



# Dexter Township

## Zoning Board of Appeals

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Steve Burch,  
 Chair  
 James Cormier,  
 Vice Chair  
 Pat Kelly,  
 Secretary  
 Bill Gajewski  
 Mary Adams  
 Paul Godek, Alt.

DeNette Bolyard,  
 Recording Secretary

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, October 9, 2007**

**7:00 PM**

Members present: Bill Gajewski, Acting Chair, Pat Kelly, Secretary, Mary Adams, Paul Godek, Alternate.

Absent: Steve Burch, Chair, James Cormier, Vice Chair

Also present: Patrick Sloan, Director of Planning and Zoning, DeNette Bolyard, Office Manager-Recording Secretary.

Motion by Kelly, supported by Adams to nominate Bill Gajewski as Acting Chair in the absence of the Chair and Vice Chair. Carried

- I. Call to Order:** The meeting was called to order by Acting Chair Gajewski at 7:10 p.m.
- II. Pledge of Allegiance:** Gajewski led the Pledge of Allegiance to the Flag
- III. Approval of Agenda:** Kelly made a motion to move item number IV, approval of meeting minutes, after the action items. Gajewski supported motion. Motion carried to approve agenda as amended.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

<b>Agenda Item #</b>	1
<b>Appeal Number:</b>	07-ZBA-671
<b>Property Tax ID:</b>	04-18-463-016, -017, -022, -023, -028, and -029
<b>Applicant Name(s):</b>	Penelope Dec (applicant and member, Property Rentals, LLC), Scott Padden (applicant), and Mathew Hintzen (owner and applicant)
<b>Property Address:</b>	13996 and 13960 North Territorial 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>
13.01.E.1	.98 acres	.77 acres/.21 acres	1 acre	To lower the lot area to be more nonconforming.
13.01.E.2	Approx. 240 feet (N. Territorial)	Approx. 160 ft./80 ft. (N. Territorial)	200 feet	To create a nonconforming lot width and lot frontage along North Territorial Road.
19.02.A.1	5 contiguous lots = less than 1 acre	Separate 3 lots from 2 lots	No	To allow contiguous nonconforming property to be transferred or sold.

\*Sold/transferred on October 3, 2006 and July 6, 2007 without a variance.

Chair Gajewski indicated that the list of persons notified was too lengthy to read aloud. The list is available in the township offices.

Board Member Comments:

- Gajewski stated that the intended use may be more important than the zoning district in this case.
- Kelly indicated that the land division request does not meet the standards of the zoning ordinance, however is in the best interest of all parties involved considering the properties history. And the previous owners reliance on past township action and inactions.  
Kelly is concerned with the lots that will be left after the division if approved.

Public Comment:

Bill Robertson

13847 Bramble Brae

Asked if there would be another meeting held to discuss concerns regarding the site plan. The Board explained that yes, the Planning Commission would be conducting a public hearing for such concerns.

Sam Vogel

13745 Bramble Brae

Questioned whether or not the use of the property has changed. Answer was no, it has remained the same.

Kelly initiated Board discussion for conditions that may possibly be placed on the approval.

- Kelly asked both applicants, Matt Hintzen and Padden and Dec if they would consider combining the lots into one if possible.
- Kelly also stated that if any changes were made in the future that Mr. Hintzen should file a site plan with the township. Mr. Hintzen requested that the record reflect that there were no violations committed at this time.

Motion by Kelly, support by Godek to grant the variance as requested subject to the following conditions:

1. Mr. Hintzen shall stipulate to and sign an agreement that states that his remaining two parcels, Parcel ID 04-18-463-016 (Lot 152) and Parcel ID 04-18-463-028 (Lot 153) shall not be further split nor sold separately. The stipulated agreement shall be in recordable form and shall be recorded by the Township.
2. Parcel ID 04-18-463-016 (Lot 152) and Parcel ID 04-18-463-028 (Lot 153) shall be combined into one property description and property tax Parcel ID and recorded as such with Washtenaw County.
3. Zoning permits to expand or extend the current non-conforming structures or uses on Parcel ID 04-18-463-016 (Lot 152) and Parcel ID 04-18-463-028 (Lot 153) shall not be issued without approval by the Dexter Township Zoning Board of Appeals.
4. Any change to the current legal non-conforming usages (a single family residence on Parcel ID 04-18-463-016 (Lot 152) and a pole barn for the storage of golf carts on Parcel ID 04-18-463-028 (Lot 153)) shall not be permitted except upon submission and approval of a site plan as provided by Article 6 of the Dexter Township Zoning Ordinance.

The request is approved based on the following findings:

1. The existing legal non-conforming uses (Inverness Inn, a tavern, a storage barn for golf carts and single family residence) on the subject parcels predate both the current Zoning Ordinance as well as the 1973 Zoning Ordinance.
2. The subject parcels were illegally split and sold in exactly the same manner as considered by the variance request in 1997 and the township did not intervene or take any action.
3. All of the parcels subsequently reverted back to the original owner, Mr. Hintzen, and then the parcels were illegally split and sold again in 2006. Again, the township did not intervene or take action for nearly a year.
4. The current buyers of the Inverness Inn property, Mr. Padden and Ms. Dec, relied upon the validity and legality of the property sale, as did the previous owners in 1997. And, in this reliance, Mr. Padden and Ms. Dec have, at considerable time and expense, prepared and filed a site plan with the Township and have also applied for and purchased a new liquor license in preparation of reopening the restaurant and bar.
5. Mr. Padden and Ms. Dec do not wish, at this time, to buy the parcels retained by Mr. Hintzen.
6. Mr. Hintzen does not wish, at this time, wish to sell the retained parcels to Mr. Padden and Ms. Dec.
7. The three current uses of the properties are not compatible with one another. Forcing combination of the properties at this time would not provide a cure for that incompatibility.
8. For all of these reasons, it is unreasonable for the township to deny a variance enabling the requested property split and sale.

Adams YES Gajewski YES Kelly YES Gajewski YES

Motion Carried

<b>Agenda Item #</b>	<b>2</b>
<b>Appeal Number:</b>	07-ZBA-665
<b>Property Tax ID:</b>	04-03-226-011
<b>Applicant Name(s):</b>	Thomas Flynn
<b>Property Address:</b>	9377 Anne Drive

This variance request was previously tabled at the July 10, 2007 Dexter Township ZBA meeting. The purpose of this variance application is to renovate the existing single family home.

Patrick Sloan, Director of Planning and Zoning summarized briefly the application and actions taken at the July 10<sup>th</sup> ZBA meeting. He also indicated that there was nothing new to report at this time.

The applicant, Mr. Flynn addressed the Board and stated that he didn't agree with the minutes of July's meeting and after making a few additional comments he requested a 30 day extension on his request.

Don Spehar  
9363 Thumm

Would like to request that the Board does not extend Mr. Flynn's request any longer. He remembers that the Board stated at the last meeting that the table would be no longer than three months.

Jim Mills  
9385 Thumm

Is in support of Mr. Flynn's variance request. He indicated there should be a letter in the applicant's file stating such.

Motion by Kelly, supported by Godek to table request to allow Mr. Flynn additional time to submit a new plan. Mr. Flynn is to submit to Patrick Sloan all prior requested material by November 5<sup>th</sup> to be placed on the December 11<sup>th</sup> agenda.

Godek YES Adams YES Kelly YES Gajewski YES

Carried

**VI. Approval of Meeting Minutes**

September 11, 2007

Motion by Adams, supported by Godek to approve the meeting minutes as amended. Carried

**VII. Public Comment:**

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

Kelly wanted to remind Board Members that the joint meeting with the Township Board and Planning Commission is scheduled for October 30<sup>th</sup>.

**IX. Adjournment**

Gajewski declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Secretary