



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Tuesday May 2, 2017

Members present: Chairperson Brook Smith, Vice-Chair Beth Filip, Secretary Jay Holland, James Drolett, and Bill Gajewki.

Absent: None

Also present: Zach Michels, Director of Planning and Zoning (DPZ), and Janis Miller, Recording Secretary.

- I. Call to Order:** The meeting was called to order by Chairperson Smith at 6:00 p.m.
- II. Pledge of Allegiance:** Chairperson Smith led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** With no objections, Chairperson Smith declared the agenda approved as submitted.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Item #1

Action Item: # 1
Appeal Number: <u>(17-ZBA-824) Maynard</u>
Applicant Name(s): Carl & Regina Maynard
Property Tax ID: (D-04-29-231-039)
Address: 13281 Oakridge, Chelsea, MI
Purpose of Variance Request: <i>Reduced lot area of one point six (1.6) acres rather than the two point five (2.5) acres required for keeping of a goat.</i>

2. Report from the Director of Planning and Zoning:

DPZ Michels summarized the Staff report, dated April 27, 2017, noting this was originally heard by the ZBA on March 7, 2017. This appeal was postponed so staff could get more information and consult the Township attorney. The question was the way the language of the Zoning Ordinance was drafted as it appeared it was a *use variance* in addition to a *developmental standard variance*. After consulting with the Township attorney, it was agreed that the language of the Ordinance states you cannot keep livestock within a platted subdivision without a *use variance*. It is possible to receive a *developmental variance* at this time, and if the new Zoning Ordinance doesn't include language prohibiting goats in platted subdivisions, they would be able to have the goat due to the variance for the smaller lot area. Three potential conditions were identified. Correspondence from two neighbors has been received.

3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:

Filip: We originally looked at this under Article 18, §18.17 B/C. If it is determined that this is Not large livestock, as I believe it qualifies as small livestock under the definition, could it qualify under §18.17B3a as small livestock?

DPZ Michels: Not as it is currently drafted. The Planning Commission is looking at the language for differentiating the size of animals.

Filip: If we find that this animal can be regarded as a household pet due to its size, even though goat is mentioned as livestock, some people regard small goats (pigs) as household pets, the language and definitions in the Ordinance are more the clear intent.

DPZ Michels: There was a recent case where a judge found a chicken not to be a household pet but livestock.

Drolett: The Township attorney concurred with what this board had discussed previously, which is Article 4 (§4.20(E)) of the Zoning Ordinance prohibiting this body from granting a use variance.

Smith: The terms of the current Ordinance are in effect until the new Ordinance is adopted?

DPZ Michels: Correct. The subdivision can adopt or amend their bylaws regarding animals, so they have more control over that.

Drolett: Currently this section of the Ordinance coincides with all the restrictions of other site condominiums in the Township. There is no keeping of livestock in any of the new site condos, is there?

DPZ Michels: They general don't address it in their condo bylaws.

Smith: To get it straight, what we are considering this evening is whether or not to grant a variance from the existing 2.5 acre requirement, for keeping of a goat, to 1.6 acres, with the understanding that if we grant that, it still has no effect unless and until the new Ordinance is adopted, eliminating the prohibition on keeping of the goat in a platted subdivision.

DPZ Michels: Correct.

Drolett: How can we consider this if it's in violation of our Zoning Ordinance? To speculate on minimum lot size in the new Ordinance is pure speculation. Why should we debate it if we are not allowed to grant a variance to allow use that's specifically not allowed in the District?

Smith: The attorney says we can hear a request to reduce the minimum lot size for this property. The only request is for a dimensional variance.

Drolett: I don't think we can deny it, I just don't think we can hear it. Wouldn't it be better procedurally for these folks to wait until there is a Zoning Ordinance, and see what's in it before this body starts granting a variance to something that's not even on the books yet?

Moved by Drolett, seconded by Holland, to not hear this appeal because the Zoning Ordinance specifically prohibits the Zoning Board of Appeals from granting a use variance (if he can't get a use variance he doesn't need a reduction in his lot size).

DPZ Michels: Email to the attorney: The current Zoning Ordinance says they cannot have the goat because it is not a permitted use to keep livestock inside subdivisions and we cannot grant use variances. If the ZBA grants a variance from the minimum lot area required for keeping of the goat, and the new Zoning Ordinance does not include language prohibiting livestock inside a subdivision, they will be able to keep their goat upon adoption of the new Zoning Ordinance. Attorney Flintof agreed.

Holland: Is there any society that designates dwarf goats as pets?

Filip: §18.17C lists recognized household pets. Could a small goat, not a large goat, be considered a household pet?

Drolett: I don't see the word "larger". It says in §18.17B, "The raising and keeping of livestock or other animals generally not regarded as household pets may be conducted as accessory to the principal use.....except in platted subdivisions or condominium subdivisions".

Gajweski: The courts say that the Zoning Board of Appeals must look at the intent of the Zoning Ordinance.

Roll Call Vote: Yeas – Drolett, Holland, Filip & Gajewski: Nays – Smith: Absent – None. Motion carried 4-1. Appeal (17-ZBA-824) Maynard will not be heard by the Zoning Board of Appeals Planning.

Item #2

Action Item: # 2
Appeal Number: (17-ZBA-826AB) Alexius
Applicant Name(s): Gretchen Alexius
Property Tax ID: (D-04-03-387-005)
Address: 8798 Dexter-Townhall, Dexter, MI
Purpose of Variance Request: <i>A) Reduced front-yard (street) setback of thirty-three point three (33.3) feet rather than the eighty (80) feet required; and B) Reduced side-yard setback of one point two five (1.25) feet rather than the six point two five (6.25) feet.</i>

DPZ Michels: This appeal has been postponed, for amendment, at the request of the applicant.

Moved by Drolett, **seconded** by Filip, to postpone appeal (17-ZBA-826AB) Alexius to a future unspecified date. **Motion carried by voice vote.**

Item #3

Action Item: # 3
Appeal Number: (17-ZBA-827) Korican
Applicant Name(s): Joy Korican
Property Tax ID: (D-04-18-179-002/034, D-04-18-178-002/006)
Address: 7389 Webbs Shore, Gregory, MI
Purpose of Variance Request: <i>Reduced front-yard (street) setback of zero (0) feet rather than the twenty-five (25) feet required.</i>

2. Report from the Director of Planning & Zoning:

DPZ Michels summarized the Staff report, dated April 27, 2017, noting the applicant wishes to demolish the existing single-family house and replace it with a larger single-family house. The multiple parcels, on both sides of Webbs Shore, are located at the end of a street. Requested setback is measured to a 3 foot deep overhang from the front door with walls roughly 3 feet from the right-of-way. Several nonconformities were recognized as well as several potential conditions have been identified. No letters have been received from neighbors.

3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:

Gajewski: The zero front yard setback will not create a parking problem because there is Adequate parking area on the garage side?

DPZ Michels: Correct. The parcels are connected as one zoning lot as they are not large enough to stand alone. The future Zoning Ordinance reduces the lot size so the current draft would make it possible to split them. One potential condition would require the properties to remain in the same ownership for the reason of the parking area.

Gajewski: I see no storm water management concerns in the Staff report. There is an extreme slope with the 28 foot drop to the lake, and the volume and velocity of the storm water is going to create a major soil erosion problem.

DPZ Michels: There are gaps in our storm water management language. General course of action, when anyone is doing large construction near a lake or waterbody, I add a condition when the Zoning Permit is issued that they shall have a silt fence before excavation or soil is stabilized.

Holland: I'm concerned with the lots not being contiguous with the lakeside lots and the lots Across the road being sold. The current sanitary pump will service the new home? Have they discussed putting a deck on this property?

DPZ Michels: It's my understanding they will have a patio similar to the one that is currently there on the back of the house.

4. Applicant presentation and Q&A with the Zoning Board of Appeals:

Bob Burnside, Fireside Home Construction, speaking on behalf of Tom and Joy Korican This is a unique lot that is steeply sloped. My clients are agreeable to some condition indicating that the two lots across the street, where the existing garage is, would remain part of the parcel. The two lots on the lake side, where the new house will go, have been combined. There are three key factors here: 1) If they move the house 25 feet back on the hill, we will have an 18 foot drop from the road, creating 30 steps from the road to the house. 2) Access to the house would create a safety issue. 3) Finally, it will cost between 25-30 thousand dollars to move the house down the hill, due to raising the foundation to an acceptable level for the setbacks. It makes sense to leave the house at the end of the cul-de-sac, with no traffic and Korican's own all the property around it. If they had to do this project at the recommended setbacks, this project would not go forward due to costs, and the current house will stand instead of a beautiful new home.

Gajewski: There are three 6 foot doorwalls in the basement. What is being done for the step down from those?

Mr. Burnside: Similar to the current house. There is a patio off the lower level which connects with the existing stairway to the lake.

Gajewski: I'm looking at global stability with the house perched on such a steep slope. You've got lateral forces from the hill, you've got downward forces, you have the sheer strength of the soil, which can all create sliding issues.

Mr. Burnside: We will make sure the soil conditions are appropriate and the foundation footings in place to stay.

Filip: What is the justification of the three foot overhangs requiring a zero foot setback?

Mr. Burnside: The larger overhang is for a safer environment and protection of the door. Keeping weather off the door is important.

Holland: With the house that close to the road, could the road be widened on the opposite side? My concern is there is no place for a fire engine to turn around down there.

Mr. Korican: They (the County trucks) turn around now as there is a T-turnaround at the end.

Mr. Burnside: If that is a concern we could open that up some more with extra gravel.

Holland: I'd like to see the properties combined so they cannot be split. What is the elevation of the main floor? Is it above the existing road?

Mr. Burnside: It's level with the road. We would raise the house just a bit so we wouldn't have any drainage problems with water coming in the front door.

Holland: What is the plan for outdoor living?

Mr. Burnside: We're envisioning a 6-8 foot deep patio with a retaining wall to hold the slope.

DPZ Michels: The current Zoning Ordinance does not have any standards for location, construction, or height for retaining walls.

Filip: The retaining wall will not affect the setbacks?

Holland: We're OK on lot coverage?

DPZ Michels: Yes.

Filip: What about granting a potential easement, for emergency vehicles to turn around, there for preventing the planting of vegetation?

Mr. Burnside: An easement complicates things. We're all about safety, so if we make an appropriate turnaround, why would anyone want to get rid of that. It's for our own protection.

5. Open Public Hearing on agenda item: 6:53 pm

Joe Holowicki 40135 Iveywood, Plymouth (owns house at 7415 Noahs Landing)
Concerned with continuation of pathway between Webbs Shore to Noahs Landing.

Mark Wawrzaszek 7359 Webbs Shore
Concerned with keeping the easement open between Webbs Shore and Noahs Landing, for golf carts.

Drolett: I'm not sure where this easement is.

Mr. Korican: It's the same pathway that Joe was speaking about. It's at the end of the road.

Smith: We're not going to do anything for existing easement on this property. We have no Authority to grant them if they aren't there.

DPZ Michels: We don't have any record on file for an easement.

6. Close Public Hearing on agenda item: 6:57pm

7. Zoning Board of Appeals deliberations and Standards of Review:

Drolett: I think it's going to be a great improvement over what's there. I don't see any impairment of traffic.

Gajewski: There is definitely a practical difficulty with the cliff, a physical condition that would warrant the variance. They are replacing a cottage with a reasonably size house.

Filip: I think we need the condition that the two lots, where the garage is located, remain under the same ownership as the lot the house is built on. Also, should we make something more formal in regard to that T-turnaround?

Smith: I support the first limitation (providing an easement to allow vehicle turn around), and I oppose the second limitation (construction of the house in compliance with the plans submitted) on the grounds that it is beyond what we should be considering in terms of granting this variance.

Holland: My concern is they are coming closer to the road as the old house has a three foot setback. I'm concerned they are crowding the road for emergency vehicles.

Drolett: It's a county road. The homeowner cannot shift the road away from the house.

<p>(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The strict application of the terms of this Ordinance would constitute a practical difficulty.</p>	<p>YES Drolett Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>The parcels along the lake have an extremely steep slope, which may make it difficult to construct a house that would meet the setback standards. The applicant does own several lots across the street that could be used to construct a house, but that would require removal of the garage.</i></p>	
<p>Notes: Smith – We can all see this is a pretty difficult situation to meet that twenty-five feet setback.</p>	<p>NO None</p>
<p>(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The practical difficulty is due to some physical condition peculiar to the property involved.</p>	<p>YES Drolett Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>The slope of the lakefront properties appears to make it difficult to build a conventional house while meeting the required setbacks.</i></p>	
<p>Notes: Gajewski – Extremely steep topography.</p>	<p>NO None</p>
<p>(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The practical difficulty is not self-created.</p>	<p>YES Drolett Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>The applicant does not appear to be responsible for the configuration or topography of the property.</i></p>	
<p>Notes: Filip – There is no evidence that the applicant created this difficulty, of the extreme slope, that is part of this property.</p>	<p>NO None</p>

<p>(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p>	<p>YES</p>
<p><u>DPZ Comment:</u> <i>The requested variance appears to be relatively minimal. It does appear possible to shorten the length of the overhang around the front door so that the setback would actually be 1.5 feet.</i></p>	<p>Drolett Holland Filip</p>
<p>Notes: Filip – For the reason mentioned by Mr. Holland and Mr. Burnside, the three foot overhang is considered to be an issue of safety and to have a smaller overhang could result in a somewhat hazardous condition.</p>	<p>Gajewski Smith NO None</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) Front-yard</p>
<p><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></p>	<p>YES</p>
<p><u>DPZ Comment:</u> <i>The requested variance would place the proposed house extremely close to the front lot line. This property is the last one on Webbs Shore, so there should not be a significant issue with traffic hazards.</i></p>	<p>Drolett Holland Filip</p>
<p>Notes: Gajewski – In support of all the DZP’s comments.</p>	<p>Gajewski Smith NO None</p>
<p>(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</i></p>	<p>YES</p>
<p><u>DPZ Comment:</u> <i>The requested variance does not appear to cause a substantial negative impact on the use or value of adjacent properties because it is at a dead end and away from adjacent buildings.</i></p>	<p>Drolett Holland Filip</p>
<p>Notes: Holland – It is a great improvement and a good use of the property.</p>	<p>Gajewski Smith NO None</p>
<p>(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></p>	<p>YES</p>
<p><u>DPZ Comment:</u> <i>If the Zoning Board of Appeals determines that a variance is necessary for the reasonable use of the property and the other decision criteria are true, it appears that the variance would be consistent with the intent and purpose of the Zoning Ordinance.</i></p>	<p>Drolett Holland Filip</p>
<p>Notes:</p>	<p>Gajewski Smith NO None</p>

8. Motions by the Zoning Board of Appeals:

Drolett: Stipulating conditions means the future owners will have to abide by what we decide in granting this variance and will be in the chain of title.

Moved by Filip, **seconded** by Gajewski, for condition one: The property deeds for (D-04-18-179-002/034, D04-18-178-002/006) will remain under the same ownership

Roll Call Vote: Yeas – Drolett, Holland, Filip, Gajewski & Smith: Nays – None: Absent – None. Motion carried 5-0.

Moved by Drolett, **seconded** by Filip, for condition two: The property owners maintain the current T turnaround with adequate size for safety vehicles to maneuver.

Roll Call Vote: Yeas – Drolett, Holland, & Filip: Nays – Gajewski & Smith: Absent – None. Motion carried 3-2.

Moved by Filip, **seconded** by Drolett, to grant the variance (17-ZBA-827) located at 7389 Webbs Shore Landing, lot id (D-04-18-179-002/0034, D-04-18-176-002/006) for a reduces front yard setback of zero feet from the required minimum setback of twenty-five feet, according to Zoning Ordinance §18.23A, and recognizing the nonconformities listed on page 3-2 of the Staff report, dated April 27, 2017, with the conditions as already voted and on the record.

Roll Call Vote: Yeas – Drolett, Holland, Filip, Gajewski & Smith: Nays – None: Absent – None. Motion carried 5-0.

Item #4

Action Item: # 4
Appeal Number: (17-ZBA-828) Quinlan
Applicant Name(s): James Quinlan
Property Tax ID: (D-04-06-355-017/018)
Address: 14422 Edgewater, Gregory, MI
Purpose of Variance Request: <i>Reduced front-yard (street) setback of fifteen point two five (15.25) feet rather than the twenty-five (25) feet required.</i>

2. Report from the Director of Planning and Zoning:

DPZ Michels summarized the Staff report, dated April 27, 2017, noting the property is located in a Lakes Residential (LR) District. The applicant wishes to demolish the existing house, and detached shed, to construct a new single-family house with attached garage. Side-yard and waterbody setbacks, as shown on the plot plan, are not drawn accurately. One nonconformity was noted as well as two potential conditions.

3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:

Drolett: The house could be moved closer to the lake?

DPZ Michels: Correct, and still meet the waterbody setbacks. Also, this site plan shows the wall footprint, not the foot and a half overhang footprint. It could move up eight point three (8.3) feet minus a foot and a half (1.5).

Smith: The eight point three (8.3) feet is the shortest distance and so to the extent this structure were shifted, you could go back further. The side-yard setback is fifteen (15) feet so it could go another seven (7) feet toward the property line and move back further and still be in compliance with the Zoning Ordinance.

DPZ Michels: Correct.

Gajewski: We didn't receive any letters of concern from neighbors, specifically the red ranch house to the west?

DPZ Michels: We have not received any correspondence on this application.

Drolett: If the applicant has to come back for another variance, it has to be re-noticed. No matter what we do tonight, he's going to have to come back.

DPZ Michels: Not necessarily.

Drolett: Unless he makes the house smaller.

DPZ Michels: There are a couple of options. One is to come back and request a variance for 27.7 percent lot coverage instead of 25 percent. Another is to close on the transfer of the gap between his lot line and the water to increase the lot area.

Drolett: So we can condition him on acquiring that property.

DPZ Michels: A third option would be when the new Zoning Ordinance is adopted, we don't include overhangs toward building area so the building coverage is going to go up in this area so it will be okay.

Drolett: My concern is, if this body decides we don't want this house this close to the road, and he has to move it closer to the lake, then we have a setback issue on the lake side.

DPZ Michels: On the north side of the property there are two different setbacks. One is the waterbody setback (50 feet), which is measured from the waterline, with the other being the rear-yard setback (30 feet) because there is a line there. In this case the fifty (50) feet waterbody setback is controlling because it's much larger.

Smith: So he has another eight point three (8.3) feet he can move back without any problems.

Drolett: If he acquired the eight feet, he wouldn't need a variance at all.

Smith: He's going to be seventeen point three (17.3) feet off the front.

DPZ Michels: Take away the foot and a half for overhangs.

Smith: It's fifteen point nine (15.9) feet so he's off by about ten feet.

DPZ Michels: When this was noticed, the overhangs were bigger. The original plans we received were two feet overhangs, they've changed them so they are actually a foot and a half overhangs.

Filip: So it's really fifteen point seven-five (15.75) feet rather than what the report shows.

4. Applicant presentation and Q&A with the Zoning Board of Appeals:

Mr. Quinlan: Most of the time the waterline is up to within three feet of the lot line, so I don't count it as an issue. We live in Farmington Hills and want to make this our permanent home. The requested setback will line up with the neighbors garages. The one obstacle we've had is the grinder pump and we've had to design around that. If we moved eight foot closer to the lake we would avoid the grinder pump and not need a variance. I was avoiding moving eight feet back to prevent impinging on the red house view of the lake.

Gajewski: Nice design. I'm not fond of the left side elevation as it's a two story wall. My concern is the impact on the neighbor. I see the house could be moved a little to the right as there is fifteen feet and all it requires is eight feet.

Mr. Quinlan: We squared up the house with the road and the lake to improve our view of the lake. I'm not sure of the thirty foot setback.

DPZ Michels: There are a number of setbacks: front yard, side yard, rear yard, and waterbody. These plans do not show the rear-yard setback of thirty feet, south of the rear lot line.

Smith: Zach, do you think this drawing is an accurate representation of the water's edge?

DPZ Michels: It appears that the surveyor did not know we wanted the high water mark, not the water level the day they were there.

Holland: What is your plan for guest parking?

Mr. Quinlan: What we've been doing is parking in front of the house, partly on the road and wherever we can on the property.

Holland: My concern is, there isn't good parking space in the driveway area behind the garage doors. Which would be a good reason to move it forward some. What is your outside living plan?

Mr. Quinlan: Probably a deck fifteen feet by twenty feet wide.

Holland: Is that going to take a variance?

DPZ Michels: If the ordinary high water mark is along the property line it would. We allow at-grade decks or patios to be within thirty-five feet.

Mr. Quinlan: We can easily get two cars in front of the garage doors but if we moved it another ten feet there would not be more space for additional cars.

Drolett: Generally I'd like to see a twenty foot distance between the edge of the road and the face of the garage, but this isn't going to allow that.

Smith: That's a good argument for moving it closer to the lake.

Drolett: Because this is not noticed for moving it closer to the lake, and we haven't dealt with the deck, we are in a conundrum.

Filip: It's my understanding that if we move it two and a half feet closer to the lake, a variance is not necessary because the evidence shows what's depicted is not correct and he has plenty of room.

Smith: He has to be fifty feet from the waterbody not the rear lot line.

Mr. Quinlan: With the transfer of the property between the lot line and water we'll have an additional three and a half feet.

Drolett: If we recognize that he is going to get that extra three and a half feet, we can move the house north three feet and that would give him twenty feet three inches from the garage face.

Smith: He's still going to need a front yard setback.

DPZ Michels: My math, including the overhangs, shows that if it was shifted north three feet, including the overhangs, that would put seventeen and a quarter (17.25) feet to the overhang from the road right-of-way and eighteen and three quarters (18.75) feet from the wall to the right-of-way. Instead of shifting it north three feet, because of the overhangs (1.5 feet) you're only shifting a foot and a half.

Smith: It figures into exactly what amount of variance is being requested.

Drolett: The variance is less than one requested. We can't grant him more than was noticed.

Smith: We're trying to make this work for you. If you move the house closer to the lake by seven feet, then all you need is an eight foot variance in order to meet that twenty-five foot setback.

Filip: It's really a seventeen point two-five (17.25) foot setback.

Drolett: It would be a reduction of seven point seven-five (7.75) feet.

Smith: If you move the house three feet closer to the lake, you will only need a seven point seven-five (7.75) foot variance instead of a nine point seven-five (9.75) feet variance.

DPZ Michels: It's a reduction from fifteen point two-five (17.25) to seventeen point two-five (17.25) with the reduction of the overhangs (from 2 feet to one and a half feet) and shifting of the house.

5. Open Public Hearing on agenda item: 7:56 pm

Richard Short 14432 Edgewater Drive, Gregory, MI

Pointed out the lakeside stake was close to his property and he was concerned the house is not built closer to the water than that stake.

Karen Nolte 14450 Edgewater Drive, Gregory, MI

Concerned about guest parking and what the measurement was for the waterbody setback.

Mike Brady 8875 Argonne, Gregory, MI

Supports the building of the new house.

Gajewski: When you talk to planners one of the things they say is you have to look at the nature of the neighborhood and you grant a variance accordingly based on what's happening.

Mr. Quinlan: I'm not sure where we're at.

Smith: Here's our problem: we need a request that we can either grant or deny. We're trying to figure out what might work but if you demand the garage stay where it is, you run the risk of us saying no.

DPZ Michels: The job of the Zoning Board of appeals is look at cases and give people permission, or not permission, to break the law. In order to do that they need to find all the criteria to determine practical difficulty. Practical difficulty is: you cannot use the property in a reasonable manner because of something to do with the property. They have to also look at: is there a reasonable amount necessary to overcome the practical difficulty.

Mrs. Quinlan: We've lived there for sixteen years and we've tried to abide by the rules. The current shed and house are really close to the road. We are going to get rid of the shed. We'd like to build a new house back from the road but it's very frustrating as things change in the township. We'd like to move the house closer to the lake but it would obstruct our neighbor's view.

6. Close Public Hearing on agenda item: 8:10 pm

7. Zoning Board of Appeals deliberations and Standards of Review:

Gajewski: For lot coverage it would be twenty-seven point seven percent (27.7%) and you would have to re-notice it?

DPZ Michels: Yes.

Drolett: If he acquires that piece of property (three foot between lot line and water) he will not be over the 25%?

DPZ Michels: If it's only three feet, it's not going to put them over the threshold. We have to get a more accurate survey.

Smith: Zach, with your number of calculations its seven point seven-five foot variance which gets them twenty feet in front of their garage?

DPZ Michels: It would be eighteen feet nine inches.

Filip: If the house is not moved, it's fifteen point two five (15.25) feet. If we move it back, the text of the motion will say seventeen point two-five (17.25) feet setback from the road.

Smith: Does anyone have a problem granting a seven point five (7.5) foot setback?

Drolett: I don't have a problem because they could have eight foot side-yard setbacks and they don't.

Filip: I'm looking at the purpose (§1.02: PURPOSE) of the Ordinance. You could make the argument of preserving the community character with this house.

Gajewski: What if he knocks of three inches from the garage?

Drolett: He asked for a greater variance (9.75 feet) and we're saying he's going to get less (7.75 feet).

DPZ Michels: Lot coverage has not been noticed and cannot be addressed tonight.

Smith: Zach, procedurally, the applicant has asked for a 9.75 variance, we are within our authority to a variance for less than that?

DPZ Michels: It is best practice to vote on what they have asked for but in this case, if it doesn't meet the criteria and the applicant says it's okay to use the lower number, you can vote on that.

Smith: Mr. Quinlan, it does not sound like there is much support for the 9.75 variance. It looks like there might be support for a reduced variance of 7.75 feet, which means you will have to go closer to the lake if you want to maintain everything exactly as is. We would consider a request of 7.75 feet.

Mr. Quinlan: I will accept the 7.75 foot variance.

Smith: Summarizing new request: the applicant has asked for a new front-yard setback of 17.75 feet rather than the twenty five feet required.

<p>(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The strict application of the terms of this Ordinance would constitute a practical difficulty.</p>	<p>YES Holland Filip Gajewski Smith</p>
<p><i>DPZ Comment: It appears possible to construct a house on this property without requiring a variance. The layout of such a house would have to be wider than the proposed house in order to contain the same square footage, but there is additional room available towards the side-yards.</i></p>	
<p>Notes:</p>	<p>NO Drolett</p>
<p>(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The practical difficulty is due to some physical condition peculiar to the property involved.</p>	<p>YES Drolett Holland Filip</p>
<p><i>DPZ Comment: The property is smaller than required in the Lakes Residential (LR) District, but it is larger than other properties in the area. It is relatively shallow, but the required setback would allow a buildable depth of roughly 53 feet, north to south.</i></p>	
<p>Notes:</p>	<p>NO Gajewski Smith</p>
<p>(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p>The practical difficulty is not self-created.</p>	<p>YES Holland Filip Smith</p>
<p><i>DPZ Comment: The applicants do not appear to be responsible for the configuration of the lot.</i></p>	
<p>Notes:</p>	<p>NO Drolett Gajewski</p>

<p>(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p>	<p>YES Holland Filip Smith</p>
<p><u>DPZ Comment:</u> <i>It appears possible to construct the same house with a smaller variance (greater distance from the street) if the house were shifted north several feet towards the minimum waterbody setback.</i></p>	<p>NO Drolett Gajewski</p>
<p>Notes: Gajewski – The variance has to be the minimum necessary for reasonable use and I think you could get a different configuration of the house.</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) Front-yard</p>
<p><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></p>	<p>YES Drolett Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>While the requested variance would make it difficult or impossible to park a vehicle between the garage door and the right-of-way, Edgewater is a minor street that only has local traffic.</i></p>	<p>NO <i>None</i></p>
<p>Notes: Filip – Because of the adjustment (from the requested 15.25 feet front yard setback to 17.25 feet) in the variance originally requested.</p>	
<p>(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</i></p>	<p>YES Drolett Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>The requested variance does not appear to have a significant negative impact on the use or value of adjacent properties as long as there is adequate room to park on the property without interrupting the natural flow of traffic on Edgewater.</i></p>	<p>NO <i>None</i></p>
<p>Notes: Filip – Because moving the house back off the road will be more helpful in maintaining the view of the lake by the neighbors.</p>	
<p>(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:</p>	<p>18.23(A) Front-yard</p>
<p><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></p>	<p>YES Holland Filip Gajewski Smith</p>
<p><u>DPZ Comment:</u> <i>The proposed residential use of the property is consistent with the intent of the zoning district. If the Zoning Board of Appeals determines that the variance is necessary to reasonably use the property and the other decision criteria are true, the requested variance would be consistent with the intent of the Zoning Ordinance.</i></p>	<p>NO Drolett</p>
<p>Notes: Filip – Applicable part of Zoning Ordinance: §1:02 It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Dexter Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of populations; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character.</p>	

8. Motions by the Zoning Board of Appeals:

Moved by Holland, **seconded** by Gajewski, to set the condition that the front garage wall be a minimum setback of eighteen point seven-five (18.75) feet from the property line.

Roll Call Vote: Yeas – Holland, Filip, Gajewski & Smith: Nays – Drolett: Absent – None. Motion carried 4-1

Moved by Filip, seconded by **Gajewski**, to grant the variance for (17-ZBA-828), the property located at 14422 Edgewater Drive, property id (D-04-06-355-017/018), for a reduced front yard setback in accordance with Ordinance §18.25A, from a minimum twenty-five (25) feet to a minimum of seventeen point seven-five (17.75) feet, recognizing the nonconformities on page 4-3 of the Staff report dated April 27, 2017, with the condition the front wall of the garage be a minimum of eighteen point seven-five (18.75) feet from the property line

Roll Call Vote: Yeas – Holland, Filip, Gajewski & Smith: Nays – Drolett: Absent – None. Motion carried 4-1.

VI. Public Comment: None

VII. Approval of Meeting Minutes:

Moved by Filip, **seconded** by Gajewski, to approve the March 7, 2017 minutes as amended. **Motion carried by voice vote.**

VIII. Concerns of Board Members, Director of Planning and Zoning, Recording Secretary:

Smith: This was a difficult meeting.

DPZ Michels: Joint meeting of Township Board/Planning Commission/Zoning Board of Appeals is on May 30, 2017.

IX. Adjournment

Chairperson Smith declared the meeting adjourned at 8:59 p.m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary