



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD
DEXTER, MI 48130

TELEPHONE: 734-426-3767

FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

AGENDA

September 5, 2023

6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes- May 2, 2023
5. Public Comment (*Non-agenda Items*)
6. Public Hearing Procedure Review
7. Action Items

Item #1

Introduction of the case

Petition Number:	(23-ZBA-004)
Applicant(s):	John and Katherine Buehler
Project Description:	Construct a 16' x 12' shed with a height of between 8.5' and 11.5'
Petition Description:	a) Request for variance from Sec. 16.11(F)(3) requiring maximum height of 8.5'
Property Location:	13270 Redmonds Hill Ct (D-04-19-110-025)

- a. Conflict of Interest/Ex-parte Contact Review
- b. Staff Presentation and Zoning Board of Appeals Member Questions
- c. Petitioner Presentation and Zoning Board of Appeals Member Questions
- d. Public Hearing (*no public participation on agenda item after public hearing is closed*)
 - i. Reading of letters into the record
 - ii. Comments from public in attendance (*see Public Comment/Input Policy on the last page*)
- e. Zoning Board of Appeals deliberations and Standards of Review
- f. Action on Petition- Motions by the Zoning Board of Appeals

8. Public Comment *(Non-agenda Items)*

9. Concerns of Zoning Board of Appeals Members, Director of Planning and Zoning, and Recording Secretary

10. Adjournment

PUBLIC COMMENT/INPUT POLICY

1. Speakers shall address the Zoning Board of Appeals from the front table/lectern and begin by stating their name and address.
2. Speakers are encouraged to be as factual and brief as possible, and to restrict comments to the application and property under consideration.
3. Speakers shall address all comments and questions to the Chairperson.
4. Speakers are limited to three minutes each. The Chairperson has the discretion to extend the time.
5. Members of the audience sharing similar positions may caucus and select a single spokesperson, who may speak for up to five minutes. The Chairperson has the discretion to extend the time.
6. Speakers may address the Zoning Board of Appeals more than once, but subsequent comments must bring new information, correct the record, or raise new questions.
7. Members of the Zoning Board of Appeals may question any speaker to gather information.
8. Off-topic comments and interruptions from members of the audience shall be ruled out of order.



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BROOK SMITH

CHAIRPERSON

BETH FILIP

VICE CHAIRPERSON

PETER MAIER

SECRETARY

KATHY BRADBURY

MARTY STRAUB

DON DARNELL, *ALT.*

VACANT, *ALT.*

JANIS MILLER

RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday May 2, 2023

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Peter Maier, Marty Straub, and Kathy Bradbury. Absent: None.

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

1. Call to Order:

Chairperson Smith called the meeting to order at 6:00 pm.

2. Pledge of Allegiance: Recited by all.

3. Approval of Agenda: With no additions, the Chair approve the agenda as presented.

4. Approval of Minutes: April 4, 2023

Motion by Filip, seconded by Maier, to approve the minutes as amended. All ayes. Motion carried.

5. Public Comment – Non-Agenda Items: Opened 6:05 pm. No public comments.

6. Public Hearing Procedure Review: Chairperson Smith skipped reading the procedures.

7. Action Items:

Item #1 (23-ZBA-003) Joseph Holowicki, 7500 Noah's Landing

Variances:

- a) Reduced Front (West) setback of 12 feet rather than the 25 feet required, and
- b) Reduced Front (East) setback of 11 feet rather than the 25 feet required.

a. Conflict of Interest/Ex-parte Contact Review:

Filip stated she has a good friend that is the neighbor across the street from the Holowicki's and she sees no bearing or influence on her decisions. No other conflicts of interest.

b. Staff Presentation and Questions from ZBA members:

DPZ Rohr summarized that this is a single-family 816 square foot residence on about a 5,900 square foot parcel. The applicant plans to add a second story and extend the house foot print 3.6 feet to the south, resulting in a 122 square foot addition. The variances are triggered

by the additional height and the expansion. The remainder of the existing foot print, and deck, will remain unchanged. This is a thru lot with two fronts and two sides. Questions of DPZ Rohr: Unclear whether variances were for east and west, both front setbacks. DPZ Rohr: the 11-foot and 12-foot setbacks are what they are currently. The need to precisely recognize all nonconformities on the parcels. The shed (front setback requirement) on this parcel is a nonconforming structure. The shed, as noted in the survey, is off the lot line. The need to get all nonconformities on the record so future ZBA knows what was recognized previously.

c. Petitioner Presentation and Questions from ZBA members:

Applicant Joseph Holowicki & Builder Jim Walter.

Mr. Holowicki said this cottage was built 80 years ago his parents owned it since 1957 and they have owned it since 2000. A tree through the roof precipitated this renovation and they would like to eventually like to move out there in retirement.

Mr. Walter, the Builder, stated the hardship is there was no envelope to build a house on.

He also noted the small addition was to create a master bedroom with a bedroom on the second floor. As a 1,300 square foot cottage, it renders itself well to the neighborhood. No questions from ZBA members.

d. Public Comment:

i. letters and/or emails: None in the file.

ii. comments from public in attendance:

John Fisher, 7425 Noah's Landing, Gregory, MI

He said in August a tree went through the roof of the house and destroyed the cottage. He's lived there about 50 years and he likes what Joe wants to do to the home.

Mike Dorsey, 7511 Noah's Landing, Gregory, MI

He has lived in in the house immediately to the north for seventeen years. He has reviewed the plans and is excited about the revisions to his house.

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

Deliberations: There is clearly a practical difficulty with the lot. What they are asking for is reasonable in terms of size, as it is not overbearing. The dimensions that are a problem are not the dimensions that are being expanded upon.

Standards of Review:

(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard:	<i>A</i> 7.02 Front yard setback (West)	<i>B</i> 7.02 Front yard setback (East)
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i> Notes:	<u>YES</u> Bradbury Filip Straub Maier Smith	<u>YES</u> Bradbury Filip Straub Maier Smith

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.

	<u>NO</u> None	<u>NO</u> None
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(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard:	<i>A</i> 7.02 Front yard setback (West)	<i>B</i> 7.02 Front yard setback (East)
	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>		
Notes:		

(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard:	<i>A</i> 7.02 Front yard setback (West)	<i>B</i> 7.02 Front yard setback (East)
	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None
<i>The practical difficulty is not self-created.</i>		
Notes:		

(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard:	<i>A</i> 7.02 Front yard setback (West))	<i>B</i> 7.02 Front yard setback (East)
	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None	<u>YES</u> Bradbury Filip Straub Maier Smith <u>NO</u> None
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>		
Notes: Straub – Yes and yes for the reason that there is no further expansion in either front yard setback. Smith – Yes and yes for the reasons Marty just stated on the record.		

(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith	<u>YES</u> Bradbury Filip Straub Maier Smith
Notes: Smith – Yes and yes, no indication this will cause any problem for any of the neighbors.	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect §29.06(C)(6) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
<i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith	<u>YES</u> Bradbury Filip Straub Maier Smith
Notes: Filip – Yes and yes, there has not been any evidence presented that it would.	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance §29.06(C)(7) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
<i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith	<u>YES</u> Bradbury Filip Straub Maier Smith
Notes: Smith – The Chair votes yes as well, clearly this is what the ordinance intended with respect to our ability to grant variances.	<u>NO</u> None	<u>NO</u> None

f. Motion by Zoning Board of Appeals:

Discussion: Conditions or limitations to impose? In substantial conformance with the plans provided? Question for the applicant: Do you have any concern that you may need to change your plans in any way, substantially, or is this pretty much what you will be building? Mr. Walter answered: Any changes would be internally, externally yes [will

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build what is presented tonight].

Motion by Filip to approve the variances for petition (23-ZBA-003), at 7500 Noah's Landing, tax id (D-04-18-100-038 SFH) and (D-04-18-100-019 vacant), to the applicant Joseph Holowicki, for a) reduced front (West) setback of 12 feet rather than the 25 feet required, according to Ordinance §7.02, and for a b) reduced front (East) setback of 11 feet rather than the 25 feet required, in accordance with Ordinance §7.02; with the recognition that there are several nonconformities existing on the lot, including minimum lot area being exceeded, a front setback on the west side that is currently at 12 feet, [a] front setback on the east side that is currently 11 feet, and an existing nonconforming shed having the dimensions of 8 x 16 feet, with the condition that the, at least the exterior of the home, being built in substantial conformity with the plans that are presented before us. Motion seconded by Straub.

**Roll Call Vote: Yeas – Bradbury, Filip, Straub, Maier, Smith: Nays - None:
Absent – None. Motion carried 5-0.**

8. **Public Comment:** Opened 6:25 pm. No public comments.
9. **Concerns of ZBA Members, DPZ, and Recording Secretary:**
DPZ Rohr noted there were no applicants for June, so no meeting. The Township schedule shows a conflict regarding the July meeting as Tuesday is July 4th, with the meeting moved to Thursday July 6th, the same night as the Farmland and Open Space Preservation Board. David will let everyone know within a month if there is going to be a conflict.
10. **Adjournment**
Chairperson Smith declared the meeting adjourned at 6:27 p. m.

Respectfully submitted,

Peter Maier, Secretary

Janis Miller, Recording Secretary



Petition Information:

Petition Number:	(23-ZBA-004)
Applicant(s):	John and Katherine Buehler
Project Description:	Construct a 16' x 12' shed with a height of between 10'-9"
Petition Description:	a) Request for variance from Sec. 16.11(F)(3) requiring maximum height of 8.5'
Property Location:	13270 Redmonds Hills Ct. (D-04-19-110-025)

Property Information:

Existing Zoning:	Rural Residential (RR) <i>The Rural Residential District is to provide opportunities for relatively low-density residential uses in a manner that maintains, enhances, and preserves open spaces, including farmlands, woodlands, and wetlands that contribute to the rural character of the Township. Opportunities to continue the limited agricultural operations should be encouraged. Woodlands, wetlands, and water courses should be preserved. It is also the intent of the district to provide opportunities for passive and active recreational uses that are compatible with the natural character of the land and surrounding uses.</i>
Existing Land Use:	Single-family House
Future Land Use Map:	Rural Residential
Area:	47,045 square feet, 1.08 acres

Zoning Information:

	North	East	South	West
Surrounding Zoning	Rural Residential (RR)	Rural Residential (RR)	Rural Residential (RR)	Rural Residential (RR)
Surrounding Land Uses	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
Future Land-Use Map	Rural Residential (RR)	Rural Residential (RR)	Rural Residential (RR)	Rural Residential (RR)



Project Narrative:

The applicant is proposing to construct a 16' x 12' shed (192 sf) with a height of 10'-9" in the side yard. This shed kit is manufactured by Alpine Structures, LLC and is the EZ-FIT model.

Section 16.11(F)(3) requires accessory buildings that are 200 square feet or less on lots one acre or more to have a maximum height of 8'-6". The applicant is requesting a variance from the maximum height of 8'-6" feet to allow a height of 10'-9".

Applicable Land Use Standards:

The following table lists the requested variance for the proposed project and the Zoning Ordinance standard.

Ordinance Section	Required	Requested	Notes
16.11(F)(3)	8'-6"	10'-9"	N/A

Recognition of Nonconformities:

N/A

Other Department Comments:

N/A

Potential Conditions:

Potential conditions are developed prior to a public hearing and are intended to aid the Zoning Board of Appeal's review. The Zoning Board of Appeals may adopt the above condition(s), adopt additional or other condition(s), or adopt no conditions if a variance is approved.

Attached Materials:

- Variance Application
- Survey/Plot Plan/Elevations/Images
- Decision Criteria Review



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DEXTER, MI 48130

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VARIANCE APPLICATION FORM

File #: 23-ZBA-004

Received on: 8/10/23

Fee: \$ n/a

Receipt #: n/a

(1) Applicant Information: (the person(s) applying for the variance(s))		(2) Owner Information: (the person(s) owning the property)	
a. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent for the Owner (check one)		a. <input checked="" type="checkbox"/> Same as Applicant (check if appropriate)	
b. Name(s) John & Kathryn Buehler		b. Name(s) (if different from applicant)	
c. Mailing Address 13270 Redmonds Hill Court, Chelsea, MI 48118		c. Mailing Address (if different from applicant's mailing address)	
d. Phone Number		d. Phone Number (if different from applicant's phone number)	
e. Email		e. Email (if different from applicant's email)	

(3) Property Information: (property where the variance is being requested)		d. Size and nature of existing structures on and uses of the property: Homestead: House (2674 sq. ft) as primary residence
a. Physical Address (city and zip code not required) 13270 Redmonds Hill Court		
b. Parcel/Tax ID Number(s) D-04-19-110-025		
c. Zoning District (circle one) PL AG RC RR LR CU MHPR C-1		

(4) Application Checklist: Check all of the information that is included as part of this application. Items a-e are required for all variance applications.			
Item and Description	YES	NO	Attachment Number
a. Application. A completed variance application signed by the applicant and the property owner(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	n/a
b. Application Fee. Cash or check to Dexter Township, as outlined in the current fee schedule. Waived	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1 n/a
c. Site Plan or Plot Plan. A complete plot or site plan, as outlined in §26.03 or §27.09 of the Zoning Ordinance. One (1) copy is required if the Township is able to make reproductions (legible letter, legal or 11x17 sheets). Eight (8) copies are required if the Township is not able to make reproductions (larger sheets, color prints, etc). Please contact staff if you have any questions before submitting this application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
d. Legal Description. A legal description of the property for which the variance is being requested.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
e. Survey. A mortgage or boundary survey of the property for which the variance is being requested.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
f. Building Plans. Plans illustrating the floor plans, elevations, and sections of buildings or details of the structure. Required for all variance applications involving a structure.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
g. Sewer District Approval. Approval of the Multi-Lakes Water and Sewer Authority or the Portage Lakes Area Water and Sewer Authority. Required for all properties located within a sewer district.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6
h. Decision Criteria Answers. Answers to the decision criteria, if not fully completed in Section 7 of this application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	n/a
i. Letters of Support. Letters of support or non-objection from neighboring property owners or signatures on a petition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
j. Pictures. Pictures of the property and the area affected by the variance request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
k. Other. Describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a

(5) Project Description: Describe the project in general- what is being built, how big is it, etc. Construction of a pre-built shed kit, 16 ft long x 12 ft wide X 11.5 ft tall at the peak, on a concrete pad.

VARIANCE APPLICATION FORM

File #: 23-ZBA-004

(6) Variance(s) Description: Describe the variance(s) being requested. Attach additional sheets if necessary.

a. Ordinance Section	b. Requested	c. Required	d. Description of Variance Request
a) 16.11.F	<12 ft tall	<8.5 ft tall	Allow for the height of a shed to be 11.5 ft. tall
b)			
c)			
d)			
e)			
f)			
g)			

(7) Decision Criteria Answers: Please describe how you think your variance(s) meets all of the following standards. Attach additional sheets if necessary. You will have an opportunity to provide additional information and address these decision criteria at the public hearing.

- a. The strict application of the terms of this Ordinance would constitute a practical difficulty. §29.06(C)(1)
If the top of the structure can be no more than 8.5 feet tall, the inside of the structure (with rafters) would be approx. 6 ft tall which would limit what items could be put in the shed and would not allow people to stand upright inside of it safely.
- b. The practical difficulty is due to some physical condition peculiar to the property involved. §29.06(C)(2)
This ordinance only applies to buildings less than 200 sq. ft in size on property greater than 1 acre. Our property is 1.08 acres. We do not wish to build a shed larger than 200 sq ft and the HOA does not allow accessory buildings to be >200 sq. ft. However, if we received approval from the HOA to build a shed greater than 200 sq. ft, the ordinance allows for the structure to be 25 ft in height. This seems contrary to the purpose of the ordinance.
- c. The practical difficulty is not self-created. §29.06(C)(3)
No- this is a standard pre-built shed kit. Most shed kits exceed the 8.5 ft height restriction imposed by this ordinance.
- d. The variance is a reasonable amount necessary to mitigate the practical difficulty. §29.06(C)(4)
The proposed modification to allow a shed height of <12 feet would allow the pre-built shed to be added with dimensions of 16 ft long X 12 ft wide x 11.5 ft tall.
- e. Approval of the variance will not be injurious to the public health, safety, and welfare. §29.06(C)(5)
Allowing for a taller structure will prevent potential head injuries as people >5.5 feet could now stand upright within the shed without hitting their head on the rafters.
- f. Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner. §29.06(C)(6)
This variance would allow the homeowners to comply with the current HOA standards and will not negatively impact surrounding properties. All neighbors with adjacent properties have consented to this modification.
- g. Approval of the variance is consistent with the intent and purpose of this Ordinance. §29.06(C)(7)
Yes - the purpose of the ordinance is to restrict building heights to a reasonable standard when considering distance to adjacent properties. Increasing the height restriction to <12 feet is consistent with standard building practices.
- h. ☐ I prefer not to share these decision criteria answers with the Zoning Board of Appeals members.

VARIANCE APPLICATION FORM

File #: 23-ZBA-004

(8) Applicant(s) Affidavit: (to be signed and dated by the applicant)

- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented to the Zoning Board of Appeals.
- I acknowledge that I have received and reviewed the Dexter Township "Variance Guide" booklet.
- I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.
- I understand that I must post the public notice sign and mark the location of proposed structure and lot corners and lot lines of my lot that are within 100 feet of the proposed structure at least 15 days before the public hearing date.
- I understand that the house or property must be marked with the street address clearly visible from the roadway.
- I understand that a Zoning Permit is required prior to construction if a variance is granted.


Applicant's Signature

8/10/2023
Date


Applicant's Signature

8/10/2023
Date

(9) Property Owner(s) Affidavit: (to be signed and dated by the property owner(s) if the applicant is not the property owner- it should be signed by all property owners.)

I, _____, hereby state that I am the owner of the property described in this application and that I have authorized _____ to act as my agent for the purpose of obtaining the variance(s) described in this application.

Property Owner's Signature

Date

Property Owner's Signature

Date

(10) Administrative Section:

☐ Request Approved
(List conditions- if any.)

☐ Request Denied
(List reasons.)

☐ Request Amended

New file #

Date Submitted:

Dexter Township Variance Application

Supporting Documentation

Applicant: John and Kathryn Buehler

Address: 13270 Redmonds Hill Ct., Chelsea, Michigan, 48118

Parcel ID: D-04-19-110-025

Contact Information:

Ordinance: Section 16.11.F

Accessory Buildings 200 square feet or less on lots of one (1) acre or more: On lots that are one (1) acre or greater, accessory buildings 200 square feet or less are subject to the following and any other applicable provisions of the ordinance:

- 1) Location: Buildings meeting the provisions of this section may be located in any yard.
- 2) Setbacks: Setbacks for a building meeting the provisions of this section shall be set back a minimum of five (5) feet from the side and rear lot lines and a minimum of ten (10) feet from other residential structures.
- 3) Height: Buildings meeting the provisions of this section shall have a maximum height of 8.5 feet.

Attachment 1: Application Fee - Waived

Application Fee was waived by the township – see email below.

From: Zoning Officer <zoningofficer@dextertownship.org>

Date: August 3, 2023 at 8:52:29 AM EDT

To: John Buehler

Subject: RE: 13270 Redmonds Hill - Proposed shed

Good morning,

The next scheduled ZBA meeting is on Tuesday, September 5th. Please complete and return the attached variance applications no later than Friday, August 11th in order to get onto the agenda for September. In terms of the number of sketch plans for submission – I would assume that we will create a digital packet that will be sent via e-mail to the ZBA board members so I believe that one full size sketch plan should be sufficient, along with a reduced copy of the sketch plan that we can scan. Once we have received your application, per the Michigan Zoning Enabling Act, we will send notifications to the local newspaper and the properties within 300 ft of your property at least 15 calendar days before the meeting. Also as previously mentioned, the Township will waive the fee for the variance.

Per Section 29.05(E) of the Zoning Ordinance, the applicant also has the following responsibility related to the variance application: "The applicant shall post a public notice sign, clearly visible from the front lot line, on the affected property and, in the case of variance applications, mark the extent of the proposed structure and lot corners and lot lines of the affected property within 100 feet of the proposed structure at least fifteen (15) days before the Zoning Board of Appeals meeting."

Please let me know if you have any other questions about the variance process.

Ordinance Compliance Officer

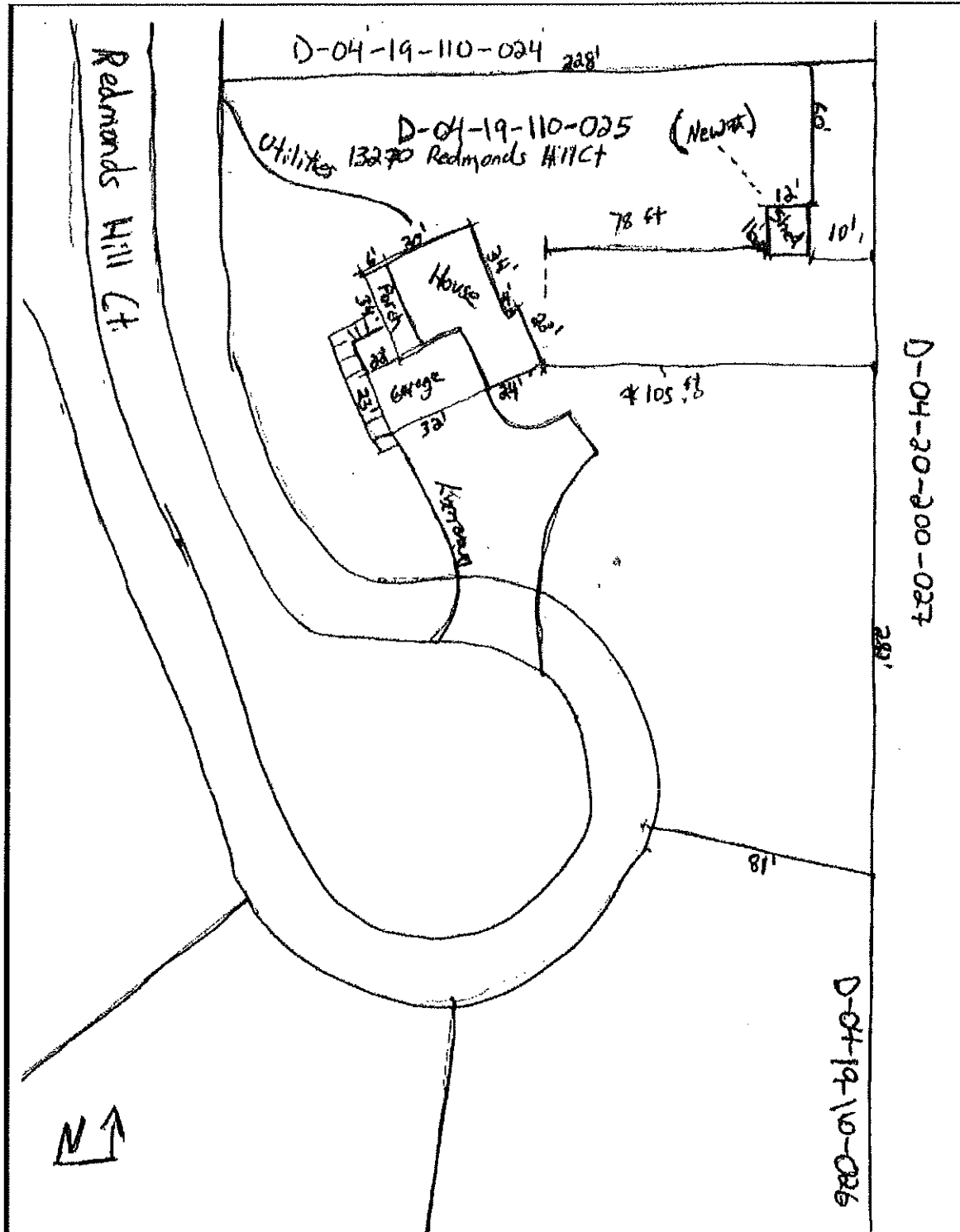
Dexter Township

6880 Dexter-Pinckney Road

Phone: 734-426-3767

Email: zoningofficer@dextertownship.org

Attachment 2: Site Plan

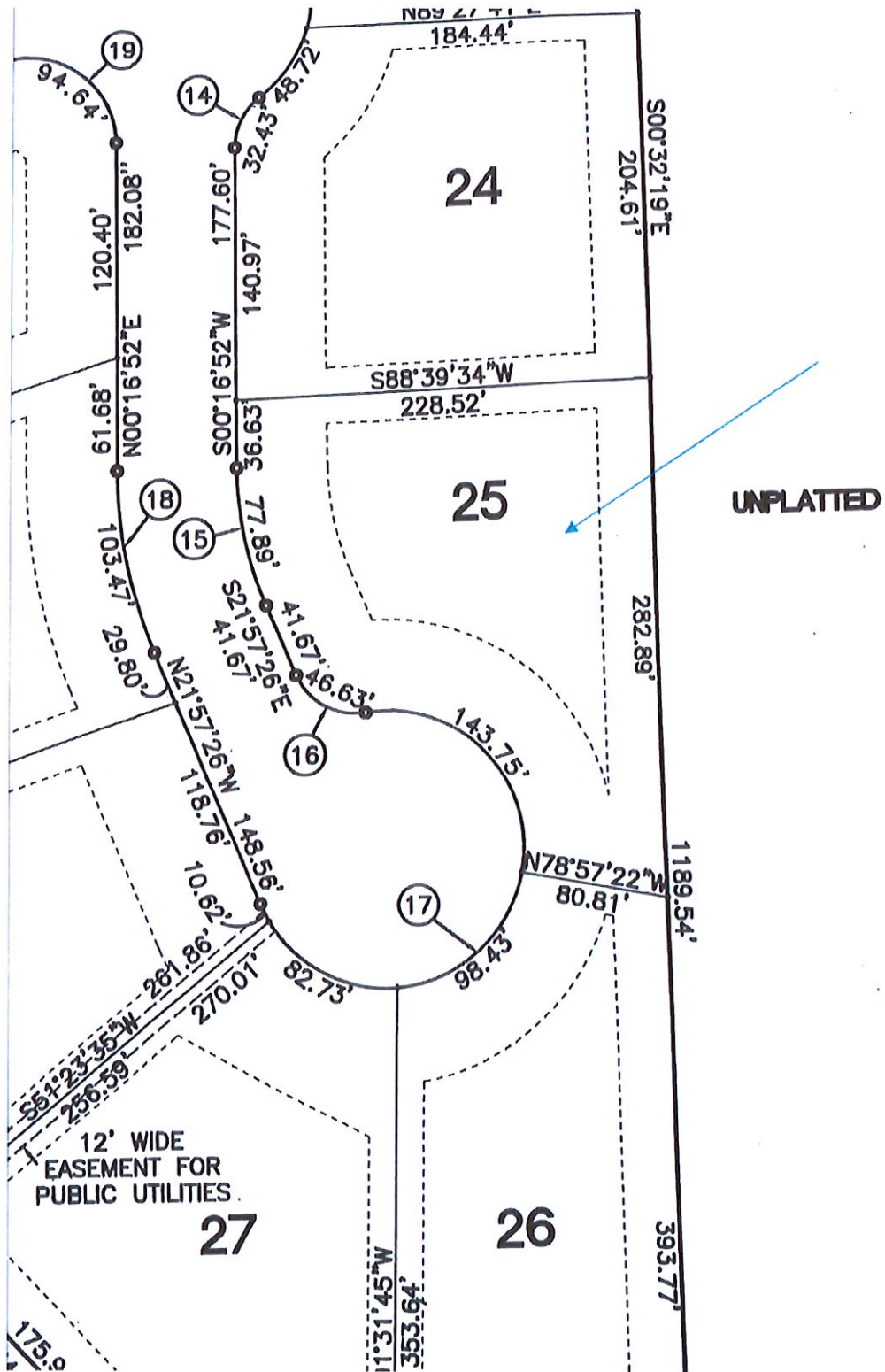


Attachment 3: Legal Description

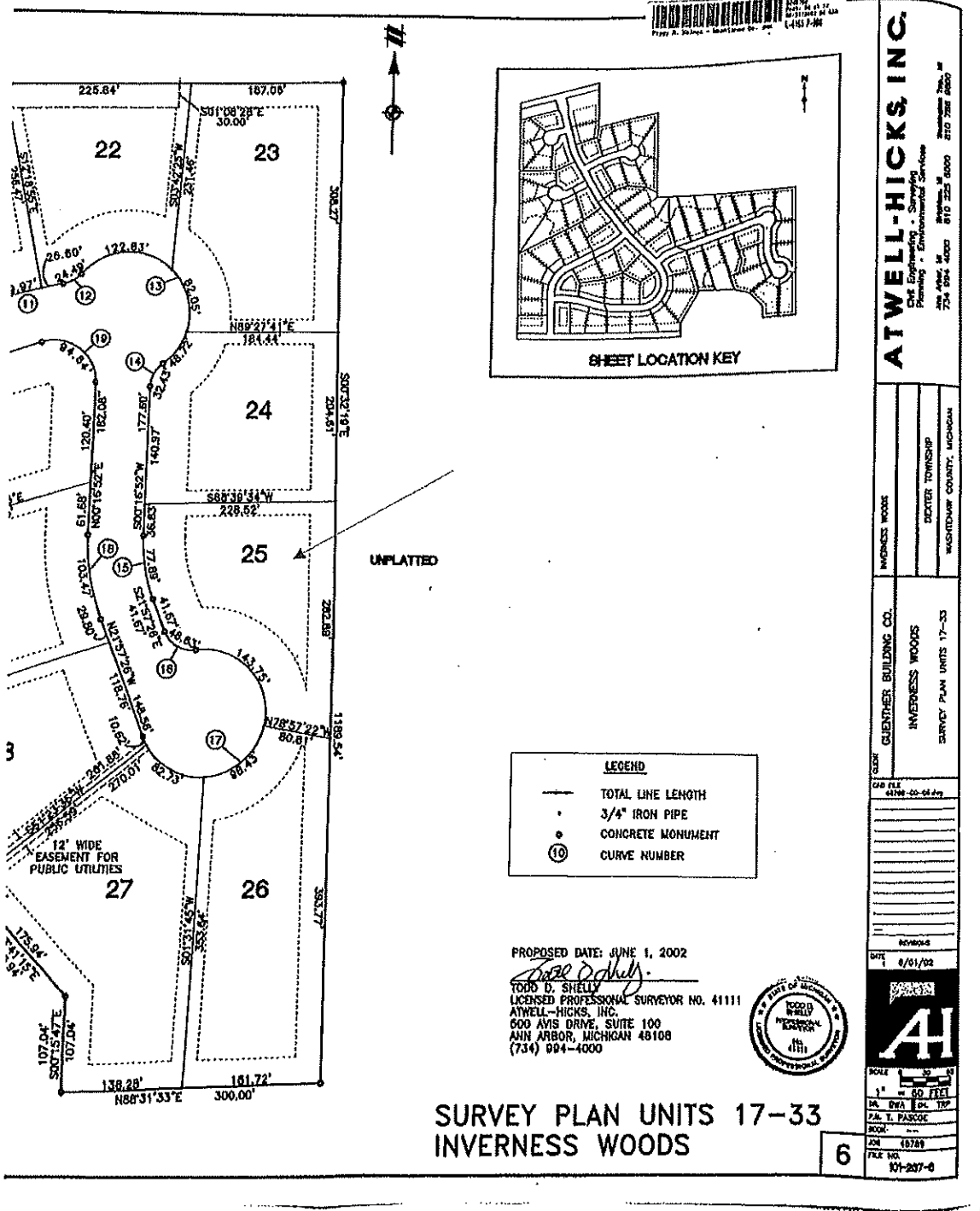
Legal Description: Premise situated in the Township of Dexter, County of Washtenaw, State of Michigan, M.D. L4153 P988 Unit 25, Inverness Woods, a condominium. Commonly known as: 13270 Redmonds Hill Ct., Chelsea, MI 48118

Attachment 4: Survey

13270 Redmonds Hill Ct., Chelsea, MI 48118 Land Survey



3270 Redmonds Hill Ct., Chelsea, MI 48118 Land Survey

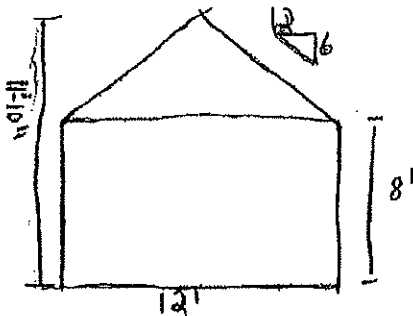
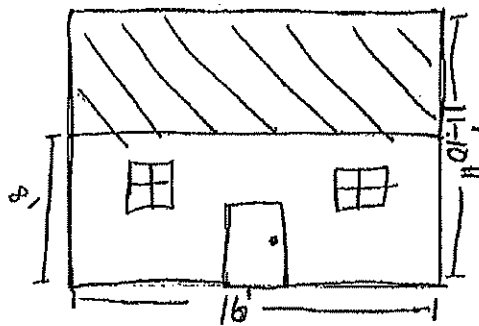
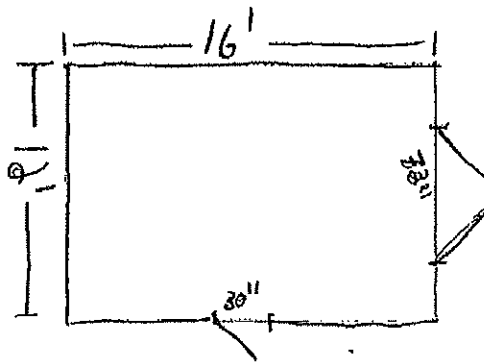


Attachment 5: Building Plans

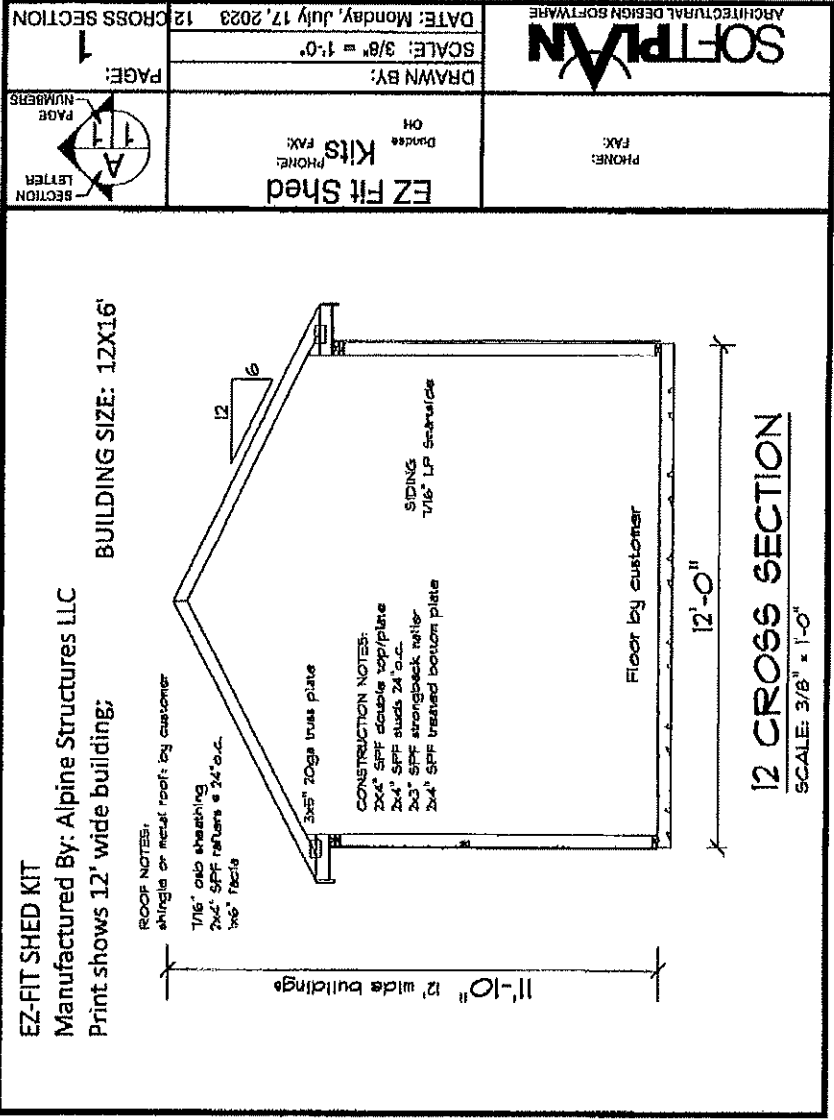
Building Plans: 1 of 3

13270 Redmonds Hill Ct

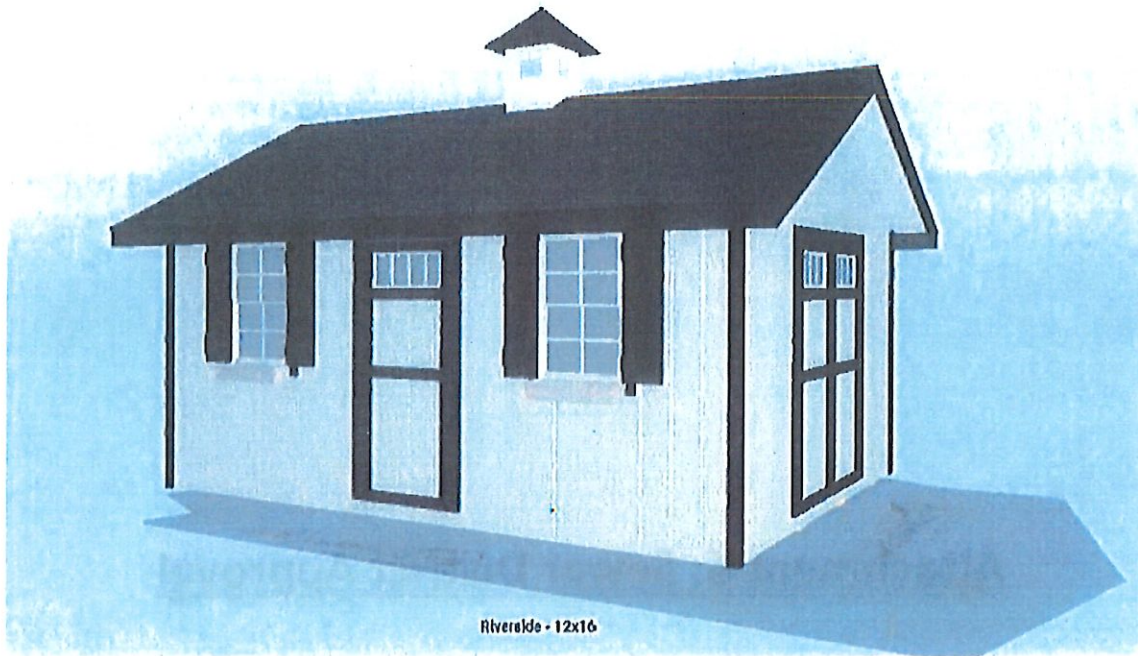
New Shed



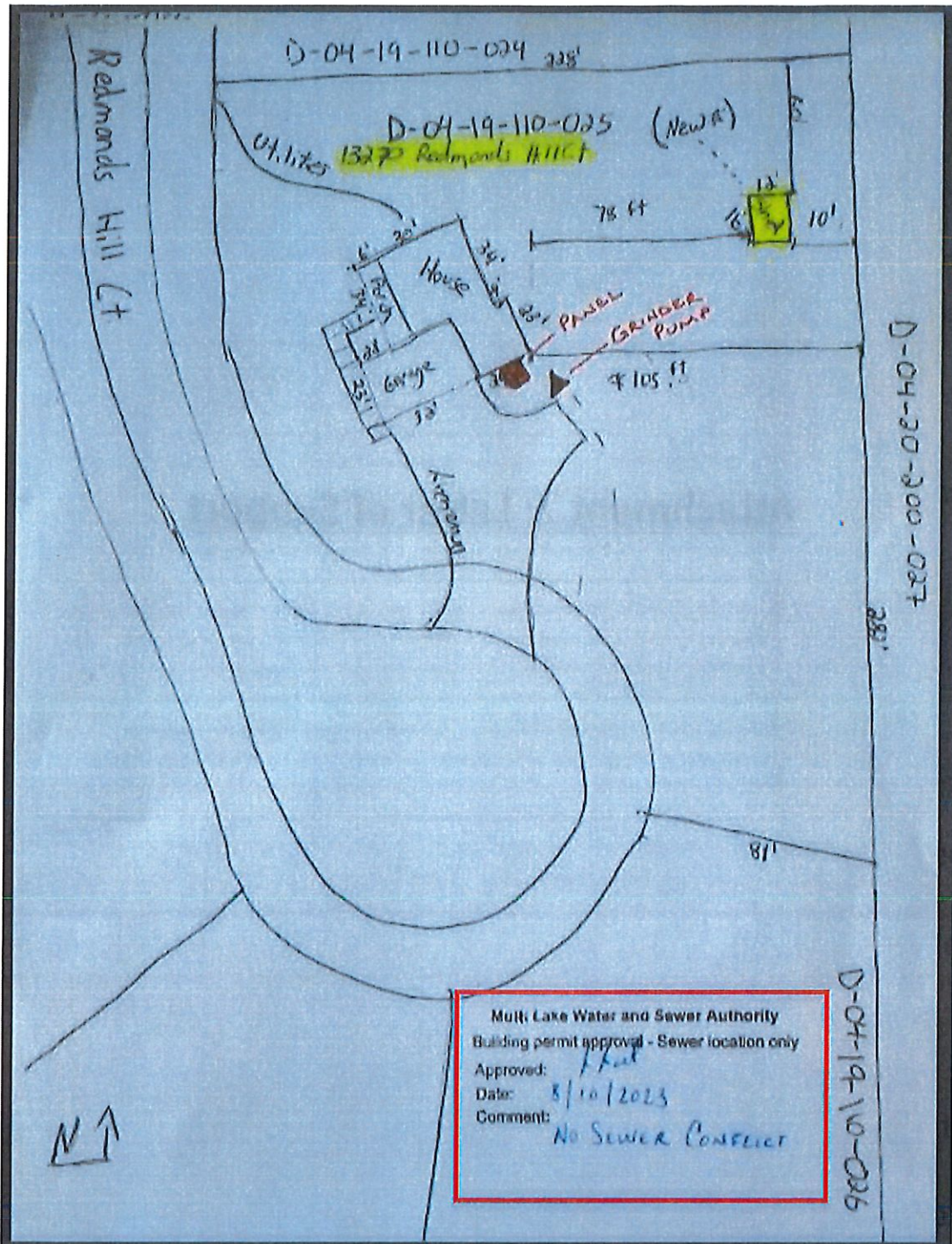
Building plans: 2 of 3



Building plans 3 of 3



Attachment 6: Sewer District Approval



Attachment 7: Letter of Support

Petition of Support for Variance Approval

Applicants: John and Kathryn Buehler

Address: 13270 Redmonds Hill Ct., Chelsea, Michigan, 48118

Parcel ID: D-04-19-110-025

Contact Information

Dexter Township Ordinance: Section 16.11.F Accessory Buildings 200 square feet or less on lots of one (1) acre or more:

On lots that are one (1) acre or greater, accessory buildings 200 square feet or less are subject to the following and any other applicable provisions of the ordinance:

1) Location: Buildings meeting the provisions of this section may be located in any yard.

2) Setbacks: Setbacks for a building meeting the provisions of this section shall be set back a minimum of five (5) feet from the side and rear lot lines and a minimum of ten (10) feet from other residential structures.

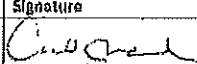
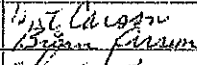
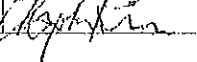


3) Height: Buildings meeting the provisions of this section shall have a maximum height of 8.5 feet.

Variance Request: Building height <12ft for buildings less than 200 sq ft.

Dear Dexter Zoning Board,

Please accept our signature below in support of John and Kathryn Buehler's request for variance to Ordinance Section 16.11.F to allow for building a shed of height <12ft.

Thank you,

Neighbor	Address	Signature	Comment
Kim Chongmin & No Sun	13240 Redmonds Hill Ct, Chelsea, MI 48118		8/7/2023
Carl & Janice Bach	13700 River Rd.		8/7/2023
Brian and Janet Carson	13314 Redmonds Hill Ct., Chelsea, MI 48118		8/8/23
Carl & Janice Bach	13700 River Rd., Chelsea, MI 48118		8/8/23
Kim Chongmin & No Sun	13240 Redmonds Hill Ct.		8/8/23

Attachment 8:
Pictures of Shed Location on Property

Picture of property from cul de sac: Shed location is in the back of the lot, behind house



Picture of backyard, proposed shed location: behind fire pit, to the right of the play structure.



Picture of proposed shed location – back of shed will be 10 ft from rear lot line:



Decision Criteria Review:

The Zoning Board of Appeals shall have the power to authorize specific variances from the standards of the Zoning Ordinance provided that the spirit of that Ordinance is observed, the public safety secured, and substantial justice done. All the required findings listed below shall be met and the record of proceedings of the Zoning Board of Appeals shall contain evidence supporting each conclusion.

A) Allow shed height of 10'-9" rather than the maximum height of 8'-6" for accessory structures.

(1) Practical Difficulty 29.06(C)(1) Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES - Almost any shed manufactured today will have a height exceeding 8.5' and the intent of the ordinance is not to prohibit sheds less than 200 sf in size. The language creates a practical difficulty that would essentially prohibit all smaller sheds on properties over one acre.</u>
(2) Physical Conditions 29.06(C)(2) Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>NO - However, this should not be a required condition in this case because the intent of this ordinance language was to allow reduced setbacks for smaller accessory structures (<200 sf) on lots over one acre, but the language was erroneously written in a manner that inadvertently includes all accessory structures regardless of their setbacks.</u>
3) Self-Created 29.06(C)(3) Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>The practical difficulty is not self-created.</i>	<u>YES - The practical difficulty was created by erroneously written language in the zoning ordinance that created an unintended consequence of effectively prohibiting all sheds smaller than 200 sf on properties equal to or exceeding one acre in area.</u>
(4) Reasonable Amount Necessary 29.06(C)(4) Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES - A shed height of 10-9" is reasonably the minimum clearance necessary to permit standing room in a gable-roofed shed (with the gable roof</u>

	height defined as the average between the lowest and highest point of the highest roof surface)
(5) Public Health, Safety, and Welfare <i>29.06(C)(5)</i> Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES – There are no anticipated impacts to public health, safety, and welfare.</u>
(6) Adjacent Properties <i>29.06(C)(6)</i> Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i>	<u>YES – The proposed shed would be located 10’ from the side lot line and 60’ feet from the rear lot line (5’ accessory structure setbacks are required for both yards) and will not adversely affect the use of the adjacent properties.</u>
(7) Intent of the Ordinance <i>29.06(C)(7)</i> Does the requested variance meet the following standard:	A 16.11(F)(3) Max. Accessory Structure Height
<i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i>	<u>YES – The intent of the ordinance was to allow smaller (less than 200 sf) accessory structures to have reduced setback requirements allowing them to be sited five feet from the property line on properties equal to or exceeding one acre. The intent of the ordinance becomes clear when reading in Section 16.11.B(4)(b) that if the proposed 192 sf shed was at least 200 sf in area the allowable height would be 25’ tall. The property owners were limited by their HOA to sheds smaller than 200 sf, and this necessitated the need for a variance request.</u>