



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Tuesday September 3, 2019

Members present: Chairperson Brook Smith, Secretary Jay Holland, Jim Drolett, and Marty Straub.
Absent: With notice, Beth Filip.

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 6:00 pm.

2. Approval of Agenda:

Moved by Drolett, **seconded** by Holland, 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 August 13, 2019 as presented. Motion carried by voice vote.

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

5. Action Item: (19-ZBA-877A) Ramsburgh, 7985 Sauer Drive, Gregory, MI

Variance:

A) reduced front-yard (street) setback of twenty (20) feet rather than the fifty (50) feet required. [Center lot of three contiguous lots: tax id. (D-04-18-130-010)]

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

Smith said Mrs. Ramsburgh spoke to him about one of the stakes being knocked over and pointed out where it was missing from but did not discuss the application.

Holland said he spoke with the contractor, but did not discuss the deck project.

b. Staff Presentation and Questions from ZBA members:

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

c. Petitioner Presentation and Questions from ZBA members:

Mrs. Ramsburgh summarized her application for a new deck and answered questions from the ZBA members.

d. Public Comment:

Opened 6:10 PM

i. letters and/or emails:

Five letters from the neighbors in the file.

ii. comments from public in attendance:

Ginny Morgan, 7905 Sauer Drive, Gregory, MI

She said she supports the porch addition.

Closed 6:11 PM

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

Odd shaped lot. They did a good job of planning to bring it into compliance as much as they could. This is a reasonable request. There is not a negative impact on the neighbors.

Standards of Review:

<p>(1) Practical Difficulty §4.30(C)(1) Does the requested variance meet the following standard:</p>	<p>18.23(2)d Front-yard setback</p>
<p><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></p>	<p><u>YES</u> Holland Straub Drolett Smith</p>
<p>Notes: Smith – Yes for the reasons enunciated in the deliberations. Clearly they have a reasonable need to construct this porch, and prohibiting them to do it would be a practical difficulty.</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>18.23(2)d Front-yard setback</p>
<p><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></p>	<p><u>YES</u> Holland Straub Drolett Smith</p>
<p>Notes: Drolett – Again, the shape of the lot and the fact they have two front yards is a practical difficulty. Smith – I agree with Jim and vote Yes as well.</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>18.23(2)d Front-yard setback</p>
<p><i>The practical difficulty is not self-created.</i></p>	<p><u>YES</u> Holland Straub Drolett Smith</p>
<p>Notes: Smith – These folks acquired the property not long ago and clearly haven’t done anything to change its size, orientation, or proximity to the road.</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>18.23(2)d Front-yard setback</p>
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p> <p>Notes: Holland – I think it’s a very reasonable request. Smith – I appreciated the applicants explanation of how they sized it and clearly they are trying not to be any closer to the road than the existing, legally nonconforming residence.</p>	<p><u>YES</u> Holland Straub Drolett Smith</p> <p><u>NO</u> None</p>
<p>(5) Public Health, Safety, and Welfare §4.30(C)(5) Does the requested variance meet the following standard:</p>	<p>18.23(2)d Front-yard setback</p>
<p><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></p> <p>Notes: Smith – There is no evidence in the record of any possible injury to the public health, safety, and welfare.</p>	<p><u>YES</u> Holland Straub Drolett Smith</p> <p><u>NO</u> None</p>
<p>(6) Adverse Effect §4.30(C)(6) Does the requested variance meet the following standard:</p>	<p>18.23(2)d Front-yard setback</p>
<p><i>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</i></p> <p>Notes: Drolett – Most of the neighbors approve of it, so it’s obvious that it’s not going to adversely affect their property value.</p>	<p><u>YES</u> Holland Straub Drolett Smith</p> <p><u>NO</u> None</p>
<p>(7) Intent of the Ordinance §4.30(C)(7) Does the requested variance meet the following standard:</p>	<p>18.23(2)d Front-yard setback</p>
<p><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></p> <p>Notes: Holland – Yes, definitely. Smith – This is exactly the sort of project that we need to give a variance to.</p>	<p><u>YES</u> Holland Straub Drolett Smith</p> <p><u>NO</u> None</p>

f. Motion by Zoning Board of Appeals:

Moved by Drolett, seconded by Straub, for petition (19-ZBA-877A), Stephen and Ellen Ramsburgh, 7985 Sauer Drive, tax id (D-04-18-130-010), to allow a reduced front-yard setback, on North Lake Road, of twenty (20) feet from the fifty (50) feet required, to allow for the construction of a screened-in porch; with the condition that the porch be built substantially in compliance with the drawings presented to this body [ZBA]; and recognizing the existing nonconformity of the house setback, from the right-of-way, of twenty feet six inches (20' 6").

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

6. Public Comment: None.

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

DPZ Rohr: No applications for October, meeting cancelled.

Smith: Very good staff report. An additional request would be to get some numbers, encroachments from the 50-foot setback, on neighboring properties.

Straub: Very good staff presentation. Good applicant presentation. Everything was clear and no troubling aspects.

8. Adjournment

Chairperson Smith declared the meeting adjourned at 6:30 p. m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary