



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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JAMES CORMIER, ALT.
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DENETTE BOLYARD
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Tuesday September 1, 2015

Members present: Chairperson Donald Darnell, Brook Smith, Vice Chairperson, James Drolett, Secretary, Beth Filip, and Janis Miller.

Absent: Steve Burch, Planning Commission Representative

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 6:01 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 Smith, seconded by Miller, to approve the agenda as read.

Motion carried by voice vote.

IV. Public Comment- Non Agenda Items:

Linda Singer
9260 Anne St.
Pinckney

Would like zoning for lake lots reviewed. DPZ Michels explained that the Township was in the process of revising the Zoning Ordinance which Lakes Residential will be reviewed at that time.

V. Action Items:

Action Item: # 1
Appeal Number: 15-ZBA-808 A,B,C,D,E
Applicant Name(s): Diane Winter
Property Tax ID: 04-03-208-002
Address: 9231 Anne

- Purpose of Variance Request: New single-family house and is requesting
- 1) Reduced front-yard(road) setback of thirteen (13) feet rather than the twenty-five (25) feet required;
 - 2) Reduced side-yard setback of six (6) feet rather than the seven point two five (7.25) feet required;
 - 3) Reduced waterbody setback of twenty-seven (27) feet rather than the fifty (50) feet required;
 - 4) Reduced rear-yard setback of sixteen (16) feet rather than the thirty (30)

- feet required; and
- 5) Increased lot coverage of thirty-one point nine (31.9) percent rather than the twenty-five (25) 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 August 18, 2015 was summarized by DPZ Michels, and will be placed into the record.

Q & A with DPZ, Michels:

- Darnell asked the width of the new proposed house.
- Miller asked what the front yard set back would be.
- Filip asked if there was an existing foundation.
- Drolett asked if they were rebuilding with a new foundation.

DPZ responded: Width of the house is roughly 22'. Front yard setback is 13'. There is an existing foundation, but will be removed and a new foundation set.

Applicant Presentation and Q & A with the ZBA:

Jim Walter, applicant's builder, was present and addressed the Board to explain what his clients wished to build.

Public Hearing:

Indicated that there were no letters from neighbors on record.

Martina Sinclair
9230 Anne St.
Pinckney

Showed the Board pictures of her house and how her view could possibly be impacted by the Winter's building plans.

Judy Mulholland
9223 Anne
Pinckney

Concerned with the easement (I believe she meant side yard setback) and spoke with DPZ Michels about it and just wanted further clarification.

Cindy Mott
9541 Anne
Pinckney

Gave her history of living at Silver Lake and indicated that she would recommend the Winter's builder to anyone that wished to build.

Jeanne Jaeger
9421 Anne
Pinckney

Her experience living around the lakes with converting cottages to year round homes is difficult and by tearing down and rebuilding is the easiest way to go.

ZBA Deliberations:

Darnell said that the lot coverage that is proposed is not reasonable. Smith said he agreed that the lot coverage is not reasonable and the new construction could also be moved to the north. 31% lot coverage is not minimal.

Decision Criteria Review:

- A) **Reduced front-yard (road) setback of thirteen (13) feet rather than the twenty-five (25) feet required;**
- B) **Reduced side-yard setback of six (6) feet rather than the seven point two five (7.25) feet required;**
- C) **Reduced waterbody setback of twenty-seven (27) feet rather than the fifty (50) feet required;**
- D) **Reduced rear-yard setback of sixteen (16) feet rather than the thirty (30) feet required; and**
- E) **Increased lot coverage of thirty-one point nine (31.9) percent rather than the twenty-five (25) percent allowed.**

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
The strict application of the terms of this Ordinance would constitute a practical difficulty.	YES	YES	YES	YES	YES
<i>It appears the strict application of the front-yard (road), rear-yard, and waterbody setbacks would prohibit any construction on the lot as they are equal to the lot's depth. The lot is relatively large and wide, compared with others in the platted subdivision. It would allow for a lot coverage of 1,251 square feet, and the width of 73 to 70 feet would allow for a house width of 57.5 feet without requiring a variance.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD JM
Notes: Darnell- Applicant has not demonstrated a practical difficulty for items's B & E.	NO	NO JD JM BS BF DD	NO	NO	NO BS BF DD

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
The practical difficulty is due to some physical condition peculiar to the property involved.	YES	YES	YES	YES	YES
<i>It appears that the relatively shallow depth of the lot, compared to the front-yard (road), rear-yard, and waterbody setbacks, makes it impossible to build any structure on the lot. It appears possible to build a smaller house than proposed on the lot. It appears possible to meet the side-yard setbacks, even though that would require moving the proposed house to a more central location on the lot.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD
Notes: The applicant has not demonstrated that there is any physical conditions about the property that would lend to the conclusion that there is a practical difficulty that is peculiar to the property involved.	NO	NO	NO	NO	NO
		JD JM BS BF DD			JM BS BF DD

(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
The practical difficulty is not self-created.	YES	YES	YES	YES	YES
<i>The applicant does not appear responsible for the size or configuration of the lot; it was platted in 1922.</i>	JD JM BS BF DD	BF DD	JD JM BS BF DD	JD JM BS BF DD	JD BF DD
	NO	NO	NO	NO	NO
		JD JM BS			JM BS

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
The variance is a reasonable amount necessary to mitigate the practical difficulty.	YES	YES	YES	YES	YES
<i>The reduced front-yard (road) setback would not allow enough room to park a car between the house and the right-of-way; there would be enough room to park a car between the house and the edge of the road. The deck in the waterbody yard is only 8 feet deep, which is relatively shallow for a deck. It appears possible to move the house more towards the center of the lot and avoid the need for a side-yard setback variance. It appears possible to build a house with smaller lot coverage on the property. The proposed lot coverage of 1,601 square feet represents an increase of 485 square feet. The minimum gross floor area for a house is 1,000 square feet, excluding basements and garages.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD
Notes: Notes: Filip – the house is desire by the applicant but has not shown a practical difficulty. Darnell- The size of the house is not necessary	NO	NO	NO	NO	NO
		JD JM BS BF DD			JM BS BF DD

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
Approval of the variance will not be injurious to the public health, safety, and welfare.	YES	YES	YES	YES	YES
<i>Variations for the reduced rear and waterbody setbacks do not appear to cause harm to public health, safety, or welfare. The reduced setback for the side-yard setback appears to allow adequate access for public safety and reduce the threat of spreading fire. The reduced front-yard (road) setback could make it difficult to park between the house and the road, especially if the road is ever widened.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD JM BF
Notes: There is not reason to keep the house that close together. Item E would block the neighbors view and could create issues with parking in the future.	NO	NO JD JM BS BF DD	NO	NO	NO BS DD

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
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	YES	YES
<i>The requested variations do not appear to have a substantial negative impact on the adjacent area or properties. It appears likely that the wider, larger house will have an impact on rear lot views of Silver Lake.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD BF DD
Notes:	NO	NO JD JM BS BF DD	NO	NO	NO JM BS

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B	C	D	E
	12.02(E)(3)a/ 18.23(A) Front-yard	12.02(E)(3)b Side-yard	18.23(B) Waterbody	12.02(E)(3)c Rear-yard	12.02(E)(4)a Lot Coverage
Approval of the variance is consistent with the intent and purpose of this Ordinance.	YES	YES	YES	YES	YES
<i>Approval of several variations appears consistent with the intent and purpose of the Zoning Ordinance to allow for a single-family house use on the property that would be impossible to do without variations. Several of the variations appear to not be consistent with the intent and purpose because it appears possible to reasonably use the lot for a single-family house without those variations.</i>	JD JM BS BF DD		JD JM BS BF DD	JD JM BS BF DD	JD
Notes: Intent of the Ordinance is not met, and does not have any practical difficulties	NO	NO JD JM BS BF DD	NO	NO	NO JM BS BF DD

Chairperson Darnell declared that not all of the Standards of review have been met. The following was denied. Item # B and E 12.02(E)(3)b, 12.02(4)a.

A motion was made by Smith, seconded by Filip, to deny Item B & E, and approve A,C,& D. Subject to conditions that the deck remain uncovered. Also to recognize the non-conforming lot size.

Roll Call Vote:

YES	YES	YES	YES	YES
Drolett	Miller	Filip	Smith	Darnell

Motion Carried

VI. Approval of Meeting Minutes:

Motion by Smith, support by Miller, to approve the August 4, 2015 minutes as submitted.

Motion carried by voice vote.

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

DPZ Michels indicated that there would not be a October meeting.

DeNette Bolyard, Recording Secretary, announced that she would be retiring October 30, 2015.

VIII. Adjournment

Chairperson declared the meeting adjourned at 7:47 p.m.

Respectfully submitted,

DeNette Bolyard,
Recording Secretary

James Drolett,
Secretary