



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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BROOK SMITH
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 BETH FLIP
 VICE CHAIRPERSON
 JAY HOLLAND
 SECRETARY

JAMES DROLETT
 TOM EHMAN

DON DARNELL, *ALT.*
 MARTY STRAUB, *ALT.*

JANIS MILLER
 RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday March 5, 2019

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Jim Drolett, Tom Ehman and Don Darnell. Absent: Jay Holland, with notice

Also present: Matt Parks, OHM Advisors; Christina McEmber, Ordinance Compliance Officer; Janis Miller, Recording Secretary, and members of the public.

1. **Call to Order and Pledge of Allegiance:** The meeting was called to order by Chairperson Smith at 6:01 p.m. Chairperson Smith led the Pledge of Allegiance to the Flag.
2. **Approval of Agenda:**
 Without additions or corrections, the agenda was approved by consensus.
3. **Approval of Minutes:**
Moved by Drolett, seconded by Filip, to approve the minutes of February 5, 2019, as presented.
Motion carried by voice vote.
4. **Public Comment (Non-agenda Items):** None
5. **Public Hearing Procedure Review:** Not covered. Public Comment/Input Policy at the end of the agenda.
6. **Action Items:**
 Item #1
 a. **Introduction of the case:**

Petition Number:	(18-ZBA-857AB) DaSilva
Applicant(s):	Barbara DaSilva
Project Description:	House addition
Petition Description:	<p>A) <i>Increased lot coverage of twenty-eight (28) percent rather than the twenty-five (25) percent allowed. Increased lot coverage is for all roof surfaces; and</i></p> <p>B) <i>Reduced waterbody setback of forty-six (46) feet rather than the fifty (50) feet required. Reduced setback is from Silver Lake to the north.</i></p>
Property Location:	8433 Thurston (D-04-03-300-006)

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

c. Staff Presentation:

Matt Parks, OHM Advisors, gave a brief overview of the Appeal of Decision and answered questions from the Zoning Board of Appeals.

d. Petitioner Presentation:

Lorenzo DaSilva, homeowner and petitioner summarized his petition and answered questions from the Zoning Board of Appeals.

e. Public Comment: *(no public participation on agenda item after public hearing is closed):*

Letters from neighbors in previous ZBA Board packets.

f. Deliberation:

The Board could not make an informed decision in the absence of a comprehensive plot plan. Although Mr. DaSilva had drawings of the garage, he did not have a professional architect or land surveyor drawing that include: lot lines, setbacks, existing overhangs as well as proposed overhangs to compute lot coverage.

g. Action on Petition:

*Moved by Filip, seconded by Drolett, to postpone (18-ZBA-857AB) DaSilva, for the house addition A) Increased lot coverage of twenty-eight (28) percent rather than the twenty-five (25) percent allowed, and B) Reduced waterbody setback ff forty-six (46) feet rather than the fifty (50) feet required, as well as potentially the third variance we discussed tonight, to the next meeting held on April 2, 2019, in order to allow the applicant to submit A) a plot plan that complies with §6.03(A)(1) Plot Plans, and B) a drawing that shows location of existing eves and proposed eves, to Matt Parks, OHM Advisors, by March 13, 2019.
Motion carried 4-0.*

Item # 2:

a. Introduction of the case:

Petition Number:	Vermeulen Discussion – appeal
Applicant(s):	Aaron and Sandra Vermeulen
Project Description:	Deck Expansion
Petition Description:	N/A – Appeal of Decision
Property Location:	9693 Portage Lake Ave (04-01-107-021)

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

c. Staff Presentation:

Matt Parks, OHM Advisors, and Christina McEmber, Ordinance Compliance Officer gave a brief overview of the case and answered questions from the Zoning Board of Appeals.

d. Petitioner Presentation:

Aaron and Sandra Vermeulen summarized their Appeal of Decision regarding their deck expansion, and answered questions from the Zoning Board of Appeals.

e. **Public Comment:** *(no public participation on agenda item after public hearing is closed)*
Letters from neighbors in the ZBA Board packets.

f. **Deliberation:**

Appeals must be submitted within thirty (30) days and the Vermeulen action took place several months later, therefore invalidating the appeal. Discussion as to what variances are needed.

g. **Action on Petition:**

Moved by Smith, seconded by Darnell, to dismiss the Vermeulen Appeal of Decision as not having been filed in timely manner; and recommending to the Township Board that their appeal fees be refunded, based on confusion about what was and was not appealed.

Roll Call Vote: Yeas – Filip, Darnell, Drolett, Smith: Nays - None: Abstain- - None: Absent – Holland Motion carried 4-0.

Item #3

a. **Introduction of the case:**

Petition Number:	(19-ZBA-862) Furey
Applicant(s):	Dave R. Furey
Project Description:	Land division and combination
Petition Description:	Reduced minimum lot area of 0.23 acres rather than 0.5 acres required by the district. *Existing legal nonconformities exist currently.
Property Location:	9323 Anne Dr.

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

c. **Staff Presentation:**

Matt Parks, OHM Advisors, gave a brief overview of the case and answered questions from the Zoning Board of Appeals.

d. **Petitioner Presentation:**

Dave Furey, property owner and petitioner summarized his petition and answered questions from the Zoning Board of Appeals.

e. **Public Comment** *(no public participation after public hearing is closed):* None.

f. Standards of Review:

<p>(1) Practical Difficulty §4.30(C)(1) Does the requested variance meet the following standard:</p>	<p><u>A</u> 19.02(A)(1) Non-conforming lots</p>	
<p><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></p> <p>Notes: Filip – I definitely believe it is the strict application of the terms of this Ordinance and would constitute a practical difficulty as the lots were plotted out well before the current Zoning Ordinance was in effect.</p>	<p><u>YES</u> Filip Darnell Drolett Smith</p> <p><u>NO</u> None</p>	
<p>(2) Physical Conditions §4.30(C)(2) Does the requested variance meet the following standard:</p>	<p><u>A</u> 19.02(A)(1) Non-conforming lots</p>	
<p><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></p> <p>Notes: Filip – Yes, for the reasons I just stated.</p>	<p><u>YES</u> Filip Darnell Drolett Smith</p> <p><u>NO</u> None</p>	
<p>(3) Self-Created §4.30(C)(3) Does the requested variance meet the following standard:</p>	<p><u>A</u> 19.02(A)(1) Non-conforming lots</p>	
<p><i>The practical difficulty is not self-created.</i></p> <p>Notes: Filip – There is no evidence that Mr. Furey had his hands in plotting these lots himself, so I do not believe these are self-created. Drolett – In fact he’s creating a better situation for the other parcel.</p>	<p><u>YES</u> Filip Darnell Drolett Smith</p> <p><u>NO</u> None</p>	
<p>(4) Reasonable Amount Necessary §4.30(C)(4) Does the requested variance meet the following standard:</p>	<p><u>A</u> 19.02(A)(1) Non-conforming lots</p>	
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p> <p>Notes: Filip – I believe it is. There’s no evidence or case there is not an over amount necessary to mitigate the practical difficulty.</p>	<p><u>YES</u> Filip Darnell Drolett Smith</p> <p><u>NO</u> None</p>	

(5) Public Health, Safety, and Welfare §4.30(C)(5) Does the requested variance meet the following standard:	<i>A</i>	
	19.02(A)(1) Non-conforming lots	
Approval of the variance will not be injurious to the public health, safety, and welfare.	YES Filip Darnell Drolett Smith	
Notes: Filip – I don’t believe approval of this variance would be injurious to the public health, safety, and welfare. I don’t believe it would be injurious as we are improving the situation with regards to these two lots.	NO None	

(6) Adverse Effect §4.30(C)(6) Does the requested variance meet the following standard:	<i>A</i>	
	19.02(A)(1) Non-conforming lots	
Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.	YES Filip Darnell Drolett Smith	
Notes: Filip – I believe it actually may positively affect adjacent properties in the area, due to this alteration. Drolett – Anything that can be done to improve the size of those lots on Anne Drive is a positive.	NO None	

(7) Intent of the Ordinance §4.30(C)(7) Does the requested variance meet the following standard:	<i>A</i>	
	19.02(A)(1) Non-conforming lots	
Approval of the variance is consistent with the intent and purpose of this Ordinance.	YES Filip Darnell Drolett Smith	
Notes: Filip - I think most certainly approval of the variance is consistent with the intent and purpose of this Ordinance, given that it improves the situation, particularly with the much smaller lot.	NO None	

g. Action on Petition:

Moved by Filip, seconded by Darnell, to approve the variance for (19-ZBA-862) Furey, for the property located at 9323 Anne Drive, tax id. D-04-03-206-022, under [Zoning Ordinance] §19.02, with the adjustment of plot size made of record this evening; with the condition that Mr. Furey is still working out the issues with regard to previous variances, and he will continue to work on those, and this decision doesn’t alter that.

*Roll Call Vote: Yeas – Filip, Darnell, Drolett, Smith: Nays - None: Abstain- - None:
 Absent – Holland Motion carried 4-0.*

7. **Public Comment:** None

8. **Concerns of Zoning Board of Appeals Members, Director of Planning and Zoning, and Recording Secretary:**

Matt Parks - Rachael Jackson, OHM will at next month's meeting.

Smith – Would like the Township Board to do away with land division & transfers as there is zero criteria to approve such according to the State Land Division Act.

Supervisor Rider – Implemented in 1998, with safe guards built in to reduce the possibility of non-conformities. Christina McEmber, Ordinance Officer has resigned effective March 28th. Her valuable assistance in the absence of a DZP has be most appreciated. Friday, March 8th, the committee will be interviewing for the position of Director of Zoning and Planning.

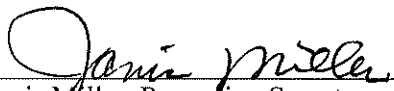
9. **Adjournment:**

Chairperson Smith declared the meeting adjourned at 8:16 p. m.

Respectfully submitted,



Jim Drolett, Acting Secretary



Janis Miller, Recording Secretary

Approved 04/02/2019