



Dexter Township

Zoning Board of Appeals

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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, April 10, 2007 7:00 PM

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

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 amended. Carried.
- IV. **Public Comment- Non Agenda Items:** None

Action Items:

Agenda Item 1
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	.145 acres	.145 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); 35' 5" (water)	77' 8" (road); 36' 5" (water)	100' (road); 50' (water)	To increase a front yard setback nonconformity of the house on the road side and decrease the nonconformity of it on the 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)	4' 7" (north); 4' 9" (south)	5 feet	Reduce side yard setback nonconformities and allow those nonconformities on the north side to be drawn back by 1'.
12.02.E.4	31.12%	30.61%	25%	To reduce the nonconforming lot coverage.
Purpose: Renovate the existing single family home by adding dormers and a roadside 10' covered porch and reducing side yard overhangs.				

This item was previously tabled from the March 13, 2007 meeting to allow the applicant time to address ZBA concerns regarding lot coverage and waterside setback.

Chair Burch gave a brief history of the application.

Mr. Harrison addressed the Board and presented a letter he had written on behalf of his request.

Board Concerns and Comments:

- Gajewski – The site plan submitted is an overall improvement, the reduction in lot coverage was essential and the stormwater runoff plan will be beneficial to lake quality.
- Cormier – Concurs with comments made by Gajewski. Notes that the new plan is a overall reduction in non-conformity. Commended the applicant on his stormwater management plan.
- Kelly - Appreciates the plan that the applicant has submitted. Feels the reduction in nonconformity is a win/win situation. Agrees with all other Board members.
- Godek - . Indicated that it is important to reduce the nonconformities. Feels the applicant has accomplished that.

Public Comment: None

After discussion a motion was made by Cormier to approve the variance as requested and outlined in the narrative above. Supported by Gajewski. Kelly recommended that certification be obtained for the stormwater management plan by the Architect/Builder. Cormier amended the motion. Gajewski supported the amendment.

Roll Call Vote:

Cormier: **YES** Gajewski: **YES** Kelly: **YES** Burch: **YES** Godek **YES**

Motion Carried.

Agenda Item **2**
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).
Purpose: (1) Appeal the decision of the Director of Planning and Zoning to deny a sign permit. (2) ZBA interpretation of “abutting street”. (3) Variance to allow the lighted “Dentist” sign to remain in place (4) Variance to allow a permanent sign to project above the roof line.	

This application was tabled from the March 13, 2007 meeting. The Board wished to have time to review additional information that was submitted just prior to the meeting.

Patrick Sloan, Director of Planning and Zoning gave a brief synopsis of the applicants appeal. He stated that there were four parts to the appeal. The first two were Director of Planning and Zoning decisions that were upheld by the Zoning Board of Appeals at the last meeting and the third and fourth were to be discussed at the meeting tonight.

Board Concerns and Comments:

- Burch - Supports upholding Sloan's interpretations. Stated that he did not have a problem with the sign as it exists today. He drove by the property in question at all different times to see what impact it would have on surrounding properties and found that the present sign was not intrusive and the lighting of the sign was not a problem. .
- Gajewski – All light pollution is cumulative. He suggested a timer for the light so that it would go off at 10:00 p.m. Also suggested motion detectors for security lights.
- Kelly – Also drove by the property in question at different times of the day/night. Agrees with Gajewski, likes the idea of a timer on the light in the sign. Does feel that the bias of the house on the property creates a practical difficulty.
- Cormier – Indicated that he could not support the sign and feels there is no practical difficulty or hardship.
- Godek – Stated that, keeping the uniqueness of Peach Mountain in mind, lighting for the sign should be considered as part of the variance.

Mr. Schuster questioned the whether or not residential lighting was regulated.

Patrick Sloan, Director of Planning and Zoning read the section of the Zoning Ordinance that pertained to lighting.

Burch and Kelly indicated that the Zoning Ordinance allows for the prescription of conditions to variance approvals.

Public Comment: None

A motion was then made by Kelly, supported by Gajewski to approve the variance request number three of the application to allow the sign to remain in its current location with the condition that the light in the sign remain off between the hours of 10:00 p.m. and 5:00 a.m. The practical difficulty is the bias of the house in respect to Dexter Pinckney Road which is the only abutting road.

Roll Call Vote:

Cormier: **NO** Gajewski: **YES** Kelly: **YES** Burch: **YES** Godek **YES**

Motion Carried

Mr. Schuster asked if there was a precedent on hours for sign illumination.

Discussion was held by the Board and Kelly indicated that variances granted for lighted signage at the Huron Creek Party Store and Faith Lutheran Church had been conditioned on hours of illumination.

Agenda Item 3
Appeal Number: 07-ZBA-657
Property Tax ID: 04-18-100-026 & -027
Applicant Name(s): Michael & Kathleen Conter
Property Address: 7563 Noah's Landing

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.07 acres	.07 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	33 feet	33 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3.a (1st story home/roof)	15' 6" (road); 40' 5" (water)	9' 4" (road); 31' 0" (water)	50' (road); 50' (water)	To increase the front yard setback nonconformities on the road side and water side by covering the existing decks.
12.02.E.3.a (2nd story home/roof)	15' 6" (road); 57' 7.5" (water)	9' 4" (road); 40' 5" (water)	50' (road); 50' (water)	To increase the front yard setback nonconformities by covering the existing deck on the road side and extending the second story to match the first story elevation on the water side.
12.02.E.3.a (deck)	11' 6" (road); 31' 0" (water)	11' 6" (road); 31' 0" (water)	50' (road); 50' (water)	Recognize existing front yard setback nonconformities of the decks.
12.02.E.3.b	1' 7" (north); 6' 2" (south)	1' 7" (north); 6' 2" (south)	7 feet	Recognize current side yard setback nonconformities and allow the nonconformities on the north and south sides to be extended by 26' 4.5" toward the water.
12.02.E.4	33.27%	42.02%	25%	To increase the nonconforming lot coverage.
Purpose: Renovation of the existing single family home to extend the second story of the home to match the current elevation of the first story, to extend the existing second story overhang on the road side to cover an existing deck and to extend the first story overhang of the home on the water side to cover the existing deck.				

Persons noticed were read into the record by Chair Burch

Patrick Sloan, Director of Planning and Zoning gave a brief synopsis of the variance request application.

Present was the applicant Michael Conter and his architect Scott McElroy. Conter distributed photographs and also stated that he spoke with his neighbors, the Thiesen's, Hollowicki's, Holmes, Townsend's, McGuiness', Boyce's who all indicated they were in favor of his request.

Board Concerns and Comments:

- Gajewski – Stated that he likes the more fire-retardant fiberboard siding, stormwater management plan, the architectural plan and the grass-pave II pavers. Is not in favor of granting such a high lot coverage. Questioned whether or not the 9'4" requested front set back would impact parking.
- Cormier – Lot coverage is a concern. Likes the stormwater management plan. Could not support a plan that is not more conforming than current.
- Godek – Would like clarification regarding closure of deck and covering deck. The applicant explained that there are two decks: one would be enclosed and one would be covered. Increased nonconformity is a concern.
- Kelly – One of her biggest concerns is the lack of parking area. Also, given the small size of the lot is skeptical that the planned rain gardens would remain rain gardens, due to water craft, toys, picnic areas etc. that are usually placed on water front lots. Questioned whether or not the rain garden would hold all rain water in a 1" rain event. Would not support a higher lot coverage. The property has a practical difficulty but it has already been mitigated since the current structure has been reasonably used and enjoyed for many years.
- Burch – Reluctant to approve such a high lot coverage.

Public Comment:

Carol Loukotka – 7612 Noah’s Landing

Asked the applicant if he had contacted the adjacent neighbors on the south to see if they would sell him some of their property. Applicant stated yes, he had but had not received any response.

Motion by Kelly, support by Gajewski to approve variance to extend a 2nd story over the existing home, noting that the motion does not include the variances requested to cover or enclose the existing decks on the road and water side of the home, or any increase in lot coverage. Additionally, the ZBA recognizes the current existing nonconformities of a lot less than one acre, a lot width of less than 150 feet and a lot coverage of 33.27%. Stormwater management plan to be constructed as shown on submitted plans and certified by the applicant’s Architect/Builder. Practical difficulty is the small size of the lot and the current placement of the house on the lot. Granting the variance as requested will also improve lake water quality due to the addition of a stormwater management system.

Roll Call Vote:

Cormier: **NO** Gajewski: **YES** Kelly: **YES** Burch: **YES** Godek **YES**

Motion Carried

Agenda Item 4
Appeal Number: 07-ZBA-658
Property Tax ID: 04-12-100-018
Applicant Name(s): William Kinley
Property Address: 9789 Huron River Drive

Variations Requested Per Submitted ZBA Application:				
<u>Section</u>	<u>Current</u>	<u>Requested</u>	<u>Permitted</u>	<u>Description/Notes</u>
12.01. E.3.b	-2.4’ (shed); 17.1’ (house)	N/A (shed); +2.4’ (house)	15 feet	Eliminate an existing side yard setback nonconformity by removing a shed that encroaches on the neighboring property to the south. Create a new side yard setback nonconformity by constructing an attached addition onto the south side of the existing home.

Burch read aloud persons noticed for this request.

Patrick Sloan, Director of Planning and Zoning gave a brief synopsis of the applicants request.

Board Comments and Concerns:

- Kelly – Stated that normally a setback variance would not be needed on a parcel as large as the applicant’s, but the site topography and drainage patterns create a practical difficulty. Could approve this variance due to those conditions and the fact that the existing building that encroaches on the adjacent property will be demolished thereby reducing the overall level of nonconformity.
- Burch – Does not see a setback problem with the proposal. Asked the applicant how attached he was to the metal shed on the property.
- Gajewski – Practical difficulty test is satisfied due to the preservation of the natural features. Does not have a problem with this request.
- Cormier – No issues or concerns. The plan will make the property more conforming.
- Godek – Agrees with all the above comments.

Public Comment:

Paul Berneis- 9775 Huron River Dr. – No objection to neighbors request.

After discussion a motion was made by Gajewski, supported by Kelly to approve the variance as requested with the condition that the metal shed be removed.

Roll Call Vote:

Cormier: **YES** Gajewski: **YES** Kelly: **YES** Burch: **YES** Godek **YES**

V. Public Comment - None

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

Patrick Sloan, DPZ, distributed revised citizen survey - He indicated that the Planning Commission would still welcome their comments.

Discussion of training for ZBA members was held. It was felt that if the Zoning Board of Appeals was responsible for the line items budgeted, then the entire Board should determine how to manage the money.

Discussion was held regarding a conference that Chair Burch requested he be allowed to attend on May 4-6, 2007 in Lansing. A motion was made by Gajewski, supported by Cormier to support Burch's attendance and to submit request to the Township Board for the expenditure. Motion Carried

Gajewski was concerned with clear vision zone requirements in the Zoning Ordinance.

VII. Approval of Meeting Minutes –

Motion by Cormier, supported by Gajewski to approve the February 13, 2007 minutes as amended. Motion Carried 5-0

March 10, 2007 meeting minutes to be reviewed at the next regular scheduled meeting.

VIII. Adjournment

Motion by Kelly, supported by Cormier to adjourn the meeting at 9:29 p.m. Carried

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary