake
25 residential district from being substantially filled

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1 for the single benefit of the owner to hog the lake
2 viewscape and devalue neighboring properties. The
3 enjoyment of significant natural resources shall be
4 enjoyed by all, and whereas the land that has been
5 developed and in quotes developed and thus
6 subdivided into house, lots, streets, etcetera, is
7 considered a plat.
8 This proposed structure would be located in
9 supervisor's plat No. 2; therefore, a plat by
10 definition and very nature contains 100 percent
11 developed land and therefore the applicant's
12 proposed fill including retaining walls is in
13 violation of Section 24.02.D.3. And whereas per
14 Section 24.02.D.3 elevation restrictions state:
15 Filling a parcel of land to an elevation above the
16 established grade of adjacent developed land is
17 prohibited without the expressed written approval of
18 the county drain commissioner and the approval by
19 the Planning Commission.
20 And whereas per Section 4.05.C.1.A the
21 practical difficulty cannot be a financial hardship
22 but must be based on the single-family home
23 residential use of the land. The applicant fails
24 this standard of review since there is no practical
25 difficulty as stated above. And whereas per Section

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1 4.05.C.1.H, this applies to a use variance which the
2 ZBA does not have the authority to grant. The
3 applicant is requesting dimensional variances and
4 therefore this standard of review does not apply.
5 And whereas it is the determination of the
6 ZBA that no practical difficulty exists since all of
7 the required findings of Section 4.05.C.1 have not
8 been met, be it therefore resolved that the
9 requested variances are denied. That's it.
10 CHAIRMAN BURCH: Thank you, Mr. Gajewski.
11 May we have support?
12 MR. WAGNER: Support.
13 CHAIRMAN BURCH: Mr. Wagner supports. Is
14 there any further discussion? Mr. Gajewski, how do
15 you vote on the requested variances being denied?
16 MR. GAJEWSKI: Yes, denied.
17 CHAIRMAN BURCH: Mr. Gajewski votes yes.
18 Mr. Wagner, how do you vote, sir?
19 MR. WAGNER: Yes.
20 CHAIRMAN BURCH: Mr. Wagner votes yes. The
21 Chair votes yes. Requested variances are denied.
22 (Meeting proceedings concluded at 7:50 p.m.)
23 - - -

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1 CERTIFICATE
2 STATE OF MICHIGAN)
3) SS:
4 COUNTY OF OAKLAND)
5
6 I, LAUREL A. JACOBY, Certified Shorthand
7 Reporter, a Notary Public, hereby certify that I recorded
8 in shorthand the foregoing proceedings; and that the
9 foregoing is a true, correct and complete transcript of
10 the foregoing proceedings.
11 I also certify that I am not a relative or
12 employee of a party or an attorney for a party; or
13 financially interested in the action.
14
15 LAUREL A. JACOBY, CSR-5059, RPR
16 Notary Public, Oakland County, Michigan
17 My commission expires: 9/1/11
18 Dated: This 18th day of May, 2006.
19
20

ZONING BOARD OF APPEALS

DEXTER, MICHIGAN

In the Matter of

04-01-230-004/007, 04-01-231-012, and
04-02-101-015
06 ZBA 627
Joseph Pitrone
9972 Winston Drive

PROCEEDINGS HAD in the above-entitled matter
before the ZONING BOARD of APPEALS at the Dexter
Township Hall, 6880 Dexter-Pinckney Road, Dexter,
Michigan, commencing at 7:00 p.m., on Tuesday, May 9,
2006.

APPEARANCES:

ZONING BOARD OF APPEALS MEMBERS:

Mr. Steven Burch, Chair
Mr. James Cormier, Vice Chair
Ms. Pat Kelly, Secretary
Mr. William Gajewski, Member
Mr. Hank Byma, Member

ALSO PRESENT:

Ms. DeNette Bolyard, Recording Secretary
Mr. Patrick Sloan, Zoning Administrator
Mr. Mark L. Teicher (P34301), Attorney for the Pitrones
Ms. Jackie Hatty
Mr. Matthew Hatty
Mr. Charles Lowler

REPORTER: Lynne Marie Zakrzewski, CSR-3179, RMR, CRR, CPE, CLR
Certified Realtime Reporter

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4	Matters heard: To allow 25' from Winston Drive to proposed new garage; to allow 21' from covered porch to water's edge; to allow a 5' setback on the south side and a 6' setback on the north side; recognize lot less than one acre; recognize lot less than 150' wide.
5	
6	Purpose: To demolish existing home and garage. To construct a new two-story home with one car attached garage and a 24' x 30' garage on back lot. 3
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1 Dexter, Michigan
2 Tuesday, May 9, 2006 - 10:22 p.m.
3 CHAIRMAN BURCH: Next on the agenda this evening, 06 ZBA 627, Joseph Pitrone, 9972 Winston Drive.
4 Requesting: Variances from Section 18.23.A. Requested:
5 20' to 50' to allow a 20' setback from the covered porch
6 to Winston Drive. 50' required.
7
8 18.23.B, requested: 37.5', 50' required to
9 allow a 37'6" setback from new construction to the
10 water's edge. Recognizing lot less than one acre for
11 12.02.E.1, and lot less than 150' wide, Section
12 12.02.E.2.
13 Purpose: To allow for the construction of a
14 new two-story home, also for the removal of an existing
15 shed and garage on the lots on the north side of Winston
16 Drive and for the construction of a new 30' x 60' pole
17 barn. The home that was on the lake lot was destroyed
18 by fire.
19 Persons noticed for this request: E.O.
20 Emerson, 33964 Glenview Drive, Farmington, Michigan;
21 Joseph C. Pitrone Trust, 6794 Schooner Bay Circle,
22 Sarasota, Florida; Matthew and Kimberly Tice, 47675
23 Mockingbird Court, Novi, Michigan; Matthew and Kimberly
24 Tice, 47675 Mockingbird Court, Novi, Michigan [sic];
25 Warren Ewing, 22206 Silver Creek, Rockwood, Michigan;

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1 John W. [sic] and Julia Hale, P.O. Box 6563, Pinckney,
2 Michigan; Todd F. and Susan C. Dickinson, 1360 Nita,
3 Pinckney, Michigan; Todd F. and Susan C. Dickinson,
4 1360 Nita, Pinckney, Michigan; Edward T. Walling,
5 9980 Florence, Pinckney, Michigan; E.O. Emerson,
6 33964 Glenview Drive, Farmington, Michigan; Debra Guidot
7 and William F. Allen, 9986 Winston Drive, Pinckney,
8 Michigan; Edward T. and Jane M. Walling, 9980 Florence,
9 Pinckney, Michigan; Michael and Lantz Cheri -- Michael
10 Maley and Cheri Lantz, 9960 Florence Avenue, Pinckney,
11 Michigan; Kerry A. MacVay, Revokable Trust, 22 --
12 2721 Lambeth Park, Rochester, Michigan; Todd F. and
13 Susan C. Dickinson, 1360 Nita, Pinckney, Michigan;
14 Kathryn M. Bowring and Paul Reid, 9948 Winston Road,
15 Pinckney, Michigan; Colleen L. Hughes, 9934 Winston
16 Road, Pinckney, Michigan; Michael D. and Billie M.
17 Fowler, 9983 Winston Drive, Pinckney, Michigan; Robert
18 V. and Claire E. Hogikyan -- I'm sorry if I really
19 mispronounced the name on that -- 1011 Spruce Drive,
20 Ann Arbor, Michigan; Baughn -- S. Baughn Estate,
21 9711 Lawrence, Pinckney, Michigan; and Portage View
22 Beach Association, 9836 Betty Place, Pinckney, Michigan;
23 and Richard P. Haas, 555 North Mildred, Dearborn,
24 Michigan.
25 And, Mr. Pitrone?

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1 MR. TEICHER: Hello, again. Mark Teicher
2 again.
3 CHAIRMAN BURCH: Mr. Teicher.
4 MR. TEICHER: And I'm Mr. Pitrone's and his
5 family's attorney. Joe could not be here tonight. In
6 his place are his builder, Charlie Lowler, along with
7 his daughter, Jackie, and son-in-law, Matt Hatty.
8 Instead of my giving you any legal mumbo
9 jumbo, I want to turn it over to them and let them
10 explain, let the builder explain what we have here and
11 maybe cut it as short as possible.
12 CHAIRMAN BURCH: Thank you, Mr. Teicher.
13 MS. HATTY: Hi. My name's Jackie. This is my
14 husband Matt. We're here. My mom and dad could not be
15 here today. They wanted to come out. They're really
16 excited about building this house on the property. I
17 guess they've had it for over a year now. Matt and I
18 visited it today, and we think it's a really nice
19 neighborhood. We got to talk to some of the neighbors.
20 My parents are really hoping to have a home
21 there that they can share with their children. They
22 have four daughters, and they have 12 grandchildren, and
23 son-in-laws, so we've got a pretty big group when we get
24 together for holidays, and everybody's really looking
25 forward to having some fun at the lake. So hopefully we

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1 can get this going, this project that they've been
2 wanting to do.
3 We are requesting two variances. The setbacks
4 required by the township ordinance are 50' from the lake
5 and 50' from the road. The lots on West Winston Drive
6 are not deep enough to allow for these setbacks, so the
7 whole neighborhood has variances right now.
8 The pole barn he's proposing has less of a
9 variance than most of the neighbors. I think one
10 of the sheets that you have in the packet has about
11 12 neighbors with their setbacks, and I think he's in
12 the lowest three people, so we don't think we're asking
13 for anything that's too elaborate.
14 It seems that -- based upon what I saw, it
15 seems like the house would fit in nicely. He's got a
16 design -- they want to build it in a spot where it's
17 behind the two houses. He's not blocking anybody's
18 view. And all the people in the neighborhood are very
19 supportive of the home. There's actually letters from
20 two neighbors, and I think there's -- I think there's --
21 MR. LOWLER: Multiple.
22 MS. HATTY: Yeah. There's signatures from all
23 the neighbors. And then two of the neighbors on each
24 side of him, from each side, each actually signed a
25 specific letter for that in support of the home. Okay.

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1 The home that they have proposed to build
2 actually takes up 15.5 percent of the lots. That's the
3 coverage. So that's well under the 25 percent ordinance
4 by the planning commission. So we know that's covered.
5 We're in the height requirements. The size of the yard,
6 for instance, the road side, lake side, back side, are
7 compatible with the neighbors'. So we're hoping that
8 tonight the ZBA will be able to grant these two
9 variances, which were in place for the former structure
10 as well.
11 And I think that's it.
12 MR. HATTY: There was one note he wanted to
13 make sure that you were aware of and probably are.
14 The initial letter that he sent to you
15 regarding the neighbors' support -- or the setbacks,
16 that's right, there was the address 9934? I guess in
17 September you had just approved new variances for this
18 lot, so I believe he reissued a letter that shows the
19 new setbacks rather than the initial setbacks than what
20 you may have received.
21 Initially it shows -- for 9934 his initial
22 letter says that the setbacks were 21' and 16' from the
23 water and from the road, and now after the approval of
24 their variances, they are now 11' and 14'. So he just
25 wanted you to make sure that you do have that update on

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1 your records.
2 CHAIRMAN BURCH: Thank you. Members of the
3 Board? Ms. Kelly?
4 MEMBER KELLY: I think -- well, first of all,
5 I need to let the Board know that I had a conversation
6 with your dad, Mr. Pitrone, shortly after a decision by
7 the courts on the previous submission, and not that that
8 has anything to do with this, but it -- he suggested to
9 me that we might not like this plan any better than we
10 liked the last one because the house really hadn't
11 changed, and adding the extra property didn't really
12 change the things that we objected to. And I promised
13 your dad I would bring that -- his request -- to think
14 of alternatives to the Board last month, and I did, and
15 I just wanted to let you know, get that on the record,
16 that I did ask the Board -- tell the Board about that
17 conversation and encouraged them to think of
18 alternatives.
19 That being said, I actually disagree with your
20 father. I think that the addition of this property
21 actually opens up a whole lot of opportunities to make
22 this a better place than it was before and fix some of
23 the things that were at least my concerns about what was
24 wrong with it before.
25 I really like the idea that the garage is

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1 going away. I think it not only provides a wealth of
2 parking opportunities, but it lets you be way down on
3 the dead end part of that road, and being the only
4 person with much yard, if any, left, it would be
5 possible to construct a base -- not a concrete base, but
6 a base good enough to provide a T-turnaround for a fire
7 truck, and I just throw that out as just something for
8 everybody to consider. That would alleviate a lot of
9 the concerns about fire apparatus getting to and from
10 down there.
11 MR. TEICHER: A T-turnaround where?
12 MEMBER KELLY: Right where the garage
13 currently is. And I'm just throwing that out as, you
14 know --
15 CHAIRMAN BURCH: Are you talking about Lot 16?
16 MEMBER KELLY: Yeah. Lot 16.
17 MR. LOWLER: So with that, can I ask a
18 question? I'm also a fireman. I'm all for turning a
19 fire truck around.
20 MEMBER KELLY: Yeah. I mean and I can show
21 you, you know, examples of what the firemen ask us to
22 look at.
23 MR. LOWLER: In the previous -- past, we put
24 like a UniLoc paver that actually buries below the
25 ground but gives you an ingress and egress looking out

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1 at the structure but still gives you a nice lawn. Is
2 that the kind of thing you're proposing?
3 MEMBER GAJEWSKI: Are you talking about a Uni
4 pavers or UniLoc pavers?
5 MR. LOWLER: Where it's still porous or
6 it's -- it's still foundation, but you --
7 MEMBER GAJEWSKI: Not the standard pavers.
8 MR. LOWLER: No, no.
9 MEMBER BYMA: Below-grade pavers.
10 MR. LOWLER: Right. You can still grow grass
11 on it. It would give you the ability to still have it
12 look like lawn, but it would still give you the
13 availability to pull the fire truck -- to turn it
14 around.
15 MEMBER KELLY: It would still give you the
16 availability to pull it in and get it out of there, you
17 know.
18 MS. HATTY: The grandkids would love to see
19 that.
20 MEMBER KELLY: You know, I mean you're still
21 going to use it for ingress and egress as you would to
22 that back building. You know, could you guarantee
23 beyond a shadow of a doubt it's always going to be
24 available for parking -- or for a fire truck to turn
25 around? Probably not.

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1 MR. LOWLER: No, but we'd move the cars if
2 they need to pull out.
3 MEMBER KELLY: I just -- I mean to me the
4 additional property actually opened up a lot of ways
5 that we could alleviate concerns -- my concerns about
6 parking, my concerns about fire safety.
7 MR. LOWLER: And a 12' stone driveway is big
8 enough. I'm thinking about maybe making the radius --
9 we could move it over just a hair and make a radius
10 great enough to pull a fire truck in and out of there.
11 And we'd be happy to meet with the fire department to
12 work that out.
13 MEMBER KELLY: Okay. And that's exactly what
14 I would suggest is that you work with the fire
15 department.
16 MR. LOWLER: Sure.
17 MEMBER KELLY: I'm glad you're a fireman. I
18 mean they have a lot of these different examples of --
19 MR. LOWLER: My brother-in-law tore the
20 exhaust off a fire truck.
21 MEMBER KELLY: And I think the one we're
22 suggesting is called a hammerhead, but -- because that
23 is dead end down there and those houses are packed in --
24 MEMBER GAJEWSKI: As far as using superfluous
25 surfaces, it's like seven times nicer. It's a

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1 tremendous difference between a regular cul-de-sac and a
2 hammerhead cul-de-sac. So it's a good option for a lake
3 area.
4 MS. HATTY: I don't think we'll have a
5 problem. He's always been involved in a lot of
6 community service in the past, and I know he's worked
7 hard on this project, so....
8 MEMBER KELLY: And I mean in my personal, I
9 would like to see a dedicated easement, whether it's
10 actually drawn up that way and the fire department knows
11 about it and it's an easement that is -- I mean you've
12 got plenty of property there. It wouldn't affect your
13 lot coverage or anything like that, but....
14 MS. HATTY: How many feet is that, just to....
15 MR. LOWLER: Well, the driveway is 12' now.
16 MS. HATTY: No. They're saying that they
17 wouldn't want us having anything on that front section.
18 MEMBER KELLY: No. I'm not saying -- having a
19 dedicated easement for that turnaround doesn't mean you
20 wouldn't never park a car on that.
21 MS. HATTY: Well, I wasn't really into that
22 part of it.
23 MEMBER KELLY: Yeah. But it just means that
24 it would be there, and if some other board were sitting
25 here ten years from now and you wanted to put a building

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1 there, someone would remember that your legal
2 description said that's a dedicated easement for a fire
3 truck. That's what it would mean.
4 MS. HATTY: Okay.
5 MEMBER KELLY: That you've never -- you know,
6 we'd be assuring ourselves that the very part about this
7 plan that we like would be there or whatever.
8 CHAIRMAN BURCH: I would also invite that the
9 terms of this dedicated easement be taken off the tax
10 rolls.
11 MR. TEICHER: No. I don't think --
12 MEMBER KELLY: You'd have to fight with
13 assessment on that.
14 MR. TEICHER: -- it takes it off the taxes.
15 MEMBER KELLY: You still have to pay taxes on
16 it.
17 MR. TEICHER: A little footnote to you, but I
18 don't -- I'm not sure it will possibly take off any
19 taxes. But we don't have a problem.
20 MS. HATTY: What's everybody disagreeing with?
21 I think the kids would love that.
22 MEMBER KELLY: I had a couple of other notes
23 here.
24 I'd like some assurance that the final
25 finished grade would not be any higher than the

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1 neighbors'. I don't think that's a problem, but I don't
2 see it in the plan.
3 MR. LOWLER: Yeah.
4 MEMBER KELLY: I don't know why it would be
5 higher, but.... I'd like to see some -- I'm just doing
6 all my legs here -- dedicated parking on the lake side.
7 You know --
8 MR. LOWLER: Like another 20 x 20?
9 MEMBER KELLY: On the lakeside lot actually
10 where there is some dedicated parking place where I'm
11 going to say -- I'm calling that two parking places or
12 three parking places.
13 MR. LOWLER: Well, we have that on the
14 construction drawing. Maybe it's not on yours.
15 MEMBER KELLY: Okay. Maybe I missed it.
16 Maybe I missed it.
17 Do you know what page it's on?
18 MR. LOWLER: Well, you know what? You have a
19 different -- you have a different engineering plan than
20 I have.
21 MEMBER KELLY: Okay.
22 MR. LOWLER: This was transposed on a
23 different engineer's drawing. This site plan, we are
24 proposing a 20 x 22 parking space on which is Lot 6 in
25 front of the --

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1 Can I bring it to you?
2 [Approaching the Board]
3 MEMBER KELLY: Yeah. I can see now. I just
4 needed to reference both.
5 MR. LOWLER: This was the drawing previous to
6 this one. There's a 20 x 20, two-car parking spot right
7 there.
8 MEMBER KELLY: You're going to have to take
9 down that big ol' tree.
10 MR. LOWLER: Hmm-mm. No. There's enough
11 there.
12 MEMBER KELLY: Oh, is there?
13 MR. LOWLER: Mm-hmm. There's two cars on that
14 side. Would you like more than that?
15 MEMBER KELLY: Well, in my perfect world --
16 and I'm almost done with my perfect world....
17 MR. LOWLER: We have plenty of parking across
18 the street.
19 MEMBER KELLY: And I agree, but the reality
20 is, you know, you might want to have it -- well, you
21 know --
22 MEMBER BYMA: Two's enough.
23 MEMBER KELLY: Yeah -- well, no, it isn't.
24 You don't live on a lake. If you --
25 MR. LOWLER: Well, that's not to say that we

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1 might put the paver stuff below grade on the other side
2 of the road.
3 MEMBER BYMA: Well, that's the way I look at
4 it. There's two at the house, but there's ten across
5 the street, so....
6 MEMBER KELLY: Yeah. Well, I mean you'd like
7 to see as much natural vegetation as possible on the
8 lake side, too, particularly if the house isn't that
9 big. I mean frankly I'd like to see the house shrink a
10 little bit and have more parking and still have
11 vegetation, but I think that's the end of my perfect
12 world.
13 CHAIRMAN BURCH: All right. Thank you,
14 Ms. Kelly.
15 Mr. Cormier?
16 MEMBER CORMER: The one question I had for the
17 lake side, there's a berm there right now. Is that
18 going to remain or...
19 MR. LOWLER: No. It's all going to get
20 relandscaped and recontoured. We have two rain gardens.
21 MEMBER KELLY: All that extra property --
22 MEMBER CORMIER: You mean moving -- when they
23 were doing the demolition?
24 MEMBER KELLY: Yeah.
25 MR. LOWLER: It's kind of like a little ditch

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1 where the old house was.
2 MEMBER CORMIER: Yeah. It goes down, and
3 there was like -- I noticed a berm.
4 MR. LOWLER: It's going to be very uniform, very
5 landscaped, very nice. Two rain gardens, a rain
6 garden on each side of the house.
7 MEMBER CORMIER: Okay. Yeah. There's a rain
8 garden.
9 MR. LOWLER: It's in the proposals.
10 MEMBER CORMIER: Yeah. Yeah. Adding that
11 land took away some of my concerns from the last time,
12 so I don't really think I have anything else.
13 CHAIRMAN BURCH: Thank you, Mr. Cormier.
14 Mr. Gajewski?
15 MEMBER GAJEWSKI: I'm good. I think Pat has
16 addressed pretty much everything that I have, as far as
17 things I would like to see.
18 CHAIRMAN BURCH: Thank you, sir.
19 Mr. Byma?
20 MEMBER BYMA: I concur.
21 CHAIRMAN BURCH: Well, that really summed up
22 my concerns here. Are we ready for a proposal? A
23 motion?
24 MEMBER KELLY: I forgot. I have more
25 questions.

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<p>1 CHAIRMAN BURCH: Okay. Ms. Kelly had more 2 questions. 3 Ms. Kelly, you have one more? 4 MEMBER KELLY: Well, first of all, I'd like to 5 ask Mr. Sloan if this large outbuilding needs a variance 6 from 18.18.D where it was just to cover our basis. It 7 is pretty big, but the house is big too. 8 MR. SLOAN: Yeah. It's got all the makings of 9 an accessory building, and it's more than 25 percent of 10 the ground floor area of the principal structure. So as 11 in the last case, I think this one should also have the 12 same variance that -- you know, there's not a percentage 13 that is part of the variance, but the dimensions of the 14 pole barn and the principal structure are there, so that 15 can be calculated. 16 MEMBER KELLY: And I have a couple more. 17 MEMBER BYMA: What's the closest structure 18 allowed to that pole barn? 19 MR. LOWLER: There is a detached garage on 20 Lot 15 up at the front by the road. It's painted 21 with -- 22 MEMBER KELLY: -- cute little flowers. 23 MR. LOWLER: Yes. Purple lilacs on the 24 left-hand side. 25 MEMBER BYMA: The storage shed on Lot 17,</p>	<p>1 the sides. 2 MEMBER KELLY: Are you talking about all the 3 sides having it or just the ones you can see? 4 MEMBER BYMA: Well, I mean all the sides 5 having it. 6 MEMBER KELLY: There's homes all around -- 7 across and around. 8 MEMBER BYMA: Yeah. That's my point is that 9 it is going to be visible. It is a pretty big structure 10 as far as outbuildings go, so is there some way to make 11 it look a little more like it fits like it's -- than a 12 steel barn? 13 MR. LOWLER: Everything he does is first 14 class. 15 MS. HATTY: Unless a pole barn has a 16 definition, he's not thinking of a -- 17 MEMBER BYMA: I see this pole barn exhibit 18 here, and it just looks like -- 19 MR. LOWLER: That was right out of the pole 20 barn book. So I'll make a proposal that we would Hardie 21 plank the garage or -- 22 MEMBER BYMA: Yeah. Hardie plank the garage; 23 you know, something that has an overhang. 24 MR. LOWLER: Mm-hmm. 25 MEMBER BYMA: A foot, whatever it is.</p>
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<p>1 what's the character of that? 2 MEMBER KELLY: Falling down. 3 MEMBER CORMIER: Yeah. It's very small too, 4 isn't it? 5 MR. LOWLER: Yeah. 6 MEMBER CORMIER: 7 x 7? 7 MR. LOWLER: And then our garage doesn't look 8 very well, and we'll be happy to get rid of that as 9 well. 10 MEMBER BYMA: What is the -- why did you 11 choose a pole barn other than trying to choose something 12 maybe just a step over a pole barn just in terms of 13 siding or overall character? I look at steel sheds as 14 kind of like pole barns. I'm not sure we have any 15 flexibility in this, but is there any way to do a 16 different siding or make this shed look a little less 17 like a pole barn and a little bit more like a garage? 18 MR. LOWLER: I'm sure we could do something. 19 MEMBER BYMA: I'm thinking of things like 20 shingled roof and textured wall or something like that. 21 MR. LOWLER: You have a maintenance nightmare 22 with T-111. I'd rather see some kind of product like -- 23 MEMBER BYMA: Like Hardie plank? 24 MR. LOWLER: Hardie plank. 25 MEMBER BYMA: You could use Hardie plank on</p>	<p>1 MS. HATTY: To match the house. 2 MR. LOWLER: No. 3 MEMBER BYMA: Shingle roof. 4 MR. LOWLER: Shingle roof, no problem. Hardie 5 plank, sure. We'd be happy to do it. 6 MEMBER BYMA: Go ahead. 7 CHAIRMAN BURCH: Ms. Kelly? 8 MEMBER KELLY: I'm waiting for him. I want to 9 do it right. 10 I have a question about setbacks on this pole 11 barn. I look at this, and I'm not sure what I would 12 call a front. -- I don't have a problem with where it 13 sets, particularly in view of the adjacent properties 14 and where things are and so forth, but you only have 6' 15 on one side and 6' on the other side, and if you have to 16 declare a front somewhere, that means there's got to be 17 a rear somewhere, and 6' doesn't -- those two 6' means 18 one of them is a variance, and I'm not sure which one, 19 but.... 20 MR. LOWLER: According to Steve, we did this, 21 and he said that the location that it was in did not 22 require a variance by having it 6 x 6. 23 MEMBER KELLY: Oh. Because he counted the 24 little Lot 16 as being part of the setback. 25 MR. LOWLER: As the front yard.</p>

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<p>1 MEMBER KELLY: I mean I'm not suggesting I'm 2 unhappy with that or wouldn't grant you a variance, but 3 I'd just like to be clear as to what we're granting 4 here. 5 MEMBER BYMA: I would have guessed the setback 6 includes Lot 16. 7 CHAIRMAN BURCH: Yeah. 8 MEMBER KELLY: Okay. So that would be a 9 front. 10 MEMBER BYMA: Yeah. 11 MR. LOWLER: Because if you had -- if you had 12 a structure on Lot 17 -- I don't know what your rear 13 yard setback is, but it's probably roughly 30 to 40', so 14 you're still going to have 36' or 46' between you and 15 the structure. 16 MEMBER KELLY: Yeah. The way this is 17 configured, it kind of -- because you see that other 18 storage shed and go ugh. 19 MR. LOWLER: Oh, yeah. Sure. 20 MEMBER KELLY: And the other question I have 21 is I paced it off myself today, and the canal is within 22 50' of the corner of that building, okay? And my 23 definition says you need a 50' setback from a body of 24 water, whether it's a canal or a lake. 25 MR. LOWLER: Okay.</p>	<p>1 MS. HATTY: I don't know if it's 30 x 60, 2 aesthetic dimensions. I'm not sure. 3 MEMBER BYMA: I could be wrong, but I think he 4 grabbed a catalog and did an even increment through 5 there, so.... 6 MR. LOWLER: What if we set it -- we divided 7 it by the 50' setback and didn't have an easement? 8 MEMBER BYMA: That's what I'd like you to do 9 so we don't have to -- 10 MR. LOWLER: Whatever that number is, we'll 11 work it out. 12 MEMBER BYMA: Yeah. So if it's a 58 or 68, 13 fine. 14 MEMBER KELLY: The only request -- I hope this 15 is the last question. It indicates that Sarah Drive is 16 abandoned. 17 MR. LOWLER: Mm-hmm. 18 MEMBER KELLY: But is it part of the Pitrone 19 property? 20 MR. LOWLER: Yes. It's a -- 21 MEMBER KELLY: My eyes got tired trying to 22 read this legal description and figure it out myself. 23 MR. LOWLER: We have a wonderful bill from the 24 title company and the engineering firm to prove it. 25 MEMBER KELLY: This is a great drawing, by the</p>
Page 23	Page 25
<p>1 CHAIRMAN BURCH: Yeah, a variance. 2 MEMBER KELLY: So a setback would be required 3 to the canal. And, again, I don't have any problem with 4 that. I just want to make sure that.... 5 MEMBER BYMA: It can't be too far away, can 6 it? You need 50 from the canal? 7 MEMBER KELLY: Yeah. It has to be 50 so 8 that -- 9 CHAIRMAN BURCH: We require a 50' riparian 10 setback from water bodies. 11 MEMBER BYMA: So what is it? 46 or 45? 12 MEMBER KELLY: I've got a scale here. 13 MR. LOWLER: 101 plus -- well, 132 feet deep. 14 So the property line -- 15 MEMBER KELLY: This is 21, right? 16 MEMBER BYMA: Looks like they've almost got 17 it. 18 MEMBER KELLY: It's like 45. 19 MEMBER BYMA: Is there any mention behind the 20 60' dimension? 21 MS. HATTY: I don't know. 22 MEMBER BYMA: Could it have been 50"? 23 MS. HATTY: I don't know. His toys, boats, 24 jet skis. 25 MR. LOWLER: He wants them all indoors.</p>	<p>1 way. I love this drawing. 2 MR. LOWLER: Sarah does belong to the 3 Pitrones, and the legal description of the property that 4 you should have a record of states in there that Sarah 5 has been abandoned. 6 MEMBER KELLY: Okay. I missed it somewhere 7 then. Like I said, I tried to follow this stupid thing, 8 and I was getting lost on it. 9 MR. LOWLER: It's actually written right in 10 the legal description of the property. 11 MEMBER BYMA: It says it at the top. 12 CHAIRMAN BURCH: Sarah Street [sic]. 13 MEMBER KELLY: I see that. 14 CHAIRMAN BURCH: Okay. Ladies and gentlemen, 15 any further questions? 16 (No verbal response.) 17 CHAIRMAN BURCH: Hearing none, the Board will 18 entertain a motion. 19 MEMBER KELLY: May I ask one more question? 20 CHAIRMAN BURCH: Yes, Ms. Kelly. You may ask 21 one more question. 22 MEMBER KELLY: Would your dad consider 23 something smaller than 72.83 feet wide of a house? I 24 just don't think that's excessive, even though it's a 25 nice size lot for the area.</p>

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1 MS. HATTY: Well, you know, I know they've
2 worked on a lot of different plans, and they've got four
3 bedrooms. It's 4.5 people to a bedroom at this point.
4 You know, I looked at the houses, and I didn't have a
5 measuring tape, and I -- I did not -- today was the
6 first time I saw the property. We had nice weather, and
7 just from everything I heard, I mean I just thought he
8 was going to have some big monstrosity that was going to
9 stick out like a sore thumb.
10 And when I drove -- when we went down the road
11 within approximately four houses on each side, there
12 were two or three that were very similar in size. One
13 might be really long, but you can tell they've all been
14 updated, and it just seems -- I talked to a couple of
15 neighbors, and I'd only been here a few minutes -- few
16 hours, I guess, by now -- but, you know, it does seem
17 like -- you know, I know change is hard, but it's just
18 that people are changing a bit.
19 It used to be a cottage, and now it's become a
20 home, and people are staying in them more, and you start
21 needing more space the more time you spend there, the
22 more people that are visiting. And, you know, obviously
23 because it's on a lake, it's busier on the weekend. And
24 so obviously a lot of people are enjoying it, which is a
25 good thing, but sometimes it might not be as good.

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1 But, you know, I know he's really worked on
2 the design, and, you know, it's something they want.
3 It's just a dream they have, you know, to be there and
4 to spend time, and it's hard once you change one little
5 thing in the house because then it just throws off the
6 dimensions of everything else. And I know they've
7 gotten really good people to do the drawings and things
8 like that. I know this is what he wants, and I know
9 that's the size of the house he wants, and he wants to
10 meet all the requirements, you know.
11 But I guess the thing is I was listening to
12 you guys talking in the last few, and he's got the
13 practical difficulty in that if he made something that
14 was 50' from the front and 50' from the back, then it
15 would like look it was bowed out, and there's not enough
16 land there. So any house would have to have a variance.
17 MEMBER KELLY: Well, the reality is he could
18 build exactly what was there, which was a two-story,
19 really nice-sized home, and he wouldn't even have to
20 have come in the door except to get a zoning permit to
21 do that. He wouldn't need a variance, No. 1. And so --
22 MS. HATTY: Well, it seems --
23 MEMBER KELLY: -- once you get there, when you
24 decide I'm not going to build what was there, I have a
25 right to build exactly what was there, but I'm not going

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1 to do that, I want to do something else, then we start
2 looking at is this the minimum necessary for reasonable
3 use.
4 Now, if you're talking about all those people,
5 you would like this much space, but our ordinance
6 doesn't say we can grant this variance if you have
7 14 people using it and this variance if you have four
8 people using it. Our ordinance doesn't distinguish.
9 You have a lot of people, I'll grant you that, and I
10 know you want a lot of space.
11 MS. HATTY: Well, what does the variance say?
12 MEMBER KELLY: Well, the variance -- I mean
13 you have enlarged and expanded this structure
14 considerably from what it was before, and my opinion was
15 and still is it wasn't unreasonable before. So anything
16 over and above what was there -- and I can -- for the
17 benefit of the rest of the Board, I have pictures of
18 what it was before, you know. It wasn't a little house.
19 It was a big house.
20 MR. TEICHER: How many square feet was it
21 before?
22 MEMBER KELLY: 1136 square feet on the first
23 floor, and 992 on the second floor for 2128 square feet
24 of living space. Now, those are Pat Kelly's
25 calculations and scales, but...

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1 MS. HATTY: Does that sound similar to what
2 we're asking for? 2100 square feet?
3 MEMBER KELLY: What you're asking for is
4 3188 -- or no. That was before.
5 MR. TEICHER: It's been brought down from
6 that. That was the prior one.
7 MEMBER KELLY: Yeah. Is the main house still
8 2356 though?
9 MS. HATTY: No. I had 2184 for the home, and
10 porch and overhang is 328 on the notes he gave me.
11 MEMBER KELLY: Pardon me?
12 MS. HATTY: Is that right, Charlie? In
13 the note my dad gave me, the proposed home area is
14 2184 square feet, and the porch and overhangs consist of
15 328 square feet. So the total is 2512.
16 MR. LOWLER: That's lot coverage. Not square
17 footage.
18 MEMBER KELLY: That's lot coverage.
19 MR. LOWLER: But this was before he purchased
20 the big parcel across the street.
21 MEMBER KELLY: Right. And there's no question
22 you don't exceed -- and actually you didn't before.
23 MR. LOWLER: No. We were 24 percent. Now
24 we're only 15 percent.
25 MEMBER KELLY: That was never an issue.

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1 MR. LOWLER: And he's willing to, you know,
2 take care of the fire trucks and to take care of the
3 pole barn and make it more appealing to everybody, so I
4 think he's really willing to do whatever it takes to fit
5 into the community.
6 CHAIRMAN BURCH: Board, are we ready for a
7 motion?
8 MEMBER KELLY: Yep.
9 MEMBER BYMA: Ready for a vote.
10 CHAIRMAN BURCH: Would someone please make a
11 motion.
12 MEMBER BYMA: I'll make a motion that we
13 approve with the changes to the plan that include a fire
14 access easement on the driveway 14' wide to be written
15 in as an easement on the lot and to use a pervious -- to
16 use pervious --
17 MEMBER KELLY: Before you go on, just so we
18 don't have to go back and catch this up later, these
19 pictures that the fire department show have a 20' width.
20 Can we just do per agreement with the Dexter Area Fire?
21 MR. TEICHER: Absolutely. What they say.
22 MR. LOWLER: What the guy driving the fire
23 truck says.
24 MEMBER KELLY: I mean that's what it needs to
25 say. Not only what we say; what they say.

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1 MR. TEICHER: I mean we don't know if the fire
2 trucks are going to get bigger. I mean they may say
3 something significantly different, but we'll agree to
4 whatever they say.
5 MEMBER KELLY: Okay.
6 MEMBER BYMA: Fire access agreed upon by the
7 fire department and material change for the storage
8 building to a Hardie plank or aesthetically pleasing
9 material, shingled roof, reduce the size of the storage
10 building so that a 50' setback from the canal district
11 is maintained and that -- I think that's it, isn't it?
12 MEMBER KELLY: The final grade?
13 MEMBER BYMA: Final grade.
14 MEMBER KELLY: Not being higher than existing
15 property.
16 MEMBER BYMA: Adjacent property of property
17 owners.
18 MEMBER KELLY: Yeah.
19 Hank, since I'm writing all this down, can you
20 say what that material change was since I'm not --
21 MEMBER BYMA: Pardon me?
22 MEMBER KELLY: Hardie as in --
23 MR. LOWLER: James Hardie plank siding.
24 CHAIRMAN BURCH: Couldn't you get it all, Pat?
25 MEMBER KELLY: I believe I did.

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1 CHAIRMAN BURCH: Do we have support?
2 MEMBER KELLY: Can we add the stormwater
3 runoff per the plans? Stormwater runoff per the plan?
4 MR. LOWLER: Per the Environmental Technology
5 Consultants?
6 MEMBER KELLY: ETC.
7 MR. LOWLER: Thanks.
8 MEMBER CORMIER: Also the driveways, making
9 sure they're permeable.
10 MEMBER BYMA: Pervious.
11 MEMBER CORMIER: Pervious.
12 MR. SLOAN: I didn't catch if the ground floor
13 area part was in there too with the pole barn.
14 MEMBER KELLY: No, it wasn't. I'll add that.
15 That would be under variance 18.18.D?
16 MR. SLOAN: 18.18.D as in dog.
17 MEMBER KELLY: Yep. The detached garage of a
18 size to not require a water side setback because we
19 don't know how big the garage is yet.
20 MEMBER BYMA: We know it's less than 60.
21 MEMBER KELLY: Yes. Did you get that?
22 MR. TEICHER: You've got to ask her.
23 THE COURT REPORTER: Yes.
24 MEMBER KELLY: We would be granting a variance
25 to Section 18.18.D to allow a detached garage of a size

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1 to not require a water side setback variance. Just so
2 we are all on the same page.
3 MR. SLOAN: I'm sorry. 18.18.D was the square
4 footage of the principal building. That was what that
5 requirement was. That wasn't regarding the water side
6 setback.
7 MEMBER KELLY: Well, because we don't know the
8 size of the garage yet, Patrick, I have to reference it
9 in terms of that size.
10 MR. SLOAN: Okay.
11 MEMBER KELLY: We're granting a variance, but
12 we don't know how big it is. That's pretty scary in
13 itself, but we do have a reference point, and it's
14 needing no variance from the water side setback.
15 MR. SLOAN: Okay.
16 MEMBER KELLY: And maybe I'll put per the
17 plans adjusted to not need.
18 MR. TEICHER: Okay.
19 MEMBER KELLY: We want to make sure you don't
20 decide to, you know, make it 80' wide.
21 Sorry. When you don't do these long drawn out
22 resolutions, we've got to write it all down. DeNette
23 has to do minutes on this tomorrow, and I've got to sign
24 it. Okay.
25 CHAIRMAN BURCH: Do you have everything?

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1 MEMBER KELLY: I believe I do. I would like
2 to document our reasons for approving this. Somebody
3 can start taking a shot at that.
4 CHAIRMAN BURCH: Well, first do we have
5 support?
6 MEMBER CORMIER: Support.
7 CHAIRMAN BURCH: Thank you, Mr. Cormier.
8 Are you ready for reasons, Ms. Kelly?
9 MEMBER KELLY: I am.
10 MEMBER BYMA: Basically it falls within the
11 prescribed setbacks that we have, the 5', 5' setbacks
12 for residential.
13 MEMBER KELLY: Right, but it doesn't meet the
14 front or the rear or the water side.
15 MEMBER BYMA: Right. Correct. So we have to
16 compromise in that regard.
17 MEMBER KELLY: Okay. So one reason, it does
18 meet side setbacks.
19 MEMBER BYMA: Right. Meets side setbacks. It
20 is no closer than the majority of the adjacent homes to
21 the water's edge. That Winston is a nonconforming lot
22 to begin with. So we have to work out how it can be
23 used in a reasonable footprint. That the additional
24 land is certainly assisted in providing less overall
25 coverage. That the storage building is off the road

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1 considerably and serves as an accessory use, and that
2 the drive will serve public benefit for fire trucks.
3 MEMBER KELLY: Wait a minute. I'm running out
4 of room.
5 MR. TEICHER: Would you like this portion of
6 the transcript after it's transcribed?
7 MEMBER KELLY: You know what? I will. I
8 forget we have that as a backup, and I don't need to
9 scribble so much.
10 MR. TEICHER: When I get it, I could fax you.
11 MS. BOLYARD: She usually just e-mails it to
12 me.
13 MEMBER KELLY: We'd like to put it in the
14 minutes.
15 MEMBER BYMA: There's the use of rain gardens
16 and more strategy for stormwater control storage on the
17 side; that there's overall reduction in the pervious
18 surface area -- impervious surface area.
19 MEMBER KELLY: There is.
20 MEMBER BYMA: Overall.
21 CHAIRMAN BURCH: Mr. Cormier?
22 MEMBER CORMIER: With the rain gardens, when
23 we say this, do we want to say the minimum or the
24 10 percent? That needs to be 10 percent because I don't
25 know if that leaves it open to the side rain garden.

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1 MR. LOWLER: The ETC --
2 MEMBER KELLY: Actually they provided a
3 terrific plan. Did you see it?
4 MEMBER CORMIER: No. I did see it. I just
5 wanted to make sure that --
6 MEMBER KELLY: Yeah. That's why I said per
7 the plan.
8 MEMBER CORMIER: Okay.
9 MEMBER KELLY: I mean they've got it
10 beautiful.
11 MEMBER CORMIER: Okay, okay, all right.
12 MEMBER KELLY: He hired the best guys. I
13 learned that from him, Mr. Gajewski.
14 MEMBER GAJEWSKI: I'm his mentor (pointing to
15 Mr. Byma).
16 CHAIRMAN BURCH: Okay. Anything else?
17 (No verbal response.)
18 CHAIRMAN BURCH: I believe it is time we bring
19 this issue to a vote. I will not attempt to read the
20 motion. Suffice it to say it has been moved and
21 supported that we approve the request as amended and as
22 recorded. This will be a -- an individual vote.
23 Mr. Byma?
24 MEMBER BYMA: Yes.
25 CHAIRMAN BURCH: Mr. Byma votes yes.

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1 Mr. Cormier?
2 MEMBER CORMIER: Yes.
3 CHAIRMAN BURCH: Mr. Cormier votes yes.
4 Mr. Gajewski?
5 MEMBER GAJEWSKI: I'm going to vote. I was
6 going to vote no because the ZBA has made mistakes in
7 the past, and we need to slowly move back in the other
8 direction; however, I feel that the public benefit to
9 the fire -- with the fire trucks and the -- you know, as
10 far as the hammerhead cul-de-sac is sufficient to change
11 my vote, and I'm going to vote yes.
12 CHAIRMAN BURCH: Thank you, Mr. Gajewski.
13 Mr. Gajewski votes yes.
14 Ms. Kelly?
15 MEMBER KELLY: I'm going to vote yes and --
16 which is probably a surprise to some of you. I vote
17 Mr. Gajewski -- I think the benefits and the things that
18 got brought forward in this plan are terrific to benefit
19 the public to benefit you guys using the house. I mean
20 the overall -- I mean even though the house is still
21 much larger than I would personally like it to be, the
22 styling of it, you guys have done a great job of keeping
23 it low to the ground and using good materials that look
24 natural, and I think overall it's -- it's a good plan,
25 and I think we've done great work.

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1 CHAIRMAN BURCH: And Ms. Kelly votes yes.
2 MEMBER KELLY: I shouldn't say we've done
3 great work. Your dad's done great work.
4 MR. TEICHER: Mr. Lowler.
5 CHAIRMAN BURCH: And speaking as the Chair,
6 I'm very impressed with what Mr. Pitrone and his
7 associates have done. It has been an underlying theme
8 in many of his lakefront properties since the time I've
9 been on the ZBA.
10 People want to build extremely -- strike the
11 word "extremely" -- but large nice homes, and they don't
12 have the property to do so.
13 So Mr. Pitrone took the time to purchase the
14 additional property to make his lot suitable for what he
15 wanted to do. And with that thought in mind, I highly
16 vote yes in support of this motion. Therefore the
17 motion carries.
18 MR. LOWLER: Thank you very much.
19 MR. TEICHER: Thank you.
20 MS. HATTY: Thank you.
21 (Proceedings concluded at 11:15 p.m.)
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24
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1 STATE OF MICHIGAN)
2) SS.
3 COUNTY OF WASHTENAW)
4 CERTIFICATE OF REPORTER
5 I, LYNNE MARIE ZAKRZEWSKI, Certified Realtime
6 Reporter, a Notary Public, do hereby certify that I
7 recorded in shorthand the Proceedings had in the
8 aforementioned matter on the date hereinbefore set
9 forth, and that the foregoing 38 pages comprise a
10 complete, true, and accurate record to the best of my
11 ability of said proceedings.
12
13 _____
14 LYNNE MARIE ZAKRZEWSKI, CSR-3179, RMR, CPE
15 Notary Public, Washtenaw County, Michigan
16 My Commission Expires: 05/07/2008
17 Dated: This 11th day of May, 2006
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11 (Pages 38 to 39)