



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS Tuesday, December 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

- 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 Adams, seconded by Hodges, to move (13-ZBA-785) Nowak/Levandowski from the last action item to the first action item on the agenda.

Motion carried by voice vote.

Public Comment- Non Agenda Items: None

Action Items:

Action Item: # 1
Appeal Number: (13-ZBA-785)
Applicant Name(s): Nowak and Levandowski
Property Tax ID: 04-01-480-011
Address: 9160 McGregor Rd.
Purpose of Request: To consider reopening the variance request to allow the applicant the opportunity to request a postponement in order to submit revised plans.

Chairperson Darnell introduced the case and described it was before the ZBA because the applicant's agent was not informed of the opportunity to request a postponement so the plans and variance request could be amended and resubmitted.

Moved by Drolett, seconded by Smith, to reopen (13-ZBA-785) Nowak/Levandowski, as heard on November 5, 2013.

Motion carried by a voice vote.

Shaun Smith, agent for the applicants and project architect, was present and requested the ZBA postpone the variance until a later date as his clients are interested in submitting a revised plan that addresses concerns raised at the earlier hearing.

Moved by Drolett, seconded by Smith, to rescind the action taken on November 5, 2013, for ADDRESS, TAX ID, and allow the applicant an extension to modify the variance request.

Motion carried by a voice vote.

Question concerning what the earliest available meeting would be.

DPZ Michels stated that the earliest meeting was February 4, 2014, and that the deadline for that meeting is December 27, 2013.

Smith (applicant) said it would be possible to submit revised plans by that date.

Reconfirm site information.

Moved by Drolett, seconded by Smith, to postpone (13-ZBA-785) Nowak/Levandowski until the February 4, 2014, ZBA meeting.

Motion carried by a voice vote.

Action Item: # 2
Appeal Number: (13-ZBA-779B)
Applicant Name(s): John & Keri Rieger
Property Tax ID: 04-06-176-026
Address: 9285 Lakeview Dr
Purpose of Variance Request: Variances are for a reduced front-yard (road) setback of eleven point seventy-five (11.75) feet rather than the twenty-five (25) required and a reduced rear-yard setback of eleven point seventy-five (11.75) feet rather than the eighteen point five (18.5) feet required.

Chairperson Darnell introduced the case as noted above and stated that approximately 30 people had been notified by mail but did not read aloud persons noticed for this hearing. He noted that the list would be kept on file in the Township Office. Chairperson Darnell confirmed with DPZ Michels that the notice sign was posted on the property.

Zoning Report

Report, dated November 21, 2013, was summarized by DPZ Michels and the full report is in the file in the Township Office.

Q & A with DPZ, Michels:

Drolett noted that the plans called for the building to be set into the hill and asked if the hill and topography would remain as shown or if it would be altered.

Riegger stated the hill and topography would remain as shown.

Hodges asked if there was a garage associated with the house across the street and what size that garage was.

DPZ Michels stated that there was a two-car attached garage with the house that is roughly 540 square feet.

Hodges asked if there was a maximum number of cars that somebody could keep on their property.

DPZ Michels stated that there is no limit but all vehicles must be operable, which includes valid registration and insurance, and be associated with the property owner.

Adams asked what the width of the building would be if it were 14 feet deep.

DPZ Michels stated that the building could be roughly 89 feet wide.

Applicant Presentation and Q & A with the ZBA:

Public Hearing:

No members of the public spoke.

No letters were received concerning the requested variance.

Standards of Review

- A.** Applicants request a *reduced front-yard setback of eleven point seven five (11.75) feet rather than the twenty-five (25) feet required.* Reduced setback for the proposed detached garage is from the Lakeview right-of-way to the west.
- B.** Applicants request a *reduced rear-yard setback of eleven point seven five (11.75) feet rather than the eighteen point five (18.5) feet required.* Reduced setback for the proposed detached garage is from the eastern property line.

	A	B
	Use 4.05(C)(1)(a) Does the requested variance meet the following standard:	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage
<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>	<u>YES</u>
<i>Accessory buildings are permitted uses in Lake Residential Districts if there is a primary building. In this case, the primary building is across the street, on what is considered the same lot.</i>	Drolett	Drolett
	Hodges	Hodges
	Adams	Adams
	Smith	Smith
	Darnell	Darnell
Notes:	<u>NO</u>	<u>NO</u>
	-	-

Property Control 4.05(C)(1)(b)	A	B
		12.02(E)(3)a

Does the requested variance meet the following standard:	/18.23(A) Front-yard Setback for Garage	Rear-yard Setback for Garage
<i>The variance will relate only to the property under the control of the applicant.</i>	<u>YES</u>	<u>YES</u>
<i>The applicant owns and controls the property.</i>	Drolett	Drolett
Notes:	Hodges	Hodges
	Adams	Adams
	Smith	Smith
	Darnell	Darnell
	<u>NO</u>	<u>NO</u>
	-	-

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<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>	<u>YES</u>
<i>The alleged practical difficulties do not appear to be economic, but the addition of a garage on the back lot will likely increase the value of the lot and may reduce possible boat storage costs. There are facilities in the area that provide storage of boats.</i>	Drolett	Drolett
Notes:	Smith	Smith
	Darnell	Darnell
	<u>NO</u>	<u>NO</u>
	Hodges	Hodges
	Adams	Adams

Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<i>The practical difficulties shall not be self-created or result from actions of the applicant.</i>	<u>YES</u>	<u>YES</u>
<i>It does not appear that the applicant is responsible for the alleged practical difficulties. The relatively shallow rear lot was platted decades ago.</i>	Drolett	Drolett
Notes:	Smith	Smith
The shallow depth of the lot was created decades ago when the lot was platted.	Darnell	Darnell
	<u>NO</u>	<u>NO</u>
	Hodges	Hodges
	Adams	Adams

Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<i>The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.</i>	<u>YES</u>	<u>YES</u>
<i>The alleged practical difficulties appear related to the shallowness of the lot and the height of the proposed accessory building. It appears possible to build a smaller accessory building on the lot without requiring variances, that smaller building may be less desirable to the applicant.</i>	Drolett	Drolett
	Hodges	Hodges
	Smith	Smith
	Darnell	Darnell

Notes: The proposed use of the structure is what requires it to be too big, but a smaller accessory building could be built. The lot has a small depth. MORE	<u>NO</u> Adams	<u>NO</u> Adams
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	A	B
Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<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 Smith Darnell	<u>YES</u> Drolett Smith Darnell
<i>It appears possible to build a smaller, shorter detached garage on the rear lot without requiring a variance or requiring lesser variances.</i>		
Notes: Strict application of the Zoning Ordinance standards would make the lot unuseable.	<u>NO</u> Hodges Adams	<u>NO</u> Hodges Adams

	A	B
Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<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 Darnell	<u>YES</u> Drolett Smith Darnell
<i>It appears possible to build a smaller accessory building without requiring variances or requiring lesser variances from the Zoning Ordinance standards. However, the ZBA may make different findings following a public hearing.</i>		
Notes: The footprint is unchanged from the previous request; it appears possible to construct a smaller accessory building.	<u>NO</u> Hodges Adams	<u>NO</u> Hodges Adams

	A	B
Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	12.02(E)(3)a /18.23(A) Front-yard Setback for Garage	18.18(C) Rear-yard Setback for Garage
<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 Hodges Smith Darnell	<u>YES</u> Drolett Hodges Smith Darnell
<i>The proposed garage may have a greater presence on the street because of the reduced setback and its height. There are several houses on this side of the street and the other side of the street which are several feet closer to the street, but they are not as tall. The building will be partially set into the topography of the lot and is at the bottom of the hill, so this impact may be less than it would be otherwise. The requested front-yard setback should not have a substantial impact on public safety as this is a dead end street serving few lots beyond this one.</i>		
Notes: Potential public safety risk from reduced front yard setback.	<u>NO</u> Adams	<u>NO</u> Adams

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	A	B
		12.02(E)(3)a /18.23(A) Front-yard Setback for Garage
The variance will be in harmony with the general purpose and intent of this Ordinance.	<u>YES</u>	<u>YES</u>
<i>The requested variance would allow relief from the relative shallowness of the backlot. However, it may be possible to build a smaller accessory building on the rear lot without requiring variances or with lesser variances.</i>	Drolett Smith Darnell	Drolett Smith Darnell
Notes: Height wasn't the only reason the variance is not consistent with the general purpose and intent of the Zoning Ordinance. Denial of a variance would prevent reasonable use of the property.	<u>NO</u> Hodges Adams	<u>NO</u> Hodges Adams

Chairperson Darnell declared all of the Standards of Review have been met for both variance requests.

Moved by Drolett, seconded by Smith, to grant (13-ZBA-779B) Riegger, for 9265 Lakeview, tax id D-04-06-176-026, for a reduced front-yard setback of 11.75 feet rather than the 25 feet required and a reduced rear-yard setback of 11.75 feet rather than the 18.5 feet required to allow for construction of a detached garage/boathouse and recognize lot area is small than required.

Amendment of motion by Drolett, accepted by Smith, to add conditions that the garage not be built taller than the 18.5 feet presented and that the walls be setback at least 1 feet from the edge of the overhangs.

Roll Call Vote:

Drolett- YES Hodges- NO Adams- NO Smith- YES Darnell- YES

Motion Carried 3-2

Action Item: # 3
Appeal Number: 13-ZBA-786
Applicant Name(s): Thomas Hooper
Property Tax ID: 04-18-466-013
Address: 6580 Lombardy Drive
Purpose of Variance Request: Variances are for a reduced front-yard (road) setback of twenty-five point seventy-five (25.75) feet rather than the thirty-five (35) feet required and an increased lot coverage of ten point two (10.2) percent rather than the ten (10) 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 21, 2013, was summarized by DPZ Michels and the full report is in the file in the Township Office.

Q & A with DPZ, Michels:

Darnell asked for set back clarification

Applicant Presentation and Q & A with the ZBA:

Paul LaRoe, Dexter Builders, representing Mr. Hooper, explained the proposed plan to the Board.

Public Hearing:

Indicated that there were no letters from neighbors on record.

Standards of Review

- A. Applicant requests a ***reduced front-yard (road) setback of twenty-five point seventy-five (25.75) feet rather than the thirty-five (35) feet required. Reduced setback is from Lombardy to the west.***
- B. Applicant requests and an ***increased lot coverage of ten point two (10.2) percent rather than the ten (10) percent allowed.*** Lot coverage is for the existing house and detached garage and the proposed, attached-garage addition.

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	12.01(E)(3) Lot Coverage
<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>	<u>YES</u>
<i>Single-family houses, included attached garages, are a permitted use in Rural Residential Districts.</i>	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell
Notes:	<u>NO</u> -	<u>NO</u> -

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	12.01(E)(3) Lot Coverage
<i>The variance will relate only to the property under the control of the applicant.</i>	<u>YES</u>	<u>YES</u>
<i>The property is owned and controlled by the applicant.</i>	Drolett Hodges Adams Smith	Drolett Hodges Adams Smith
Notes:		

	Darnell	Darnell
	<u>NO</u> -	<u>NO</u> -

	A	B
Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	12.01(E)(3)a/ 18.23(A) Front-yard	12.01(E)(3) 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 Smith Darnell
<i>The alleged practical difficulties do not appear to be economic in nature. The proposed addition is constrained and reacting to physical conditions of the site, such as the location of the existing house and a drainfield.</i>		
Notes:	<u>NO</u> -	<u>NO</u> -

Continued →

	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	12.01(E)(3) Lot Coverage
<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
<i>The applicants do not appear to be responsible for the current location of the house or the drainfield. Recent applicant actions, purchasing property to the south and combining it with the original parcel and applying for and receiving a zoning map amendment from Recreation Conservation to Rural Residential made it easier to use the lot than would have been the case previously.</i>		
Notes: The existing house is located at this plane.	<u>NO</u> -	<u>NO</u> -

	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	12.01(E)(3) 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> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
<i>The lot does not appear to be narrow, shallow, or of an unusual shape or topography. Possible locations are restricted for additions to this side of the house because of the location of the drainfield in the rear yard.</i>		
Notes: The drainfield location makes it difficult to locate the addition farther back from the road.	<u>NO</u> -	<u>NO</u> -

	A	B
Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	12.01(E)(3)a/	12.01(E)(3)

	18.23(A) Front-yard	Lot Coverage
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.	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
<i>Strict compliance with Zoning Ordinance standards would require a smaller or differently configured garage addition. Strict compliance with the lot coverage would require the addition to be roughly 66 square feet smaller than shown in the submitted plans.</i>		
Notes:	<u>NO</u> -	<u>NO</u> -

Continued →

Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	A	B
	12.01(E)(3)a/ 18.23(A) Front-yard	12.01(E)(3) 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> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
<i>It does not appear possible for the garage to be located farther back on the lot due to the drainfield location. Reducing the garage from three to two spaces would allow it to meet the front-yard setback standards. Reducing the garage by roughly 66 square feet would eliminate the need for a lot coverage variance.</i>		
Notes: The existing house is on a slab so storage space is at a premium. The addition appears to not be larger than necessary.	<u>NO</u> -	<u>NO</u> -

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	12.01(E)(3) 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 Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
<i>It does not appear that the proposed variances will cause a substantial adverse effect on the adjacent properties. The addition will be taller than the existing house and most houses in the area, but it will be located along the same line as the existing house. The proposed garage will not require an additional curb cut. No adverse impact on public safety is anticipated as the house and lot generally sits above the road several feet and Lombardy is a dead-end street.</i>		
Notes: There appears to be no substantial adverse effect on adjacent properties.	<u>NO</u> -	<u>NO</u> -

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	12.01(E)(3) Lot Coverage
The variance will be in harmony with the general purpose and intent of this Ordinance.	<u>YES</u> Drolett Hodges	<u>YES</u> Drolett Hodges
<i>The proposed garage addition is generally consistent with the neighborhood and will follow the</i>		

<i>existing front façade line of the house. It does not appear that there will be a significant impact on the surrounding area or on public health, safety, and welfare.</i>	Adams Smith Darnell	Adams Smith Darnell
Notes:	<u>NO</u> -	<u>NO</u> -

Chairperson Darnell declared all of the Standards of Review have been met for both variance requests.

Motion by Drolett, seconded by Smith, to grant (13-ZBA-786) Hooper, for 6580 Lombardy, tax id D-04-18-466-013, for a reduced front-yard setback of 25.75 feet, which is the setback of the current house, rather than the 35 feet required and an increased lot coverage of 10.2 percent rather than the 10 percent allowed to allow for construction of an attached garage with second story loft.

Roll Call Vote:

Drolett- YES Hodges- YES Adams- YES Smith- YES Darnell- YES

Motion Carried 5-0

Action Item: # 3
Appeal Number: 13-ZBA-787
Applicant Name(s): Joanne Bertoni
Property Tax ID: 04-18-179-016/04-18-180-014
Address: 7315 Webbs Shore
Purpose of Variance Request: Variances are for a <i>reduced front-yard (road) setback of three (3) feet rather than the twenty-five (25) feet required, a reduced rear-yard setback of eleven (11) feet rather than the twelve point five (12.5) feet required, and an increased lot coverage of twenty-six point nine (26.9) percent rather than the twenty-five (25) percent allowed.</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 21, 2013, was summarized by DPZ Michels and the full report is in the file in the Township Office.

Q & A with DPZ, Michels:

Discussion was held between DPZ Michels and the Board regarding the height of the building and the setbacks.

Applicant Presentation and Q & A with the ZBA:

Joanne Bertoni was present and explained to the Board what her variance request was and what she wanted to do.

ZBA Deliberations:

Standards of Review:

- A. Applicants request a **reduced front-yard (road) setback of three (3) feet rather than the twenty-five (25) feet required.** Reduced setback for the proposed detached garage is from an alley to the south.
- B. Applicant requests a **reduced rear-yard setback of eleven (11) feet rather than the twelve point five (12.5) feet required.** Reduced setback for the proposed detached garage is from the northern lot line.
- C. Applicants request an **increased lot coverage of twenty-six point nine (26.9) percent rather than the twenty-five (25) percent allowed.** Increased coverage is for the existing house and proposed garage on the combined lot.

Use 4.05(C)(1)(a) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) 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.	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>Accessory garages are permitted uses in Lake Residential Districts if there is an existing single-family house on the lot. There is a house across the street on what is considered the same lot. However, the ZBA may make different findings following a public hearing.</i>	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell
Notes:	<u>NO</u> -	<u>NO</u> -	<u>NO</u> -

Property Control 4.05(C)(1)(b) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
The variance will relate only to the property under the control of the applicant.	<u>YES</u>	<u>YES</u>	<u>YES</u>
<i>The applicant is the owner of the property and has control over the property. However, the ZBA may make different findings following a public hearing.</i>	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell
Notes:	<u>NO</u> -	<u>NO</u> -	<u>NO</u> -

Practical Difficulty: Economic Circumstances 4.05(C)(1)(c)(i) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
The practical difficulties shall not be economic nor shall the inability to	<u>YES</u>	<u>YES</u>	<u>YES</u>

attain a higher financial return be considered a practical difficulty.	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell	Drolett Hodges Adams Smith Darnell
<i>The addition of a garage will certainly increase the value of the property. The location and configuration of the proposed garage do not appear related to economic concerns. However, the ZBA may make different findings following a public hearing.</i>			
Notes: No evidence that economic concerns are related to the requested variance.	<u>NO</u> -	<u>NO</u> -	<u>NO</u> -

Practical Difficulty: Actions of the Applicant 4.05(C)(1)(c)(ii) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
The practical difficulties shall not be self-created or result from actions of the applicant.	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell
<i>The alleged practical difficulties do not appear to be created by the applicant. This lot was platted with the alley many decades ago. However, the ZBA may make different findings following a public hearing.</i>			
Notes:	<u>NO</u> -	<u>NO</u> -	<u>NO</u> -

Practical Difficulty: Physical Conditions 4.05(C)(1)(c)(iii) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
The practical difficulty exists because of physical conditions such as narrowness, shallowness, shape, or topography of the property involved.	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams
<i>The alleged practical difficulty for the front-yard and rear-yard setbacks appear related to the configuration of the lot with two frontages and the narrowness of the lot between the alley and the opposite (rear) lot line. The alleged practical difficulty related to the lot coverage does not appear to be unique to this property. The combined lots are similar in size or larger than nearby lots, some of which don't have rear lots. However, the ZBA may make different findings following a public hearing.</i>			
Notes:	<u>NO</u> -	<u>NO</u> -	<u>NO</u> Smith Darnell

Unreasonable Burden 4.05(C)(1)(d) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
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.	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams
<i>Strict compliance with the setback standards would limit an accessory building to a width of 5 feet and a depth of 45 feet. Strict compliance with the front-yard setback from</i>			

<i>the alley would make it extremely difficult to use the property to locate a building on. Strict compliance with the rear-yard setback would allow for a garage, but it would have to be reduced by 1.5 feet in width (with the current height). Strict compliance with the coverage standards would allow a garage of roughly 662 square feet. However, the ZBA may make different findings following a public hearing.</i>	<u>NO</u> -	<u>NO</u> -	<u>NO</u> Smith Darnell
Notes: Strict application of the required setbacks make the lot unbuildable.			

Minimum Variance Necessary 4.05(C)(1)(e) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) 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> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges
<i>It may be possible to build a smaller garage, requiring fewer variances. Because of a well on the property, it may be difficult to shift the proposed garage farther away from the alley. It appears possible to reduce the rear-yard and lot coverage for the proposed garage. However, the ZBA may make different findings following a public hearing.</i>			
Notes: The lot coverage is not the minimum for the property. The design can be modified to meet the 25 percent lot coverage.	<u>NO</u> -	<u>NO</u> -	<u>NO</u> Adams Smith Darnell

Adverse Effect 4.05(C)(1)(f) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) 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 Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Adams Smith Darnell	<u>YES</u> Drolett Hodges Smith
<i>The proposed variances do not appear to create a substantial adverse effect on the adjacent properties because there are houses of similar size on back lots and the reduced front-yard setback is along an unused alley. However, the ZBA may make different findings following a public hearing.</i>			
Notes: A letter of support was received from neighbors.	<u>NO</u> -	<u>NO</u> -	<u>NO</u> Adams Darnell

Intent of the Ordinance 4.05(C)(1)(g) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	18.18(C) Rear-yard	12.02(E)(4) Lot Coverage
The variance will be in harmony with the general purpose and intent of this Ordinance.	<u>YES</u> Drolett Hodges Adams Smith	<u>YES</u> Drolett Hodges Adams Smith	<u>YES</u> Drolett Hodges
<i>The requested variance for the front-yard setback appears to be in harmony with this Ordinance because it won't affect public safety and the strict adherence to Zoning Ordinance standards would make it extremely difficult to use the lot for placement of a</i>			

<p><i>building. The requested variances for the rear-yard and lot coverage appear to have other options available, such as reducing the size of the proposed garage. However, the ZBA may make different findings following a public hearing.</i></p>	<p>Darnell</p> <p><u>NO</u></p> <p>-</p>	<p>Darnell</p> <p><u>NO</u></p> <p>-</p>	<p><u>NO</u></p> <p>Adams</p> <p>Smith</p> <p>Darnell</p>
<p>Notes: It is possible to shrink the size of the building to meet the lot coverage.</p>			

Chairperson Darnell declared all of the Standards of Review have been met for the front-yard and rear-yard variance requests but not for the lot coverage variance request.

Motion by Smith, seconded by Adams, to grant (13-ZBA-787) Bertoni, for 7315 Webbs Shore and between 7308 and 7320 Webbs Shore, tax id D-0418-179-016 and D-04-18-180-014, for a reduced front-yard setback of 3 feet rather than the 25 feet required and a reduced rear-yard setback of 11 feet rather than the 12.5 feet required and to deny an increased lot coverage of 10.2 percent rather than the 10 percent allowed.

Roll Call Vote:

Drolett- YES Hodges- YES Adams- YES Smith- YES Darnell- YES

Motion Carried 5-0

(13-ZBA-777) Huddleston was postponed by the Zoning Board of Appeals on September 3, 2013, until the December 3, 2013, meeting. The applicants have not submitted any new materials and have requested an additional postponement until the February 4, 2013, meeting. Let me know if you need any additional information.

(13-ZBA-785) Nowak and Levandowski was denied by the Zoning Board of Appeals on November 5, 2013. The applicants' agent was not present earlier in the meeting and was not made aware of the opportunity to request postponement to allow for amendment of the proposed project. While the practice of offering postponements is not explicitly addressed in the Zoning Ordinance or the Rules of Procedure, it has been common practice to allow for it. Failure to offer the opportunity raises concerns of equal treatment and due process for applicants. The Township Attorney has recommended that the Zoning Board of Appeals reopen the case and allow the applicant the opportunity to request postponement. Let me know if you need any additional information.

IV. Approval of Meeting Minutes: November 5, 2013

Drolett moved to approve the minutes with the corrections as stated. Seconded by Smith

Motion carried 5-0

V. Concerns of Board Members, Planning Director, Recording Secretary: Darnell has concerns about inviting applicants to make changes to their variance requests and coming back at a later date. Discussion was held as to what the Boards options were and Darnell suggested that a motion be made that they treat everyone the same. Smith said it may be helpful to be more clear when discussing the cases where each of the members stand before voting. Smith moved that

applicants for a zoning variance may make a request to table their application, however, the Board shall not make an offer to table. Seconded by Hodges. Carried 5-0.

VI. Adjournment

Chairperson declared the meeting adjourned at 9:35 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.

Approved 1-7-14