



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, March 13, 2007 7:00 PM

Members present: Steve Burch, Chairman, Pat Kelly, Secretary, Bill Gajewski, Jim Cormier

Absent: Hank Byma

Also present: Patrick Sloan, Director of Planning and Zoning and DeNette Bolyard, Office Manager-Recording Secretary. Paul Godek, Alternate, was in attendance observing.

- I. **Call to Order:** The meeting was called to order by Chairman Burch at 7:04 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:**

1)

Appeal Number:	06-ZBA-637
Property Tax ID:	04-15-200-011
Applicant Name(s):	Joseph Machnik
Property Address:	None

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.67 acres	.67 acres	2 acres	Recognize lot area is less than 2 acres.
12.02.E.2	Approx. 124 feet	Approx. 124 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a	--	56 feet (N. Territorial)	150 feet	To allow the proposed structure to encroach into the front yard setback along North Territorial Road.
12.02.E.3.a	--	50 feet (Dexter Townhall)	100 feet	To allow the proposed structure to encroach into the front yard setback along Dexter Townhall Road.
12.02.E.3.c	--	15 feet (north side)	30 feet	To all the proposed structure to encroach into the rear yard setback on the north side of the parcel.

The purpose of this variance application is to build a new home and attached garage on parcel 04-15-200-011, which has no address. This parcel is located at the northeast corner of the intersection of North Territorial Road and Dexter Townhall Road. The parcel is currently vacant.

This item had been previously tabled from the September 12, 2006 meeting and the December 12, 2006 meeting.

Chair Burch stated that he had received a packet of information on Saturday at his home. He asked if other members of the Board also received a packet and if so did they feel comfortable proceeding without the opportunity of reviewing the material.

Gajewski and Kelly indicated that yes, they received the packet and no they would not feel comfortable in moving forward.

After discussion, a motion was made by Gajewski, supported by Kelly, to table this request until April. Gajewski then withdrew the motion and Kelly withdrew her support as the Board felt that this matter should be tabled until May.

A motion was made by Gajewski, supported by Kelly to table to May 8, 2007. Carried. 4-0

Kelly stated that for the record she had a meeting with Peter Flintoft, Township Attorney, Patrick Sloan, Director of Planning and Zoning, along with Mr. Machnik and his attorney on March 12, 2007.

2)

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

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
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)	22 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.
12.02.E.4	33.64%	33.64%	25%	Recognize lot coverage is greater than 25%

This variance request was previously tabled from the October and November 2006 meetings.

Chair Burch asked Gajewski if he was satisfied with the stormwater management plan submitted. Gajewski stated that yes he was and could be constructed using best management practices and was confident that it could be field adjusted if needed.

Cormier is still concerned with the width of the deck being requested.

No comment from the public.

Kelly indicated that her thoughts have not changed from the previous meetings and stated the only practical difficulty she could find was that egress was needed from the second floor door wall.

A motion was made by Gajewski to grant relief from section 12.02.E.3.a. of the zoning ordinance on the waterside of the property to allow for a 22' set back which would enable the applicant to build a 10' deck. Also to recognize all the existing nonconformities as listed above.

Cormier supported.

Board Discussion was held and Kelly questioned who was going to ensure that the stormwater management plan was going to be designed as stated in the plan. Patrick Sloan indicated that he would feel comfortable inspecting the property to see if constructed properly and to contact Township Engineer if a field adjustment is necessary.

Cormier also stated that he still wasn't comfortable supporting a 10' deck. He requested a friendly amendment to the motion to change the 10' deck to a 9' deck.

Roll Call Vote:

Kelly – no
Cormier – no
Burch – yes
Gajewski – yes

Motion failed due to a tie vote.

Gajewski then offered a motion to state that the waterside setback would be 23' with a 9' deck. With Patrick Sloan inspecting the storm water management plan.

Cormier supported.

Kelly – no
Burch – yes
Gajewski – yes
Cormier – yes

Motion Carried.

3)

Appeal Number:	07-ZBA-655
Property Tax ID:	04-01-407-020
Applicant Name(s):	Richard Harrison (owner)/Kirk Yuhasz (architect)
Property Address:	9293 McGregor Road

Variances Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.14 acres	.14 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	40 feet	40 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (home)	87' 8" (road); 29' 3" (water)	77' 8" (road); 27' 1" (water)	100' (road); 50' (water)	To increase the front yard setback nonconformities on the road side and water side.
12.02.E.3.a (garage)	7' 11" (road)	7' 11" (road)	100' (road)	Recognize current garage is within the front yard setback on the road side. No change is proposed.
12.02.E.3.b	3' 10" (north); 4' (south)	3' 10" (north); 4' (south)	5 feet	Recognize current side yard setback nonconformities and allow the nonconformity on the north side to be extended 2' 2" west.
12.02.E.4	32.06%	34.27%	25%	To increase the nonconforming lot coverage.

The purpose of this variance application is to renovate the existing single family home at 9293 McGregor Road, Pinckney, MI 48169 (parcel 04-01-407-020). The parcel currently contains a single family home and a garage.

Chair Burch read aloud to the public persons noticed regarding this hearing.

Patrick Sloan gave a brief synopsis of the applicants appeal.

Richard Harrison addressed the Board and explained what variance he was requesting. Kirk Yuhasz, applicants' architect, was also present and addressed the Board.

Burch commented on the letter written by the applicant.

Burch asked the applicant how important it was to the applicant to be able to keep the garage that is currently on the property. Mr. Harrison stated it was very important to be able to keep the storage since there is no basement.

Cormier stated he was concerned with the requested 34.27% lot coverage.

Kirk Yuhasz, applicant architect, presented an alternate plan.

Kelly asked the applicant if by chance they had considered a non-covered deck.

Meeting was then opened to the public for comment. No comments were made.

Gajewski voiced his concerns regarding fire safety. He asked the applicant if he was using a noncombustible siding material. He also commended the applicant for the design of the house and stated he felt the stormwater management plan was an excellent plan but had reservations regarding the water table.

Cormier stated that he would be more apt to approve the variance request if the lot area coverage was less, making it more conforming.

Kelly concurred with all the other Board comments.

Burch read aloud to the public section 18.23.B regarding water body set backs and indicated that the set back is measured from the ordinary high water mark. Discussion was held regarding the land area that was used in the calculations for lot coverage and the applicant and the architect were trying to determine if using different lot calculations would lessen the lot coverage.

Richard Harrison requested that the Board table his request to allow time for his architect to draw up different plans.

A motion was made by Kelly, supported by Cormier to table this request until the April 10, 2007 meeting. Additional information must be submitted to Patrick Sloan, Director of Planning and Zoning no later than March 23, 2007.

Motion Carried 4-0

4)

Appeal Number:	06-ZBA-656
Property Tax ID:	04-13-300-002
Applicant Name(s):	Matt Schuster & Alyssa Cairo (Owners)/Dexter Dental Center
Property Address:	7141 Dexter-Pinckney Road

Appeals Requested Per Submitted ZBA Application:	
Section	Description/Notes
4.05.A	Administrative Review of Zoning Administrator decision to deny a Sign Permit.
4.05.B.1	Ordinance Interpretation of "abutting public street."
22.06.B.2.a.2	To allow a wall sign that does not face an abutting public street (if necessary).
22.03.F and 22.06.B.2.a.2	To allow a permanent sign that projects above the roof line (if necessary).

The purpose of this variance application is to appeal the decision to deny the owner a sign permit. The site is located at 7141 Dexter-Pinckney Road, Dexter, MI 48130 (parcel 04-13-300-002).

Burch read into the record the persons noticed.

Patrick Sloan gave a brief synopsis of the applicants variance request.

Matt Schuster was present as the applicant's representative. He addressed the Board and explained what kind of sign they put up and where it was placed on the building. He argued that the building on the property was sitting on the bias of the property and therefore a percentage of the sign faced Dexter-Pinckney Rd. He also indicated that the sign was strategically placed so that traffic moving to the north would be able to see it.

Kelly indicated that she did extensive research trying to find the correct definition of the word "abutting". Because the definition of abutting is not in the Zoning Ordinance, the dictionary was used as reference, per the Zoning Ordinance. Kelly stated that she agrees with the interpretation of Patrick Sloan, Planning and Zoning Director.

Board members Cormier and Gajewski also agree with Kelly. Gajewski explained to Mr. Schuster that lighting was a concern for the low brow astronomers as well as University of Michigan Observatory. He did commend the applicant on the design of the sign.

Burch agreed with other members of the Board, but, stated that the sign was in violation of the Zoning Ordinance.

The Board feels that this variance request is a multiple request. If one of the variances is not approved then another variance is being requested.

Kelly indicated that she would address the first variance request. Kelly made a motion to uphold the interpretation of the Planning and Zoning Director regarding the definition of an abutting street and uphold the decision to deny the sign permit. Therefore, the applicant is in violation of section 22.06.B.a.2. (To allow a wall sign that does not face an abutting public street), these requests will be denied based on non compliance of the Zoning Ordinance.

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

Motion carried variance request denied.

The next part of the variance request was then discussed. This request was to either allow the sign to remain or allow a permanent sign on the front part of the building that projects above the roof line.

Comments made by the Board were as follows:

- Kelly - Stated that she appreciates the bias of the house and the integrity of the structure. If requesting a variance, lighting would be a factor. Director of Planning and Zoning made the right decision. Is questioning what the practical difficulty would be. Believes practical difficulty is the bias of the house, (limits advertising abutting Dexter Pinckney).
- Gajewski – Feels that with a dentist office and established clientele, large amounts of signage isn't needed. Cannot determine what the practical difficulty would be.
- Cormier – Does not support any type of sign on the south wall because it would be the same as overturning the Director of Planning and Zoning's decision. Switching to a wood sign would not alleviate the problem.
- Burch – Director of Planning and Zoning made the right decision. Afraid that if this sign is approved what would other businesses in the area start to ask for. Would be more inclined to grant a variance for the

existing sign than to put a sign on the roof. Feels that this is a commercial business and should be allowed some kind of a sign. A variance should be granted for some kind of wall sign, feels there would be no harm in doing so.

Mr. Schuster stated that since moving to that location they have increased their business by 500 new patients. There are other businesses in the area that have similar signs.

Kelly made a motion to table this portion of the request as she felt she would like more time to review and consider. Cormier supported. This request will again be considered at the April 10, 2007 meeting.

- Kelly – yes
- Burch – no
- Cormier – yes
- Gajewski – yes
- Byma – absent

Motion carried.

5)

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

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
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.

The purpose of this variance request is to allow for the replacement and expansion of an attached, uncovered deck on the southwest (water) side of the existing single family home

A motion was made by Kelly, supported by Cormier to table this variance request to the May 8, 2007 meeting. The Board indicated that a decision will be made at that time and that Patrick Sloan will contact the applicant and inform him of the Boards motion this evening.

Motion Carried

VI. Public Comment: None

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

Patrick Sloan distributed a packet of information from the Planning Commission regarding the citizen survey.

VIII. Approval of Meeting Minutes

Motion by Gajewski, supported by Cormier to table the February 13, 2007 meeting minutes until the next meeting to be held on April 10, 2007. Carried

IX. Adjournment

Motion by Cormier, supported by Gajewski to adjourn the meeting at 10:14 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary