



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

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RECORDING SECRETARY

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, September 13, 2005 7:30 PM

**Present:** Steve Burch, Chairman, Pat Kelly, Secretary, William Gajewski, Wendell Wagner

**Absent:** James Cormier, William Smith

**Also Present:** Steve Piatt, Ordinance Administrator, DeNette Bolyard Recording Secretary

#### Agenda Items:

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.

The applicant has not submitted new material as of this date. A motion was made by Gajewski, supported by Wagner to table variance request until October 11, 2005. Kelly, abstained. Carried

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

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.

This request was tabled from June's meeting to allow the applicant time to revise her plan to reduce lot coverage and address other concerns of the ZBA members.

New plans were submitted prior to this meeting for review by the Board members.

There were numerous concerns brought forth at the June's meeting which the applicant feels has been addressed to the ZBA's satisfaction. Discussion was held regarding the applicant's set back's, floor coverage percentage, overhangs, the number and height of stories, and if the land calculation is to include the lake front.

A ten minute recess was called at 8:00 in order to write a resolution.

A resolution was offered by Gajewski, supported by Wagner. Discussion was held regarding the setbacks and the resolution was amended by Gajewski, supported by Wagner to change the set back approval and to read as follows:

Whereas, on May 19, 2005, Colleen Hughes filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the removal of existing home and to construct a 2 ½ story home with attached 2 car garage. Proposed home to have a deck lakeside, as well as a covered porch on the front. Work to be completed on property located at 9943 Winston, 04-02-175-023 and,

Whereas, the action on the applicant's request was tabled to allow the applicant time to revise the application to address the non-conforming 3 story structure, the excessive lot coverage and,

Whereas, on September 13, 2005, revised plans submitted by the applicant were reviewed at a public hearing before the ZBA and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on September 13, 2005 was attended by the applicant, and representatives of 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 variances from the 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 4.05C.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 4.05C.1.b, the shallowness of the lot and its small size 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 variances will apply only to property under the control of the applicant and,

Whereas, in compliance with section 4.05.C.1.e, the variances will be in harmony with the general purpose and intent of the Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of the property in the neighborhood or district and,

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

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

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

Be it therefore resolved that the following variances are approved:

From Section 18.23.A, a front yard setback of 12' 8 " from Winston to the new attached 2 car garage.

From Section 18.23.B, a waterside yard setback of 16' from Portage Lake to proposed deck.

From Section 12.02.E.3.c.a, south rear yard setback of 6.6" to proposed deck.

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

Section 12.02.E.1, a lot area of .14 acre.

Section, 12.02.E.2, a lot width of less than 150 feet wide.

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

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 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.

Kelly – nay  
Burch – yea  
Gajewski-yea  
Wagner-yea  
Cormier-absent  
Smith-absent

Resolution Adopted

3)

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

<b>Variances Requested per submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
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.				

A letter was received by the applicant requesting that her request be tabled until further notice. A motion was made by Kelly, supported by Gajewski to table to no later than the January 2006 meeting. If applicant is not ready at that time no further consideration will be given. Carried.

4)

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.

<b>VariANCES Requested per submitted ZBA Application:</b>				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
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.				

A motion was made by Kelly, supported by Gajewski to table to the October 2005 meeting with an automatic extension until November 2005 if needed. Carried

5)

Property Tax ID                    04-06-356-003  
 Appeal Number:                    05ZBA 615  
 Applicant Name(s):                Daniel Barber  
 Property Address:                 8865 Argonne Gregory, Michigan 48137

<b>VariANCES Requested per submitted ZBA Application:</b>				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
18.23.A	22'	22'	50'	Second story to be added.
12.02	4'	4'	9'	9' required with height of new addition.
Purpose: To tear off flat roof, and to construct a new addition with a bedroom, bath, and office space.				

Due to the list of notices being quite lengthy, at the Chairs discretion decided not to read it aloud. It is on file in the township office should anyone wish to view it.

During discussion Gajewski indicated that he felt that the stormwater management that was currently in place was sufficient.

Gajewski offered the following resolution, supported by Kelly.

**Whereas**, on August 16, 2005, Daniel Barber filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the tearing off of a flat roof in order to construct a new ½ story addition with a bedroom, bath, and office space on property located at 8865 Argonne, Gregory. Parcel ID # D-04-06-356-003 and,

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

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

**Whereas**, in compliance with section 4.05.C.1.a, conformance to the strict letter of the Ordinance as applied to the 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, the general size and topography 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 variances will apply only to property under the control of the applicant and,

**Whereas**, in compliance with section 4.05.C.1.e, the variances will be in harmony with the general purpose and intent of the Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district and,

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

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

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

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

From Section 19.04 to increase an existing non-conformity by adding a ½ story.

From Section 12.02.E.3.b.a, north side yard setback of 4 feet to existing home.

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

Section 12.02.E.1, a lot area of less than one acre

Section 12.02.E.2, a lot width of less than 150 feet

Section 18.23.A, a east front yard setback of 22 feet to existing structure.

Be it also resolved that the following conditions shall apply to the issuance of this variance:

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 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.

Existing stormwater management system to be utilized for ½ story addition

Kelly – yea  
Gajewski – yea  
Burch – yea  
Wagner – yea  
Cormier – absent  
Smith – absent

Resolution adopted

Approval of the minutes of July 12, 2005 – Motion by Kelly, supported by Wagner to approve as submitted. Carried

Approval of the minutes of August 9, 2005 - Motion by Gajewski, supported by Wagner to approve as amended. Carried.

Motion by Kelly, supported by Wagner to adjourn the meeting at 9:38 p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary