



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

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

WWW.TWP-DEXTER.ORG

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

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

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, July 12, 2005, 7:30 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, Jim Cormier, William Gajewski, William Smith

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

The meeting was called to order by Chairman Burch at 7:34 p.m... William Smith led the Pledge of Allegiance to the Flag.

Agenda Item: **1**
 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**

Variations 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 May 10, 2005 Request was 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.

A letter was received by the applicant dated June 23, 2005 requesting that their plans be reviewed again and a decision made.

Kathy Lane indicated that she and her husband felt that their request was reasonable and that they had complied with all the requests made by the ZBA. Therefore, they did not wish to make any further changes in their plans.

- Board member Kelly stated that she acknowledged and appreciated the fact that the Lane's had addressed all of the issues brought up by the ZBA at the first hearing. However, "addressing" issues and concerns raised by the ZBA should not be construed as "compliance" with specific requests of the ZBA. The ZBA rarely, if ever, gives specific parameters for compliance to applicants, preferring instead to outline concerns of the ZBA and then to let the applicant design his/her own project. Kelly also pointed out that the current lot coverage sheet was not correct
- Board Member Cormier stated he had gone out to the site again and would still recommend that the Lane's consider removal of a stall on their proposed attached garage to be more compliant with the front setback from Winston Drive.
- Board Member Gajewski stated that the majority of the homes in the Lakes Residential District in the immediate vicinity are small year round homes and are probably very close to the minimum home size requirements as stated in the Zoning Ordinance.
- Board Member Smith indicated that he did not have a problem with the request as other houses in the area have similar set backs from the road. Feels the applicant has made an effort to move the garage further from the Road.
- Chair Burch stated that he agreed with Smith and that the applicants have done everything that the Board has asked of them.
- Kelly asked the applicant, Kathy Lane, whether or not she would be willing to change the proposed plans now before the ZBA to affect a larger front setback Winston Drive.

Kathy Lane stated that she felt their request was not unreasonable for the area. Therefore, they are not willing to change their proposed plans at this time.

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

Whereas, on January 3, 2005 Robert and Kathy Lane filed a Notice of Appeal (05-ZBA-602) requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the removal of three existing structures and the construction of a new 2-story single family home with attached garage and an addition to the remaining existing structure on property located at 9558 Winston Drive, Parcel ID 04-02-403-025 and;

Whereas, at a duly noticed public hearing on February 8, 2005, the Zoning Board of Appeals (ZBA) motioned the applicant's request for variance be tabled to allow the applicant time to submit revised plans addressing issues raised by the ZBA including lot coverage and lot coverage calculations, parking, driveway alignment, storm water runoff and set backs and;

Whereas, the applicant submitted revised plans to the Zoning Administrator on or about May 3, 2005 and was placed on the agenda for the June 14, 2005 regular Zoning Board of Appeals meeting and;

Whereas, at a duly noticed public hearing on June 14, 2005, the ZBA motioned that the applicant's revised variance request be tabled to allow the applicant time to submit revised plans addressing the issue of a 5 foot requested setback from the proposed attached garage to Winston Drive and;

Whereas, on June 23, 2005, the applicant requested placement on the July 12, 2005 ZBA agenda for the purpose of providing a decision on the plans that were reviewed at the June 12, 2005 ZBA meeting 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 an pre-existing condition and,

Whereas, in compliance with section 4.05.C.1.b, it is the finding of the ZBA that the irregular shape of the lot and the fact that the lot is bisected by Winston Drive, a private road, and bordered by Dexter-Pinckney Road represent physical conditions that do 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 structures would not provide adequate open space for light and air and the requested 5 foot setback from the attached garage to Winston drive could hamper the effective passage of fire protection and public safety apparatus in the neighborhood 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 due to the fact that the requested variances represent an increase in livable space of approximately 280% over the existing structures and that a smaller, more modest home could be built that would still provide adequate and reasonable use of the property,

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:

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

Chair Burch declared the resolution adopted.

Agenda Item:	2	TABLED TO AUGUST
Appeal Number:	04ZBA601	
Applicant Name(s):	Thomas Prose'	
Property Address:	9485 Lakeview Drive	
Property Tax ID (s):	04-06-286-001	

Applicant requests relief from:

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

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

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

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

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

Agenda Item: **3 Tabled Until After Site Plan Review**
 Appeal Number: **04ZBA584**
 Applicant Name(s): **Huron Creek Party Store (Ali Damsaz)**
 Property Address: **6100 Dexter Pinckney Rd**
 Property Tax ID (s): **04-24-300-007**

Agenda Item: **4 Tabled to August or September**
 Appeal Number: **05ZBA609**
 Applicant Name(s): **Colleen Hughes**
 Property Address: **9934 Winston**
 Property Tax ID (s): **04-02-175-023**

Applicant requests relief from:

Section 18.23.A to allow 13'8" from new construction to Winston Drive. (50' required)
 Section 18.23.B to allow 10'5" from proposed deck to Portage Lake. (50' required)
 Section 12.2.E.4. To allow 28.2% lot coverage. (25% allowed)
 To allow for the removal of the existing home and to construct a 2.5 story home with attached two-car garage.
 Proposed home also to have a deck on the lakeside, as well as a covered porch on the front.

Agenda Item: **5**
 Appeal Number: **05ZBA612**
 Applicant Name(s): **Cindy White**
 Property Address: **8401 Thurston**
 Property Tax ID (s): **04-03-300-007**

Variations Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.A	20'	5'	50'	From Thurston Drive to new garage overhang.
18.23.A	16'	10'	50'	From the undefined easement
12.02.E.3.C	14.3'			From existing home to property line on the west side.
12.02.E.1				Recognize. less than one acre
12.02.E.2				Recognize less than 150' wide.
Purpose: to construct a 24' x24' garage with attic storage.				

Chair Burch read into the record the persons that were notified of the hearing. Present were the applicant and neighbors David Jones, 9655 Winston.

Questions and concerns from the ZBA Members:

Board Member Gajewski questioned how far the existing storage building is from the easement. Reply was that it is currently in the roadway.

Board Member Kelly pointed out that she had done some investigating and found that the plat map showed a "gap" in the property lines and that the access easement to adjacent properties needed to be defined more clearly. A lengthy discussion was held and it was decided that Steve Piatt would help the applicant contact the Equalization Department at the County to see if the "gap" could be re-written or better defined.

Motion by Kelly, supported by Cormier to table this variance request until August to allow the applicant time to research the access easement and “gap”. Carried

Motion by Kelly, supported by Gajewski to approve the minutes of June 14, 2005 as amended, pending receipt of transcript from court stenographer. Carried

FYI –

Kelly distributed letter from Kathryn Bowring.

Burch will not be at the August meeting. Cormier to Chair

Kelly questioned section 19 – Non-Conforming Lots. Should ZBA also be granting variance pursuant this section ?

Motion by Smith, supported by Kelly to adjourn the meeting at 9:17 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary