



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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BETH FILIP

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JANIS MILLER, ALT.

DeNETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Tuesday, June 2, 2015

Members present: Chairperson Donald Darnell, Brook Smith, Vice Chairperson, James Drolett, Secretary, Steve Burch, Planning Commission Representative, and Janis Miller, Alternate.

Absent: Beth Filip (With notice)

Also Present: Zach Michels, Planning and Zoning Director, and DeNette Bolyard, Recording Secretary, Mike Auerbach, Planning & Zoning Intern/Ordinance Officer.

- 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 Drolett, seconded by Burch to approve the agenda as read.
Motion carried by voice vote.

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

V. **Action Items:**

Action Item: # 1
Appeal Number: 15-ZBA-804
Applicant Name(s): Richard & Juli Huddleston
Property Tax ID: 04-12-175-014
Address: 9834 Winston
Purpose of Variance Request: A) Reduced front-yard (water) setback of thirty-eight (38) feet rather than the fifty (50) feet required; B) Reduced waterbody setback for an at-grade deck of twenty-eight (28) feet rather than the thirty-five (35) 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.

Smith, indicated that he would recuse himself on this variance request as he is the next door neighbors attorney and had been giving him advice regarding property lines.

Zoning Report

Report, dated May 21, 2015, was summarized by DPZ Michels and placed into the property record file.

Q & A with DPZ, Michels:

Drolett asked whether or not the Board should consider the requested set backs or what was noticed in the paper. DPZ, Michels said typically what was noticed.

Applicant Presentation and Q & A with the ZBA:

Richard and Juli Huddelston were present and explained to the Board that when laying out the foundation plans for the new house, they discovered that the house footprint was closer to the lake than the Township Zoning Ordinance allows for water body setbacks. Therefore DPZ Michels was contacted, building was stopped and they are here before the Board again to request a variance from the water body setback to the house and the deck.

Public Hearing:

Indicated that there was one letter on record from David Hall, President of the Portage View Beach Association, which stated they were in support of their proposed plans.

ZBA Deliberations:

No concerns.

Standards of Review

The Zoning Board of Appeals shall have the power to authorize specific variances from the standards of the Zoning Ordinance provided that the spirit of that 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 Zoning Board of Appeals shall contain evidence supporting each conclusion.

- A) ***Reduced front-yard (waterbody) setback of thirty-eight (38) feet rather than the fifty (50) feet required; for the house and***
- B) ***Reduced waterbody setback of twenty-eight (28) feet rather than the thirty-five (35) feet required for an at-grade deck.***

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	YES	YES
<i>It appears difficult to construct a house on this property due to the relatively shallow lot depth, the 25 foot setback from the front lot line (right-of-way), and the 50 foot setback from the waterbody. That would result in a buildable area of 12 to 7 feet deep on this property. A variance has been already granted for a front-yard setback of 0.15 feet, which would leave a buildable area roughly 37 to 32 feet deep. It appears possible to use the property without the requested setback reduction for the deck. While a 10 foot deep deck is not significantly large, it appears possible to reduce that depth by up to 4 feet in some locations and construct a deck that would fully meet the standards of the Zoning Ordinance and be functional.</i>	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL

Notes: Strict application would make the lot unbuildable.		
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(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
The practical difficulty is due to some physical condition peculiar to the property involved.	YES	YES
<i>The alleged practical difficulty appears related to the relatively shallow depth of the lot, roughly 82 to 87 feet.</i>		
Notes: Drolett noted that this was a small, oddly- shaped lot.	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL

(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
The practical difficulty is not self-created.	YES	YES
<i>The relatively shallow depth of the lot does not appear to be self-created; it was platted decades ago, before the current ownership.</i>		
Notes: Applicant did not create the lot.	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
The variance is a reasonable amount necessary to mitigate the practical difficulty.	YES	YES
<i>The requested setback for the house appears to be a reasonable amount. The applicants are constructing a modular house that comes in set sizes, and the proposed house appears to be similar in size to many of the houses in the area. It appears possible to construct a smaller deck that would still function. The design of such a deck might be peculiar as it would have a varying depth from the front of the house.</i>		
Notes: The proposed house has already been before the ZBA and determined to be reasonable; there have been no changes since then.	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B)	18.18(C)(1) Waterbody for

	Front-yard (water) for house	deck
Approval of the variance will not be injurious to the public health, safety, and welfare.	YES	YES
<i>The requested variances do not appear to be injurious to the public health, safety, or welfare. The structures will be away from traffic and will not increase any known hazards.</i>	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL
Notes: Proposed house & deck not close enough to lot boundaries to cause an issue.		

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.	YES	YES
<i>It does not appear that the requested variances will have a significant impact on the use or value of adjacent properties. In fact, the homeowners' association that maintains the adjacent lake access lot has submitted a letter of support.</i>	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL
Notes: The placement of the house puts it in line or behind adjacent houses from water body.		

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(B) Front-yard (water) for house	18.18(C)(1) Waterbody for deck
Approval of the variance is consistent with the intent and purpose of this Ordinance.	YES	YES
<i>It appears that the variance for the house setback is consistent with the intent of the Zoning Ordinance to allow the lot to be used for a single-family house in a manner that does not have a significant negative impact on the adjacent properties or area. It appears that the variance or the deck is consistent with the intent of the Zoning Ordinance to allow for use of a lot in a manner that does not have a significant impact on the adjacent properties or the area, but it appears possible to reconfigure the deck and meet the required setbacks without a variance.</i>	DROLETT BURCH MILLER DARNELL	DROLETT BURCH MILLER DARNELL
Notes:		

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

Motion by Miller, seconded by Drolett to grant variances, as presented, subject to the following conditions:

- 1) The deck shall remain uncovered
- 2) The deck floor shall be within eighteen (18) inches off the ground

- 3) If the deck has railings, the railings shall have a maximum height of three (3) feet from the deck floor
- 4) The house and deck shall be located as shown in the "Sketch of Survey," with a revision date of May 6, 2015

Roll Call Vote:

Yes- Drolett, Yes- Burch, Yes-Miller, Yes-Darnell

Motion Carried

Smith returned to the meeting.

VI. Approval of Meeting Minutes:

Motion by Smith, **support** by Burch, to postpone the approval of the May 6, 2015 minutes to allow for requested corrections. The minutes will be considered for approval at the July 7, 2015, meeting.

Motion carried by voice vote.

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

DPZ Michels distributed the approved changes to the Zoning Ordinance pertaining to Signs. He also indicated that there will be a July meeting and as of now an August meeting.

VIII. Adjournment

Chairperson declared the meeting adjourned at 6:35 p.m., then re-convened at 6:37 to discuss the Zoning Ordinance and the possibility of requesting applicants to obtain surveys. Adjourned 6:50 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

James Drolett,
Secretary