



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

TELEPHONE: 734-426-3767

FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

BROOK SMITH
CHAIRPERSON
BETH FILIP
VICE CHAIRPERSON

JAY HOLLAND
SECRETARY

JAMES DROLETT
MARTY STRAUB

DON DARNELL, *ALT.*
VACANT, *ALT.*

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS

Meeting conducted via video conferencing

Tuesday June 2, 2020

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Jay Holland, Jim Drolett, and Marty Straub. Absent: None

Also present: David Rohr, Director of Zoning and Planning; and Janis Miller, Recording Secretary.

- 1. Call to Order and Pledge of Allegiance:** Call to order at 6:06 pm, Pledge omitted due to teleconferencing.
- 2. Approval of Agenda:** Chairperson Smith requested addition of Election of Officers to the agenda as this is the first ZBA meeting in 2020. Chair deemed agenda approved as modified.

Motion by Drolett to nominate the current Chairperson Smith, Vice Chairperson Filip, and Secretary Holland to serve as officers in 2020. Motion second by Filip.

*Roll Call Vote: Yeas – Drolett, Filip, Holland, Straub, Smith; Nays - none; Absent - none. **Motion carried 5-0.***

- 3. Approval of Minutes:**
Motion by Filip to approve the November 5, 2019 minutes as presented. Motion second by Drolett.
Roll Call Vote: Yeas – Straub, Drolett, Filip, Holland, Smith; Nays – none; Absent - none. **Motion carried 5-0.**

4. Public Comment – Non-Agenda Items: None

5. Action Items:

Item #1 (20-ZBA-881A) Elizabeth Johnson, 13761 North Lake Road, Gregory, MI

Variance: for an addition to an attached garage

A) Reduced waterbody setback to thirty-four-point seven (34.7) feet rather than the fifty (50) foot required.

Postponed at request of applicant.

Item #2 (20-ZBA-882AB) Andrew Kopystynsky, 9673 Lakeview Dr., Pinckney MI

Variances: for a single-family house

- A) Reduced waterbody setback of twenty-four (24) feet rather than the fifty (50) foot required, and
- B) Reduced front setback of seven (7) feet rather than the twenty-five (25) feet required

a. Conflict of Interest/Ex-parte Contact Review: None

b. Staff Presentation and Questions from ZBA members:

DZP Rohr summarized the staff report and answered questions from the ZBA members.

c. Petitioner Presentation and Questions from ZBA members:

Andrew Kopystynsky summarized his application for a new house and with his designer/builder Neil Lezotte answered questions from the ZBA members.

d. Public Comment: Opened 6:31 PM

i. letters and/or emails

Letter received from Ralph Pomeroy, 9663 Lakeview Drive. His concern was the new structure would block sunlight, view, and airflow to his home. One picture of the property emailed (by Scott Munzel) to DZP Rohr.

ii. comments from public in attendance

Chris Fellin, 9365 Lakeview Drive, Pinckney, MI

Member of the Glenbrook Beach Association, voiced his concern regarding the garage's seven-foot distance from the road. He also stated that Mr. Kopystynsky needed permission from the Glenbrook Beach Association to excavate and construct a retaining wall.

Pat Alehouse, 9655 Lakeview Drive, Pinckney, MI

Living two doors down she shared her concerns of the impact to the neighborhood (light, view of lake, and property values), the large house on a small lot not meeting the ZBA criteria, and possible placement of garage further north on lot.

Scott Munzel, on behalf of Pat Alehouse and her husband Richard Coppock, emailed DZP Rohr the photo of the Kopystynsky property and restated the concerns of his clients.

Public Comment closed 6:57 PM

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

The two variances requested are not unreasonable and are in character with the neighborhood. The garage proximity to the road. The slope of the lot on three sides. Condition that it be a single-story garage. Water body setback is no closer than the neighbors. Proposed fill at the end of the road would benefit the neighborhood as it would give emergency vehicles better access. Retaining wall.

Standards of Review:

(1) Practical Difficulty §4.30(C)(1) Does the requested variance meet the following standard	A	B
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES</u> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Drolett: Yes, due to the topography of the lot and visual observation of the property. Filip: Yes, this is a small lot, there is quite a bit of grading issues, the size of the house and garage are not out of character with what has been afforded his neighbors, and there are special and unique conditions that are peculiar to this lot that cause compliance with the standards of the Ordinance to deprive the owner substantial rights that are similarly enjoyed by those other lots in the same zoning district and particularly in that same neighborhood. Smith: Yes, for the same reasons articulated by Beth.	<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
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>YES</u> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Filip: Yes, as noted the lot size and the steep grade are peculiar to that property. Holland: I agree with Beth, the former parcel B is practicably unbuildable. Smith: Yes, for the reasons already stated.	<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
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<i>The practical difficulty is not self-created.</i>	<u>YES</u> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Straub: Yes, based on the fact the given size, shape, and location including the topography. Filip: Yes, for the reasons Marty stated. Smith: Yes, as this applicant did not create this size and shape lot.	<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
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Smith: Yes, there's been a fair amount of testimony that convinces me that it really would not be possible to build a reasonable home, with smaller setbacks, than what are being requested.	<u>NO</u> None	<u>NO</u> None

(5) Public Health, Safety, and Welfare §4.30(C)(5) Does the requested variance meet the following standard	A	B
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Smith: I see no possible adverse impact on the health, safety, and welfare on this variance.	<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
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
<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> Straub Drolett Filip Holland Smith	<u>YES</u> Straub Drolett Filip Holland Smith
Notes: Drolett: Yes, in fact I think this nice of a looking house will probably improve the values of the adjacent areas. Filip: Yes, there hasn't been any evidence actually demonstrating otherwise, like factual evidence. Smith: Yes, there's no question but what this nice new home, on that property, will actually improve the adjacent properties values.	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance §4.30(C)(7) Does the requested variance meet the following standard	A	B
	Waterbody setback 18.23(B)	Front yard setback 18.23(A)
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u>	<u>YES</u>
Notes: Smith: Yes, this is the reason that we have a Zoning Board of Appeals, and this request is consistent with that.	Straub Drolett Filip Holland Smith <u>NO</u> None	Straub Drolett Filip Holland Smith <u>NO</u> None

e. Motion by Zoning Board of Appeals:

Moved by Drolett to grant a variance for the property located at 9673 Lakeview Dr. [Pinckney], tax id (D-04-06-205-001), owned by Andrew Kopystynsky, to allow for a) reduced waterbody setback of twenty-four (24) feet rather than the fifty (50) feet required, and also b) reduced front yard setback of seven (7) feet rather than the twenty-five (25) feet required; the house be built substantially in compliance with the plans that were submitted to this body. Motion second by Straub.

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

Chairperson Smith noted to the applicant that the variance has been approved and to get with David [DPZ] to proceed on the project as the variance expires one year from when the ZBA grants the variance.

Mr. Kopystynsky thanked the Chair and the Board for their work.

Item #3 (20-ZBA-880ABCDEFGH) Robert Blakeney, 9235 McGregor Road, Pinckney

Variances: for a new garage

- A) Reduced front-yard (road) setback of eighteen (18) feet (previous 18.6 feet) rather than the eighty (80) feet required,
- B) Reduced side setback to three point six eight (3.68) feet (previous 3.1 feet) rather than the five (5) feet required,
- C) Increased lot coverage to thirty-two (32%) percent rather than the twenty-five (25%) allowed,
- D) Increased accessory building lot coverage of seven hundred forty-seven (747) feet (previous 371 square feet) rather than the one hundred (100) feet allowed,
- E) Increased accessory building wall elevation width of twenty-six (26) feet rather than the ten (10) feet allowed,
- F) Increased accessory building wall elevation width of twenty-four (24) feet rather than the ten (10) feet required,
- G) Increased accessory building wall height of nineteen point four (19.4) feet rather than the six (6) feet allowed,

Documents regarding the agenda items can be obtained at the Township hall during normal business hours, the Townships website: www.dextertownship.org and can be viewed on ew.livestream.com/dextertownship.org.

H) Increased accessory building roof peak height of twenty-four point seven (24.7) feet rather than the eight (8) feet allowed.

a. **Conflict of Interest/Ex-parte Contact Review:** None

b. **Staff Presentation and Questions from ZBA members:**

DZP Rohr summarized the staff report and answered questions from the ZBA members.

c. **Petitioner Presentation and Questions from ZBA members:**

Mr. and Mrs. Blakeney summarized their application for a new garage and with their builder Bruce Donovan answered questions from the ZBA members.

d. **Public Comment: Overlooked in agenda.**

i. letters and/or emails

ii. comments from public in attendance

d. **Zoning Board of Appeals deliberations and Standards of Review:**

Two-story garages are not characteristic to McGregor Road. Don't see a practical difficulty to build a two-story garage. Second bathroom above garage could be used for overnight guests. Excessive lot coverage request for an accessory building. Exterior stairway not included in lot coverage calculations. Garage height increases massing issue. Is the increased lot coverage for an accessory building a reasonable amount? The need for storage for a lakefront home. Proposed garage looks more like a pole barn and doesn't match the house. Provisions for storm water management.

Discussion: With discussion & deliberations of the ZBA pointing to no approval, possibly allowing the applicant to make modifications to the garage plan and coming back to the ZBA. Chairperson Smith asked the applicants if they would like to table the request to work on a more reasonable request that might get approval. Mr. Blakeney requested the application be tabled (postponed).

e. **Motion by Zoning Board of Appeals:**

Motion by Filip to postpone this application to the next ZBA meeting on July 7, 2020.

Motion second by Drolett.

Roll Call Vote: Yeas – Straub, Drolett, Filip, Holland, Smith: Nays - None:

Abstain- - None: Absent – None. Motion carried 5-0.

6. **Public Comment:**

Doug Christensen, 9215 McGregor Road, virtual public participant, noted that the Chair did not ask for public comment on the Blakeney application.

7. **Concerns of ZBA Members, DPZ, and Recording Secretary:**

Supervisor Rider: The Township board will have a special Meeting on June 10th to review the draft Zoning Ordinance, as reviewed by consultant McKenna, and hopefully will remand it to the Planning Commission for that body approval.

Holland: Questioned where the draft Zoning Ordinance was posted for public review.

Filip: Also, would like a copy of the draft Zoning Ordinance as edited by the consultant.

Smith: Would like to see dimensional drawings on applications to the ZBA.

8.. **Adjournment**

Chairperson Smith declared the meeting adjourned at 8:35 p. m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary