



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, June 14, 2005 7:30 PM

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

Members absent: William Smith

Also present: Steve Piatt, Zoning Administrator, DeNette Bolyard, Recording Secretary

The meeting was called to order by Chairman Burch at 7:37 p.m.. Chair Burch led the Pledge of Allegiance to the Flag.

Motion by Kelly, supported by Cormier to move agenda item number 3 (Thomas Prose) to agenda item number 1.
Motion Carried.

Chairman Burch announced that Member Kelly had recused herself from the hearing of Mr. Prose's appeal. Member Kelly left the room.

Member Cormier was appointed Acting Secretary.

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**

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	--	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.				

Joseph Lloyd, attorney for the applicant, was present. Also present on behalf of the applicant was a court stenographer. Per agreement with the applicant's attorney, a copy of the court recorder transcription will be provided and become a part of these minutes and a record of proceedings on Mr. Prose's appeal.

Member Kelly rejoined the proceedings.

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**

Variances Requested per revised ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.23.A	-1'	5'	50' minimum	Front (West) setback from Winston to attached garage
18.23.A	8'	12'	50' minimum	Front (East) setback from Winston to detached garage
18.23.A	23.5'	18.8'	50' minimum	Front (South) setback from Winston Drive access easement to detached garage
18.23.A	7'	11'	50' minimum	Front (West) setback from Dexter-Pinckney Rd to detached garage
18.23.B	26'	30'	50' minimum	Front (East) setback from Portage Lake to house
18.23.B	26'	26'	50' minimum	Front (East) setback from Portage Lake to deck
12.02.E.C.3	26'	24'	30' minimum	Rear (North) setback to detached garage
Purpose: Allow destruction of existing single family home, detached one-car garage, 18.3' x 34.6' building and 16' x 18' shed. Allow construction of a new home with attached two car garage and detached garage/workshop.				

The Lane's appeal was previously heard on February 8, 2005 and tabled to allow the applicant time to submit revised plans to address issues raised by the ZBA including lot coverage, parking, driveway alignment, stormwater runoff and setbacks. Revised plans, dated 5-3-05, were submitted by the applicant.

Kelly asked Zoning Administrator (ZA) Piatt if he had recalculated the lot coverage since a lot coverage calculation sheet was not part of the revised application materials. ZA Piatt responded that he had confirmed the lot coverage calculation submitted on prints by the applicant was correct but he did not fill out a new sheet. Kelly also questioned the distance shown on the plans from the southeast corner of the proposed house to the lake. Kelly stated she felt the 5' setback from the attached garage to Winston Drive was still closer than needed and the overall size and bulk of the proposed structures were still too large to satisfy the minimum variance for reasonable use standard of the Zoning Ordinance.

Gajewski stated he also felt the new proposal would have difficulty satisfying the minimum variance for reasonable use standard due to the large size of the home. Gajewski also questioned the appropriateness, to the neighborhood and the applicant's lot, of replacing a cottage-type structure with a much larger year-round home.

Cormier stated he appreciated the improvements that had been made over the original proposal but it was difficult for him to make a good judgement on the overall plan since stakes marking the new structures were not present when he went to visit the property.

Wagner stated that he wasn't present for the first hearing on this appeal, but he thought the overall size of the proposed structures was too large.

Applicant Lane stated that she was confused by the Board's comments. She said she had written down all the comments of the Board from the first hearing of her appeal and she felt her revised plan addressed all the concerns of the Board. She also stated that the requested lot coverage was less than the lot coverage of the existing structures. Applicant Lane also questioned whether or not a variance would be required if her plans were changed to only add a second story to the existing main cottage structure.

Kelly referred to Section 19.04 of the Zoning Ordinance (ZO) and stated that, yes, a variance would be required if a second story were proposed because it would represent a change in profile and square footage.

Public Comment:

Tom Ehman, 8940 Dexter-Pinckney Road, challenged member Kelly’s stated interpretation of Section 19.04.

Members of the Board discussed the setback from the attached garage to Winston Drive. The consensus of the Board was that they would consider a 20-foot setback from the structure to Winston Drive reasonable.

Chairman Burch questioned the applicant whether she would prefer a decision on her revised appeal or would she like an opportunity to submit revised plans to address the Board’s concerns.

The applicant indicated she would need time to confer with her husband about how to proceed with the appeal, but would prefer to have the matter tabled.

Motion by Gajewski, support by Cormier to table the request until the August 9, 2005, or earlier, ZBA meeting to allow the applicant time to submit revised plans to address concerns raised by the Board. **Motion carried.**

Agenda Item: **3**
 Appeal Number: **04-ZBA-584**
 Applicant Name(s): **Ali Damsaz (Huron Creek Party Store)**
 Property Address: **6100 Dexter-Pinckney Road**
Dexter, MI 48130
 Property Tax ID (s): **04-24-300-007**

Variances Requested per submitted ZBA Application:					
<u>No.</u>	<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
1.	18.23.A	38.4’	38.4’	150’ minimum	Front (West) setback to proposed new building
2.	18.23.A	--	12’ 6”	150’ minimum	Front (West) setback to proposed fuel canopy
3.	19.03.A 19.03.B	--	--	None	Allow enlargement & extension of a non-conforming use (store & fuel pump canopy).
4.	19.04.B	--	--	None	Allow enlargement of existing non-conforming structure.
5.	19.05.E	--	--	None	Allow continuation of a non-conforming use status after destruction of a non-conforming structure.
6.	21.03 21.03.B.21	Unknown	22	38	Allow less than required parking spaces.
7.	21.04.E	--	45’	150’	Allow off-street parking in front setback area
8.	21.05.E	--	43’	150’	Allow loading zone in front setback area.
9.	22.03.A	42 ft ²	42 ft ²	32 ft ²	Allow current sign (per Court order)
10.	22.03.B	6’ 6”	6’ 6”	30’	Front (West) setback to lighted sign
11.	22.03.B	9’ 6”	9’ 6”	20’	Side (North) setback to lighted sign
12.	22.03.C	9’ 10”	9’ 10”	4’	Sign height.
13.	22.03.H	--	--	None	Allow free standing sign in a non-commercial area.
Purpose: Allow destruction of existing convenience store, accessory and residential structures. Allow construction of a new 3,485 sq.ft store and canopy over existing fuel pump island.					

(Previous action by the ZBA on requested variances, numbers 1 thru 8, remanded action to the Planning Commission for consideration and a report of findings.)

Motion by Kelly, supported by Cormier to table consideration of the request for signage variances until such time as the Planning Commission evaluates the request in the context of a complete site plan review and reports findings of fact to the ZBA. **Motion Carried.**

Agenda Item: **4**
 Appeal Number: **05-ZBA-607**
 Applicant Name(s): **Joseph C. Pitrone**
 Property Address: **9972 Winston Drive**
 Property Tax ID (s): **04-01-230-004 and 04-01-231-012**

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	--	21'8"	50' minimum	Front (North) setback from Winston Dr. to front porch
18.23.B	--	32'	50' minimum	Waterside (South) setback from Portage Lake to new home
12.02.E.1	.30 acre	--	1 acre minimum	Recognize smaller than required lot area.
12.02.E.2	105'	--	150' minimum	Recognize narrower than required lot width.
18.23.A	20'	--	50' minimum	Recognize front (South) setback from Winston Dr. to existing garage.
12.02.E.3.b	3'	--	5' minimum	Recognize two side (East and West) setbacks from existing garage.
12.02.E.3.c	19'	--	30' minimum	Recognize rear (North) setback from existing garage.
Purpose: Allow construction of a two story single family home on a crawl space.				

(This appeal was previously heard at the May 10, 2005 ZBA meeting. The appeal was tabled to allow the applicant time to submit a stormwater runoff and final grading plan for review of the Township Engineer and ZBA. A stormwater runoff and final grading plan were submitted by the applicant on May 24, 2005)

The Applicant, Mr. Pitrone, stated that he had submitted a stormwater management and grading plan. The applicant described and then submitted two letters, both dated June 14, 2005, from the Pitrone Family. The first letter requested consideration of an attached petition of support for the project that was signed by ten neighbors on Winston Drive. The second letter included measurements made by Mr. Pitrone of the setbacks of many of his neighbors on the lakeside of Winston. Mr. Pitrone's conclusion was that his requested setback variances were less than the average setbacks of his neighbors.

Burch asked Gajewski if he felt the stormwater management plan was sufficient. Gajewski stated it was a good plan.

Kelly stated that she still had a problem with the overall size and bulk of the proposed home. She stated that the proposed home was 50% larger than the previous home that burned and was torn down and that the proposed home did not represent the minimum necessary for reasonable use.

Cormier questioned whether or not the overflow swale on the stormwater runoff plan was designed to overflow into the lake. Gajewski answered yes, if the rainfall event was severe, the overflow would go into the lake.

Mr. Pitrone stated that he did not remember anything being said about "minimum variance for reasonable use" at his previous hearing. He stated that he did not believe the size of his home should be an issue since he was under the maximum lot coverage standard of 25%.

Kelly read an excerpt from the draft minutes of the May 10, 2005 meeting as follows:

"Kelly explained that the Zoning Ordinance provides protection for owners of similar lots by granting the right to rebuild non-conforming homes on non-conforming lots. However, the protection extends only to structures that are the same size and footprint. Kelly stated that she had calculated from past assessing records that the proposed home was well over 50% larger than the one that burned and was torn down. Therefore, she agreed with Gajewski that the project as proposed would have difficulty meeting the standard of minimum variance for reasonable use."

Mr. Pitrone stated that there were numerous examples of very large structures in the neighborhood and he should be granted the same.

Kelly responded that the homes Mr. Pitrone was using for comparison were approved and constructed under the provisions of an old Zoning Ordinance that was replaced with a completely new ZO in May of 2003. Kelly stated her opinion that the new ZO provided a virtual “line in the sand” for the ZBA when considering appeals to tear down existing cottages and rebuild larger year-round homes.

Public Comment:

Kathryn Bowring, 9948 Winston Road, Pinckney, stated she felt the applicant’s lot was a “home size” lot and that Mr. Pitrone should be able to construct what he was requesting.

Kelly responded by reading aloud a section of Section 19.04 of the ZO which prohibits the enlargement of a structure if the enlargement increases the nonconformity in any way.

Victor Lizabeth, 2251 Sunny Lane, Pinckney asked why member Kelly made the statement that the new ZO draws a “line in the sand”.

Kelly responded that the provisions of the new ZO represented the intention of the Township not to allow the types of homes previously approved on lake lots and that the ZBA was bound to uphold the ZO and the standard requiring the minimum variance for reasonable use. Kelly went on to state it was the duty of the ZBA to make sure any new construction in the Township is as conforming as possible.

Gajewski read a portion of an article that addressed making new construction as conforming as possible.

Chairman Burch called a 10 minute recess at 9:25 PM to allow members of the ZBA time to draft resolutions. Burch called the meeting back to order at 9:35 PM.

The following preamble and resolution was offered by Member Kelly and supported by Member Cormier:

Whereas, on April 18, 2005 Joseph Pitrone filed a Notice of Appeal (05-ZBA-607) requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of a new 2-story single family home on property located at 9972 Winston Drive, Parcel IDs 04-01-230-004 and 04-01-231-012 and;

Whereas, at a duly noticed public hearing on May 10, 2005, the Zoning Board of Appeals motioned that the applicant’s request for variance be tabled to allow the applicant to submit storm water runoff and final grading plans for review of the Township Engineer and also to allow the applicant time to address concerns raised by the ZBA relating to the size and footprint of the proposed home and;

Whereas, the applicant submitted storm water runoff and final grading plans to the Zoning Administrator on May 24, 2005 and;

Whereas, the Township Engineer has reviewed the storm water runoff and final grading plans and prepared a report dated June 3, 2005 and this report has been reviewed by members of the ZBA and;

Whereas, a second public hearing before the Dexter Township Zoning Board of Appeals held on June 14, 2005, was attended by the applicant, and members of the public and application materials were reviewed and public comments, both oral and written were entered into the record and,

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

Whereas, in compliance with section 4.05.C.1.a, it is the finding of the ZBA that conformance to the strict letter of the Ordinance as applied to the single family home (SFH) use of the property creates a non-economic practical difficulty due to the fact that the standards of the Ordinance are being applied to a pre-existing condition and,

Whereas, in compliance with section 4.05.C.1.b, it is the finding of the ZBA that the shallowness of the buildable portion of the lot between Portage Lake and Winston Drive represents a physical condition that does not generally apply to other property in the Lakes Residential zoning district that will not be recurrent in nature and;

Whereas, in compliance with section 4.05.C.1.c, it is the finding of the ZBA that the physical condition does not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, it is the finding of the ZBA that the requested variances will apply only to the property under the control of the applicant and,

Whereas, per section 4.05.C.1.e, it is the finding of the ZBA that the requested variances would not be in harmony with the general purpose and intent of the Ordinance since the size and bulk of the proposed structure would not provide adequate open space for light and air and;

Whereas, in compliance with section 4.05.C.1.f, it is the finding of the ZBA that strict compliance with setbacks would unreasonably prevent the owner from using the property for a permitted purpose and,

Whereas, per section 4.05.C.1.g, it is the finding of the ZBA that the variances requested are not the minimum amount necessary to overcome the inequality inherent in the applicant’s particular property since the applicant has requested an approximately 50% increase in non-conforming square footage of living space and that that a smaller, more modest home could be built that would still provide adequate use of the property and;

Whereas, in compliance with section 4.05.C.1.h, it is the finding of the ZBA that the requested variances permit only a single family residential use with is a principally permitted use in the Lakes Residential district and,

Whereas, since ALL of the required findings per section 4.05.C.1 have not been met

Be it therefore resolved that the requested variances are denied.

Roll Call Vote:

Wagner – YES, Cormier – YES, Kelly - YES, Gajewski – YES, Burch – NO

Chairman Burch declared the resolution adopted.

Agenda Item: **5**
 Appeal Number: **05-ZBA-609**
 Applicant Name(s): **Colleen Hughes**
 Property Address: **9934 Winston Drive**
 Property Tax ID (s): **04-02-175-023**

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	19'	13'8"	50' minimum	Front (Northwest) setback from Winston to attached garage.
18.23.B	18'	10'5"	50' minimum	Waterside (Southeast) setback from Portage Lake to deck.
12.02.E.4	13%	282%	25% maximum	Allow greater than maximum lot coverage.
12.02.E.1	--	.14 acre	1acre	Recognize less than required lot area.
12.02.E.2	--	92'	150' minimum	Recognize less than required lot width.
Purpose: Allow for the destruction of the existing home and construction of a new 2.5 story home with attached two-car garage .				

Chairman Burch elected not to read the names of persons noticed since the list was extensive. He stated that the list was available for public review.

Gajewski complimented the applicant for her complete and informative application with respect to storm water runoff. He had concerns with the 28% requested lot coverage and stated that the ZBA had never approved a lot coverage over 25%.

Cormier questioned the applicant and Member Gajewski about the vegetation buffers in the stormwater runoff plan. He also stated that the 28% lot coverage and overall size of the proposed home was a concern.

Kelly questioned whether or not the third floor of the proposed home shown on the plans should be considered a third story, which is not allowed per Section 12.02.E.5. Kelly read from Section 2 of the ZO that defines a half story as “that portion of a story which consists of half of its total height.” Kelly stated she interpreted this definition to mean that any story that exceeds half the height of other stories in the structure is considered a full story. Per this definition, the proposed home is really three stories. Kelly went on to explain that she thought the definition of story in the ZO was different than the common perception that generally measures a story in a horizontal plane.

Kelly also questioned the lot area used in the lot calculation and stated she felt that the legal description did not accurately describe the area used and, therefore the lot coverage percentage could be higher than stated on the application. She asked the applicant if she had re-typed the legal description for the application. Ms. Hughes replied that she had.

Kelly also stated she felt the proposed structure was too close to the lake and too large to meet the minimum variance for reasonable use standard of the ZO.

Wagner stated he felt the proposed home was too large.

Ms. Hughes, the applicant, described and then submitted a petition of support for the project signed by six of her neighbors. She also submitted photographs of other homes on Portage Lake and stated the intent of the photographs was to illustrate that her proposed lakeside setbacks were consistent with others on the lake.

Public Comment:

Kathryn Bowring, 9948 Winston Drive, Pinckney stated that she liked the plan and thought it fit well in the neighborhood.

Kristi Martin, 9900 Florence, Pinckney, stated she was an outlot owner in the neighborhood and that she fully expected to see the type of development being proposed and felt that it raised her property values.

Cormier asked the applicant if she would consider reducing the size of the structure. Applicant Hughes stated that she wasn't sure.

Applicant Hughes requested the Board to give her direction as far as what they would approve or not approve.

Burch stated that the ZBA did not want to design the applicant's project.

Cormier stated he would be more comfortable with a lot coverage in the 20% range to allow for more conforming setbacks. He suggested removing the deck and stated that the third floor should be removed.

Gajewski stated he was uncomfortable with 28% lot coverage and would prefer to see 20% or less to accommodate a larger lakeside setback. He stated he had no problem tabling the request to allow the applicant time to revise plans.

Wagner stated he would not approve a lot coverage or third story variance.

Kelly stated she would not provide a suggested lot coverage maximum as it would be easy to mislead the applicant without benefit of seeing an entire revised plan. Kelly stated she would not approve a plan over the lot coverage standard in the ZO or one with a third story and suggested that the setbacks be increased to at least what they currently are.

Burch stated he would not approve a plan over 25% lot coverage and current setbacks should be maintained.

Motion by Kelly, supported by Cormier to table the Hughes request for at least 30 days with an automatic extension of an additional 30 days at the request of the applicant. **Motion Carried.**

Agenda Item: **6**
Appeal Number: **05-ZBA-610**
Applicant Name(s): **Wendy Tidwell and Anthony Chiodo**
Property Address: **6441 Lombardy Drive**
Property Tax ID (s): **04-19-132-011**

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.4	--	60'	100' minimum	Front (South) setback from proposed sunroom to Riker Rd.
12.01.E.3.C	37'	25'	30' minimum	Rear (West) setback from proposed sunroom.
12.01.E.3.C	17.6%	18.9%	10% maximum	Allow greater than maximum lot coverage.
12.02.E.1	.28 acre	.28 acre	2 acres	Recognize less than required lot area.
12.02.E.2	144'	144'	150' minimum	Recognize less than required lot width.
Purpose: Allow for the construction of a 12' x 20' sunroom addition on the rear of the existing home.				

Chairman Burch read the list of persons notified. The applicants and Mr. Robert Clark from Four Seasons Sun Room, representative for the applicant, were present.

Kelly stated that the applicant’s lot was really more like the size of a lake residential lot where the maximum lot coverage standard is 25%. If the lot were zoned LR, the applicant would not need a variance. Kelly went on to say that the Planning Commission has recognized the disparity in the lot coverage standards for the two residential districts and is currently working on revisions to the ZO that would assign a residential zoning district lot coverage maximum based on lot size. Under the proposals under consideration, the applicant would not need a lot coverage variance.

Kelly questioned whether or not there was sufficient area on the lot to replace the septic field should it fail in the future. It was determined that there was plenty of room in the North side yard.

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

Whereas, on May 19, 2005, Wendy Tidwell and Anthony Chiodo filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit construction of a 12 x 20’ Sun Room addition. Addition to be placed onto the rear of the existing house on property located at 6441 Lombardy Drive parcel number 04-19-132-011 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on June 14, 2005, was attended by the applicant, and a representative of the applicant, and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

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

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

Whereas, in compliance with section 4.05.C.1.b, location of existing home on this irregular shaped lot represent unique circumstances and physical conditions that do not generally apply to other property in the Rural Residential District that will not be recurrent in nature and,

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

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

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

Whereas, in compliance with section 4.05.C.1.g., the variances requested are the minimum amount necessary to overcome the inequality inherent in the applicant’s particular property.

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

Be it therefore resolved that the following variances are approved:

1. From Section 18.23.A a front yard setback of 60 feet from Riker Road to new sunroom.
2. From Section 12.01.E.3.c., a West rear yard setback of 25 feet to new sunroom.
3. From Section 12.01.E.4, a lot area coverage of 18.9 %

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

1. Section 12.01.E.1. a lot area of less than 2 acres.
2. Section 12.01.E.2., a lot width of less than 150’.

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

1. Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a through 6.03.A.1.k of the Zoning Ordinance prior to the issuance of a zoning permit.
2. Conformance with all applicable provisions of Article 18, General Provisions and Article 24, Environmental Protection of the Dexter Township Zoning Ordinance prior to the issuance of a final certificate of zoning compliance.
3. Removal of the 10 x 10 wood frame shed on the west side of the property.

Roll Call Vote:

Wagner – YES, Kelly - YES, Cormier – YES, Gajewski – YES, Burch – YES

Chairman Burch declared the resolution adopted.

Agenda Item: **7**
 Appeal Number: **05-ZBA-611**
 Applicant Name(s): **Terry Guthrie**
 Property Address: **13304 North Territorial Road**
 Property Tax ID (s): **04-17-300-007**

Variances requested per submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.18.D.1	4264 sq ft	4704 sq ft	2000 sq ft maximum	Assessory buildings: 50’ x 80’ polebarn (4264 sq ft) and proposed swimming pool (440 sq ft)
Purpose: Allow for the construction of new inground swimming pool in rear yard.				

Chairman Burch read the list of persons notified. The applicant was present.

The applicant explained that he had constructed his large pole barn and home under the provisions of the old ZO that did not have a maximum square footage requirement for assessory buildings.

Kelly stated that she felt it was reasonable to allow the variance since the structures could not be seen from any public or private roadways and the lot was well screened with natural vegetation and trees. In addition, although the

proposed pool is classified as an accessory structure, since it is inground, it will not add to the bulk of visible structures on the property.

Motion by Kelly, supported by Cormier to approve the variance as requested since it was unreasonable to deprive the applicant of a pool on such a large lot and the other accessory building was constructed prior to the new ZO.

Roll Call Vote:

Wagner – YES, Kelly - YES, Gajewski – YES, Cormier – YES, Burch – YES

Chairman Burch declared the motion carried.

Motion by Kelly, supported by Gajewski to approve the April 12, 2005 meeting minutes as submitted.

On a voice vote, Chairman Burch declared the motion carried.

Motion by Wagner, supported by Kelly to approve the April 13, 2005 meeting minutes as amended.

On a voice vote, Chairman Burch declared the motion carried.

Motion by Cormier, supported by Wagner to approve the May 10, 2005 meeting minutes as submitted.

On a voice vote, Chairman Burch declared the motion carried.

Motion by Kelly, supported by Wagner to adjourn the meeting at 11:50 PM.

Chairman Burch declared the meeting adjourned.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary