



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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DONALD DARNELL, *ALT.*

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday June 6, 2017

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, James Drolett, and Bill Gajewski. Absent: Jay Holland

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

- I. Call to Order:** The meeting was called to order by Vice-Chairperson Beth Filip at 6:06 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 deemed the agenda approved as submitted.
- IV. Public Comment- Non Agenda Items:** None
- V. Action Items:**

Item #1

Action Item: # 1
Appeal Number: (17-ZBA-829) Dittmar
Applicant Name(s): Rodney Dittmar
Property Tax ID: (D-04-01-481-011, D-04-01-482-009))
Address: 9115 McGregor

Purpose of Variance Request: *A) Reduced front-yard (street) setback of fifty (50) feet rather than the eighty (80) feet required; B) reduced front-yard (street) setback of seventeen (17) feet rather than the twenty-five (25) feet required; and C) reduced rear-yard setback of five (5) feet rather than the thirty (30) feet required.*

1. Report from the Director of Planning & Zoning:

DPZ Michels summarized the staff report, dated June 6, 2017, noting there were three front yards due to the adjacent roadways. The southern lot line is considered a rear lot line because it is opposite a front lot line, along Howard. The applicant has two pieces of property, separated by the street, with the proposed garage located on the vacant lot across the street from the home owned by the applicant. The garage will have a storage loft area, not a dwelling unit. Impervious coverage is greater than 20 percent; approval and installation of a storm water management plan will be required.

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

Drolett: Are both lots nonconforming?

DPZ Michels: Both the back and front lot are nonconforming. Our Zoning Ordinance says that if you have common ownership of two lots, that don't meet developmental standards, they are combined for lot coverage purposes.

Filip: These are two separate properties?

DPZ Michels: The Zoning Ordinance considers it one lot for zoning purposes.

Filip: With two parcel id's, could they sell one lot?

DPZ Michels: Yes.

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

Jim Walter, Contractor: We didn't create this hardship with roads on all three sides, and the setbacks overlapping each other. We want to build a normal size two car garage to store a boat and trailer as well as a mower. The neighbors have garages similar to this one. The loft is not for living space; it is for storage. The garage will be twenty-six (26') off Russel Drive which will allow for off street parking.

Gajewski: The applicant did a great job of fitting a reasonable size garage on the lot, and preserving a beautiful canopy of mature trees, which will help significantly with storm water management. The practical difficulty would be the narrow lot and these multiple front-yard setbacks.

Filip: To help understand the orientation, the sectional door is going to be facing the residence?

Jim Walter: Correct. The entry door will be on Howard Street.

Smith: In order to grant a variance, we need to find practical difficulty. You already have a two car garage?

Rodney Dittmar: It is a one car garage attached to the home.

Smith: A four bedroom home with an attached one car garage, I'm trying to find the need for a second two car garage associated with the same property.

Rodney Dittmar: I have an ATV with a plow that I use to keep the road clear for the five residences on Robert, Russel, and Howard. I also have a snow blower and lawn tractor that currently sit outside.

Smith: Would they fit inside a one car garage?

Jim Walter: Not if there was a car in the garage. It's a small, narrow garage attached to the house.

Drolett: The practical difficulty is the lot has three front yards.

4. Open Public Hearing on agenda item: 6:20 p.m.

Reading of letters into the record: No additional correspondence from the neighbors.

Comments from public in attendance: None

5. Close Public Hearing on agenda item: 6:20 p.m.

DPZ Michels: As there are only four of the five Zoning Board of Appeals members present, which means the applicant would have to get three affirmative votes to get his variances, would the applicant like to postpone the request until next month?

Rodney Dittmar: We would like to proceed.

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

Smith: I'm still having difficulty with practical difficulty.

Drolett: Everyone in that neighborhood has the same setup, a garage across Russel Street. This garage would be in alignment with the others.

Smith: You could build something less intrusive into those setbacks.

Drolett: You'd have a very difficult time building something else.

Gajewski: To the fact of adverse effect, there is no outdoor storage and this will help reduce blight. Together with the practical difficulties, I don't have a problem with it.

Filip: I had to look up the definition of "practical difficulty". It's a special or unique condition that's peculiar to a lot. If the lot was sold, and someone wanted to build a house, would we give a variance? This lot is special, and unique, with three roads bordering it.

DPZ Michels: To clarify, the Zoning Ordinance would not recognize that separate sale. In order to sell it separately, you'd have to get a variance to make the nonconforming lot smaller.

Gajewski: The narrowness of the lot limits it more.

Drolett: I don't think he has room to expand the one car garage to make it usable for anything.

Gajewski: He doesn't have the gable ends facing his house; he has the eaves facing the house, which makes it less obtrusive.

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard McGregor	18.23(A). Front-yard Howard	12.02(E)(3)c. Rear-yard
The strict application of the terms of this Ordinance would constitute a practical difficulty.	<u>YES</u> Drolett	<u>YES</u> Drolett	<u>YES</u> Drolett
<u>DPZ Comment:</u> <i>The strict application would make it impossible to construct a building on this parcel, because of overlapping setbacks from having multiple front lot lines for such a narrow lot.. It is possible, however, to continue to use the combined lots and to use it for parking or storage; the lot across the street has both a house and a detached garage.</i>	Filip Gajewski Smith	Filip Gajewski Smith	Filip Gajewski Smith
Notes: Drolett – Due to the three front yards.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard McGregor	18.23(A). Front-yard Howard	12.02(E)(3)c. Rear-yard
The practical difficulty is due to some physical condition peculiar to the property involved.	<u>YES</u> Drolett	<u>YES</u> Drolett	<u>YES</u> Drolett
<u>DPZ Comment:</u> <i>The parcel has 3 front lot lines and front-yard setbacks and a rear lot line and rear-yard setback, which is greater than a side-yard setback. The narrow size of the lot results in overlapping setbacks. Many lots in this area are narrow or smaller than required in Lakes Residential (LR) Districts.</i>	Filip Gajewski Smith	Filip Gajewski Smith	Filip Gajewski Smith
Notes: Drolett – The three front yards and the narrowness of the lot.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard	18.23(A). Front-yard	12.02(E)(3)c. Rear-yard
<i>The practical difficulty is not self-created.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>DPZ Comment:</u> <i>The property owner does not appear to be responsible for the configuration or creation of the lot.</i>	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith
Notes: Drolett – These lots were platted back in the 1920’s.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard	18.23(A). Front-yard	12.02(E)(3)c. Rear-yard
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>DPZ Comment:</u> <i>The proposed size of the detached garage is relatively small, which allows for larger setbacks as part of the variance. The reduced rear-yard setback matches what would be required if that were a side lot line. The proposed location would meet the required front-yard setback from the western lot line. The house on the lot across the street already has an attached garage for storage.</i>	Drolett Filip Gajewski	Drolett Filip Gajewski	Drolett Filip Gajewski
Notes: Drolett – The garage is a reasonably sized structure, placed in the right location on the property.	<u>NO</u> Smith	<u>NO</u> Smith	<u>NO</u> Smith

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard	18.23(A). Front-yard	12.02(E)(3)c. Rear-yard
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>DPZ Comment:</u> <i>The requested setback from McGregor would place the structure farther back from the right-of-way than most of the other buildings in the area. The requested setback from Howard is relatively close to the right-of-way, but the street does not have significant traffic. The requested rear-yard setback is consistent with what would be required if this were a side-yard setback and there are not buildings nearby on the adjacent property.</i>	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith
Notes: Filip – Putting stuff in garages does promote the safety and welfare of the community.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard	18.23(A). Front-yard	12.02(E)(3)c. Rear-yard
<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>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>DPZ Comment:</u> <i>Approval of the variances does not appear to have a substantial impact on the adjacent properties. It will likely improve the use and value if the new garage will result in no outdoor storage of watercraft and similar equipment.</i>	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith	Drolett Filip Gajewski Smith
Notes: Drolett – Many of the adjacent properties have the same situation. It would not look			

out of place or devalue the properties. Gajewski – Substantial justice would be served and the reduction of outdoor storage would reduce lake community clutter and blight.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None
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(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B	C
	18.23(A)(1)m. Front-yard	18.23(A). Front-yard	12.02(E)(3)c. Rear-yard
<i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i>	<u>YES</u> Drolett	<u>YES</u> Drolett	<u>YES</u> Drolett
<i>DPZ Comment: The proposed residential use is consistent with the intent of the Lakes Residential (LR) District. If the above criteria are true and the variance is necessary for a reasonable use of property, the variances would be consistent with the intent and purpose of the Zoning Ordinance.</i>	Filip Gajewski Smith	Filip Gajewski Smith	Filip Gajewski Smith
Notes: Gajewski – The garage is well sited. Preserving the tree canopy will help storm water management and water quality.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

7. Motions by the Zoning Board pf Appeals:

Moved by Drolett, **seconded** by Gajewski, to approve variance (17-ZBA-829ABC) Dittmar, to reduce the front-yard (McGregor Rd.) setback from eighty (80) feet to fifty (50) feet; to reduce the front-yard setback (Howard) from twenty-five (25) feet to seventeen (17) feet; and to reduce the rear-yard setback from thirty (30) feet of five (5) feet; to construct a single story, two car garage at 9115 McGregor Road, tax id (D-04-01-481-011, D-04-01-482-009), with the condition that the house and the garage remain under common ownership, which will be recorded with the notice of variance, and the garage will be constructed in substantial compliance to the plans submitted.

Roll Call Vote: Yeas – Drolett, Filip, Gajewski & Smith: Nays – None: Absent – Holland. Motion carried 4-0.

Jim Walter: Does that mean the gable could be changed the other direction?
Smith: The wording means keep it as it was drawn.

Filip: I will make a motion to provide some guidance to the DPZ, as to what we consider substantial.

Moved by Filip, **seconded** by Drolett, the applicant may reorient his garage out ninety degrees as to how we see it in the plan, and the gable may be facing his home or the gable may be facing the road (Howard Street).

Roll Call Vote: Yeas – Drolett, Filip, Gajewski & Smith: Nays – None: Absent – Holland. Motion carried 4-0.

Item #2

Action Item: # 2
Appeal Number: (17-ZBA-830AB) McLeskey
Applicant Name(s): Edward McLeskey
Property Tax ID: (D-04-01-182-001)
Address: 9585 Portage Lake
Purpose of Variance Request: <i>A) Reduced front-yard setback of five (5) feet rather than the twenty-five (25) feet required; and B) Reduced rear-yard setback of five (5) feet rather than the thirty (30) feet required.</i>

1. Report from the Director of Planning & Zoning:

DPZ Michels summarized the Staff report, dated June 6, 2017, noting the request was for two variances. The project includes adding a roof over the existing deck and adding a smaller deck onto the front of the existing deck. Staff had received several complaints and it was determined work was being done without a zoning permit. A stop work order was issued. The property has two fronts; one on Portage Lake Avenue and the other on First Street, a platted right of way. Front-yard and rear-yard setbacks overlap. Impervious coverage is greater than 20 percent so approval and installation of a storm water management plan will be required.

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

Gajewski: The maximum lot coverage is twenty-five (25) percent. What is the new lot coverage with this roof addition?

DPZ Michels: As it exists it is slightly above the twenty-five (25) percent. The applicant says he can remove a portion of it which will get it right at the twenty-five (25) percent.

Gajewski: Storm water management would be required?

DPZ Michels: Correct. The storm water management would have to be for the additional impervious surface, not the entire structure.

Filip: First Street isn't visible. Is that from a plot plan?

DPZ Michels: It's a platted right-of-way from 1903.

Filip: Should we be concerned with the PBLWSA Connection?

DPZ Michels: They have approved it.

Drolett: How many square feet of living space does this house have now? Are we talking about an enclosed room or just a roof over the deck?

DPZ Michels: According to the applicant, they intend to have a roof and screens with no windows.

Gajewski: They have neither a Zoning Permit nor Building Permit right now? Can we approve or disapprove of this cantilevered structure, with flat roof, if we don't know if it meets all the building codes? Are design loads appropriate? It's a safety issue. There are new standards for tying decks to homes.

DPZ Michels: If this body is concerned they can approve it with a condition.

Filip: We can require an inspection as a condition to approval?

DPZ Michels: Correct.

Drolett: Are there plans for railings and stair steps on the new smaller attached deck?

DPZ Michels: As it's higher than thirty inches, they would be required to have railings.

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

Applicants Ed and Bridget McLeskey: The house was built in 1905 and the 35'x12' deck was added about twenty years ago. I've done storm water management on the entire house. We have lived in the house about ten (10) years. There is about 2,200 square feet of living space, without the deck. The hot tub is not part of the deck. The reason for the roof and screening is because of the problem with wind. We have a deck, not a porch, so it will be screened with knee walls, not windows. Due to the width of the lot and the three front yard setbacks, the setbacks are overlapping. We plan to remove part of the deck to be within the twenty-five (25) percent lot coverage.

Gajewski: You're understanding is that the Zoning Ordinance allowed a covered deck?

Ed McLeskey: I didn't see anything in the Zoning Ordinance that addressed it.

Gajewski: Wouldn't you think you'd need a Building Permit for a roof?

Ed McLeskey: I wasn't sure. I thought it was a minimal project.

Drolett: What is the structure out front, closer to the canal?

Ed McLeskey: It's a 10'x10' deck.

Filip: Just so there is no question, during my site visit, about ex-parte communication, Mrs. McLeskey and I exchanged pleasantries and she did mention the wind problem, which Mr. McLeskey discussed here. Is there any plan to put a staircase off the smaller deck? What is the purpose for the smaller deck?

Ed McLeskey: No staircase. The deck is for sunning.

Smith: You're not a builder but a contractor on small projects. You've developed property in Dexter Township and yet you thought you didn't need a Building Permit to put a new roof on the deck?

Ed McLeskey: No.

Drolett: Zach, where do you measure the waterside front yard setback? Ed, do you own all the way to the canal?

DPZ Michels: It does not extend all the way to the waterbody (Staff Report page 2-5). To clarify, the Zoning Ordinance says there are two front-yard setbacks, one along Portage Lake Avenue and one along First Street. The grassy area is a platted right-of-way and is considered a lot line. If it was an out lot or access easement it would be a side-yard setback, and there wouldn't be an issue with that. The lot line toward the canal is considered a rear lot line and in this case there are two setbacks; thirty (30) feet from the rear lot line and fifty (50) feet from the ordinary high water mark.

DPZ Michels: To clarify for the audience; for projects like this it usually requires two permits, a Zoning Permit which tells what it is, where it is, and how big it is; and a Building Permit for how it's actually put together.

4. Open Public Hearing on agenda item: 7:26 p.m.

Reading of letters into the record: Received two letters from Floyd and Geraldine Campbell and Thomas Fant; and two emails received from Lucinda and Dale Herring, and Denise Campbell.

Comments from public in attendance:

Don Rademaker 9547 Portage Lake Avenue,

His concern is that given the way Ed McLeskey has approached the project and the amount of wall space constructed, the deck could be made a year-round structure. Also concerned

about the small deck becoming larger to match the larger deck.

5. Close Public Hearing on agenda item: 7:31 p.m.

DPZ Michels: As there are only four of the five Zoning Board of Appeals members present, which means the applicant would have to get three affirmative votes to get his variances, would the applicant like to postpone the request until next month?

Ed McLeskey: Let's go forward.

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

Drolett: My concern is the 10'x10' deck as I don't see a necessity for it. I'm concerned about the process he's gone through as he knows full well permits are required. I'm further concerned about the walls as I don't think it's going to prevent the wind tunnel effect.

Filip: Our Zoning Ordinance doesn't treat a three season room differently than a covered porch?

DPZ Michels: When you cover a deck, or porch, it does count toward lot coverage because you now have bulk.

Filip: Assuming lot coverage were satisfied, he could potentially make this a three season room, or insulate and make a four season room. As long as he doesn't exceed lot coverage.

DPZ Michels: For lot coverage yes. For building code there are different things that are addressed.

Smith: In this circumstance, given the fact there was already a variance granted for the deck, there is no further variance required to go up from that?

DPZ Michels: Yes.

Gajewski: As far as adding a roof over an existing deck, and adding walls, it does add impervious coverage. It also adds massing and bulk which may impact the neighbors view of the lake.

Smith: Does the applicant need a covered porch in order to be livable?

Gajewski: The intent of the Ordinance is to allow people to improve their structures. The minimum necessary is the issue and the lot coverage satisfied.

Smith: My issue is the bulk. Their concern is to block wind but I think there is going to be wind.

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard
The strict application of the terms of this Ordinance would constitute a practical difficulty.	YES Drolett Filip Gajewski Smith	YES Drolett Filip Gajewski Smith
<u>DPZ Comment:</u> <i>It appears possible to continue to use the property for a residential use without the requested variances. Any expansion to the house, especially one that runs along the entire façade would be difficult because the property has 2 front yards and 2 rear yards, resulting in larger setbacks.</i>	NO None	NO None
Notes: Drolett – Based on the narrowness of the lot, and the impact of the road next to it, a full front-yard setback makes it impossible to build.		

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard

The practical difficulty is due to some physical condition peculiar to the property involved.	<u>YES</u> Drolett Filip Gajewski Smith	<u>YES</u> Drolett Filip Gajewski Smith
<u>DPZ Comment:</u> This property has 2 front yards and 2 rear yards, which results in larger setbacks, that make it impossible to make additions to the structures and meet the required setbacks.		
Notes: Drolett – Because of the slope, the narrowness, the house is a long way back from the water Gajewski – Also the front yard setbacks create practical difficulty.	<u>NO</u> None	<u>NO</u> None

(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard
The practical difficulty is not self-created.	<u>YES</u> Drolett Filip Gajewski Smith	<u>YES</u> Drolett Filip Gajewski Smith
<u>DPZ Comment:</u> The applicant does not appear responsible for the size or configuration of the lot. The applicant did own the property when a variance was granted and a permit issued to demolish a detached garage and replace it with a 2-story attached garage. The applicant began construction of the roof addition without receiving a variance or contacting the Township in any manner.		
Notes: Drolett – The road was part of the platt, which was many years ago.	<u>NO</u> None	<u>NO</u> None

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard
The variance is a reasonable amount necessary to mitigate the practical difficulty.	<u>YES</u> Drolett Filip Gajewski	<u>YES</u> Drolett Filip Gajewski
<u>DPZ Comment:</u> It appears possible to continue to use the property in a reasonable residential manner without the requested variances or with lesser variance. The requested variance would be for a roof and wall enclosure above an existing deck. The applicant has stated that he does not intend to put windows into the openings. Because of the overlapping setbacks, it would not be possible to expand the structure without receiving a variance.		
Notes: Drolett – It has to stay a screened in porch. Filip – Practical difficulty is caused by the side-yard setbacks, not the rear-yard setback. Gajewski – Reasonable amount is subjective. Smith – Adding the roof and side walls is not the reasonable amount necessary	<u>NO</u> Smith	<u>NO</u> Smith

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard
Approval of the variance will not be injurious to the public health, safety, and welfare.	<u>YES</u> Drolett Filip Gajewski Smith	<u>YES</u> Drolett Filip Gajewski Smith
<u>DPZ Comment:</u> The requested setback from First Street does not appear to be injurious to public health, safety, or welfare because the right-of-way is not currently used for vehicular access. The proposed unroofed deck addition would meet the setback if that lot line were a side yard instead of a rear yard.		
Notes:	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-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> Drolett Filip Gajewski	<u>YES</u> Drolett Filip Gajewski
<u>DPZ Comment:</u> <i>The enclosed deck addition may have an impact on the use of adjacent properties because its additional height is likely to block views to the lake and will be a significant increase to the mass of the house. The uncovered deck addition does not appear to have a significant impact on the adjacent properties because it is relatively small.</i>	<u>NO</u> Smith	<u>NO</u> Smith
Notes: Drolett – As long as it stays a screened-in porch. Filip – This issue is not a rear-yard setback from the lake. Gajewski – The neighbor to the north is projecting further out.		

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B
	18.23(A) Front-yard	12.02(E)(3)c Rear-yard
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u> Drolett Filip Gajewski Smith	<u>YES</u> Drolett Filip Gajewski Smith
<u>DPZ Comment:</u> <i>The proposed residential use for the addition is consistent with the intent of the District. The Zoning Board of Appeals will need to determine whether or not the applicant's construction of the addition without receiving a zoning or building permit and without contacting staff is considered a self-created difficulty.</i>	<u>NO</u> None	<u>NO</u> None
Notes: Drolett – As long as he shortens it by five feet to meet lot coverage.		

7. Motions by the Zoning Board of Appeals:

Moved by Filip, **seconded** by Gajewski, to grant variance (17-ZBA-830AB) McLeskey, located at 9585 Portage Lake Road, tax id (D-04-01-182-001), for a) reduced front-yard setback of five (5) feet rather than the twenty-five (25) feet required relative to First Street, and b) reduced rear-yard setback of five (5) feet rather than the thirty (30) feet required for the opposing lot line; recognizing the nonconformities set forth by the DPZ report dated June 6, 2017, with the following conditions; 1) the size of the roof shall be reduced to ensure the lot coverage is less than twenty-five (25) percent of the lot area as illustrated substantially in attachment #4, according to plan which would be the third illustration, the one closest to the right, 2) the applicant will have the plans for the roof addition reviewed and approved by a structural engineer, which will be submitted before the final zoning permit is issued, 3) the roof shall be adjusted at least five point five (5.5) feet from the lot line, 4) the covered deck shall not be enclosed by glazed windows, and 5) the variance shall apply to the roof addition, and deck addition, but only in the illustrated configuration, without the addition of stairs to the 10x10 deck.

DPZ Michels: Referring to condition #3, on the right hand side, if you are facing the canal, it would require it to be moved back nine (9) inches from where is there.

Moved by Filip, **seconded** by Gajewski, to amend condition #3 so the roofline is five (5) feet from the First Street lot line.

**Roll Call Vote: Yeas – Drolett, Filip, Gajewski & Smith: Nays – None:
Absent – Holland. Motion carried 4-0.**

- VI. Public Comment – None**
- VII. Approval of Meeting Minutes:**
Moved by Drolett, **seconded** by Gajewski, to approve the May 2, 2017, minutes as amended. **Motion carried by voice vote.**
- VIII. Concerns of Board Members, Director of Planning and Zoning, Recording Secretary:**
DPZ Michels – Planning Commission will meet June 13th.
- IX. Adjournment**
Chairperson Smith declared the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary

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