



# Dexter Township

## planning commission

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John Shea,  
Chair  
Ken Tappe,  
Vice Chair  
Vickie Kooyers  
Twp. Brd. rep.  
Mary Adams  
Secretary  
James Korcek  
Molly Wade  
Tom Lewis  
Commissioners  
Kim Jordan,  
Recording Secretary

### REGULAR MEETING OF THE PLANNING COMMISSION Saturday, January 24, 2009 1:00 PM

Present: Ken Tappe, Vice Chair; Vickie Kooyers, Township Board Representative; Mary Adams, Secretary; Molly Wade and Tom Lewis.

Also present: Patrick Sloan, Director of Planning and Zoning.

Absent: Shea and Korcek.

The meeting was called to order at 1:00 PM.

**I. Approval of Agenda** - Motion by Kooyers, supported by Adams, to approve agenda as submitted.  
**Carried 5-0.**

**II. Approval of the Meeting Minutes** – No minutes to be reviewed.

**III. Public Comment** - None

**IV. Action Items** –

**1) Master Plan Public Advisory Meeting to discuss future development policies in the Lakes Residential areas.**

Tappe welcomed everyone and explained that the Planning Commission was revisiting their Master Plan. This is the second of three scheduled meetings to gather public input. He said that the members are soliciting comments from the public; they want to know the public's opinions, concerns, objectives, and any other related suggestions for future development policies in the Lakes Residential areas. He said that Patrick Sloan, Director of Planning and Zoning, will give a PowerPoint presentation and then we will open the floor for discussion.

Sloan gave a thorough PowerPoint presentation on the future development policies in the Lakes Residential areas of Dexter Township. He also mentioned that the map in the PowerPoint presentation was incorrect and that the current "Future Land Use" map on the wall at the Township Hall was correct. Sloan said that he would correct the digital map before posting the presentation onto the Township website.

Tappe opened the floor for public comment.

**George Bachmann, 8779 Grove Dr., Dexter**- stated that he lives on Grove Drive and that there are several houses that do not appear to meet the side yard setback requirements. He asked if anybody is inspecting these setbacks. He also stated that he believes we are overdeveloping the area. Houses are being built too close to each other and this is a big concern of his with regard to fire protection and drainage runoff issues that are prevalent in the lakes area. The drainage affects the roads, the neighbors, and lake water quality. He supports regulating the size of lake homes.

Sloan stated that Dexter Township measures the side yard setbacks as best as it can during both preliminary (footing) and final inspections. He also stated that the Township does not have a fire protection ordinance, thus they cannot dictate fire protection standards unless they are conditions of approval of the ZBA. He

said that fire emergency response time is an issue in many of the lakes residential areas. As for the drainage issues, the Township does regulate storm water run-off in its Zoning Ordinance. Some of those houses on Grove Drive were built before the Township had storm water management standards in place.

**Tom Ehman, 8940 Dexter-Pinckney Road, Dexter-** commented that the house with the drainage issues on Grove Dr. sued the township. He said that the township never defended the suit because it would have been too costly for them.

**Robert Hogikyan, 9944 Winston, Dexter-** said he is proactive, and asked how Dexter Township could better educate the public on storm water management and other Lake Residential zoning standards. He suggested that Dexter Township provide education materials to buyers prior to their purchase of lake property.

Sloan replied that we can put specific standards in the Master Plan regarding education.

Wade stated that Dexter Township does have a brochure on riparian rights. Although a brochure might be a passive way to educate, it's better than nothing.

Tappe said that most of the time people do not know the zoning regulations until they apply for permits.

Adams questioned if inspections of storm water management systems could be required at the time of sale.

**Bill Gajewski, 9820 Stinchfield Woods, Dexter-** stated that one of the functions of the Planning Commission is to educate the public. He suggested that we consider inviting agencies knowledgeable in storm water management to speak and give guide lines to the public.

**Michael Weners, 8851 McGregor Lane, Dexter-** stated that he has been a Lakes residential owner since 1995 and asked if any of the Planning Commissioners lived in the lakes area.

Tappe and Lewis replied that they have property in the lakes areas, and Adams said that she has property along the Huron River.

Mr. Weners stated that there should be a course of action with neighboring lake properties. Perhaps neighbors should report storm water runoff issues to the Township so they can inspect and police better. He also asked if storm water runoff needs to be mitigated for the whole site if an applicant only adds a garage.

Sloan replied that storm water runoff mitigation is typically required for the whole lot whenever an application is approved in the lakes areas. He also said that an alternative to the current Zoning Ordinance standard is to adopt a storm water management ordinance. However, there is a lot we can do right now.

**Charlotte Schiller, 8789 McGregor, Dexter-** asked if overhangs were included in our setback standards.

Sloan replied, yes, setbacks are measured to the nearest part of the structure – typically the overhangs. He also stated that our recourse for any non-compliant setbacks is to issue a violation notice and/or a stop work notice. This then gives the property owner the option to fix the violation and/or apply to the Zoning Board of Appeals for a variance. If the ZBA denies the applicants request for a variance, their only recourse is to appeal in Circuit Court.

Mr. Bachmann again restated his concern over the current zoning standards. He stated that if a person builds his or her home according to Zoning Ordinance standards, it is approved; however, those that don't want to build according to the Zoning Ordinance standards and have more money often sue and get approval through the courts.

**Brook Smith, 9957 Algonquin, Dexter** – asked how does a one acre minimum lot size apply in the Lakes Residential District? Also, he asked about the combination of lots to make 1 acre but still be non-conforming and if we were considering lowering the minimum lot size for Lakes Residential.

Sloan said that the transferring of contiguous nonconforming lots is a violation of the Zoning Ordinance. This is continues to be a major concern of the Township.

Tom Ehman stated that the minimum lot area requirement of 1 acre is often not a problem for owners unless they want to sell or transfer property that results in a lot size of less than 1 acre.

Mr. Hogikyan said he bought property here in 2001 and asked if we could be more proactive and educate new owners. He said that it would certainly help owners to better understand property lines and the definition of a lot.

Tappe commented that we have a very unique area we are discussing and that it needs to be thought out thoroughly. For example, near his property there are many easements and unique sets ~~of~~ rights. Therefore, it remains a very difficult issue for the Planning Commission to fix.

Mr. Wenners questioned riparian rights. He said that there are many boats being docked at lakefront properties that do not even own lake property. Asked if the state or local entities regulate.

Wade said that anything in relation to inland waters is normally a state issue.

Sloan responded that people in the lake association need to police their easements. The Township prefers not to be involved.

Mr. Smith agrees that lake associations and the DNR should be policing the riparian rights. However, he stated that the DNR is not adequately budgeted and they are unable to control the problem we are encountering.

Mr. Bachmann reiterated that there is a huge influx of boats in the area.

Mr. Wenners stated that as time goes on and properties change hands, it becomes more confusing and more disputes arise.

Mr. Ehman stated that the Township recently got involved with a legal dispute on Portage Lake and ended up on the sidelines while the private parties worked out an agreement.

Mr. Bachmann stated that there is much pollution (bottles, etc.) in the lakes from weekend users – many of whom are not property owners around the lakes.

Tappe stated that many of the concerns stated are non-planning issues, so he wasn't sure how they would apply to the Planning Commission and the Master Plan. He encouraged more planning-related comments that relate to future development in the lakes residential areas.

Mr. Hogikyan asked when the township survey was sent. Was it sent to the property or the owner because he didn't receive one?

Sloan replied that the surveys were sent in June 2006 to the property owner's address – not to the property address.

Tappe asked if there where any other questions relating to the lakes future development (e.g., roads, parks, public safety?).

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Mr. Ehman, from his prospective of looking at the zoning ordinance, Lakes Residential people are really interested in knowing what they can get and what guarantees are in place for replacing what the have presently.

Sloan stated that currently all legal nonconforming structures can be replaced as long as they are the same square footage, footprint, and profile. Although there is currently no sunset provision in the Zoning Ordinance that limits the time a person can rebuild a structure after it has been demolished or destroyed, he is considering proposing formal language to that effect for the Planning Commission's consideration.

Jeff Sannis, 8624 Dexter Townhall Road, Dexter -said he had a neighbor that wanted to tear down and rebuild upward on Silver Lake. The township told him he couldn't because he would be obstructing his neighbor's panoramic view. How can a person behind you, who is not on the lakes, dictate to the person on the lakes build out? How do you support this rational?

Sloan said that in that particular case, his recollection was that the Zoning Board of Appeals had requested more information from the applicant. When that information was not received, the ZBA acted on the information that it had at that time. Although the ZBA considered the neighbor's comments against the application, it acted on the application based on the standards in the Zoning Ordinance.

Mr. Smith asked about pre-existing structures that do not conform. Does an imposed sunset theoretically make any sense? And why wouldn't you allow one to build up?

Sloan explained that many other local units of government have such sunset provisions. If there is no sunset provision and a structure was demolished several decades ago, how would the Township know what could be rebuilt? In terms of expanding a nonconforming structure upward, such an addition expands the nonconformity because the plans are reviewed with three dimensions in mind (width, depth, and height). Therefore, if a nonconforming structure is expanded upward, the cubic volume of the nonconformity would also expand. Under this scenario, the ZBA would have to review the variance application.

Ms. Schiller asked what would happen if an applicant proposed a conforming change to a nonconforming structure.

Sloan replied that currently the ZBA would have to approve the plan, although this would ~~not~~ be considered a "variance application." However, the Township Board is currently considering text amendment language that would allow the Zoning Administrator to approve conforming changes to nonconforming structures without ZBA approval.

Tappe said that we have a long way to go yet. There has been a lot of good input this evening and there will be many more opportunities to discuss and cover these specific variance issues. The Planning Commission meets every second and fourth Tuesday of each month. We encourage everyone to attend these meetings and your comments are always welcome

Robert Jones, 8569 Dexter Townhall Road, Dexter - suggested the Master Plan have a section dedicated specifically to the Lakes Residential Area because of its unique district. It warrants its own section.

Tappe replied, possible. Good suggestion.

Sloan replied that the Master Plan will include this via its Future Land Use Map and its Zoning Plan. It will also contain many policies specific to the lakes areas. In addition, the Township can adopt sub-plans for certain areas of the Township. This may be a future consideration as we move forward.

**Bill Ferrington, 9766 Winston** - stated that whatever comes in ~~form~~ of a plan should be enforced per the ordinance.

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Mr. Smith asked if the Township participates with other townships regarding their revision to their Master Plan and Ordinance.

Sloan replied yes we do. CAPT/DART (Chelsea Area Planning Team/Dexter Area Regional Team, consisting of Lyndon, Dexter, Webster, Sylvan, Lima, and Scio Townships, the City of Chelsea, and the Village of Dexter) meets once a month to discuss planning-related issues. Additionally, we keep all contiguous Township Master Plans and Zoning Ordinances on file for reference. Also, before Dexter Township approves or amends its Master Plan, it must send a copy to all contiguous local units of government for review and comment, and vice versa. The Dexter Township Planning Commission has taken an active role in commenting on other Master Plans sent to it by contiguous local units of government.

**Mark Ouimet**, County commissioner, stated the county has been active in regional planning. Although Master Plan reviews are good opportunities to cooperate with one another, local governments retain control of their planning and zoning.

Tappe pointed out a letter sent by the Huron River Watershed Council regarding its opinions on development issues and how they affect water quality.

**Harold Baker, 9375 Lakeview Drive, Dexter**-stated that he hopes that we can do everything possible to preserve the remaining farmlands in the area. He thanked the Township Board for all its hard work helping the Glenbrook Beach Association. He said he is all too familiar with many of the issues discussed today regarding building sizes and preserving panoramic views.

Mr. Bauchmann asked what conservation recreation area defines.

Sloan said it allows for various recreation conservation activities (i.e. moose lodge, camp grounds, and yacht clubs, to mention a few).

**Jim Page, 9000 Glenbrook, Gregory**- asked if there was anything that we've been talking about today that would affect the future land uses in Rural Residential areas. He is concerned because he lives close to the lakes.

Sloan said that it would be determined in future months as the Planning Commission begins to formulate additional policies, its Future Land Use Map, and its Zoning Plan. There would also be a formal public hearing on the entire document once the Planning Commission finishes the draft.

Tappe thanked everyone for coming and reminded them that the Planning Commission meets every second and fourth Tuesday of the month and that their public input is encouraged and welcomed. Additionally, he stated that before any amendments are approved to the Master Plan a public hearing will be scheduled for further input and debate.

Tappe closed the floor for public comment.

#### **V. Township Board Up-Date –**

Kooyers informed the members that the subcommittee reviewing proposed amendment 34-6 is meeting an additional time to further draft language in Section 6.04 they want the Planning Commission to consider.

#### **VI. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary-**

None.

#### **VII. Public Comment – None**

**VIII. Future Agenda Items -**

Tuesday, January 27, 2009

- 1) Public Hearing for John Kelly Landscaping, Preliminary Site Plan
- 2) Washtenaw Parks & Recreation Commission, Preliminary Site Plan

ThursadyTuesday, February 5, 2009

- 1) Master Plan Public Advisory Meeting to discuss future development policies in the Rural Residential and Commercial areas of Dexter Township.

**IX.** Adjournment – Ken Tappe, Acting Chair, declared meeting adjourned at 3:00 PM

**Respectfully submitted,**

**Kimberly Jordan, Recording Secretary**

**Mary Adams, Secretary**