



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

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DENETTE BOLYARD,
RECORDING SECRETARY

MINUTES of

REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, April 2, 2013

Members present: Chairperson Donald Darnell, Mary Adams, Secretary and Planning Commission Representative, Jim Drolett, Don Darnell, and Jamie Hodges

Absent:

Also Present: Zach Michels, Director of Planning and Zoning, and DeNette Bolyard, Recording Secretary.

- I. Call to Order:** The meeting was called to order by Chairperson Darnell at 6:00 p.m.
- II. Pledge of Allegiance:** Chairperson Darnell led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Chairperson Darnell read the proposed agenda.
Moved by Smith, Seconded by Hodges, to approve the agenda as read.
Motion carried by voice vote.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Action Item: # 1
Appeal Number: 13 ZBA 771
Applicant Name(s): James & Susan Cormier
Property Tax ID: 04-25-460-019
Address: 4765 Dexter Pinckney Rd. Dexter

Purpose of Variance Request: To construct an addition connecting the home and garage. The proposed addition is within the required front-yard setback from Dexter-Pinckney and exceeds lot coverage.

Chairperson Darnell introduced the case as noted above and did not read aloud persons noticed for this hearing. But noted that the list would be kept on file in the Township Office.

Zoning Report

Report, dated April 2, 2013, has been placed in its entirety into the property file and will be kept on record in the township office. DPZ Michels gave a brief summary of the report to the ZBA members.

Q & A with DPZ, Michels:

ZBA members asked DPZ Michels what the front-yard setbacks and lot coverage percentage were for other homes in the area. Discussion followed as to whether or not it would set a precedent for others to encroach further into the front-yard setbacks along Dexter-Pinckney. Hodges stated that as a new member of the ZBA she wondered how the standards and criteria are established for making such a decision.

Applicant Presentation and Q & A with the ZBA:

Jim and Susan Cormier were present and Jim addressed the ZBA and explained the variance he wished to obtain and why.

Public Hearing:

Chairperson Darnell indicated that there were no letters from neighbors on record.

Michael Grissom
4769 Dexter Pinckney Rd.
Dexter, MI 48130

Neighbor to the Cormiers and has no objection to the variance being requested. He stated it will only help increase property values.

ZBA Deliberations:

There was discussion among the ZBA members and determined that the request was modest in size and reasonable and, therefore, moved on to the Standards of Review.

Standards of Review

<p>Use 4.05(C)(1)(a) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p><i>The variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that district.</i></p>	<p>YES</p>	<p>YES</p>
<p><i>Single-family homes are a permitted use in Rural Residential Districts.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p><i>The variance will relate only to the property under the control of the applicant.</i></p>	<p>YES</p>	<p>YES</p>
<p><i>The property is owned and controlled by the applicants, James and Susan Cormier.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>

<p>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</p>	<p>YES</p>	<p>YES</p>
<p><i>It appears that the alleged practical difficulties are not economic in nature. While it would be more expensive to add space on a second story and not increase the coverage, any addition would be restricted by the front-yard setback.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p>The practical difficulties shall not be self-created or result from actions of the applicant.</p>	<p>YES</p>	<p>YES</p>
<p><i>It does not appear that the applicant was responsible for the geometry or size of the property. However, the ZBA may make different or additional findings following a public hearing.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</p>	<p>YES</p>	<p>YES</p>
<p><i>The alleged practical difficult appears to be because of the shallow depth of the lot and the large (150') setback from Dexter-Pinckney.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p>Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unreasonably burdensome.</p>	<p>YES</p>	<p>YES</p>
<p><i>The property is 150 feet deep, making it impossible for any improvements to meet the required front-yard setback</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p>The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.</p>	<p>YES</p>	<p>YES</p>
<p><i>It appears the proposed addition area of 326 square feet is relatively modest. The covered porch extends an additional 4 feet towards Dexter-Pinckney, but is small in size and does not include any columns or walls</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:</p>	<p>18.23(A)(1)c Front-yard</p>	<p>12.01(E)(4) Coverage</p>
<p>The variance requested will not cause a substantial adverse effect upon surrounding properties, property values, and the use and enjoyment of property in the neighborhood or district, including public safety.</p>	<p>YES</p>	<p>YES</p>
<p><i>The proposed coverage appears to be similar to other properties in the area. The proposed setback will be larger than the home to the south but smaller than all of the houses to the north.</i></p>	<p>Hodges Adams Drolett Smith</p>	<p>Hodges Adams Drolett Smith</p>

<i>The single-story nature and limited porch appear to be consistent with most of the homes in the area.</i>	Darnell	Darnell

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	18.23(A)(1)c Front-yard	12.01(E)(4) Coverage
The variance will be in harmony with the general purpose and intent of this Ordinance.	YES	YES
<i>It appears the proposed addition would provide for a reasonable use and improvement of the property, consistent with the Master Plan and Zoning Ordinance, provided it is determined to be consistent with the above criteria.</i>	Hodges Adams Drolett Smith Darnell	Hodges Adams Drolett Smith Darnell

Recognition of Non-conformities:

Ordinance Section	Required	Existing	Notes
12.01(E)(1)	2 acres minimum	0.43acres	<i>Lot area is smaller than allowed in Rural Residential Districts.</i>
12.01(E)(3)c	30 feet minimum	25.3/13.3 feet	<i>Rear-yard setbacks are shorter than allowed in Rural Residential Districts.</i>

Chairperson Darnell declared all of the Standards of review have been met.

Drolett moved to approve the variance as requested to allow a reduction in the front-yard setback to 48.5', increase the lot coverage to 13.3%, and recognize existing nonconformities as listed above. Seconded by Smith.

Roll Call Vote:

Smith YES Adams YES Hodges YES Drolett YES Darnell YES

Motion Carried

Action Item: # 2
Appeal Number: 13 ZBA 772
Applicant Name(s): Scott & Shirley Bitters
Property Tax ID: 04-17-200-002
Address: 13446 North Lake Gregory MI

Purpose of Variance Request: To remove an existing porch and replace it with a larger, enclosed porch and add an open porch. The proposed porch is within the required front-yard setback from North Lake Rd.

Zoning Report

Report, dated April 2, 2013, has been placed in its entirety into the property file and kept on record in the township office. DPZ Michels gave a brief summary of the report to the ZBA members.

Q & A with DPZ, Michels:

There were no questions for DPZ Michels from the Board.

Applicant Presentation and Q & A with the ZBA:

Shirley Bitters, applicant, was present and addressed the Board. She explained the variance she was requesting and why. Plans are to utilize the dwelling as a “summer cottage”.

Public Hearing:

Indicated that there were no letters from neighbors on record.

No public in attendance.

ZBA Deliberations:

- **Adams** – With the addition of the porch addition, the setback would still be in line with the other homes in the area.
- **Smith** – Requested information as to why the Planning Commission has set certain setbacks for certain areas. DPZ Michels stated they were developed in 1973 according to information provided by Washtenaw County Road Commission.
- **Adams** - stated it is not going to be a public safety issue.

Standards of Review

<p>Use 4.05(C)(1)(a) Does the requested variance meet the following standard:</p>	<p>18.23(A)(3)a Front-yard</p>
<p><i>The variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that district.</i></p>	<p>YES</p>
<p><i>Single-family homes are a permitted use in Lakes Residential Districts.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:</p>	<p>18.23(A)(3)a Front-yard</p>
<p><i>The variance will relate only to the property under the control of the applicant.</i></p>	<p>YES</p>
<p><i>The property is owned and controlled by the applicants, Scott and Shelly Bitters.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:</p>	<p>18.23(A)(3)a Front-yard</p>
<p><i>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</i></p>	<p>YES</p>
<p><i>It does not appear that the alleged practical difficulties are economic in nature.</i></p>	<p>Hodges Adams Drolett Smith Darnell</p>
<p>Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii)</p>	<p>18.23(A)(3)a</p>

Does the requested variance meet the following standard:	Front-yard
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	YES
<i>It does not appear the applicants are responsible for the current location of the home on the property or the location of the road right-of-way.</i>	Hodges Adams Drolett Smith Darnell

Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii)	18.23(A)(3)a
Does the requested variance meet the following standard:	Front-yard
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>	YES
<i>It appears the alleged practical difficult is not a result of the property involved but rather the location of the existing home on the property</i>	Hodges Adams Drolett Smith Darnell

Unreasonable Burden 4.05(C)(1)(d)	18.23(A)(3)a
Does the requested variance meet the following standard:	Front-yard
<i>Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unreasonably burdensome.</i>	YES
<i>It appears that strict compliance would make it impossible to make any additions to the front side of the home. It does appear, however, that there may be opportunities for additions to be constructed in the rear yard.</i>	Hodges Adams Drolett Smith Darnell

Minimum Variance Necessary 4.05(C)(1)(e)	18.23(A)(3)a
Does the requested variance meet the following standard:	Front-yard
<i>The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.</i>	YES
<i>While the proposed porch is not large in size, it is much larger than the existing porch. The building plans show the proposed porch will have seating area and an area for a table.</i>	Hodges Adams Drolett Smith Darnell

Adverse Effect 4.05(C)(1)(f)	18.23(A)(3)a
Does the requested variance meet the following standard:	Front-yard
<i>The variance requested will not cause a substantial adverse effect upon surrounding properties, property values, and the use and enjoyment of property in the neighborhood or district, including public safety.</i>	YES
<i>It appears the proposed addition will not have a negative impact on traffic safety and is within the range of setbacks of surrounding homes along North Lake.</i>	Hodges Adams Drolett Smith Darnell

Intent of the Ordinance 4.05(C)(1)(g)	18.23(A)(3)a
Does the requested variance meet the following standard:	Front-yard
<i>The variance will be in harmony with the general purpose and intent of this Ordinance.</i>	YES
<i>It appears the proposed addition would provide for a reasonable use and improvement of the property,</i>	

<i>consistent with the Master Plan and Zoning Ordinance, provided it is determined to be consistent with the above criteria.</i>	Hodges Adams Drolett Smith Darnell

Recognition of Non-conformities:

Ordinance Section	Required	Existing	Notes
12.02(E)(1)	½ acre minimum	¼ acre	<i>Lot area is less than allowed in Lakes Residential Districts.</i>

Chairperson Darnell declared all of the Standards of review have been met.

Drolett moved to approve the variance to allow for the reduction of the front-yard setback to 25'. And recognize the existing nonconformities as listed above. Seconded by Smith.

Roll Call Vote:

Smith YES Adams YES Hodges YES Drolett YES Darnell YES

Motion Carried

VI. Rules of Procedure, (By-Laws)

DPZ Michels made revisions to the draft rules of procedure as requested by the ZBA at the previous meeting. Further review ensued. DPZ Michels will make the recommended changes and bring back to the ZBA at the May meeting for review.

VII. Approval of Meeting Minutes: March 5, 2013

Moved by Smith, **seconded** by Drolett to approve the meeting minutes. Smith made a friendly amendment to add “minutes” to the Header on the front page as suggested by Drolett. Drolett supported the amendment.

Motion carried by voice vote.

VIII. Concerns of Board Members, Planning Director, Recording Secretary:

IX. Adjournment

Chairperson Darnell declared the meeting adjourned at 8:25 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Mary Adams.
ZBA Secretary

These minutes have been approved by majority vote at the _____ Zoning Board of Appeals Meeting.

DRAFT