

DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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BROOK SMITH
CHAIRPERSON

BETH FILIP
VICE CHAIRPERSON

JAY HOLLAND
SECRETARY

JAMES DROLETT
MARTY STRAUB

DON DARNELL, *ALT.*
CHANDRA HURD, *ALT.*

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Tuesday July 2, 2019

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Jay Holland, Jim Drolett, and Marty Straub. Absent: None.

Also present: David Rohr, Director of Zoning and Planning; and Janis Miller, Recording Secretary.

1. Call to Order and Pledge of Allegiance:

The meeting was called to order by Chairperson Smith at 6:02 pm.

2. Approval of Agenda:

Moved by Holland, seconded by Straub, to approve the agenda as presented. Motion carried by voice vote.

3. Approval of Minutes:

Moved by Drolett, seconded by Straub, to approve the minutes of the June 4, 2019 as presented. Motion carried by voice vote.

4. Public Comment – Non-Agenda Items: None.

5. Action Items:

Item #1 (19-ZBA-857ABCD) DaSilva, 8433 Thurston, Pinckney, MI

Variances:

- (A) Increased lot coverage of twenty-eight (28) percent rather than the twenty-five (25) percent allowed; and
- (B) Reduced waterbody setback of forty-four (44) feet rather than the fifty (50) feet required; and
- (C) Reduced rear yard setback less than the required thirty (30) feet required pertaining to the westerly expansion of the proposed garage; and
- (D) Reduced front yard setback less than the required twenty-five (25) feet required pertaining to the eastern property line along the existing easement.

- a. Conflict of Interest/Ex-parte Contact Review: None.**

b. Staff Presentation and Questions from ZBA members:

DPZ Rohr summarized the staff report and answered questions from the ZBA members. DPZ Rohr noted he spoke with the applicant, who indicated he wanted the petition heard in his absence, requesting additional documentation for legibility. There are no changes in the application.

c. Petitioner Presentation and Questions from ZBA members:

Applicant Mr. DaSilva indicated he was not going to attend the meeting but he wanted the ZBA to rule on his application tonight.

d. Public Comment:

Letters from neighbors in original petition December 4, 2018 ZBA packets. Public comments on record in minutes of February 5, 2019 and June 4, 2019.

e. Zoning Board of Appeals deliberations and Standards of Review:

Deliberation: Property has two front yards and a waterbody setback. Problem with the west lot line infringement. The ZBA has questions for Mr. DaSilva, who chose to not attend the meeting. The Board could not make an informed decision in his absence.

f. Motion by Zoning Board of Appeals:

Moved by Holland, seconded by Straub, to deny the variances for (19-ZBA-857ABCD) DaSilva, due to absence of applicant's presence to answer questions and lack of information that the ZBA has continued to request.

Roll Call Vote: Yeas – Holland, Filip, Straub, Drolett, Smith: Nays - None: Abstain-- None: Absent – None. Motion carried 5-0.

Item #2 (19-ZBA-873AB) Meir, 6041 Madden Rd., Dexter, MI

Variances:

- (A) Reduced front-yard (street) setback of forty-five (45) feet rather than the eighty (80) feet required; and
- (B) Reduced front-yard Placement to ninety-three point five (93.5) feet rather than the two hundred (200) feet required.

a. Conflict of Interest/Ex-parte Contact Review:

Filip said “hello” to Mr. Meir in his yard, but did not discuss the application.

b. Staff Presentation and Questions from ZBA members:

DZP Rohr summarized the staff report and answered questions from the ZBA members.

b. Petitioner Presentation and Questions from ZBA members:

Dustin Meir, property owner and applicant, summarized his application and answered questions from the ZBA members.

- d. **Public Comment:** None.
 - i. letters and/or emails
 - ii. comments from public in attendance

- e. **Zoning Board of Appeals deliberations and Standards of Review:**
Deliberations: No topography maps in packets. No elevation drawings of pole barn. Pole barn would be closer to road than the house. Need a survey or an accurate scale drawing of the property. Lack of proof for a practical difficulty.

- f. **Motion by Zoning Board of Appeals:**
Moved by Drolett, seconded by Filip, to adjourn (19-ZBA-873AB) Meir, to the August 6th ZBA meeting, pending submission of requested documents or decision by DPZ Rohr that location/size changes could be made without the need of a variance.
Motion carried by voice vote (5-0).

Item #3 (19-ZBA-874AB) Stahl, 9601 Lakeview Dr., Pinckney MI

Variiances:

- (A) Increase maximum lot coverage to twenty-nine-point eight (29.8) percent rather than the twenty-five (25) percent required; and
- (B) Reduced side setback (North) of seven (7) feet ten point five (10.5) inches rather than the nine point three (9.3) feet required.

a. Conflict of Interest/Ex-parte Contact Review:

Smith, not knowing who Mr. Stahl was, said "hello" and asked where the stakes were. No discussion of application ensued.

b. Staff Presentation and Questions from ZBA members:

DZP Rohr summarized the staff report and answered questions from the ZBA members.

b. Petitioner Presentation and Questions from ZBA members:

Vince Stahl, homeowner and applicant, summarized his application and answered questions from the ZBA members.

d. Public Comment: Open 6:59 pm

i. letters and/or emails: One email of support in board packets.

ii. comments from public in attendance:

Daryl Wetzel, 9595 Lakeview Drive, neighbor to the south

Supports the project and says it is in line with other homes in the neighborhood.

Close 7:11 pm

e. Zoning Board of Appeals deliberations and Standards of Review:

Standards of Review:

(1) Practical Difficulty §4.30(C)(1) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
The strict application of the terms of this Ordinance would constitute a practical difficulty.	YES Holland Filip Straub Drolett Smith	YES Holland Filip Straub Drolett Smith
Notes: Smith: This is a pretty small lot and I think they've done a great job of fitting a nice-looking house into it. Definitely a practical difficulty.	NO None	NO None
(2) Physical Conditions §4.30(C)(2) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
The practical difficulty is due to some physical condition peculiar to the property involved.	YES Holland Filip Straub Drolett Smith	YES Holland Filip Straub Drolett Smith
Notes: Filip: There's been no evidence presented that the applicant has affected the physical condition in any way. This is how the lot was structured when he bought it, with no evidence to the contrary. Drolett: Particularly the side-yard setback varies because of the odd shape of the lot.	NO None	NO None
(3) Self-Created §4.30(C)(3) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
The practical difficulty is not self-created.	YES Holland Filip Straub Drolett Smith	YES Holland Filip Straub Drolett Smith
Notes: Filip: There is no evidence that he created this physical condition of the lot, it is the way when he bought it. Smith: Yes, for the reasons already stated.	NO None	NO None

4) Reasonable Amount Necessary §4.30(C)(4) Does the requested variance meet the following standard:	A	B
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
The variance is a reasonable amount necessary to mitigate the practical difficulty.	<u>YES</u> Holland Filip Straub Drolett Smith	<u>YES</u> Holland Filip Straub Drolett Smith
Notes: Drolett: Particularly the side-yard setback is very minimal, and its just the overhang that is intruding. Also, the lot coverage is well within what everybody else on the road has. Smith: I agree completely with Mr. Drolett's analysis.	<u>NO</u> None	<u>NO</u> None

(5) Public Health, Safety, and Welfare §4.30(C)(5) Does the requested variance meet the following standard:	A	B
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
Approval of the variance will not be injurious to the public health, safety, and welfare.	<u>YES</u> Holland Filip Straub Drolett Smith	<u>YES</u> Holland Filip Straub Drolett Smith
Notes: Filip: Again, there is no evidence here demonstrating that this would be injurious to the public health, safety, and welfare. Smith: Yes, for the reasons given by Beth.	<u>NO</u> None	<u>NO</u> None

5) Adverse Effect §4.30(C)(6) Does the requested variance meet the following standard:	A	B
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.	<u>YES</u> Holland Filip Straub Drolett Smith	<u>YES</u> Holland Filip Straub Drolett Smith
Notes: Holland: I see no adverse effects. Filip: It may help it.	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance §4.30(C)(7) Does the requested variance meet the following standard:	A	B
	Max coverage 12.02(E)4	Side setback 12.02(E)3b
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u> Holland Filip Straub Drolett Smith	<u>YES</u> Holland Filip Straub Drolett Smith
Notes:	<u>NO</u> None	<u>NO</u> None

f. Motion by Zoning Board of Appeals:

Moved by Filip, seconded by Holland, to approve the variances for petition (19-ZBA-874AB), to Vince and Lisa Stahl, for a house remodel at 9601 Lakeview Dr [Pinckney MI], tax id (D-04-06-206-001), for an increased lot coverage of twenty-nine point eight (29.8) percent rather than the twenty-five (25) percent allowed, in accordance with Ordinance §12.02(E)4, as well as to approve the reduced side setback, to the north, of seven feet ten inches (7' 10") rather than the nine (9) feet required, in accordance with §12.02(E)3b; provided that the house is built substantially in compliance with the drawings that have been submitted.

Roll Call Vote: Yeas – Holland, Filip, Straub, Drolett, Smith: Nays - None: Abstain- - None: Absent – None. Motion carried 5-0.

6. **Public Comment:** None.

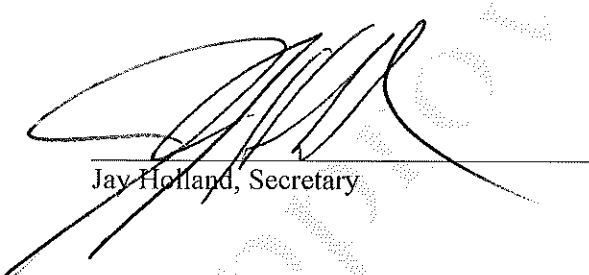
7. **Concerns of ZBA Members, DPZ, and Recording Secretary:**

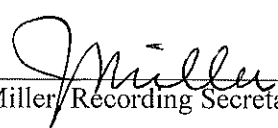
DPZ Rohr questioned the onus of what the requirements (documents) were needed for ZBA review. Discussion ensued regarding documents needed (mortgage survey or stake survey) for a zoning permit and a Multi-Lakes Water and Sewer Authority review prior to seeking a variance.

8.. **Adjournment**

Chairperson Smith declared the meeting adjourned at 7:27 p. m.

Respectfully submitted,


Jay Holland, Secretary


Janis Miller, Recording Secretary