



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

TELEPHONE: 734-426-3767
FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

DONALD DARNELL
CHAIRPERSON
BROOK SMITH
VICE CHAIRPERSON
JAMES DROLETT
SECRETARY
STEVE BURCH
BETH FILIP

JAMES CORMIER, ALT.
_____, ALT.

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday December 1, 2015

Members present: Chairperson Donald Darnell, Brook Smith, Vice Chairperson, James Drolett, Secretary Steve Burch (Planning Commission Representative), and Beth Filip.

Absent: None

Also Present: Zach Michels, Director of Planning and Zoning, and Janis Miller, 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 read the proposed agenda.

Moved by Burch, seconded by Smith, 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-809
Applicant Name(s): Howard & LuAnne Booth
Property Tax ID: D-04-18-100-003/D-04-07-400-008
Address: 13560 North Lake Rd., Gregory MI
Purpose of Variance Request: Enclosed porch/entranceway addition. <i>Reduced front-yard (road) setback of thirty-four point seven five (34.75) feet rather than the fifty (50) feet required.</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

Staff report, dated November 17, 2015, was summarized by DPZ Michels and placed into the record.

Q & A with DPZ, Michels:

Filip –Has there been discussion about reducing the front-yard setbacks in this area as part of the Zoning Ordinance revision?

DPZ Michels –Potentially although it has not been discussed by the Zoning Ordinance review Committee this year.

Smith – What is the overall size of the addition and could it be placed anywhere else on structure?

DPZ Michels – 180 sq ft, reference floor plan in packet

Applicant Presentation and Q & A with the ZBA:

Scott McElrath, applicant’s builder, was present and addressed the Board, answering questions and explaining why the variance was requested.

Public Hearing:

Chairperson Darnell indicated that there were 4 letter’s from neighbors and a petition in support of the variance request on record.

Carol Heydlauff
7811 Stonehedge Valley

The applicant’s house is setback more than most houses on North Lake.

George Heydlauff
7811 Stonehedge Valley

The addition would blend with the current structure and not encroach on the egress.

Jennifer Beauchamp
13456 North Lake Road

The addition would enhance the home and the neighborhood.

ZBA Deliberations:

Darnell, Filip, and Smith questioned practical difficulty of property. Darnell questioned if the existing door could be made larger without the addition. Smith asked if the addition could be reduced in footage extending from the structure. Filip inquired on existing utilities if the entrance door was moved to the side of the house. Darnell questioned the applicant’s claim of a safety issue.

DPZ Michels read into the record the definition of “practical difficulty” from the *Dexter Township Zoning Ordinance 2.02(D)*.

Decision Criteria Review:

Requested Variance: Reduced front-yard (road) setback of thirty-four point seven five (34.75) feet rather than the fifty (50) feet required. Reduced setback is from North Lake to the south.

<p>(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></p>	<p><u>YES</u> Drolett Burch</p>
<p><i>It appears that the strict application of the Zoning Ordinance would allow for continued use and expansion of the existing house. The location of the house and the configuration of the house itself could make it difficult to make a reasonable/useable entryway addition. However, the ZBA may make different findings following a public hearing.</i></p>	<p><u>NO</u> Smith Filip Darnell</p>
<p>Notes: Darnell – have not proven a practical difficulty</p>	
<p>(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></p>	<p><u>YES</u> Drolett Burch</p>
<p><i>It appears that the location of the house at the edge of the front-yard setback, the internal configuration of the house, and the topography around the house make it difficult to make an addition. However, the ZBA may make different findings following a public hearing.</i></p>	<p><u>NO</u> Smith Filip Darnell</p>
<p>Notes: Darnell – haven't proven property poses a practical difficulty Drolett – applicant spoke about topography of property, west wall constraints & road located in unusual part of row</p>	
<p>(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><i>The practical difficulty is not self-created.</i></p>	<p><u>YES</u></p>
<p><i>The applicants do not appear to be responsible for the location of the house or the topography surrounding the house. However, the ZBA may make different findings following a public hearing.</i></p>	<p>Drolett Burch Smith</p>
<p>Notes: Unable to demonstrate practical difficulty.</p>	<p><u>NO</u> Filip Smith Darnell</p>
<p>(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p>	<p><u>YES</u></p>
<p><i>The proposed addition appears to be relatively modest in size, but it may be possible to construct a smaller addition that could serve as the intended entranceway for the house. However, the ZBA may make different findings following a public hearing.</i></p>	<p>Drolett Burch</p>
<p>Notes: Unable to demonstrate practical difficulty. It could be possible to install a larger door and achieve modification for access.</p>	<p><u>NO</u> Filip Smith Darnell</p>

<p>(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><u>Approval of the variance will not be injurious to the public health, safety, and welfare.</u> <i>The reduced front-yard setback does not appear to have a negative impact on health, safety, or welfare. The addition would be located behind mature trees and up a hill from the road. Additionally, North Lake Road is a dirt road with relatively modest traffic volumes. However, the ZBA may make different findings following a public hearing.</i></p>	<p>YES Drolett Burch Smith Darnell</p>
<p>Notes: Steep drop-off out front door would require extensive work to maintain safe access to the front.</p>	<p>NO Filip</p>
<p>(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><u>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</u> <i>It does not appear that the requested variance would have a substantial negative impact on the surrounding properties. In fact, the applicants have submitted a number of letters of support and a petition of support signed by many neighbors. However, the ZBA may make different findings following a public hearing.</i></p>	<p>YES Drolett Burch Filip Smith Darnell</p>
<p>Notes:</p>	<p>Filip</p>
<p>(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:</p>	<p>18.23(A)(2)d Front-yard</p>
<p><u>Approval of the variance is consistent with the intent and purpose of this Ordinance.</u> <i>If the Zoning Board of Appeals determines that a practical difficulty exists and that the variance requested is the minimum necessary to mitigate that practical difficulty, it appears that the requested variance would be consistent with the intent and purpose of the Zoning Ordinance to allow for a reasonable use of property in a manner that does not negatively affect the health, safety, or welfare of the adjacent properties or the Township in general. However, the ZBA may make different findings following a public hearing.</i></p>	<p>YES Drolett Burch</p>
<p>Notes: Intent & purpose is not met when no practical difficulty is demonstrated.</p>	<p>NO Filip Smith Darnell</p>

Standards of Review:

Chairperson Darnell declared the Standards of Review have not been met on 4 of the 7 criteria.

Moved by Smith, **seconded** by Filip, based on the Board's finding with respect to the decision criteria, the applicant's request for a variance of reduced front-yard (road) setback of thirty-four point seven five (34.75) feet rather than the fifty (50) feet required be denied.

Roll Call Vote:
Drolett-YES; Burch-YES; Smith-YES; Filip-YES; Darnell-YES

Motion carried 5-0

VI. Approval of Meeting Minutes:

Moved by Smith, **seconded** by Filip, to approve the minutes of September 1, 2015 as presented.

Motion carried by voice vote.

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

Burch announced his resignation from the Zoning Board of Appeals.

Smith questioned status of Planning Commission representative the Zoning Board of Appeals.

VIII. Adjournment

Moved by Drolett, **seconded** by Smith, to adjourn. **Motion carried by voice vote.**

Chairperson declared the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Janis Miller,
Recording Secretary

James Drolett,
Secretary

approved 1.5.2016