



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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JAMES CORMIER, ALT.
JANIS MILLER, ALT.
DENETTE BOLYARD,
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday, July 7, 2015

Members present: Donald Darnell, Chairperson; Brook Smith, Vice-Chairperson; Steve Burch, Planning Commission Representative; Beth Filip; and Janis Miller.

Absent: James Drolett, Secretary (with notice).

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. In the absence of Secretary Drolett, Filip volunteered to be Acting Secretary.
- II. Pledge of Allegiance:** Chairperson Darnell led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Chairperson Darnell read the proposed agenda. Burch requested to be given the opportunity to address the Board and update them on the Planning Commission's activities at the end of the action items.

The Board agreed to approve the agenda as amended.

Approved by voice vote.

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

Action Item: # 1
Appeal Number: 15-ZBA-806
Applicant Name(s): Jason Truskowski
Property Tax ID: D-04-18-462-001
Address: 7095 Glencoe, Gregory
Purpose of Variance Request: : A) <i>Reduced front-yard (road) setback of twenty point two (20.2) feet rather than the twenty-five (25) feet required; B) <i>Reduced rear-yard setback of six point eight (6.8) feet rather than the thirty (30) feet required; and C) <i>Reduced rear-yard setback of five (5) feet rather than the thirty (30) feet required.</i></i></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 June 26, 2015, was summarized by DPZ Michels, and the report has been placed in the property file.

Q & A with DPZ, Michels:

- Smith confirmed the listed setbacks on the plot plan with DPZ Michels.
- Burch asked DPZ Michels what the orange indicated in his report on page 1-6.
- Chairperson Darnell asked DPZ Michels if the lot calculations included the property across the street and if so can it be split? DPZ Michels indicated that yes, it was included in the lot calculations and no, it cannot be split.
- Chairperson Darnell asked about clarification regarding measurements shown – south measurement with overhang is 9’.
- Miller asked about the reconfiguration of the driveway.

Applicant Presentation and Q & A with the ZBA:

Applicants Jason Truskowski and Meghan Truskowski (formerly known as Meghan Miller) were present and addressed the Board concerning their construction plans.

Public Hearing:

There were numerous letters from neighbors on record in support of the Truskowskis.

Erick Batzdorfer
13817 Bramble Brae

Was present and stated he was in support of the Truskowskis’ variance request and added that it would be a great addition to the neighborhood.

ZBA Deliberations:

- Burch asked about the flagging.
- Miller asked what year the house was built and if it was actually a documented historic home. (The answer was no.)

Decision Criteria Review:

- A) Applicants request a ***reduced front-yard (road) setback of twenty point two (20.2) feet rather than the twenty-five (25) feet required.*** Reduced setback is from Glencoe to the north.
- B) Applicants request a ***reduced rear-yard setback of six point eight (6.8) feet rather than the thirty (30) feet required.*** Reduced setback is from the western lot line.
- C) Applicants request a ***reduced rear-yard setback of five (5) feet rather than the thirty (30) feet required.*** Reduced setback is from the eastern lot line. **Changed to 9’ in the following motion.**

After discussion by the Board regarding the setback requests it was determined that C) the rear-yard setback should be 9 feet (9') instead of five (5'). Therefore Burch made a motion to change C) setback to 9', supported by Smith. **Carried by voice vote.**

(1) Practical Difficulty 4.30(C)(2) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
The strict application of the terms of this Ordinance would constitute a practical difficulty.	YES	YES	YES
<i>It appears possible to continue to use the property and the house without the requested variances. The current construction of the roof appears likely require more expensive material and greater maintenance than a sloped roof would.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes: Burch - Strict application would make the lot unbuildable			

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
The practical difficulty is due to some physical condition peculiar to the property involved.	YES	YES	YES
<i>The property was platted and the house was built before Dexter Township had a zoning ordinance. This property has two front yards and two rear yards, which results in larger setbacks than a non-corner lot would have.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes: Especially due to odd shaped lot.			

(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
The practical difficulty is not self-created.	YES	YES	YES
<i>The property was platted and the house was built before the current ownership. The current owners have reconfigured the driveway by expanding its width to the north, but they have not done any expansion work on the house.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes:			

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
The variance is a reasonable amount necessary to mitigate the practical difficulty.	YES	YES	YES
<i>The variances for the proposed roof work appear to be very minimal, as they will not result in the structure being closer to the affected lot lines. It does appear possible to construct a new covered porch that would meet the front-yard setback, but such a porch would likely have a peculiar design.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes: Not affecting the footprint.			

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
Approval of the variance will not be injurious to the public health, safety, and welfare.	YES	YES	YES
<i>It does not appear that any of the variances will have a significant negative impact on the public health, safety, or welfare. Aberdeen is a local street with minimal traffic and there is a substantial maple tree between the street and the proposed covered porch addition. There does not appear to be an increased risk of fire hazard with the proposed additions.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes:			

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
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	YES
<i>The requested variances do not appear to have a significant negative impact on the use or value of the surrounding properties or area. The proposed additions do not appear to prevent any existing or future uses. It appears likely that the proposed work will have a positive impact on the area.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes:			

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B	C
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3) c Rear (west)	12.02(E)(3) c Rear (south)
Approval of the variance is consistent with the intent and purpose of this Ordinance.	YES	YES	YES
<i>The requested variances appear to be consistent with the intent of the Zoning Ordinance to allow for a reasonable residential use of this property. It would allow for the continued use and improvement of a legally nonconforming structure in a manner that does not appear to cause substantial negative impacts.</i>	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell	Burch Miller Filip Smith Darnell
Notes:			

Chairperson Darnell declared that all of the Standards of Review have been met.

Smith moved to approve the variance as follows:

Reduced front-yard (road) setback of twenty point two (20.2) feet rather than the twenty-five (25) feet required. Reduced setback is from Glencoe to the north.

Reduced rear-yard setback of six point eight (6.8) feet rather than the thirty (30) feet required. Reduced setback is from the western lot line.

Reduced rear-yard setback of nine (9) feet rather than the thirty (30) feet required.

Reduced setback is from the eastern lot line. And to recognize the following existing nonconformities: Lot area is less than required in the Lakes Residential District and northwest corner of the house is closer to the front-lot line than allowed.

Roll Call Vote:

Burch	Miller	Filip	Smith	Darnell
YES	YES	YES	YES	YES

Motion Carried

VI. Approval of Meeting Minutes:

Moved by Smith, seconded by Burch, to approve the May 6, 2015, meeting minutes.

Motion Carried.

Moved by Smith, seconded by Miller to approve the June 6, 2015, meeting minutes as amended by adding clarification that Smith recused himself in the Huddleston variance request.

Motion Carried.

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

- Burch gave an update on the Planning Commission's activity:
 - 1) Hanover Glen was granted another extension on their site plan.
 - 2) Warm Fuzzies Preschool- Public hearing deferred until questions are adequately satisfied.
 - 3) Burch said the items this Board asked him to take to the Planning Commission were discussed and they will be on their agenda in the future.
 - a) Define practical difficulty
 - b) Temporary structures
 - c) Overhangs
- DPZ, Michels, said that the ZBA has one variance scheduled for a hearing August 4th, Warm Fuzzies Preschool (Conger) will amend their site plan and resubmit to the Planning Commission.
- Identification badges were ready for Filip and Miller.
- Many of the zoning permits that were still outstanding were being closed by the Intern, Mike Auberach. There are only about 50 left to do.

- Smith said he was concerned with the current interpretation of expansion of a nonconforming structure. His interpretation is that a nonconforming structure can be expanded as long as the absolute distance between the existing nonconforming structure and the lot lines are not reduced. DPZ Michels said his interpretation is that the structure within the required setback and not the distance is the nonconformity and that any expansion of a nonconforming structure needs to meet the current setbacks or receive a variance.

VIII. Adjournment

Chairperson declared the meeting adjourned at 7:30 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

Beth Filip,
Acting Secretary