



# Dexter Township

## Zoning Board of Appeals

6880 Dexter-Pinckney Road  
Dexter, MI 48130

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Steve Burch,  
Chair  
James Cormier,  
Vice Chair  
Pat Kelly,  
Secretary  
Hank Byma  
Bill Gajewski  
Dave Millar, Alt.  
Wendell Wagner, Alt.  
DeNette Bolyard,  
Recording Secretary

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, October 10, 2006 7:00 PM

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

Members absent: None

Also present: Patrick Sloan, Director of Planning and Zoning and DeNette Bolyard, Office Manager-Recording Secretary.

**I. Call to Order:** The meeting was called to order by Chairman Burch at 7: 03 p.m.

**II. Pledge of Allegiance:** Chair Burch led the Pledge of Allegiance to the Flag

**III. Approval of Agenda:**

Chair Burch gave a synopsis of the agenda for the evening. Member Kelly stated that she would like to place an additional item regarding the extension for the variance granted to Colleen Hughes. This item will be added on at the end of the evening. A motion was made by, Kelly supported by Byma to amend the agenda as requested. Motion by Byma, supported by Gajewski to approve the agenda as amended. Carried.

**IV. Public Comment- Non Agenda Items:** There was no public comment on non-agenda items

**V. Action Items:**

1)

<b>Appeal Number:</b>	06-ZBA-641
<b>Property Tax ID:</b>	04-18-133-002
<b>Applicant Name(s):</b>	Marc Toth
<b>Property Address:</b>	13741 North Lake Road

<b>Variations Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
12.02.E.1	.107 acres	.107 acres	1 acre	Recognize lot area is less than 1 acre.
12.02.E.2	51 feet	51 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a	Approx. 2 feet (road side)	Approx. 2 feet (road side)	50 feet	Recognize current front yard setback on the road side is less than 50 feet.
12.02.E.3.a	28 feet (water side)	14 feet (water side)	50 feet	To allow further encroachment into the required front yard setback on the water side.
12.02.E.3.b	Approx 2' (east); Approx 15' (west)	Approx 2' (east); Approx 15' (west)	5 feet	Recognize current side yard setback is less than 5 feet.

Persons noticed were not read into the record due to the length. They are on file in the Township Office.

Chair Burch asked Mr. Toth if he had additional information he wished to add. Mr. Toth replied, no.

Member Gajewski said one of his concerns was that there was no parking on the property. Deck is large and would cover most of green space. Gajewski feels that the variance should be the minimum necessary and that a smaller deck may be more appropriate. He told Mr. Toth he had a suggestion regarding the stormwater run-off. The downspout could be directed into a stormwater planter or a rain garden on the west side.

Kelly asked the applicant what the elevation of the deck was from ground level. Mr. Toth indicated that it would be 6'3" from the ground to the bottom boards of the deck and approximately 8'5" to the top of the deck boards.

Kelly also indicated she felt that the variance requested was more than the minimum necessary. She also stated that for the record there was parking across the street. Kelly suggested that the applicant may eliminate the cement steps on one side of the dwelling to decrease impervious surfaces.

Kelly stated that she is not comfortable approving a variance request without the appropriate stormwater management plan being submitted.

Cormier stated that he concurs with the other board members and that the size of the deck and the stormwater management plan is a concern of his.

Byma asked the applicant why he wanted to build a 18' x 20' deck. The applicant indicated because the width would be the same as the house and the depth is so the patio furniture and grill could fit on the deck comfortably so he and his family could sit and look at the lake.

Burch asked the applicant what his plans were for the space underneath the deck. The applicant stated that the space between the ground and the deck was not enough to do much with it.

Open for Public Comment: None

Kelly indicated that she would like to make a motion to table this request to allow the applicant time to submit a storm water management plan and to remove the steps along the side of the house, submit a materials list and reduce the size of the deck.

Byma supported

Roll Call Vote –

Byma – yes  
Gajewski – yes  
Kelly – yes  
Cormier – yes  
Burch – yes

Tabled to the November 14, 2006 meeting.

Carried

2)

<b>Appeal Number:</b>	06-ZBA-642
<b>Property Tax ID:</b>	04-03-207-007
<b>Applicant Name(s):</b>	Dave Furey
<b>Property Address:</b>	9311 Anne Street

<b>Variations Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
12.02.E.1	.075 acres	.075 acres	1 acre	Recognize lot area is less than 1 acre.

12.02.E.2	Approx. 36 feet	Approx. 36 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a	Approx. 14 feet (road side)	Approx. 14 feet (road side)	50 feet	Recognize current front yard setback on the road side is less than 50 feet.
12.02.E.3.a	33 feet* (water side)	25 feet (water side)	50 feet	To allow further encroachment into the required front yard setback on the water side.
12.02.E.3.b	0' (southeast); 1' (northwest)	0' (southeast); 1' (northwest)	5 feet	Recognize current side yard setbacks are less than 5 feet.
12.02.E.4	28.62%	28.62%	25%	Recognize lot coverage is more than 25%.
18.18.F.3	6-7 feet*	6-7 feet	3 feet	To allow a fence height greater than the maximum allowed.

\*Constructed in the spring of 2006 without a zoning permit or a variance.

Persons noticed were not read into the record due to the length. They are on file in the Township Office.

Mr. Furey addressed the Board and gave the history of why the deck was built. Also that he uses underneath it as storage.

Board Member Gajewski commented that he felt it was a very large deck and that it increases impervious surfaces tremendously.

Mr. Furey stated that he filters the water run off underground.

Board member Kelly has concerns regarding the height of the fence around the deck.

Byma – Concurs with other members of the board.

Cormier has concerns regarding the size of the deck and applicant not submitting a storm water management plan with his application.

Chair Burch read into the record a letter from neighbors, Jerry & Judy Aldrich.

Kelly made a motion to table this request which would allow applicant time to address issues of the size of the deck, storm water management plan, (enough to handle a 1” rain event), and the fence.

Byma supported. Kelly then amended her motion to add that the plans are to be submitted by November 17<sup>th</sup> to be placed on the December 12<sup>th</sup> agenda. Byma supported the amendment.

Motion carried 5-0

3)

<b>Appeal Number:</b>	06-ZBA-643
<b>Property Tax ID:</b>	04-13-100-023
<b>Applicant Name(s):</b>	David Early
<b>Property Address:</b>	9341 Huron River Drive

<b>Variances Requested Per Submitted ZBA Application:</b>				
<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
12.01.E.3.a	Approx. 20 feet	Approx. 20 feet	100 feet	Recognize current front yard setback on the road side is less than 100 feet. No change proposed.
19.04.B.2	Current Structure is Legal Nonconforming	Yes	No	Allow change in profile, foundation footprint, and square footage of nonconforming structure.

\*Began construction in the spring of 2006 without a zoning permit or a variance.

Persons noticed were read into the record.

Patrick Sloan, Director of Planning and Zoning explained the variance request to the public.

Kelly stated that she did not have any concerns regarding this variance request. Gajewski agreed.

Motion by Byma to approve as requested and submitted. Supported by Cormier.

Roll Call Vote –

Cormier – yes  
Byma - yes  
Gajewski – yes  
Kelly – yes  
Burch – yes

Carried 5-0

**4)**

Colleen Hughes  
9934 Winston Drive  
Pinckney, MI 48169

At the last months meeting a letter was received by the applicant requesting an extension on her September 13, 2005 variance. An extension was approved for one month to October 13, 2006. The applicant wished to provide more background as to why she would need a longer time period for her extension. The applicant also indicated that she wished the Board to agree that the site plan that she submitted to Steve Piatt in January 2006 be approved. It was determined by Patrick Sloan, Planning and Zoning Director, that the site plan submitted to Steve Piatt did not have a permit to go along with it, nor was any money ever submitted by the applicant. Mr. Sloan also indicated that the site plan/building plan submitted to Steve Piatt did not have building dimensions on it therefore, making it almost impossible to calculate the lot area percentages. Sloan stated he did not feel comfortable approving a plan that exceeded the percentages approved by the ZBA in September 2005. He also indicated that he would need to confer with the Township Attorney prior to approving such plans.

Byma made a motion to table this request for an additional extension and to request the applicant to bring forth another variance requesting the additional lot coverage.

There was no second to the motion.

Another motion was then made by Byma, supported by Gajewski to grant the applicant an extension not to exceed one year from the original approval date. Carried 4-1 (Cormier nay).

After further discussion between the applicant and the Board Kelly made a motion, supported by Cormier to have Sloan review the plans submitted by the applicant and should they be greater than the 25% lot area coverage that was approved by the ZBA on September 13, 2005, the applicant should apply to go before the ZBA and request the additional variance. The ZBA would also request that the fee be waived from the Township Board.

The motion was withdrawn –

Byma excused himself from the meeting –

Kelly then made a motion to request the applicant apply for a variance for the lot coverage to exceed the approved 25%. ZBA will also request that the Township Board waive the fee. Cormier supported.

Motion carried 4-0

**VI. Public Comment: None**

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

**VIII. Approval of Meeting Minutes**

Minutes of July 11, 2006 Motion by Kelly supported by Gajewski to approve the minutes as amended.  
Carried.

**IX. Adjournment**

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:32 p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary