



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, May 7, 2013

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

Absent: None

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

- I. Call to Order:** The meeting was called to order by Chairperson at 6:00 p.m.
- II. Pledge of Allegiance:** In the absence of the American Flag the Chairperson did not lead the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Chairperson read the proposed agenda.
Moved by, Adams second by Drolett to approve the agenda as amended. Add Rules of Procedure as item #2 for review.
Motion carried by voice vote.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Action Item: # 1
Appeal Number: 13-ZBA-773
Applicant Name(s): Joel and Cynthia Blum
Property Tax ID: 04-18-132-010
Address: 13845 Sauer Drive Gregory, MI 48137
Purpose of Variance Request: To construct a one-car attached 18' x 22" garage to existing home. Garage will encroach in the front yard setbacks.

Chairperson 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 23, was summarized by DPZ Michels, the report, in its entirety, will be placed into the property file in the Township Hall.

Q & A with DPZ, Michels:

The ZBA Board members asked DPZ Michels about the height of the proposed roof, and the ages of the other homes around the property in question.

Applicant Presentation and Q & A with the ZBA:

Joel Blum, applicant addressed the Board and explained the variance that he was requesting. He also explained the parking situation, time frames of when other garages were built in the area, and that he did not own the property across the street. He also said that they had discussed the project with the neighbors and they are all in favor of the plans for the garage.

Public Hearing:

Indicated that there were no letters from neighbors on record. There were no comments from the public.

ZBA Deliberations:

Smith- This is one of the circumstances that a variance should be granted. He said he would prefer if the garage was 2' smaller, but in this case really would not make a difference.

Adams- Her concern was if everyone builds out to the road, access along the road would become difficult.

Standards of Review:

The ZBA shall have the power to authorize specific variances from the standards of this Ordinance provided that the spirit of this Ordinance is observed, the public safety secured, and substantial justice done. All the required findings listed below shall be met and the record of proceedings of the ZBA shall contain evidence supporting each conclusion.

Use 4.05(C)(1)(a)	18.23(A) Front-yard	12.02(E)(3)b Side-yard
Does the requested variance meet the following standard:		
<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>	YES	YES
It is a permitted principal use within that district	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Property Control 4.05(C)(1)(b)	18.23(A) Front-yard	12.02(E)(3)b Side-yard
Does the requested variance meet the following standard:		
<i>The variance will relate only to the property under the control of the applicant.</i>	YES	YES
The variance does relate only to the property under the control of the applicant.	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i)	18.23(A) Front-yard	12.02(E)(3)b Side-yard
Does the requested variance meet the following standard:		
<i>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</i>	YES	YES
The practical difficulties are not economic.	Smith Drolett	Smith Drolett

	Adams Hodges Darnell	Adams Hodges Darnell
Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	18.23(A) Front-yard	12.02(E)(3)b Side-yard
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	YES	YES
	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	18.23(A) Front-yard	12.02(E)(3)b Side-yard
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>	YES	YES
Practical difficulty exists because of the topography, and placement of the house.	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	18.23(A) Front-yard	12.02(E)(3)b Side-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	YES
Strict compliance of the setbacks would prevent the owners from using the property for the permitted purpose of the garage.	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	18.23(A) Front-yard	12.02(E)(3)b Side-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	YES
The applicant is asking for a one car garage.	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	18.23(A) Front-yard	12.02(E)(3)b Side-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	YES
Support from all the neighbors and it does not appear that it will affect the surrounding neighborhood.	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell
Intent of the Ordinance 4.05(C)(1)(g)	18.23(A)	12.02(E)(3)b

Does the requested variance meet the following standard:	Front-yard	Side-yard
<i>The variance will be in harmony with the general purpose and intent of this Ordinance.</i>	YES	YES
	Smith Drolett Adams Hodges Darnell	Smith Drolett Adams Hodges Darnell

Recognition of Non-conformities:

Ordinance Section	Required	Existing	Notes
12.02(E)(1)	21,780 square feet minimum	7,461 square feet	<i>Lot area, excluding rights-of-way and water areas.</i>

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

Motion was made by Drolett to grant the variance for the above applicant to allow for the construction of a one car garage (18'x 22'). The road side setback will be reduced from 25' to 3' from the edge of the right-of-way and the side yard setback from 12' to 5'. Motion seconded by Smith.

Roll Call Vote:

Smith **YES** Drolett **YES** Adams **YES** Hodges **YES** Darnell **YES**

Motion Carried

Item # 2 – Rules of Procedure –

DPZ Michels previously distributed the rules of procedure in his staff report for the ZBA Members to review and bring forward comments.

After further comments and corrections, DPZ Michels will revise and bring back a copy for approval.

VI. Approval of Meeting Minutes:

Moved by, Smith, seconded by, Hodges to approved the April 2, 2013 minutes as submitted.

Motion carried by voice vote.

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

VIII. Adjournment

Chairperson declared the meeting adjourned at 7:35 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

ZBA Secretary

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