



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

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RECORDING SECRETARY

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, October 11, 2005 7:30 PM

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

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

Absent: Steve Burch, Chair, William Smith

The meeting was called to order by Vice Chairman Cormier at 7:32 p.m.. Cormier led the Pledge of Allegiance to the Flag.

#### AGENDA ITEMS:

- 1) (Tabled)  
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.

- 2) (Tabled)

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

<b>Variations 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	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.				

**3) (Tabled)**

**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>Variations 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.				

**4)**

**Property Tax ID**                    **04-30-300-004/04-30-400-002/04-31-200-008/04-31-100-007**  
**Appeal Number:**               **05 ZBA616**  
**Applicant Name(s):**           **John Sinanis West Lake Hills LLC**  
**Property Address:**           **Waterloo Road between Werkner and McKinley**

<b>Variations Requested per submitted ZBA Application:</b>				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
4.04				
Purpose: To appeal the decision made by the Dexter Planning Commission on July 26, 2005.				

Persons notified were not read into the record due to the length – Is on file in the township records.

Kate Bond, Washtenaw Engineering was present and gave a brief history of what has transpired in the past regarding the application. But stated she had read the minutes of the Planning Commission and feels that finding of fact was not depicted in the motion.

The Board Members agreed that they could not determine what the reasons were for denying the application and was prepared to remand the application back to the Planning Commission to document findings of fact.

A resolution was offered by Kelly, supported by Gajewski as follows:

**Whereas**, on August 24, 2005 John Sinanis, owner of West Lake Hills, LLC, filed a Notice of Appeal (05-ZBA-616) requesting the Dexter Township Zoning Board of Appeals overturn the July 26, 2004 Planning Commission denial of a preliminary site plan for the proposed West Lake Hills site condominium project and;

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on October 11, 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**, the Dexter Township Zoning Board of Appeals is unable to render a decision due to the absence in the record of findings of fact per Section 9.08 and the 1973 Dexter Township Zoning Ordinance,

**Be it therefore resolved** that the Dexter Township Zoning Board of Appeals remand the matter of West Lake Hills site condominium project to the Dexter Township Planning Commission to document findings of fact, per Section 9.08 and;

**Be it further resolved** that the Planning Commission provide a written report of their findings of fact by December 7, 2005 for a hearing at the December 13, 2005 regular meeting of the ZBA.

Wagner- yes  
Kelly - yes  
Gajewski – yes  
Cormier – yes  
Smith – Absent

Resolution declared adopted

It was explained to the public that questions and comments would be accepted at the time of the hearing.

5)

**Property Tax ID**                    **04-02-401-006/ 04-02-402-014**  
**Appeal Number:**                **05 ZBA 617**  
**Applicant Name(s):**            **Betty Trippe**  
**Property Address:**             **9742 Winston 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>
18.23.A	43'	20'	50'	From proposed garage to Winston Drive.
18.23.B	27.5'	35.5'	50'	From new construction to waters edge.
12.02.E.3.C	19.5'	27.5'	30'	From new construction to rear property line on lake side lot.
12.02. E.1.				Recognize lot less than one acre.
12.02. E.2.				Recognize lot less than 150' wide.
12.02. E.3.C.				Recognize 20' from rear property line to existing garage on lot opposite the lake.
Purpose: to allow construction of a 23' x23' garage with dining room and laundry room addition.				

Persons notified are on in the file in the township office.

Bette Trippe, applicant explained to the Board what she wished to build. She also stated that she needed the garage for health reasons.

Board concerns were that if allowed to build there would be no property left for stormwater run off.

Both Gajewski and Wagner stated that they felt empathy for the applicant but that the Zoning Ordinance and rules and regulations needed to be upheld which includes fire support, water run off, etc.

There was discussion back and forth between the applicant and the Board. The following resolution was offered by Kelly, supported by Wagner.

**Whereas**, on September 15, 2005, Bette J. Trippe filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the construction of a 23' x 23' garage with a dining room and laundry room addition on property located at 9742 Winston Drive, D-04-02-401-006/D-04-02-402-014 and,

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on October 11, 2005, was attended by the applicant, representative of 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 shallowness of the lot and the bisection of the lot with Winston Drive 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**, the Zoning Board of Appeals has the authority to interpret the intent of the zoning regulations. And,

**Whereas**, lot area coverage regulations are meant to minimize the impact of impervious surfaces on our watershed. And,

**Whereas**, over thirty scientific studies document that it only takes 10% imperviousness to degrade the water quality of our lakes. And

**Whereas**, per section 4.05.C.1.e, the variances would not be in harmony with the general purpose and intent of the Ordinance. Since, of the two lots, lakeside and non-lakeside, a lot coverage of 38% is concentrated on the most fragile lakeside lot. Therefore, a variance would compromise the intended purposes for which this lot area coverage regulation was written. And,

**Whereas**, per section 4.05.C.1.f, strict compliance with setbacks, would not unreasonably prevent the owner from using the property for a permitted purpose and,

**Whereas**, per section 4.05.C.1.g, the variances requested are not the minimum necessary to allow reasonable use and are not the minimum amount necessary to overcome the inequality inherent in the applicant's particular property since two garages, an attached two car garage and a separate free standing garage, are requested. 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,

Whereas, since “all” of the required findings per section 4.05C1 have not been met

**Be it therefore resolved** that the requested variances are DENIED.

- Cormier – yes
- Gajewski – yes
- Kelly – yes
- Wagner – yes
- Smith – absent

Resolution was declared adopted

6)

**Property Tax ID**                    **04-01-180-011/049**  
**Appeal Number:**                **05ZBA618**  
**Applicant Name(s):**            **Howard Joll**  
**Property Address:**             **Portage Lake Blvd. (Address applied for)**

**Applicant currently owns four parcels all of which are considered contiguous. They are listed as follows:**

Parcel #	Lot #	Address	Dwelling	Date Purchased	Sewer Tap	Variance #
04-01-108-040	43	8596 Portage Blvd	<b>Yes</b> 100% Homestead effective 1998 Built '97	1997	Yes	97ZBA319
04-01-180-011	39&40	None	No	2002	Yes	
04-01-180-010	38	8596 Portage Blvd Same as above	<b>Yes</b> Attached to above 100% Homestead eff. 1995		Yes	
04-01-180-049	Part of 19	None	No	2002	No	

<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.		28'6"	50'	From steps of new porch to Portage Lake Blvd.
12.01. E.3.C.		20'	30'	From new home over hang to rear property line.
12.01. E.3.C.		13'	30'	From proposed deck to rear property line.
18.18.C		5'	9'	From side property lines to proposed shed.
19.02. A.1.				To Allow for the construction of a new home, where the owner also has a home next door.
12.02. E.1.				To recognize lot less than one acre.

Purpose: To allow for the construction of a three bedroom home with basement, and attached two car garage.

Persons notified is on file in the township records.

Discussion was held and question and answers were exchanged. The following resolution was offered by Wagner, supported by Gajewski:

**Whereas**, on September 16, 2005 Howard Joll filed a Notice of Appeal (05-ZBA-618) 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 with attached garage on property ID's 04-01-180-011 and 04-01-180-049 (lots 39 and 40 of Portage Lake Resort) and;

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held on October 11, 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 Dexter Township tax and assessing records, Howard Joll is the owner of parcel ID 04-01-108-040 (8596 Portage Blvd, lot 43 of Portage Lake Resort) and is also the owner of parcel ID 04-01-180-049 (8597 Portage Blvd, lot 38 of Portage Lake Resort) and;

**Whereas**, per section 19.02.1 of the Dexter Township Zoning Ordinance, single ownership together with the continuous frontage on Portage Blvd of the lots under appeal to the ZBA and the aforementioned additional lots (43 and 38 of Portage Lake Resort), requires that the Mr. Joll's combination of lots be considered an undivided parcel and, further, that no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements and;

**Whereas**, the combined area of all of Mr. Joll's aforementioned lots do not meet the area requirements of the Dexter Township Zoning Ordinance and;

**Whereas**, per Section 18.06 of the Dexter Township Zoning Ordinance, no more than one (1) single family dwelling may be permanently established on a lot or parcel and;

**Be it therefore resolved** that the requested variances are denied.

Wagner – yes  
Gajewski – yes  
Kelly – yes  
Cormier – yes  
Smith – absent

Resolution declared adopted

Howard Joll requested clarification from the Board that they could not sell lot # 38 by itself. The Board replied that he was correct in his understanding.

7)

**Property Tax ID**                    **04-18-436-001**  
**Appeal Number:**                **05ZBA619**  
**Applicant Name(s):**            **Dennis Hayes**  
**Property Address:**             **13957 Aberdeen 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>
18.23.A.	21'	26'	50'	To allow 26' from O.H. of proposed garage to Glenn Cr.

12.02. E.3.C.	53'	23'	30'	To allow 23' to rear property line(opposite Aberdeen)
18.23.A	17'		50'	To recognize 17' from Aberdeen to existing home.
12.02. E.1.				To recognize lot less than one acre.
12.02. E.2.				Recognize lot less than 150' wide.
19.04.A.				To allow for the expansion on a non- conforming lot.
Purpose: to allow for the construction of a 24' x24' garage with storage above. Also to include a 6' x6' breezeway.				

**Board Concerns:**

Kelly – Does the 6’ easement have a 50’ set back requirement ?

Gajewski – Stated he felt the stormwater management plan was sufficient.

Wagner – Questioned whether or not the other shed was going to be torn down ? (Applicants answer was yes, he was tearing it down)

Kelly – Asked the applicant if he had considered moving the garage back at all?

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

**Whereas**, on September 20, 2005, Dennis Hayes filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit construction of a 24’ x 24’ garage with storage above. Also to include a 6’ x 6’ breezeway. on property located at 13957 Aberdeen Drive, 04-18-436-001 and,

**Whereas**, a public hearing before the Dexter Township Zoning Board of Appeals held October 11, 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 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, Irregular shaped, small lot and location of house on subject property and this is also a corner lot. 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.e, the variance(s) 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 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 variance(s) 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, which is a principally permitted use in the single family residential zoning district and,

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

- from Section 18.23.A, a front yard setback of 36 feet from Glen Circle to overhang of proposed garage.
- from Section 12.01.E.3.c, a south rear yard setback of 23 feet to proposed garage.

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

- from Section 12.02.E.1, a lot area of .23 acre.
- from Section 12.02.E.2, a lot width of less than 150 feet.
- from Section 18.23.A.a 17 feet front yard setback from Aberdeen to existing home.
- from Section 19.04.A. to allow expansion on a non-conforming lot

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

1. The 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.
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. The removal of the 8' x 6' shed.

Kelly – yes  
Cormier- yes  
Gajewski – yes  
Wagner – yes

Resolution was adopted

Motion by Wagner, support by Gajewski to approve the September meeting minutes as amended. Carried

Motion by Kelly, support by Gajewski to adjourn the meeting at 9:07 p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary