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Dexter Township

Zoning Board of Appeals

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

SPECIAL MEETING OF THE ZONING BOARD OF APPEALS

Monday, November 20, 2006 7:00 PM

Members present: Jim Cormier, Vice-Chair, Pat Kelly, Secretary, Hank Byma (late arrival) and William Gajewski

Members absent: Steve Burch, Chair

Also present: Patrick Sloan, Director of Planning and Zoning

- I. Call to Order:** The meeting was called to order by Vice-Chairman Cormier at 7: 05 p.m.
- II. Pledge of Allegiance:** Cormier led the Pledge of Allegiance to the Flag
- III. Approval of Agenda:**
Motion by Kelly, support by Gajewski to approve the presented agenda with the amendment that action items number 2 (Kelly) and number 3 (Tews/Vitale) be switched. Motion Carried.
- IV. Public Comment- Non Agenda Items:** There was no public comment on non-agenda items
- V. Action Items:**

Agenda Item	1
Appeal Number:	06-ZBA-647
Property Tax ID:	04-25-300-007
Applicant Name(s):	Daryl and Paula Kipke (owners/applicants) John Allegretti (architect)
Property Address:	5041 Dexter-Pinckney Road

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.01.E.3.a	Approx. 140 feet	Approx. 140 feet	150 feet	Recognize current front yard setback on the road side is less than 150 feet. No change proposed.
18.18.D.1	Approx. 1,240 sq. ft.	Approx. 1,240 sq. ft.	1,000 sq. ft.	Recognize total square footage of accessory structures exceed 1,000 square feet.
19.04.B.2	Current Structure is Legal Nonconforming	Yes	No	Allow change in profile, foundation footprint, and square footage of nonconforming structure.
<u>Purpose:</u> To allow for the construction of an addition on the north (side yard) and west (rear yard) sides of the existing single family home. The only expansion proposed of an existing nonconformity is the addition of a basement entry and installation of pre-cast stairs on the north side of the home. This addition will partially take place within the required front yard setback area. The property currently contains a single family home, a swimming pool, a detached outbuilding, and two small sheds.				

Vice-Chair Cormier announced that the list of persons noticed would not be read due to length but the list is on file in the Township office.

Mr. Mike Painter, the Kipke’s architect, addressed the ZBA with details of the proposed project.

- Strong desire to maintain the original “farmhouse look” of the structure while providing more space for the family.
- The proposed new construction for the addition would not require a front setback variance if not attached to the existing original historic structure.
- The new “tornado-door” entrance to the lower level of the existing structure is partially within the front setback.
- The plans submitted to the ZBA have been revised to include a figurine overhang to the formal front entrance. The landing and steps will extend approximately 10 feet from the house.

ZBA Member Comments/Concerns/Questions:

Kelly:

- No concerns with the plan since the expansion is almost entirely outside of the front setback area.
- The dimensions of the revised entrance plan needs to be specific since a setback variance will be required for approval.

Gajewski:

- The proposed plan seems reasonable given the existing historic structure and the large (8 acre) parcel.

Public Comment: None

Motion by Gajewski, support by Kelly to approve the variances as requested, with the condition that the drip line of the renovated front entrance extend no more than 10 feet from the front of the existing structure.

Roll call vote:

Gajewski – yes; Kelly – yes; Cormier – yes

The motion carried 3-0.

Member Byrna arrived at 7:25 p.m.

Agenda Item	2
Appeal Number:	06-ZBA-649
Property Tax ID:	04-16-300-034
Applicant Name(s):	Carolyn Tews (owner)/Ken Vitale (applicant)
Property Address:	6654 Madden Road

Variance Requested Per Submitted ZBA Application:			
	Required by the Ordinance (12.01.E)	Proposed for Parent Parcel	Proposed for New Split along North Territorial Road
Minimum Lot Width-to-Depth Ratio	At least 1:4 (i.e. .25)	Approximately .243	Approximately .151
<p>Purpose: To split the parcel at 6654 Madden Road (Parcel 04-16-300-034) into two (2) parcels. The surveyed plot plan shows the proposed split on the northern portion of “Parcel B”, which abuts North Territorial Road. The parent parcel contains a single-family home with a detached pole barn. Before a parcel can be split, it must meet all of the requirements of Dexter Township Ordinance #27 (Land Division Transfer Ordinance). Because the proposed split will create a new parcel that has a width-to-depth ratio that is less than the minimum of 1:4, a variance must be obtained before making this division. The parent parcel currently has a width-to-depth ratio that is less than the minimum of 1:4. The proposed split will not change this nonconformity.</p>			

Vice-Chair Cormier read the list of persons noticed into the record.

Mr. Ken Vitale, the applicant, explained that the variance was necessary due to the way the Zoning Ordinance requires a front lot line to be placed in order to determine “lot width”. Since the proposed new parcel has 157’ of road frontage, the front lot line is placed 150’ (the required front set-back) from North Territorial Road. And, since

the parcel becomes wider towards the rear, the minimum lot width-to-depth ratio is not satisfied. If the proposed new parcel had less than 150' of frontage, the front lot line would be placed approximately 575' from N. Territorial Road and the minimum lot width-to-depth ratio would be easily satisfied. Mr. Vitale asked the ZBA to note the drawing submitted of an alternate land division proposal where the area of the proposed new parcel could be split into two new parcels, one with 66' and 91' of road frontage, and the minimum lot width-to-depth ratio would be met on both parcels.

ZBA Member Comments/Concerns/Questions:

Gajewski:

- Intent of the Land Division Act is to prevent "bowling alley" lots. Since the proposed new parcel could legally be split into 2 flag lots, granting the proposed variance for the creation of a single lot is an improvement.
- The Land Division Act allows exceptions for lot width-to-depth ratios.

Kelly:

- Agrees that granting the variance for the requested lot configuration is an improvement over the "legal" alternative presented and in keeping with the intent of both the Zoning Ordinance and the Land Division Act.

Public Comment:

Karolina Hupfauer, 11971 North Territorial:

- Adjacent property owner. Concerned about the impact of a new driveway crossing the existing pond/wetland area on the property. Questions whether or not there is sufficient room to construct a new driveway "around" the pond/wetland area.

Additional ZBA Member Comments/Concerns/Questions:

Byma:

- Impact to regulated wetland areas or ditches would require prior DEQ approval.

Gajewski:

- DEQ may have to approve a driveway plans.
- Washtenaw County Road Commission driveway permit standards may require significant clearing on North Territorial.
- Agrees that granting the variance for the requested lot configuration is an improvement over the "legal" alternative presented and in keeping with the intent of both the Zoning Ordinance and the Land Division Act.

Carolyn Tews, property owner, explained that a new driveway would need to be located west of the existing pond and that there is room to construct a driveway without filling in wetland area.

Mr. Vitale stated he wanted to maintain the existing water flow through the stream.

Ms. Tews stated that since Mr. Vitale is a civil engineer, he is capable of designing a system that would mitigate any adverse effects from a driveway.

Motion by Gajewski, support by Kelly to approve the variance requested based on the following:

- Intent of the Land Division Act is to prevent "bowling alley" lots. Since the proposed new parcel could legally be split into 2 flag lots, granting the proposed variance for the creation of a single lot is an improvement.
- The Land Division Act allows exceptions for lot width-to-depth ratios.
- Approval of a the requested land division will be subject to DEQ approval, if necessary.

Roll call vote:

Kelly – yes; Gajewski – yes; Byma – yes; Cormier – yes

The motion carried 4-0.

Member Kelly stated she must recuse herself from the next agenda item as she and her husband are the applicants in the case. Vice-Chairman Cormier acknowledged the request and excused member Kelly.

Agenda Item	3
Appeal Number:	06-ZBA-648
Property Tax ID:	04-06-176-005
Applicant Name(s):	Joseph and Pat Kelly (owners/applicants)
Property Address:	13910 Lakeview Drive

Variations Requested Per Submitted ZBA Application:				
Section	Current	Requested	Permitted	Description/Notes
12.02.E.3.a	28.2 feet (south) 8.9 feet (west)	28.2 feet (south) 8.9 feet (west)	50 feet	Allow six (6) inches of additional height to the west and south sides of the structure. Also to allow eight (8) 4" x 6" supporting posts underneath the overhangs on these two sides.
12.02.E.3.c	3.6 feet (east)	3.6 feet (east)	30 feet	Recognize rear yard setback is less than 30 ft.
19.04.B.2	Current Structure is Legal Nonconforming	Yes	No	Allow change in profile and foundation footprint of a nonconforming structure.
Purpose: To allow for the replacement and repair of the roof on the existing structure. This repair will entail adding approximately six (6) inches to the height of the south and west sides of the nonconforming structure and installing eight (8) 4" x 6" support posts along these two sides.				

Vice-Chair Cormier announced that the list of persons noticed would not be read due to length but the list is on file in the Township office.

Pat Kelly, the applicant, requested, per Section 19.04.B, that the ZBA rule on whether or not the requested improvements to the existing structure constituted an "increase in non-conformity" since the request does not include a change to any required parameter in the Zoning Ordinance. The only change to the structure as a result of the proposed project is to "profile" and profile is not defined in the ZO.

ZBA Member Comments/Concerns/Questions:

Byma:

- No questions. There is no increase in non-conformity. Doesn't believe a variance is required.

Gajewski:

- Additional stormwater mitigation not required, as the impact is currently small due to existing conditions that include a large tree canopy, plenty of groundcover and large adjacent area of undeveloped State land. Stormwater would not increase due to the proposed plan.

Public Comment: None.

Motion by Byma, support by Gajewski to grant a variance to allow the proposed construction of supportive piers for replacement and repair of the roof with no increase in the existing footprint with no additional stormwater mitigation required due to existing conditions including a large tree canopy, plenty of groundcover and large adjacent area of undeveloped State land.

Roll call vote:

Byma – yes; Gajewski – yes; Cormier – yes

The motion carried 3-0.

VI. Public Comment: There was no public comment.

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

Member Kelly distributed an article on Zoning Boards of Appeal from the November, 2006 Michigan Township Association's "Township News" publication and a graph detailing the Dexter Township ZBA approval statistics for the preceeding 6 calendar years.

VIII. Approval of Meeting Minutes

Approval of the September and November 14th meeting minutes will be deferred until the December 12, 2006 meeting.

IX. Adjournment

Motion by Kelly, support by Byma to adjourn the meeting. Motion Carried. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Pat Kelly,
Secretary