



# Dexter Township

## Zoning Board of Appeals

6880 Dexter-Pinckney Road  
Dexter, MI 48130

Telephone: 734-426-3767  
Fax: 734-426-3833

www.twp-dexter.org

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

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, February 13, 2007 7:00 PM**

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

Members absent: Hank Byma

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 7:07 p.m.
- II. Pledge of Allegiance:** Chair Burch led the Pledge of Allegiance to the Flag
- III. Approval of Agenda:** There was a motion by Kelly, supported by Gajewski to approve the agenda as submitted. Carried.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

<b>Agenda Item Number</b>	1
<b>Appeal Number:</b>	06-ZBA-650
<b>Property Tax ID:</b>	04-13-100-021
<b>Applicant Name(s):</b>	John & Jane Kelly (Owners)/ Susan Bryan (Landscape Architect)
<b>Property Address:</b>	9449 Huron River Drive
<b>Appeals Requested Per Submitted ZBA Application:</b>	
<b>Section</b>	<b>Description/Notes</b>
4.06.A.2	Administrative Review of Zoning Administrator decision to deny Home Occupation Permit
4.06.A.2	Administrative Review of Zoning Administrator interpretation of on-site operation as "landscape nursery operation."
<b>Purpose of Variance Request:</b>	
In accordance with Section 4.06.A.2, the purpose is to appeal two decisions of the Director of Planning and Zoning. The first decision was to deny the applicant a home occupation permit, the second was to classify the current use of the property as a "landscape nursery operation".	

Patrick Sloan, Director of Planning and Zoning, addressed the Board and gave a brief history of the application as well as summarized the opinions and recommendations made by Peter Flintoft, Township Attorney in a letter dated February 12, 2007.

Sloan requested the ZBA especially note two items from Mr. Flintoft's letter:

1. "My advice to you is not to draft a resolution."
2. "The special use application should be heard by the Planning Commission. The property owner can request the Planning Commission to accept something less than required by the ordinance. The Planning Commission can recommend that the land owner then go to the Zoning Board of Appeals and obtain a relaxation of the requirements of 6.03."

Member Kelly noted that the January 9, 2007 ZBA meeting minutes indicate approval of a motion granting tentative approval of a variance from site plan submission standards per Section 6.03.B of the Zoning Ordinance, pending input from the township attorney. Kelly stated that she wished to withdraw her support for that motion and offer a new motion rescinding the tentative approval based on the following:

1. Lack of proper notice as required by the Michigan Zoning Enabling Act since the tentatively approved variance was not requested on the applicant's submitted application.
2. The proper body to review an application for a special land use is the Planning Commission.

The motion was supported by Cormier. There was no further discussion.

Roll Call Vote:

Cormier: **YES** Gajewski: **YES** Kelly: **YES** Burch: **YES** Byma: **Absent**

The motion was carried 4-0 with one member absent.

Member Kelly stated that, since the current business use of the Kelly property has been ruled a "landscape nursery operation" which is a special land use in the rural residential district and that use has not been approved by the Planning Commission, she wished to offer the following motion: The applicant applies to the Circuit Court for review of the ZBA decisions within the 30 day time limit as noted in Section 4.08 of the Zoning Ordinance or the applicant applies to the Dexter Township Planning Commission for a Special Land Use Permit for a landscape nursery operation within 30 days and pay all related application fees.

The motion was supported by Gajewski. There was no further discussion.

Roll Call Vote:

Kelly: **YES** Gajewski: **YES** Cormier: **YES** Burch: **YES** Byma: **Absent**

The motion was carried 4-0 with one member absent.

Member Gajewski motioned to reaffirm the Director of Planning and Zoning's decision to interpret the applicants' on site operation at 9449 Huron River Drive as a Landscape Nursery Operation, which is a subject to a special land use in the Rural Residential Zoning District.

The motion was supported by Kelly. There was no further discussion.

Roll Call Vote:

Cormier: **YES** Gajewski **YES** Kelly **YES** Burch: **YES** Byma: **Absent**

The motion was carried 4-0 with one member absent.

<b>Agenda Item No.:</b>	2
<b>Appeal Number:</b>	06-ZBA-644
<b>Property Tax ID:</b>	04-02-400-023
<b>Applicant Name(s):</b>	Charles Sessink (builder)/ Terry & Ellen Walter (owners)
<b>Property Address:</b>	9451 Dexter-Pinckney 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	.29 acres	.29 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	70 feet	70 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (home)	86' (road); 8' (water)	89' (road); 8' (water)	200' (road); 50' (water)	To reduce the front yard setback nonconformity on the road side, but increase the length of the nonconformity.
12.02.E.3.a (garage)	15' (road)	15' (road)	200' (road)	Recognize current garage is within the front yard setback on the road side.
12.02.E.3.b (home)	2' (northwest)	2' (northwest)	5'	Recognize existing side yard setback is less than 5 feet. No change proposed.
The purpose of this variance application is to build an addition on the front (northeast) side of the single family home. The proposed changes will alter and, in the case of the front yard setback of the home on the road side, increase the length of the nonconformity.				

Patrick Sloan, Director of Planning and Zoning summarized the applicant's variance request.

Charles Sessink, applicant's representative was present and addressed the Board. An updated stormwater management plan was distributed to the Board.

Members of the Board had concerns regarding the plan and questioned Mr. Sessink how he was going to ensure that the stormwater plan "would work".

- Kelly stated she would like Mr. Sessink to submit a more defined plan.
- Gajewski asked Sessink how water would be transferred to the rain garden. Sessink stated corrugated piping.
- Gajewski indicated that if the applicant or builder looked on Raingardens.org it would explain how to create a rain garden. He also stated which type of plantings would work the best. Ellen Walter, applicant, asked if she could use seeds rather than plants to save money and Gajewski explained that plants are preferable to prevent soil erosion, but some seeds could be mixed in.
- Gajewski stated the plot plan should show the downspout locations.
- Cormier had no concerns.

A motion was made by Kelly to recognize the existing non-conformities and to approve the variances as requested. The reason is that the overall lot coverage is comparable to the existing lot coverage and the front yard setback is improved. Approval is conditioned upon submission of an acceptable stormwater management plan showing downspouts and rain garden design along with plantings be submitted to Director of Planning and Zoning.

The motion was supported by Gajewski. There was no further discussion.

Roll Call Vote:

Kelly: **YES** Cormier: **YES** Gajewski: **YES** Burch: **YES** Byma: Absent

The motion was carried 4-0 with one member absent.

<b>Agenda Item No.:</b>	3
<b>Appeal Number:</b>	07-ZBA-651
<b>Property Tax ID:</b>	04-32-400-006
<b>Applicant Name(s):</b>	Howard Schenk (owner)/William Risner (builder)
<b>Property Address:</b>	3110 McKinley Road

<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.1	1.9 acres	1.9 acres	2 acres	Recognize lot is less than 2 acres.
12.01.E.3.a	27 feet	25 feet	100 feet	To increase the front yard setback nonconformity.
The purpose of this variance application is to expand the covered porch on the front (west) side of the single family home at 3110 McKinley Road, Chelsea, MI 48118 (parcel 04-32-400-006). The parcel currently contains a single family home, which is a legal nonconforming structure.				

Patrick Sloan, Director of Planning and Zoning gave a brief summary of the variance being requested. He explained that the expansion of the covered porch had already been completed by the owner based on a zoning permit that was issued in error by Dexter Township on August 10, 2006. When the error was discovered by the Zoning Department, it was determined that a variance was needed for the work and the property owner complied by submitting an application for variance.

Chair Burch read the list of persons noticed into the record.

Cormier questioned who made the error in issuing a zoning permit.

Gajewski and Kelly agreed that they would have considered the applicant's request favorably, even if prior to construction, based on the fact that it was reasonable for the owner to have a front porch, the requested porch was reasonable in size, and the existing location of the house created a practical difficulty for the applicant.

Public Comment:

- Marcia Ottoman, 12634 McKinley Heights Court – stated the property has been an eyesore for 30 years and she is happy the owner is finally trying to improve the condition of the property. Her concern is that the blight and junk cars that still exist around the house are cleaned up

There was no further public comment.

Cormier made a motion to approve the variance request to allow the front yard set back to be 25' instead of the required 100'. Also to recognize that the lot is less than 2 acres. The motion was supported by Gajewski

Roll Call Vote:

Kelly: **YES** Burch: **YES** Cormier: **YES** Gajewski: **YES** Byma: Absent

The motion was carried 4-0 with one member absent.

<b>Agenda Item No.:</b>	4
<b>Appeal Number:</b>	07-ZBA-652
<b>Property Tax ID:</b>	04-02-175-002
<b>Applicant Name(s):</b>	Claire & Robert Hogikyan (owners)/H. Scott Diels (architect)
<b>Property Address:</b>	9944 Winston Drive

<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	.11 acres	.11 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	55 feet	55 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (home)	22.5' (road); 23.3' (water)	22.5' (road); 15.3' (water)	50' (road); 50' (water)	To increase the front yard setback nonconformity on the water side.
12.02.E.3.a (shed)	26' (road)	26' (road)	50' (road)	Recognize current shed is within the front yard setback on the road side.
The purpose of this variance application is to renovate the rear (southeast) side of the single family home. The proposed renovation includes remodeling the addition in the southeast corner of the home, extending the overhand from the addition to the attached deck, and adding additional decking toward the lake.				

Chair Burch indicated that due to the lengthy list of persons noticed that he would dispense with reading it aloud and stated it would be on file in the township office.

Patrick Sloan, Director of Planning and Zoning, gave a brief synopsis of what variances the applicant was requesting. He wished to inform the Board that the storm water run off plan does not include mitigation for the asphalt in the front yard.

Present was the applicant, Robert Hogikyan and his architect, Scott Diels.

Board members questions, comments and concerns:

- Burch - concerned with the requested additional front yard set back to construct an 8' deck.
- Kelly - the plans indicate that pavers would be removed and relocated, where to? What will the exterior "well equipment box" house? Can anything be done with the pavement on the roadside?
- Gajewski – concerned about the additional lot coverage of the asphalted area. Ideally the asphalt could be replaced with unilock pavers or ecostones. Will the drywell be above the water table? Likes the stormwater runoff plan overall because much of the water will be absorbed in the trench. Asks applicant if roadside runoff could be directed to a swale or a linear rain garden?
- Cormier – concerned that the well and deck are too close to one another. How far would the applicant be willing to cut back on the deck? Builder stated that the lower deck could be 1', just enough to step down.

Mr. Diels and Mr. Hogikyan responded to the ZBA as follows:

- The deck could be pulled back, but it would not be desirable. Preference would be to keep two, rather than 1 step.
- The plan is to remove the lakeside concrete walk and replace it with pavers.
- The drywell will be at least 6 inches above the water table. Arborvitae run along the side of the driveway, but could add additional vegetation, but the runoff would probably still run toward the road. Replacing the current driveway material with something more permeable would be very costly.
- The deck would need to be disassembled to service the well.

Gajewski made a motion to recognize the existing non-conformities and approve an 18.3 foot water side setback variance subject to the following conditions:

1. The bottom elevation of the dry well to be above the water table and the bottom wrapped in filter fabric.
2. Re-direct the water from the driveway with linear swales to arbor vitae's on both sides of property.
3. Builder to provide a signed certification to the Township (Patrick Sloan) that the stormwater management plan is constructed per submitted plans and conditions of variance approval.

The motion was supported by Kelly. There was no further discussion.

Roll Call Vote:

Kelly: **YES** Cormier: **YES** Gajewski: **YES** Burch: **NO** Byma: Absent

The motion was carried 3-1 with one member absent.

<b>Agenda Item No.:</b>	5
<b>Appeal Number:</b>	07-ZBA-653
<b>Property Tax ID:</b>	04-13-300-027
<b>Applicant Name(s):</b>	Carl Read (owner)/Joseph Roperti (builder)
<b>Property Address:</b>	9013 North Territorial Road

**Variations Requested Per Submitted ZBA Application:**

<b>Section</b>	<b>Current</b>	<b>Requested</b>	<b>Permitted</b>	<b>Description/Notes</b>
11.02.E.1	2.29 acres	2.29 acres	5 acres	Recognize lot is less than 5 acres.
11.02.E.2	187 feet	187 feet	330 feet	Recognize lot width is less than 330 feet.
11.02.E.5	7.06%	7.55%	5%	To increase the existing nonconforming lot coverage.

The purpose of this variance application is to build a 2-bedroom addition on the rear (south) side of the single family home.

Chair Burch read aloud persons that were noticed.

Patrick Sloan, Director of Planning and Zoning summarized the variance being requested.

Board members questions, comments and concerns:

- Gajewski indicated that he believed the location of the home on the existing lot created a practical difficulty.
- Burch questioned the applicant as to the use of the second outbuilding was, and asked if one could be demolished. Applicant stated that the building has existed for a very long time and was reluctant to remove it.
- Cormier stated he did not have concerns at this time.
- Kelly asked if the rear portion of the hut could be removed. Also stated that ZBA has not generally granted lot coverage variances, but that was due primarily to stormwater runoff issues around the lakes which is not the case with the applicant's RC parcel. Stated she was struggling with what the practical difficulty could be.

Gajewski made a motion to approve the variance as requested stating the practical difficulty is the existing location of the house on the lot and the small size of the lot in the RC district. Cormier supported the motion. There was no further discussion.

Roll Call Vote:

Cormier: **YES** Kelly **YES** Gajewski: **YES** Burch: **YES** Byma: Absent

The motion was carried 4-0 with one member absent.

<b>Agenda Item No.:</b>	6
<b>Appeal Number:</b>	07-ZBA-654
<b>Property Tax ID:</b>	04-18-130-003, -004, -005, and 04-18-133-006 and -007
<b>Applicant Name(s):</b>	Virginia Morgan (owner)/Jay Holland (builder)
<b>Property Address:</b>	7905 Sauer Drive and 7911 Sauer Drive

DRAFT MINUTES

<b>Variations Requested Per Submitted ZBA Application:</b>					
<u>Section</u>	<u>Current</u>	<u>Requested (original)</u>	<u>Requested (alternative)</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.02.E.1	.28 acres	.28 acres	.28 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2 (Principal Parcels)	Approx. 61' (N); Approx. 82' (W); Approx. 100' (S)	Approx. 61' (N); Approx. 82' (W); Approx. 100' (S)	Approx. 61' (N); Approx. 82' (W); Approx. 100' (S)	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (Home at 7905 Sauer)	36' (north); -3' (west); -3' (south)	11' (north); +13' (west); +4' (south)	11' (north); +14' (west); +7' (south)	50' (N); 50' (W); 50' (S)	To reduce and enlarge existing nonconformities.
12.02.E.3.a (Home at 7911 Sauer)	47' (north) 11' (south)	11' (north); +13' (west); +4' (south)	11' (north); +14' (west); +7' (south)	50' (N); 50' (W); 50' (S)	To reduce and enlarge existing nonconformities.
12.02.E.3.a (Shed at 7905 Sauer)	30' (north); 18' (west)	To be demolished	To be demolished	50' (N); 50' (W)	Recognize existing front yard setback is less than 50 feet.
12.02.E.3.b (Home at 7905 Sauer)	-1' (east)	N/A. Parcels to be combined.	N/A. Parcels to be combined.	5' (<18' high structure)	Recognize existing side yard setback is less than 5 feet.
12.02.E.3.b (Home at 7911 Sauer)	5.2' (east)	4' (east)	4' (east)	6' (18-20' high structure)	To reduce the existing side yard setback.
12.02.E.3.b (Shed at 7905 Sauer)	1' (east)	To be demolished	To be demolished	5'	Recognize existing side yard setback is less than 5 feet.
The purpose of this variance application is to demolish the 2 homes and shed at 7905 and 7911 Sauer Drive, and replace them with 1 single family home and an attached 2-car garage.					

Chair Burch indicated that due to the lengthy list of persons noticed that he would dispense with reading it aloud and stated it would be on file in the township office.

Patrick Sloan, Director of Planning and Zoning summarized variance being requested. Indicated that the applicant submitted an alternate plan which was included in the Board packets.

Virginia Morgan described her proposed project.

**Public Comment:**

- Mary Frisinger, 7834 Sauer Drive. Chair Burch read a letter of support from Ms. Frisinger into the record.
- Ken Howard, 7845 Sauer Drive. Supports the project.
- Bob Dalian, Sauer Drive. Supports the project.

There was no further public comment.

**Board members questions, comments and concerns:**

- Gajewski - likes the proposed infiltration trench, but recommends adding geotextile fabric as trenches can plug up.
- Kelly - the elimination of two small cottage uses and the combination of the lots and construction of a modest new single family home is exactly the intent of the Zoning Ordinance regulation that forces the combination of adjacent lots with a total lot area under 1 acre, that are under the same ownership, into single lot for the purposes of zoning. Supports the alternative proposed plan.

After discussion a motion was made by Kelly, supported by Cormier to approve the variances requested per the alternative plan (listed in chart above) with the following conditions.

1. Addresses and lot areas to be correctly shown on construction plans when applying for a zoning permit.

DRAFT MINUTES

2. All parcels to be combined, to the extent allowed by Washtenaw County Equalization Department, and recorded as combined with Washtenaw County.
3. All current structures to be demolished.
4. Design and construct a storm water management system per best management practices that will handle 221 cubic feet of water.
5. Builder to provide a signed certification to the Township (Patrick Sloan) that the stormwater management system is constructed per submitted plans and conditions of the variance approval.

Roll Call Vote:

Kelly: **YES** Gajewski **YES** Cormier: **YES** Burch: **YES** Byma: Absent

The motion was carried 4-0 with one member absent.

**VI. Public Comment:** Tom Bell, North Territorial Road. – Need to have follow up done on conditions being placed on approvals.

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

Patrick Sloan, Director of Planning and Zoning distributed Zoning Ordinance Amendment suggestions. The Members discussed whether or not they should have a joint meeting with the Planning Commission. Member Kelly will talk to John Shea, Chairman of the Planning Commission to see what would be an agreeable date to meet.

**VIII. Approval of Meeting Minutes**

Motion by Kelly, supported by Cormier to approve the January 9, 2007 meeting minutes as amended. Carried

**IX. Adjournment**

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:50p.m. Carried

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary