



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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VICE CHAIR
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BILL GAJEWSKI
DAVE MILLAR, ALT.
WENDELL WAGNER, ALT.
DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, December 13, 2005 7:30 PM

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

Members Absent: None

Also present: DeNette Bolyard, Recording Secretary

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

Chair Burch announced that agenda items 1 and 2, the appeals for Prose and White would remain tabled.

Agenda Item: **1**
Appeal Number: **04-ZBA-601**
Applicant Name(s): **Thomas Prose**
Property Address: **9485 Lakeview
Pinckney, MI 48169**
Property Tax ID (s): **04-06-286-001**

Agenda Item: **2**
Appeal Number: **05-ZBA-612**
Applicant Name(s): **Cindy White**
Property Address: **8401 Thurston
Pinckney, MI 48169**
Property Tax ID (s): **04-03-300-007**

Agenda Item: **3**
Appeal Number: **05-ZBA-614**
Applicant Name(s): **Gary Ford**
Property Address: **7511 Noah's Landing
Gregory, MI 48137**
Property Tax ID (s): **04-18-100-020 and 04-18-100-021**

Variances Requested per submitted ZBA Application:					
No.	Section	Current	Requested	Permitted	Description/Notes
1.	18.23.A	14' 6"	18' 6"	50' minimum	Front (East) setback from Noah's Landing to proposed addition
2.	18.23.B	48'	48'	50' minimum	Extend (West) water body setback to proposed addition
Purpose: Allow for the construction of a 22' x 26' two story addition to the existing home.					

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Previous ZBA action:

- August 9, 2005 - motion passed to table consideration of the request until September 13, 2005 to allow sufficient time for the applicant to remove a 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.
- September 13, 2005 - motion passed to table consideration of the request until the October 11, 2005 meeting with an automatic extension until the November 8, 2005 meeting, if needed.
- December 13, 2005 - motion passed to table consideration of the request until the January 10, 2006 meeting to allow the applicant time to submit a copy of a deed for his property to the township office.

Frank Wawrzaszek, a neighbor, was present and tried to clarify the deed restrictions on Mr. Ford's vacant lot [04-18-100-021] as he understood them. He requested that the Board review the material that he previously delivered to the township office for distribution.

After discussion, it was determined that the applicant did not complete the items requested by the ZBA at the August 9, 2005 hearing. Motion by Wagner, support by Kelly to table consideration of the request until the January 10, 2006 meeting to allow the applicant time to submit a legible copy of his deed to the township office. **Motion carried.**

Agenda Item: **4**
 Appeal Number: **05-ZBA-620**
 Applicant Name(s): **Jonathan and Kristi Martin**
 Property Address: **9375 Canal Street**
Pinckney, MI 48169
 Property Tax ID (s): **04-01-407-011**

Variations Requested per submitted ZBA Application:					
<u>No.</u>	<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
1.	18.23.A	30'	13'	50' minimum	Front Canal Steet to proposed garage.
2.	18.23.B	48'	48'	50' minimum	Water body setback from Portage Lake high water line to proposed new home.
3.	12.02.E.3.b	4.5'	6.5'	9' minimum	West side setback to proposed new home.
4.	12.02.E.3.b	9.5'	6.5'	9' minimum	East side setback to proposed new home.
5.	12.02.E.1			1 acre minimum	Recognize lot less than one acre.
6.	12.02.E.2			150' minimum	Recognize lot less than 150' wide.
7.	19.04.B			None	Allow enlargement of a principle structure.
Purpose: To demolish the current single family home and allow for the construction of a new two-story home with attached garage.					

Persons notified are on file in the property folder.

Charles Bultman, architect for the applicant, gave a presentation of the applicant's proposed plan.

Board Questions/Comments:

- Burch questioned what would be done to account for the difference in elevation from the proposed garage forward to Canal Street. Mr. Butman responded that the homes on either side of the applicant had already been built up and that the applicant will be the last one on the block.
- Gajewski questioned the accuracy of the lot coverage calculation as the survey and application do not seem to agree.

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- Kelly stated she felt the house was very large concerning the size of the lot and questioned the adequateness of parking provisions.
- Wagner noted that the plans did not show a deck or patio and questioned the storm water runoff plan if one were added. The applicant stated that they had no intention to add a deck or patio.
- Wager asked if the applicant intended to pave the proposed off street parking area. The applicant stated no.
- Wagner questioned whether or not there was a third floor proposed and, if so, would it be habitable. Mr. Bultman responded that the 3rd floor was for mechanicals and would not be habitable.
- Cormier questioned how drainage from North to South would be directed. Mr. Bultman stated that water would be directed by grading via a swale or berm to promote proper drainage.
- Cormier questioned the lack of rain gardens in the front. Mr. Bultman explained that the rain gardens were only in the rear because all the stormwater would be directed to the back.
- Gajewski commented that the stormwater runoff plan from SME was excellent.

Public Comments:

- Larry DeBow, a neighbor expressed concern about parking, especially how close cars may be parked to the roadway in the winter which would make snow plowing difficult.

A lengthy discussion took place regarding parking after which the following resolution was offered by Kelly and supported by Gajewski:

Whereas, on October 18, 2005, Jonathan & Kristi Martin filed a Notice of Appeal requesting variances from specific site development requirements of the Dexter Township Zoning Ordinance to permit the removal of existing structure and to rebuild a new two story home with attached garage on property located at 9375 Canal Street, parcel I.D. 04-01-407-011 and,

Whereas, a public hearing before the Dexter Township Zoning Board of Appeals held on December 13, 2005 was attended by the applicant, representatives of 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 variances 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 extremely narrow lot and the fact that Canal street bisects the property represent unique physical conditions that do not generally apply to other property in the Lakes Residential zoning district represent unique 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 because, although the front setback to Canal Street is only 13', the cantilevered design of the home will allow for a parking area in excess of 20' by 20' on the south side of Canal Street 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

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unnecessarily burdensome since the minimum elevation is 26', as required by the zoning ordinance, side setbacks are required, 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 or mitigate the hardship and,

Whereas, in compliance with section 4.05.C.1.h, the requested variances permit only a single family home, which is a principally permitted use 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 13 feet from Canal Street to garage overhang.
- From Section 18.23.B, a water side yard setback of 48 feet from Portage Lake to house.
- From Section 12.02.E.3.b, an east side yard setback of 6'6" to house overhang
- From Section 12.02.E.3.b, a west side yard setback of 6' 6" to house overhang.
- From Section 19.04 to allow enlargement of structure.

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

- From Section 12.02.E.1, a lot area of less than one (1) acre.
- From Section 12.02.E.2, a lot width of less than 150'.

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. Prior to the issuance of a zoning permit, the applicant and the Zoning Administrator will come to a mutual agreement of the exact lot area and the calculated lot coverage shall be less than the 25% maximum allowed.

Roll Call Vote:

Wagner – YES, Cormier – ~~NO~~, Kelly - YES, Gajewski – YES, Burch – ~~YES~~

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Chairman Burch declared the resolution adopted.

Motion by Wagner, supported by Kelly to approve the October 11, 2005 meeting minutes as amended. **Motion carried.**

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:40 p.m. **Motion carried.**

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary

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