



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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DONALD DARNELL,
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VICE CHAIR

MARY ADAMS,
SECRETARY

JAMIE HODGES

JAMES CORMIER, ALT.

STEVE BURCH, ALT.

DENETTE BOLYARD,
RECORDING SECRETARY

MINUTES OF THE

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday, June 4, 2013

Members present: Chairperson Donald Darnell, Mary Adams, Secretary and Planning Commission Representative, Jim Drolett, Brook Smith, and Steve Burch, Alternate.

Absent: Jamie Hodges

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 6:10 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 Adams to add item # 2 – Rules of Procedure to the agenda and approve the agenda as amended.

Motion carried by voice vote.

- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Action Item: # 1
Appeal Number: 13-ZBA-744
Applicant Name(s): Rebecca Wheeler
Property Tax ID: 04-24-300-005
Address: 6160 Dexter Pinckney Rd. Dexter MI

Purpose of Variance Request: The applicant wishes to remove the existing, low slope roof, and replace it with a steeper roof with living space in a new, second story. The proposed new roof would have larger overhangs of 2 feet (current overhangs are 16 inches). It would also include several dormers. A new covered porch would extend roughly 10 feet towards the road and measure 14 feet wide. Front-yard setback of 98 feet is being requested.

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 May 22nd was summarized by DPZ Michels. The report in its entirety will be filed in the applicant's property file.

Q & A with DPZ, Michels:

- **Drolett** - Asked DPZ Michels if the lot size was from the edge of the right of way and not the center line of the road.
- **Smith** – Asked for confirmation of the size of the increase of non-conformity. Michels stated roughly 10 feet.

Applicant Presentation and Q & A with the ZBA: Rebecca Wheeler was present and explained to the Board what variances they were requesting.

Public Hearing:

Indicated that there were no letters from neighbors on record.

ZBA Deliberations:

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)(1) Front-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
<i>Single-family homes are a permitted use in Rural Residential Districts.</i>	Drolett Adams Burch Darnell Smith

Property Control 4.05(C)(1)(b)	18.23(A)(1) Front-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
<i>The property is owned and controlled by the applicant, Rebecca Wheeler</i>	Drolett Adams Burch Darnell Smith

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i)	18.23(A)(1) Front-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
<i>The practical difficulty appears to be related to the location of the existing home. It appears that a larger house could be constructed on the property, meeting the setbacks, but that would require razing of the existing home and possible relocation of the septic system. If the property were vacant, it would be possible to locate a house in an area that would meet the setback standards.</i>	Drolett Adams Burch Darnell

	Smith
Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	18.23(A)(1) Front-yard
The practical difficulties shall not be self-created or result from actions of the applicant.	YES Drolett Adams Burch Darnell Smith
<i>The applicant is not responsible for the current location of the home; it was constructed before the current ownership.</i>	
Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	18.23(A)(1) Front-yard
The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.	YES Drolett Adams Burch Darnell
<i>The property, though smaller in area and width than the current standard for Rural Residential Districts, does not have extraordinary narrowness or shallowness or an unusual shape or topography. The location of the existing home entirely within the required front-yard setbacks makes it difficult to make additions to it.</i>	
	NO Smith
Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	18.23(A)(1) Front-yard
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.	YES Drolett Adams Burch Darnell
<i>It appears possible to use the property, which is more than 400 feet deep, according to the setback and coverage standards of the zoning ordinance. The existing home is located within the required front-yard setback and the septic system is located behind the home, making such compliance burdensome due to extensive relocation and expense.</i>	
	NO Smith
Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	18.23(A)(1) Front-yard
The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.	YES Drolett Adams Burch Darnell
<i>It does not appear that the variance request is excessive, especially the request to vertically expand the house. It may be possible to have a smaller covered-porch on the front of the home.</i>	
	NO Smith
Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	18.23(A)(1) Front-yard
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.	YES Drolett

<i>Because of the sizes of the properties and the distances between structures, it does not appear that the proposed variance request will have a substantial adverse effect on the surrounding properties or district.</i>	Adams Burch Darnell Smith

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	18.23(A)(1) 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, generally consistent with the intent of Rural Residential Districts, as outlined in the zoning ordinance and the Master Plan.</i>	Drolett Adams Burch Darnell Smith
Notes:	

Recognition of Non-conformities:

Ordinance Section	Required	Existing	Notes
12.01(E)(1)	2 acres minimum	0.92 acres	<i>The lot is smaller than the minimum size required in Rural Residential Districts.</i>
12.01(E)(2)	150 feet minimum	100 feet	<i>The lot is narrower than the minimum width required in Rural Residential Districts.</i>

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

Drolett made a motion, supported by Burch to grant the requested variance to allow for a 98' front yard setback to remove existing roof and add a steeper roof with living space. Also to recognize the existing non-conformities.

Roll Call Vote:

YES – DROLETT YES – ADAMS YES – BURCH YES – DARNELL NO – SMITH

Motion Carried

Action Item: # 2

Rules of Procedure were reviewed and a motion was made by Drolett, supported by Smith, to adopt the Rules of Procedure as amended through June 4, 2013; (A period to be added in 7 (c) & 8 A.4.f. (9) & (10) to be divided, changes from v05.08.

Motion Carried

VI. Approval of Meeting Minutes:

Motion by Drolett, **support** by Adams to approve the meeting minutes of May 7, 2013 as amended.

Motion carried by voice vote.

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

DPZ Michels informed Adams and Smith that the Township Board approved for them to take the Citizen Planner class.

Tuesday, July 2, 2013, there will not be a ZBA meeting.

VIII. Adjournment

Chairperson declared the meeting adjourned at 6:50 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.