



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

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VICE CHAIR

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DENETTE BOLYARD,  
RECORDING SECRETARY

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday, September 3, 2013**

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

Absent:

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 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 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:**

<b>Action Item: # 1</b>
<b>Appeal Number: 13-ZBA-776</b>
<b>Applicant Name(s): Joan Brieland &amp; Greg Shultz</b>
<b>Property Tax ID: 04-30-200-013</b>
<b>Address: 14389 Island Lake Rd</b>
<b>Purpose of Variance Request: Reduced front-yard setback/placement for a detached accessory building, reduced area for a horse.</b>

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 September 3, 2013, was summarized by DPZ Michels and filed in the property file in its entirety.

#### **Applicant Presentation and Q & A with the ZBA:**

Both applicants were present and Joan Brieland approached the Board and explained to them what variances she was requesting and what the plans were. The applicants told the Board that they did not plan on having a paddock for the horse to roam. They planned on keeping the horse in the stall and walking him on the road.

Chair Darnell asked the applicant if they were interested in obtaining the variance for the accessory building if they weren't able to obtain a variance for the horse. Applicant said no.

**Public Hearing:**

Indicated that there were no letters from neighbors on record.

**Jeff Watkin  
5195 Westbury**

Had concerns about where she would be riding the horse, and about the odor.

**Janice Blinn  
5275 Westbury**

Also had concerns about odor. Not sure of the quality of life for the horse if it doesn't have a paddock to run in.

**Jack Blinn  
5275 Westbury**

Concerned with the flies and the odor with a horse in the front yard.

**Barbara Urbanski  
13500 Waterloo Road**

Has concerns with keeping of a horse on acreage less than 2.5 acres.

**ZBA Deliberations:**

Discussion took place about the amount of acreage is required to have a horse, DPZ Michels indicated that it is 2.5 acres.

Smith asked Michels if the Zoning Ordinance specifies if a designated amount of land needs to remain as open space for the horse to roam. Michels explained that there was setbacks of 50' for buildings holding animals and pasture areas that don't retain ground cover.

Hodges is concerned with the lack of acreage for the quality of life for the horse.

Drolett and Adams have the same concerns, Adams is also concerned of the precedence it may set to allow a horse on less than 2.5 acres.

**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.

<b>Use 4.05(C)(1)(a)</b> <b>Does the requested variance meet the following standard:</b>	<b>18.17(B)(3)(A)</b> Lot Area for Horse	<b>18.18(C)(2)</b> <b>a.ii.</b> Front-yard Setback	<b>18.18(D)(1)</b> Accessory Building Coverage
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<b>The variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that district.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>Accessory buildings and the keeping of horses are permitted in Rural Residential Districts.</i>	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL
Notes:	<u>NO</u>	<u>NO</u>	<u>NO</u>
	HODGES DROLETT	HODGES DROLETT	HODGES DROLETT

<b>Property Control 4.05(C)(1)(b)</b> <b>Does the requested variance meet the following standard:</b>	18.17(B)(3)(A) Lot Area for Horse	18.18(C)(2) a.ii. Front-yard Setback	18.18(D)(1) Accessory Building Coverage
<b>The variance will relate only to the property under the control of the applicant.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The property is owned and controlled by the applicants.</i>	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL
Notes:	HODGES DROLETT	HODGES DROLETT	HODGES DROLETT

<b>Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i)</b> <b>Does the requested variance meet the following standard:</b>	18.17(B)(3)(A) Lot Area for Horse	18.18(C)(2) a.ii. Front-yard Setback	18.18(D)(1) Accessory Building Coverage
<b>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The inability to attain a higher financial return does not appear to be a practical difficulty for the requested variances. However, the ZBA may make different findings following a public hearing.</i>	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL
Notes:	HODGES DROLETT	HODGES DROLETT	HODGES DROLETT

<b>Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii)</b> <b>Does the requested variance meet the following standard:</b>	18.17(B)(3)(A) Lot Area for Horse	18.18(C)(2) a.ii. Front-yard Setback	18.18(D)(1) Accessory Building Coverage
<b>The practical difficulties shall not be self-created or result from actions of the applicant.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The applicants do not appear responsible for the size of the lot, location of the house, or location of surrounding roads. However, the ZBA may make different findings following a public hearing.</i>	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL
Notes:	HODGES DROLETT	HODGES DROLETT	HODGES DROLETT

Continued →

<b>Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii)</b> <b>Does the requested variance meet the following standard:</b>	18.17(B)(3)(A) Lot Area for Horse	18.18(C)(2) a.ii. Front-yard Setback	18.18(D)(1) Accessory Building Coverage
<b>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The lot is not exceptionally narrow or shallow, nor does it have an unusual shape. It slopes down roughly 40 feet from the northwest corner to the southeast corner. It is</i>	ADAMS SMITH HODGES	ADAMS SMITH DARNELL	ADAMS SMITH DARNELL

<i>bordered on three sides by roads, giving the lot three front yards. However, the ZBA may make different findings following a public hearing.</i>	<b>DROLETT</b>	<b>HODGES DROLETT</b>	<b>HODGES DROLETT</b>
Notes:	<b><u>NO</u></b>		
	<b>DARNELL</b>		

<b>Unreasonable Burden 4.05(C)(1)(d)</b> <b>Does the requested variance meet the following standard:</b>	<b>18.17(B)(3)(A)</b> Lot Area for Horse	<b>18.18(C)(2)</b> <b>a.ii.</b> Front-yard Setback	<b>18.18(D)(1)</b> Accessory Building Coverage
<b>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.</b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
	<b>SMITH</b>	<b>SMITH</b>	<b>SMITH</b>
<i>It is possible to use the property as a house without the variance, but it is not possible to keep a horse on the property without a variance. Additional property cannot be added along to the north, east, or south because of roads and cannot be added to the west because that would increase the nonconformity of the adjacent lot. However, the ZBA may make different findings following a public hearing.</i>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>
	<b>DARNELL HODGES DROLETT ADAMS</b>	<b>DARNELL HODGES DROLETT ADAMS</b>	<b>DARNELL HODGES DROLETT ADAMS</b>
Notes:			

<b>Minimum Variance Necessary 4.05(C)(1)(e)</b> <b>Does the requested variance meet the following standard:</b>	<b>18.17(B)(3)(A)</b> Lot Area for Horse	<b>18.18(C)(2)</b> <b>a.ii.</b> Front-yard Setback	<b>18.18(D)(1)</b> Accessory Building Coverage
<b>The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.</b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
	<b>SMITH DROLETT ADAMS</b>	<b>SMITH DROLETT ADAMS</b>	<b>SMITH DROLETT ADAMS</b>
<i>The proposed horse building appears relatively modest in size, and the setback appears to be the farthest from the road in this yard that still allows an appropriate separation from the home. However, the ZBA may make different findings following a public hearing.</i>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>
	<b>DARNELL HODGES</b>	<b>DARNELL HODGES</b>	<b>DARNELL HODGES</b>
Notes:			

<b>Adverse Effect 4.05(C)(1)(f)</b> <b>Does the requested variance meet the following standard:</b>	<b>18.17(B)(3)(A)</b> Lot Area for Horse	<b>18.18(C)(2)</b> <b>a.ii.</b> Front-yard Setback	<b>18.18(D)(1)</b> Accessory Building Coverage
<b>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.</b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
	<b>SMITH</b>	<b>HODGES DROLETT ADAMS SMITH</b>	<b>HODGES DROLETT ADAMS SMITH</b>
<i>Because the proposed location is well-screened from adjacent properties and the roads, it should not have significant negative impacts on the neighborhood. The proposed location for the horse building appears likely to reduce the amount of runoff onto adjacent properties from horse-related activities. However, the ZBA may make different findings following a public hearing.</i>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>
	<b>ADAMS DARNELL HODGES DROLETT</b>	<b>DARNELL</b>	<b>DARNELL</b>
Notes:			

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	18.17(B)(3)(A) Lot Area for Horse	18.18(C)(2) a.ii. Front-yard Setback	18.18(D)(1) Accessory Building Coverage
<b>The variance will be in harmony with the general purpose and intent of this Ordinance.</b>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The Zoning Ordinance sets minimum standards for the keeping of livestock to prevent potential negative impacts on adjacent properties. The lot does not meet the minimum threshold for keeping a horse, but it does meet the minimum density standards. The proposed location appears likely to mitigate other negative impacts. However, the ZBA may make different findings following a public hearing.</i>	SMITH <u>NO</u> DARNELL HODGES DROLETT ADAMS	SMITH ADAMS DARNELL HODGES DROLETT	ADAMS SMITH DARNELL HODGES DROLETT
Notes:			

Chairperson Darnell declared all of the Standards of review have not been met.

It was moved by Drolett to **deny** the three requested variances. Seconded by Hodges

Roll Call Vote:

DROLETT YES HODGES YES ADAMS YES SMITH YES DARNELL YES

**Motion Carried**

<b>Action Item: # 2</b>
<b>Appeal Number: 13-ZBA-777</b>
<b>Applicant Name(s): Richard &amp; Juli Huddleston</b>
<b>Property Tax ID: 04-02-175-014</b>
<b>Address: 9834 Winston</b>
<b>Purpose of Variance Request: Reduced front-yard and side-yard setbacks, increased lot coverage.</b>

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.

Chairperson Darnell read aloud the letter from the applicant's stating that they are requesting a postponement of their variance request to allow them time to revise their plans with respect to the property lines. The applicants requested that they be postponed to the December 3, 2013 meeting.

A motion was made by Drolett, supported by Hodges to postpone to the December 3, 2013 meeting.

**Motion Carried by voice vote**

<b>Action Item: # 3</b>
<b>Appeal Number: 13-ZBA-778</b>

<b>Applicant Name(s): Director of Planning and Zoning, Zach Michels</b>
<b>Property Tax ID:</b>
<b>Address:</b>
<b>Purpose of Variance Request: Interpretation of the Zoning Ordinance, Section 22.02(A)(4): Residential Driveway Location</b>

A discussion was held regarding legal descriptions for right-of-way. DPZ Michels stated it varies based on the type of road. For t-intersections it may extend to the centerline or terminate at the edge.

It was moved by and seconded by that the illustration on the top of page 3.5 of the ZBA Staff Report dated August 22, 2013 is the correct interpretation. The illustration shows a 50' radius circle with the origin center at the intersection of the edges of the road-right-of-ways.

**VI. Approval of Meeting Minutes:**

**Motion** by Smith, **support** by Drolett to approve the minutes of August 6, 2013, as amended.

**Motion carried by voice vote.**

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

**VIII. Adjournment**

Chairperson declared the meeting adjourned at 8:40 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.