



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.
DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, May 8, 2007 7:00 PM

Members present: Steve Burch, Chair, Pat Kelly, Secretary, Jim Cormier, (arrived at 8:12 p.m.), Bill Gajewski, Paul Godek, Alternate

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 7:05 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 Gajewski, supported by Kelly to approve the agenda as amended. **Carried.**
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Agenda Item #	1
Appeal Number:	06-ZBA-637
Property Tax ID:	04-15-200-011
Applicant Name(s):	Joseph Machnik
Property Address:	None

Variations 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. The parcel is currently vacant.

Barbara Turner, Huron Reporting Service was present representing Mr. Machnik. The transcription will be attached to these set of minutes and a copy in the file. (Web Viewers please contact the Township Offices for a copy)

Agenda Item #	2
Appeal Number:	06-ZBA-642
Property Tax ID:	04-03-207-007
Applicant Name(s):	Dave Furey
Property Address:	9311 Anne Street

Variances 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	43.18%	44.33%	25%	To allow lot coverage beyond 25%.
18.18.F.3			3 feet	Recognize 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. The deck in question was replaced and expanded in the spring of 2006 without a zoning permit, building permit, or variance.

Sloan, DPZ, gave a brief history of the application.

This application was previously heard on October 10, December 12, 2006 and March 13, 2007.

At the October 10th meeting, the Board had requested that the applicant address issues regarding the size of the deck, storm water management plan, (enough to handle a 1" rain event), and the fence. At the December 12, 2006 meeting the following concerns were still noted:

- Kelly stated she would like to hear the Aldrich's point of view regarding the fence.
- Gajewski stated he felt that there wasn't a practical difficulty demonstrated and that erosion may have been caused by pre-existing lot coverage.
- Kelly indicated that a stormwater management plan was not submitted with the application. Also, the requested lot coverage would be one of the largest, if not the largest ever before the ZBA under the current Zoning Ordinance.
- Cormier still has concerns over the size of the deck and the amount of impervious surface it would create.
- Kelly stated that the applicant's testimony lacked credibility as far as she was concerned due to contractor or applicant not obtaining any permits of any kind. Kelly indicated she doesn't feel she can take his word for the size of the deck and fence. She stated it was important to establish pre-existing structures to determine how much of an increase in nonconformity was being requested. It was noted that physical evidence of the pre-existing structures was not presented by the applicant.

At the March 13, 2007 meeting the above items still had not been addressed. At that time the application was tabled for a decision to be placed on this meetings agenda.

Chair Burch read aloud a letter from Furey's neighbor, the Aldrich's who has no objection to the variance request.

Public Comment - None

Dave Furey was present along with his builder and Chris Lehr, Nativescape.

- Gajewski asked the applicant if he was planning on removing a 8'x10' section of the deck. Believes the stormwater management plan is sufficient.
- Cormier asked what the water table was. Response from applicant was lake level. Asked the applicant what it would take to reduce lot coverage back to the original 43.18%.
- Kelly agrees with Cormier regarding the lot coverage being reduced to the original 43.18%. Would like to see a set of plans with dimensions prior to making a motion.
- Cormier indicated that he is willing to make a motion to approve if the lot coverage is reduced to 43.18%.
- Godek asked if the rain garden would tie in with the existing dry well. Lehr, Nativescape, stated that yes it would.

Cormier made a motion, supported by Gajewski to approve the variance provided that the lot coverage does not exceed the 43.18%. The waterside setback to be at 24'. To recognize that the lot area is less than 1 acre, lot width is less than 150', front yard setback on the road side is less than 50', current side yard set backs are less than 5'. Sloan, DPZ, to inspect and approve rain garden, fence, and deck.

Kelly stated that the pre-conditions are still unclear and believes that is more lot coverage than before.

Kelly – **NAY** Gajewski – **YES** Cormier – **YES** Godek – **YES** Burch – **YES**

Carried.

Agenda Item #	3
Appeal Number:	07-ZBA-659
Property Tax ID:	04-18-431-005/006/007
Applicant Name(s):	Robertson/Kaiser
Property Address:	13753 & 13448 Bramble Brae

Scott and Kristine Robertson and Gene Kaiser (owners and applicants)

The purpose of this application is to transfer approximately 8,563.5 square feet of land from 13748 Bramble Brae Drive to 13753 Bramble Brae Drive. The transferor, Gene Kaiser, owns 3 parcels on the north side of the road (04-18-431-005/-006/-007). Scott and Kristine Robertson, the transferees, own 1 parcel on the south side of the road (04-18-437-025). This transfer will include parcel 04-18-431-007 and a portion of parcel 04-18-431-006, both of which are on the north side of the road. Both parties have a single family home on their respective properties, and the land proposed for transfer is currently vacant.

Burch stated that he went out to inspect the property and met the applicant, Scott Robertson. He indicated that he explained the open meetings act and that he could not discuss the case with him and Mr. Robertson graciously excused himself.

Sloan, DPZ, gave a brief history of application.

Burch stated that due to the length of the persons noticed that he would dispense with reading them aloud. They will be on file in the township office.

Scott Robertson explained to the Board what the two involved parties wished to do.

- Burch asked Mr. Robertson if he had plans on constructing a new garage, or any new structures on the property in question. Robertson stated not within the next year. Mr. Robertson also stated that he understood that any new structure on this property would require an application to the ZBA first.
- Gajewski stated that he could approve of the request.
- Kelly stated she had concerns with the west side yard setback. Would like to see Kaiser have at least a 15' set back, so that all future owners would not be affected by a setback restriction on that side of the lot.
- Godek – No concerns

Public Comment –

Mary Hagglund, 13784 Bramble Brae, neighbor, questioned whether or not you can build a garage into the hillside.

Kaiser - Neighbors are concerned with a garage on the lower part of the property.

- Kelly stated that she would not be inclined to approve a large garage on the Robertson property. One of the reasons she does not have a problem with the boundary line adjustment is because Robertson's are purchasing to preserve their view.
- Burch stated he is more inclined to approve to preserve open space or a possible gazebo in the future.
- Cormier – Has concerns with making one of the properties more nonconforming.

Motion by Kelly, supported by Gajewski to approve variance with the exception that the transferred property will be 99' deep x 84' wide, instead of 86.5'. This would also change the lot coverage calculations on both properties. This calculation will allow Kaiser's property to have a 15' side yard setback.

Kelly – **YES** Burch – **YES** Gajewski – **YES** Godek – **YES** Cormier – **NAY** **CARRIED**

Agenda Item #	4
Appeal Number:	07-ZBA-660
Property Tax ID:	04-01-231-009 & 04-01-230-005
Applicant Name(s):	William Ewing
Property Address:	9964 Winston Drive

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.1	.11 acres	.11 acres	1 acre	Recognize lot is less than 1 acre.
12.02.E.2	35 feet	35 feet	150 feet	Recognize lot width is less than 150 feet.
12.02.E.3. a (house)	24.5 feet (road); 11 feet (water)	24.5 feet (road); 11 feet (water)	50 feet (road); 50 feet (water)	Recognize existing front yard and water body setbacks for the house are less than 50 feet.
12.02.E.3. a (garage)	46 feet (road)	41.5' (road)	50 feet	To increase the front yard setback nonconformities of the garage.
12.02.E.3. b (house)	0 feet (west); 5.5 feet (east)	0 feet (west); 5.5 feet (east)	5 feet	Recognize existing side yard setbacks on the west side of the house are less than 5 feet.
12.02.E.3. b (garage)	-6" (west); 4.5' (east)	4.5' (west); 4.5' (east)	5 feet	To decrease the side yard setback nonconformity on the west side and to extend the existing nonconformity on the east side.
12.02.E.3. c	0 feet (north)	0 feet (north)	30 feet	To allow the same rear yard setback nonconformity on the rear (north) side of the garage and decrease the width of

(garage)				this nonconformity.
12.02.E.4	36.13%	36.07%	25%	To decrease the nonconforming lot coverage.

The purpose of this variance application is to demolish the existing 744 square foot garage (31' x 24', with overhangs) and replace it with a 741 square foot garage (26' x 28.5', with overhangs). The applicant's property consists of two parcels: The primary parcel (04-01-231-009) is located on the south side of Winston Drive and contains a single family home. The secondary parcel (04-01-230-005) is located across the street on the north side of Winston Drive and contains the garage in question. No changes are proposed to the existing single family home or the primary parcel. Both structures are legal nonconforming structures due to their front, side, and rear yard setbacks, and lot coverage.

Chair Burch read aloud persons noticed regarding this hearing.

A letter was received from Todd & Sue Dickinson, neighbors, in support of variance.

Sloan, DPZ, gave a brief history of this application.

- Kelly asked the applicant, Mr. Ewing, if he could make the structure smaller to be able to maintain a 5' side yard setback. She requested the applicant mitigate water run off on the primary parcel by having a downspout on the house. Informed the applicant that the stormwater run off plan should be able to handle a 1" rain event for all the property, not just the garage parcel. She asked about the fence. Ewing said the fence is Pitrone's.
- Cormier stated that the plan reduces the overall lot coverage which is an improvement. He believes the stormwater management plan for the garage was sufficient and would like to see a plan to include the house as well as the garage.

Motion was made by Kelly, supported by Gajewski to approve the construction of a 24' x 26.5' garage on the back lot. Front yard set back 41.5', side yard set backs 4.5', 1' rear set back. Stormwater management plan to include house and garage and be designed and constructed to hold 1" of rain water for all lot coverage. Sloan, DPZ, to inspect and approve.

Kelly – YES Burch – YES Cormier – YES Godek – YES Gajewski – YES **CARRIED**

VI. Public Comment: None

VII. Discussion – Changing meeting schedule to first Tuesday of the month.

Members of the Board were going to check schedules to see if the first Tuesday of the month would be feasible. To discuss further at a future meeting.

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

Kelly indicated that we received a letter from Mr. Schuster regarding Dexter Dental Center and the sign that was requested. An email was also received from Peter Flintoft, Attorney, in response to the letter. Both were discussed by the Board and it was determined that Mr. Schuster's request will not be reconsidered, as it was not new evidence. Both letters will be recognized as entered into the record.

Cormier indicated he was concerned with the landscape lighting in front of the wooden sign facing Dexter Pinckney Rd.

Kelly made a motion, supported by Gajewski to recommend to the Planning Commission that an overlay district for Peach Mountain addressing dark skies be discussed and considered for Peach Mountain.
Carried.

Sloan also distributed a revised Township Survey to the Board. Stated that the Planning Commission would be accepting comments/suggestions until the first meeting in June.

IX. Approval of Meeting Minutes

The following minutes were approved.

November 20, 2006 -	Motion by Kelly, supported by Gajewski to approve as submitted.	Carried
December 12, 2006 –	Motion by Cormier, supported by Kelly to approve as amended.	Carried
March 13, 2007 –	Motion by Kelly, supported by Cormier to approve as submitted.	Carried
April 10, 2007-	Motion by Kelly, supported by Cormier to approve as submitted.	Carried

X. Adjournment

Motion by Kelly, supported by Gajewski to adjourn the meeting at 10:44 p.m. **Carried**

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Pat Kelly,
Secretary