



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

TELEPHONE: 734-426-3767
FAX: 734-426-3833
WWW.TWP-DEXTER.ORG

DONALD DARNELL,
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VICE CHAIR
MARY ADAMS,
SECRETARY
BROOK SMITH
JAMIE HODGES
JAMES CORMIER, ALT.
STEVE BURCH, ALT.
DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, November 5, 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, 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 Hodges, seconded by Adams to approve the agenda as read.

Motion carried by voice vote. 4-0

Board member Smith arrived at 6:05 p.m.

IV. Public Comment- Non Agenda Items: None

V. Action Items:

Action Item: # 1
Appeal Number: 13-ZBA-781
Applicant Name(s): Michael & Kathy Staebler
Property Tax ID: 04-26-200-034
Address: 4644 Birch Lane

Purpose of Variance Request: petition for two developmental-standard variances to construct a new accessory building. Variances are for a **reduced front-yard (road) setback of sixty-seven (67) feet rather than the four hundred ninety-two (492) feet required** and an **increased accessory building coverage of one point eight (1.8) percent rather than the one (1) percent allowed**

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 November 5, 2013, was summarized by DPZ Michels and placed into the file in its entirety.

Q & A with DPZ, Michels:

Hodges asked for clarification of the front yard setback.
Darnell asked if it was the minimum amount necessary for this variance.

Applicant Presentation and Q & A with the ZBA:

Michael and Kathy Staebler were present and explained that the reason the requested set back is far toward the front lot line for the pole barn is because they plan on housing animals and if placed farther back on the lot it would be closer to the neighbor's house, and with animals, the smell may not be too pleasant.

Public Hearing:

There were no letters from neighbors on record.

Charity Barnes
10110 Fleming

She indicated that it would be her house that would be impacted if the barn was placed farther back on the lot.

ZBA Deliberations:

Mutual concerns of the Board were the size of the requested pole barn and whether or not the requested variances are the minimum amount necessary.

Standards of Review

- A. **Reduced front-yard (road) setback of sixty-seven (67) feet rather than the four hundred ninety-two (492) feet required.** Reduced setback is from Fleming to the south.
- B. **Increased accessory building coverage of one point eight (1.8) percent rather than the one (1) percent allowed.** Increased coverage is for the additional accessory building.

Use 4.05(C)(1)(a) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
The variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that district.	YES Drolett Hodges Adams Smith Darnell	YES Drolett Hodges Adams Smith Darnell
Notes:		

Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
The variance will relate only to the property under the control of the applicant.	YES Drolett Hodges Adams Smith Darnell	YES Drolett Hodges Adams Smith Darnell
Notes:		

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
<i>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</i>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Darnell
Notes:		

Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	<u>YES</u> Smith	<u>YES</u> Darnell Smith
Notes:	<u>NO</u> Drolett Hodges Adams Darnell	<u>NO</u> Drolett Hodges Adams

Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>		<u>YES</u> Darnell
Notes:	<u>NO</u> Drolett Hodges Adams Smith Darnell	<u>NO</u> Drolett Hodges Adams Smith

Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
<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>		<u>YES</u> Darnell
Notes:	<u>NO</u> Drolett Hodges Adams Smith Darnell	<u>NO</u> Drolett Hodges Adams Smith

Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.		<u>YES</u> Darnell
Notes:	<u>NO</u> Drolett Hodges Adams Smith Darnell	<u>NO</u> Drolett Hodges Adams Smith

Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
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.	<u>YES</u> Drolett	<u>YES</u> Darnell
Notes:	<u>NO</u> Hodges Adams Smith Darnell	<u>NO</u> Drolett Hodges Adams Smith

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)a.ii Front-yard Setback	18.18(D)(2) Lot Coverage
The variance will be in harmony with the general purpose and intent of this Ordinance.		<u>YES</u> Darnell
Notes:	<u>NO</u> Drolett Hodges Adams Smith Darnell	<u>NO</u> Drolett Hodges Adams Smith

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

Motion by Drolett, seconded by Smith, to deny both variance requests: 18.18(C)(2)a.ii front-yard setback and 18.18(D)(2) lot coverage.

Roll Call Vote:

Drolett YES Hodges YES Adams YES Smith YES Darnell YES

Motion Carried

Action Item: # 2
Appeal Number: 13-ZBA-782
Applicant Name(s): Scott Simon
Property Tax ID: 04-13-100-019
Address: 9303 Huron River Drive
Purpose of Variance Request: petitions for <i>two developmental-standard variances</i> to construct a new accessory building. Variances are for a <i>reduced front-yard (road) setback of one hundred eight (180) feet rather than the two hundred (200) feet required</i> and a <i>reduced side-yard setback of seven (7) feet rather than the fifteen (15) feet required</i>

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 November 5, 2013, was summarized by DPZ Michels and placed into the file in its entirety.

Q & A with DPZ, Michels:

Discussion with the ZBA regarding placement of the requested pole barn. DPZ Michels indicated that there were other options for placing it on the property.

Applicant Presentation and Q & A with the ZBA:

Scott Simon was present and addressed the Board and explained that his reasons were personal for wanting the pole barn placed 7' from the side yard line and 180' back instead of the required 200'. He said that mature trees and topography prevented him from placing it elsewhere. He also stated that he wanted to store vehicles and construction equipment in the pole barn.

Public Hearing – None

ZBA Deliberations -

Hodges was concerned with the 7' side yard setback.
Smith said the pole barn could be placed somewhere else on the property.

The applicant expressed to the ZBA that he would like to postpone his request and submit another plan with the pole barn placed in a different spot on his lot.

Drolett made a motion, seconded by Smith, to postpone until the January 7, 2013, ZBA meeting.

Carried by voice vote. 5-0

Action Item: # 3
Appeal Number: 13-ZBA-783
Applicant Name(s): Pinckney Territorial LLC
Property Tax ID: 04-13-300-018
Address: 7036 Dexter-Pinckney Rd.
Purpose of Variance Request: petitions <i>to appeal a decision</i> by the Director of Planning & Zoning. Decision being appealed is that <i>signs do not comply with the Zoning Ordinance</i> and a <i>site plan is required for a commercial use and prior to issuance of a Zoning Permit for a commercial use</i>

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 November 5, 2013, was summarized by DPZ Michels, and placed into the file in its entirety.

Q & A with DPZ, Michels:

Darnell- Does the decision of the sign interpret what is an awning or what is not an awning? DPZ Michels said a portion of it does, the other is that it increases the non-conformity of the structure.

Smith- Is one of the basis for citing the sign because it is advertising something that is not available on the site? DPZ Michels said that yes, it was in the first citation, but that was not included in the second citation.

Questions and answers were exchanged; DPZ Michels explained to the ZBA why he interpreted the Zoning Ordinance the way he did.

Applicant Presentation and Q & A with the ZBA:

Matt Schuster, applicant, was present and addressed the ZBA. Mr. Schuster distributed a large packet with additional information. The ZBA took a few minutes to review the information. Mr. Schuster stated that the packet of information pertained to mainly the history of the building. (The packet of information has been placed in the property file in the Township Office).

Smith asked Schuster if an approved permit was in the file that was given to the Board. Mr. Schuster then summarized the documents that were in the packet.

Schuster said that the LLC had an approved liquor license at this time. He stated that his intention all along was to do a change in use without a site plan with the existing site as it stands which has been there since the middle 60's. He indicated that he had no intentions to make changes to the envelope of the site which would require a site plan. He said that if DPZ Michels said that the signs were non-conforming then he would have to take them down.

Smith asked Mr. Schuster to clarify what he would like the Zoning Board of Appeals to accomplish at this meeting. Mr. Schuster explained that he disagrees with DPZ Michels in four areas.

- 1) Whether or not the current placement of the signs is appropriate.
- 2) That the signs do not meet the setback requirements.
- 3) And that he had suspended the permit for the replacement doors.

- 4) DPZ Michels stated that no other permits will be issued until an approved site plan has been filed. And applicant would like to pull additional permits to do other improvements

After discussion Darnell reminded the Board that the only request before them was whether or not DPZ Michels interpreted the Zoning Ordinance correctly. *Which was that the signs do not comply with the Zoning Ordinance and a site plan is required for a commercial use and prior to issuance of a Zoning Permit for a commercial use.*

Motion by Drolett, seconded by Hodges, to affirm the decisions of DPZ Michels with regard to the signs and setbacks and the withholding of further permits until the requirements of an approved site plan has been completed. This site has been in existence for many years, it was built at a time where there was very little traffic at that intersection and today traffic has increased and it is imperative that the Township require a site plan for safety. The Ordinance is clear that it requires a site plan for that commercial use.

Drolett YES Hodges YES Adams YES Smith NO Darnell YES

Motion Carried

Public Hearing: Re-opened after the decision. No comments.

Action Item: # 4
Appeal Number: 13-ZBA-784
Applicant Name(s): Wade & Kim Wines
Property Tax ID: 04-11-100-012/013
Address: 8611 Stinchfield Woods Rd.
Purpose of Variance Request: petition for <i>two developmental-standard variances</i> to construct a house addition. Variances are for a reduced front-yard (road) setback of twenty-three (23) feet rather than the thirty-five (35) feet required and a reduced front-yard (water) setback of forty-eight (48) feet rather than the fifty (50) feet required.

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 November 5, 2013, was summarized by DPZ Michels and placed into the file in its entirety.

Q & A with DPZ, Michels:

Hodges asked DPZ Michels if there was an overlay showing where the new addition would be placed over the existing barn. DPZ Michels said there was not.

Drolett asked the applicant why they needed a 56' garage. Applicant said that it was because his wife wouldn't allow him to have an 80' garage.

Applicant Presentation and Q & A with the ZBA:

Wade & Kim Wines, applicants, were present and explained to the Board what variances they were requesting.

Public Hearing:

Bonnie Stalker
8656 Stanette

Said she was the neighbor to the north and had no objections to the variance request.

Standards of Review

- A. *Reduced front-yard (road) setback of twenty-three (23) feet rather than the thirty-five (35) feet required.*
Setback is from Stanette Road to the east.
- B. *Reduced front-yard (water) setback of forty-eight (48) feet rather than the fifty (50) feet required.*
Setback is from a canal connected to Little Portage Lake to the west.

Use 4.05(C)(1)(a) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<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>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes:		

Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The variance will relate only to the property under the control of the applicant.</i>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes:		

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</i>	<u>YES</u> Drolett Adams Smith Darnell	<u>YES</u> Drolett Adams Smith Darnell
Notes:	<u>NO</u> Hodges	<u>NO</u> Hodges

	A	B
Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes: The distance to the canal		

	A	B
Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes: The shallowness and shape of the lot is the practical difficulty		

	A	B
Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<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>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes:		

	A	B
Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.</i>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes: Mitigating the setbacks by tearing down the barn and changing the setbacks		

Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<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
Notes: Significant improvement all around	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard Setback	18.23(B) Water Setback
<i>The variance will be in harmony with the general purpose and intent of this Ordinance.</i>	YES	YES
Notes:	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell

Chairperson Darnell declared the Standards of Review have been met.

Motion by Drolett, seconded by Smith, to grant the variances requested of 12.01(E)(3)a/18.23(A), front-yard setback of 23' rather than the 35' required and 18.23(B) water setback of 48' rather than the 50' required.

Roll Call Vote:

Drolett YES Hodges YES Adams YES Smith YES Darnell YES

Motion Carried

Action Item: # 5
Appeal Number: 13-ZBA-785
Applicant Name(s): Robert Nowak & John Levandowski
Property Tax ID: 04-01-480-011
Address: 9160 McGregor Rd
Purpose of Variance Request: petition for three developmental-standard variances to construct a new house. Variances are for a reduced front-yard (road) setback of forty (40) feet rather than the one hundred (100) feet required , a reduced rear-yard setback of six (6) feet rather than the thirty (30) feet required , and a reduced waterbody setback of twenty-six (26) feet rather than the fifty (50) feet required .

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 November 5, 2013, was summarized by DPZ Michels and placed into the file in its entirety.

Q & A with DPZ, Michels:

Applicant Presentation and Q & A with the ZBA:

Sean Smith, applicants' architect, was present representing Robert Nowak and John Levandowski.

Public Hearing

Dave & Lisa DeBoer
9136 McGregor

Lisa DeBoer stated that they were neighbors to the south and was concerned with the proposed construction and wanted to make sure what was being requested. Their main concern was with the road yard setback request of 40' rather than the 100' required. She also had many questions concerning the staff report.

Richard Blakeney
9235 McGregor

He had no objections to the request and stated he wished he had more land so he could have a bigger house himself.

Standards of Review:

- A. *Reduced front-yard (road) setback of forty (40) feet rather than the one hundred (100) feet required.*** Setback is from McGregor to the west.
- B. *Reduced rear-yard setback of six (6) feet rather than the thirty (30) feet required.*** Setback is from the rear lot line to the east.
- C. *Reduced waterbody setback of twenty-six (26) feet rather than the fifty (50) feet required.*** Setback is from the Huron River to the east.

Use 4.05(C)(1)(a) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2)l Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<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>	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
Notes:			

Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The variance will relate only to the property under the control of the applicant.</i>	<u>YES</u> Drolett Hodges Smith	<u>YES</u> Drolett Hodges Smith	<u>YES</u> Drolett Hodges Smith
Notes:	<u>NO</u> Darnell Adams	<u>NO</u> Darnell Adams	<u>NO</u> Darnell Adams

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The practical difficulties shall not be economic nor shall the inability to attain a higher financial return be considered a practical difficulty.</i>	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith
Notes: As proposed this is for economic reasons	<u>NO</u> Darnell Adams Hodges	<u>NO</u> Darnell Adams Hodges	<u>NO</u> Darnell Adams Hodges

Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	<u>YES</u> Drolett Adams Smith Darnell	<u>YES</u> Drolett Adams Smith Darnell	<u>YES</u> Drolett Adams Smith Darnell
Notes:	<u>NO</u> Hodges	<u>NO</u> Hodges	<u>NO</u> Hodges

Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>	<u>YES</u> Drolett Adams Smith	<u>YES</u> Drolett Adams Smith	<u>YES</u> Drolett Adams Smith
Notes:	<u>NO</u> Hodges Darnell	<u>NO</u> Hodges Darnell	<u>NO</u> Hodges Darnell

Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<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>	<u>YES</u> Drolett Adams Smith Darnell	<u>YES</u> Drolett Adams Smith Darnell	<u>YES</u> Drolett Adams Smith Darnell
Notes: Small size of the lot does prohibit	<u>NO</u> Hodges	<u>NO</u> Hodges	<u>NO</u> Hodges

Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.</i>	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith
Notes:	<u>NO</u> Hodges Adams Darnell	<u>NO</u> Hodges Adams Darnell	<u>NO</u> Hodges Adams Darnell

Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<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>	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith	<u>YES</u> Drolett Smith
Notes: The neighbors in attendance feel they would be adversely affected	<u>NO</u> Hodges Adams Darnell	<u>NO</u> Hodges Adams Darnell	<u>NO</u> Hodges Adams Darnell

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(2) Front-yard (Road)	12.02(E)(3)c Rear-yard	18.23(B) Water Body
<i>The variance will be in harmony with the general purpose and intent of this Ordinance.</i>	<u>YES</u> Drolett Smith Darnell	<u>YES</u> Drolett Smith Darnell	<u>YES</u> Drolett Smith Darnell
Notes:	<u>NO</u> Hodges Adams	<u>NO</u> Hodges Adams	<u>NO</u> Hodges Adams

Chairperson Darnell declared that the Standards of Review have not been met.

Adams made a motion, seconded by Hodges, to deny the three requested variances. 18.23(A)(2) Front-yard setback, 12.02(E)(3)c Rear-yard setback, 18.23(B) Water Body setback.

Roll Call Vote:

Drolett NO Hodges YES Adams YES Smith YES Darnell YES

Motion Carried- Variance Denied

VI. Public Comment- Sean Smith, Architect asked what the appropriate method would be to address “non-charted” territory. He would like to suggest that the ZBA meet with the architect to help guide the applicant.

VII. Approval of Meeting Minutes: October 1, 2013

Motion by Drolett, **support** by Smith to approve the minutes as submitted.

Motion carried by voice vote.

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

Supervisor Kelly approached the ZBA and had concerns that there were too many cases being heard in one night. She feels that after a three hour meeting that it becomes fairly non-productive.

DPZ Michels- Next month only has 3 cases. The Huddlestons are not ready to come back before this ZBA yet.

IX. Adjournment

Chairperson Darnell declared the meeting adjourned at 10:45 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Mary Adams,
ZBA Secretary

These minutes have been approved by majority vote at the DECEMBER 3, 2013 Zoning Board of Appeals Meeting.