



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, August 9, 2005, 7:30 PM

Members present: Jim Cormier, Vice Chair, William Gajewski, William Smith, Acting Secretary

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

Absent: Steve Burch, Chair, Pat Kelly, Secretary

The meeting was called to order by Vice Chairman Cormier at 7:32 p.m.

1)
04-06-286-001
04-ZBA-601
Thomas Prose
9485 Lakeview Drive

Applicant requests relief from:

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

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

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

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

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

Applicant has requested to be tabled until the September 13, 2005 meeting.

Motion by Smith, supported by Gajewski to approve requested table date. Carried

2)
04-02-175-023
05-ZBA 609
Colleen Hughes

Tabled to September, 2005

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.

3)

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

Variiances 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.				

Applicant has requested to be tabled until the September 13, 2005 meeting.

Motion by Gajewski, supported by Smith to table as requested. Carried

4)

Property Tax ID **04-18-385-003**
Appeal Number: **05ZBA613**
Applicant Name(s): **John Mitchell Sr.**
Property Address: **7245 Lake Shore Drive.**

Variiances Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.B	25'	30'	50'	From lake to new construction.
12.02.E.3.C	15'	16'	30'	From new construction to rear property line.
12.02. E.1.				Rec. less than one acre.
12.02.E.2				Rec. lot less than 150' wide.
Purpose: To construct a 15' x 15'6" screened in porch.				

The persons that were notified were read into the record by Acting Chair Cormier.

The applicant, John Mitchell, explained to the Board Members what his variance request was and what he wished to construct.

Board Member Gajewski stated that Stormwater management was not an issue as there were many natural features on the property.

Cormier questioned if the large tree would have to be removed. Answer by applicant was yes it would.

Notice of Appeal – John Mitchell Sr.- File No. 05-ZBA-613

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

Whereas, on July 18, 2005 John Mitchell, Sr. filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of a 15' x 15'6" screened in porch. On property located at 7245 Lake Shore Drive 04-18-385-003 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on August 9, 2005, was attended by the applicant, and members of the public and application materials were reviewed and public comments, were entered into the record and,

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

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

Whereas, in compliance with section 4.05.C.1.b, Topography and mature trees that are significant natural features represent unique 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, the physical conditions do not result from any action of the applicant and,

Whereas, in compliance with section 4.05.C.1.d, the requested variance(s) 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 setbacks, would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily and,

Whereas, in compliance with section 4.05.C.1.g, the variance(s) requested is/are the minimum amount necessary to overcome the inequality inherent in the applicant's particular property or mitigate the hardship and,

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

Be it therefore resolved that the following variances are approved:

From Section 18.23.B, a waterside yard setback of 30 feet from North Lake to the new screened porch.

From Section 12.02.E.3.c, a northwest rear yard setback of 16' to new screened porch.

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

Section 12.02.E.1, a lot area of 19,087 square feet.

Section, 12.02.E.2, a lot width of 140 feet.

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

Submission to the Zoning Administrator of all required Plot Plan data per Sections 6.03.A.1.a thru 6.03.A.1.k of the Zoning Ordinance prior to issuance of a zoning permit.

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.

Burch ABS Cormier Y Gajewski Y Kelly ABS Smith Y

Resolution Adopted

5)

Property Tax ID **04-18-100-020/021**

Appeal Number: **05ZBA 614**

Applicant Name(s): **Gary Ford**

Property Address: **7511 Noah's Landing**

All existing non-conformities were recognized on 8-12-03.

Variations Requested per submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
18.23.A	14'6"	18'6"	50'	To allow 18'6" from new construction to Noah's Landing.
18.23.B	48'	48'	50'	To allow 48' from new construction to waters edge.
Purpose: to allow for the construction of a 22' x 26' two story addition to the existing home.				

At the discretion of the Acting Chair the persons notified were not read as the list was too long. Chair Cormier stated the list is in the file should anyone wish to view it.

Applicant Gary Ford described to the Board his addition he wished to put on his existing home.

Board member Smith confirmed what parcels were under Ford's ownership.

Board member Gajewski stated he felt the stormwater management plan was sufficient.

Board member Cormier was concerned with the location of the well relative to the side of the dwelling. He was also concerned with the size of the addition being proposed.

Frank Wawrzaszak – 7490 Noah's Landing – stated that there were lots (3-4) adjacent to one another that were jointly owned by two other neighbors.

Joe Holowicki – Noah's Landing Property Owner – Resides at 40315 Ivywood, Plymouth, MI. approached the Board and pointed out the 4 parcels on the plat map.

Frank Wawrzaszak stated that there were deed restrictions placed on all 4 parcels and that no one was allowed to build on it or use it for parking.

It was also determined that in 2003 another variance had been granted for an addition and it never had received its final zoning compliance. It was also noted that there was a shed still remaining on the property that was suppose to be removed as a condition of approval from the previous variance. (A copy of the minutes from that meeting was given to the applicant).

The Board requested that Peter Flintoft, township attorney, be contacted and an opinion rendered as far as being able to grant a variance request even though the neighbors are objecting. The site plan clearly shows that there is sufficient parking and the addition would not be encroaching upon the parcel in question. (04-18-100-020).

A motion was made by Smith, supported by Gajewski to table this variance request until the September 13, 2005 meeting, to allow sufficient time for the applicant to remove the shed, the Zoning Administrator to grant final zoning compliance on the previous zoning permit and the applicant to provide a copy of the deed restrictions for the township attorney to review. Motion carried.

Approval of the minutes of July 12, 2005 were tabled until next month due to only three members being present at tonight's meeting.

Motion by Smith, support by Gajewski to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

DeNette Bolyard, Recording Secretary

William Smith, Acting Secretary

