



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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BETH FILIP

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

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday, August 4, 2015

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

Absent: Chairperson Donald Darnell

Also Present: Zach Michels, Planning and Zoning Director, Michael Auerbach, Zoning Intern, and DeNette Bolyard, Recording Secretary.

- I. Call to Order:** The meeting was called to order by Vice Chairperson Smith at 6:05 p.m.
- II. Pledge of Allegiance:** Vice Chairperson Smith led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Vice Chairperson Smith read the proposed agenda. All agreed to approve as written.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Action Item: # 1
Appeal Number: 15-ZBA-807
Applicant Name(s): Beauchamp
Property Tax ID: 04-17-200-001
Address: 13456 North Lake

Purpose of Variance Request: To Raze the existing house and construct a new, two-story single-family house with a covered front porch, attached to the existing garage.

- A. Reduced front-yard (road) setback of thirty-four (34.4) feet rather than the fifty (50) feet required.**
- B. Reduced side-yard setback of four point one (4.4) feet rather than the seven point two five (7.25) feet required.**

Vice Chairperson Smith 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 July 27, 2015, was summarized by DPZ, Intern Mike Auerbach, and was placed into the property record.

Q & A with DPZ, Michels:

- Filip asked what the current setback of the house from the wetlands. DPZ Michels said the back of the existing garage is roughly 44' and the north corner of the house is 46' from the wetlands. The proposed house will be 35' from the wetlands and the rear of the house 50' from the lot line. The rear of the house needs to be a minimum of 30'. DPZ Michels explained that currently the Zoning Ordinance does not require specific setbacks from wetlands.

Applicant Presentation and Q & A with the ZBA:

Patricia Phillips from Grey Stone Building Co. was present and explained to the Board that the existing home is the original home and that it has a foundation with no footings and low ceilings. The most reasonable decision was to raze the existing house and construct new. Because of the wetlands in the back of the property it was decided the house needed to encroach further into the front yard set-back so there is a better chance it will stay dry. The applicant, Ward Beauchamp, indicated that in the spring there is standing water at the back of the property by the wetlands.

Public Hearing:

Vice Chairperson Smith indicated that there one letter was on file from Scott Bitters who is in support of the variance request.

ZBA Deliberations:

- Burch stated that because of the improvement of the existing non-conformities he was in full support of the project.
- Filip agreed with Burch, but also questioned that if the home was being razed why couldn't it meet the front yard setbacks? (Applicant did say that there was standing water in the spring further back on the property).
- Filip asked what the rest of the Board felt about placing conditions on the variance. Smith said he didn't feel that height restrictions should be a condition. Consensus was is that no conditions were needed.

Standards of Review

- A) *Reduced front-yard (road) setback of thirty-four point four (34.4) feet rather than the fifty (50) feet required;***
- B) *Reduced side-yard setback of four point one (4.1) feet rather than the seven point two five (7.25) feet required.***

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES</u>	<u>YES</u>
<i>Because of the large portion of the lot that is covered with water or wetland and the relatively large setback from the North Lake right-of-way, it appears difficult to site a house on the property in a manner that would meet all of the setbacks and not interfere with wetlands. However, the ZBA may make different findings following a public hearing.</i>	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
Notes:		

<p>(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:</p> <p><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></p> <p><i>A significant portion of this property is covered either by wetland or open water, making it difficult to use when compared to a similar property that is dry.</i></p> <p>Notes: Drolett - Because of the wetlands and the proximity to the road.</p>	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
	<u>YES</u>	<u>YES</u>
	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
<p>(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:</p> <p><i>The practical difficulty is not self-created.</i></p> <p><i>The applicants do not appear responsible for the extent of the wetlands and water or the location of the existing detached garage, which will become an attached garage.</i></p> <p>Notes: Drolett- The applicant is reducing the non-conformity.</p>	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
	<u>YES</u>	<u>YES</u>
	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
<p>(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:</p> <p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p> <p><i>The requested variance for the front-yard setback is similar or larger than nearby houses. The requested side-yard setback for the attached garage does not represent any reduced setback but is a result of the garage being attached to the house.</i></p> <p>Notes: Filip – It is reasonable not to push the house back any further because the wetlands are significant and would cause problems.</p>	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
	<u>YES</u>	<u>YES</u>
	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
<p>(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:</p> <p><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></p> <p><i>The requested variance for the front-yard setback appears to improve public health, safety, and welfare because the house will be moved back roughly 24 feet from the front lot line. The requested variance for the side-yard setback does not appear to be injurious to the public health, safety, and welfare because there will be no change to the garage within the required setback.</i></p> <p>Notes: Smith – Neighborhood will be much nicer with the proposed house pushed back further than the existing house.</p>	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
	<u>YES</u>	<u>YES</u>
	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith

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(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)a/ 18.23(A)(2)d Front-yard	12.02(E)(3)b Side-yard
Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.	<u>YES</u>	<u>YES</u>
<i>The requested variances do not appear to have a substantial negative impact on the adjacent properties or the area. The proposed house with attached garage appears to be generally consistent with the houses in the area.</i>	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
Notes: Burch – Will improve the neighborhood		

(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(A)(2)d Front-yard	12.02(E)(3)b Side-yard
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u>	<u>YES</u>
<i>The requested variances appear to be consistent with the intent and purpose of the Ordinance because it would allow for a permitted use of the property in a manner that is consistent with the neighborhood in a manner that does not negatively impact health, safety, or welfare.</i>	Drolett Burch Miller Filip Smith	Drolett Burch Miller Filip Smith
Notes: It is reducing the non-conformities		

Vice Chairperson Smith declared all of the Standards of review have been met.

Motion by Filip, seconded by Burch, to approve the variance as requested and to allow: 1) a reduced front-yard (road) setback of thirty-four point four (34.4) feet rather than the fifty (50) feet required; 2) reduced side-yard setback of four point one (4.1) feet rather than the seven point two five (7.25) feet required.

Roll Call Vote:

<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Drolett	Burch	Miller	Filip	Smith

Motion Carried

VI. Approval of Meeting Minutes: July 7, 2015

Motion by Burch, **seconded** by Miller to approve the minutes as submitted.

Motion carried by voice vote.

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

Filip asked DPZ Michels why the Zoning Ordinance didn't delineate set back requirements from wet lands. He said that at one time long ago the Planning Commission considered it, but decided not to.

DPZ Michels indicated that we are scheduled to have a September 1st meeting, there is one application with numerous variance requests.

September 8th the Zoning Ordinance Review Committee was start meeting again.

Sharon Stone has been hired as the Ordinance Officer and should start at the end of August.

Mike Auberbach, Intern, is still finalizing open permits and only has approximately 40 left open.

VIII. Adjournment

Chairperson declared the meeting adjourned at 7 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

James Drolett,
Secretary