



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

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BROOK SMITH  
CHAIRPERSON

BETH FILIP  
VICE CHAIRPERSON

JAY HOLLAND  
SECRETARY

PETER MAIER  
MARTY STRAUB

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

JANIS MILLER  
RECORDING SECRETARY

### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday June 1, 2021

*The meeting was a "virtual" meeting held over the Zoom platform, properly noticed and available for public participation.*

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Jay Holland, Peter Maier, 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 6:01 pm. Pledge of Allegiance omitted due to teleconferencing.
2. **Approval of Agenda:** Without additions or corrections, Chairperson Smith deemed the agenda approved as submitted.
3. **Approval of Minutes:** Motion by Filip to approve the minutes of May 4, 2021, as amended. Motion second by Straub. Motion carried by voice vote.
4. **Public Comment – Non-Agenda Items:** None.
5. **Action Items:**

#### **Item #1 (21-ZBA-894) Richard and Donna Blakeney**

##### **Variances:**

A) A dimensional variance for reduced front (road) setback of eighteen point five (18.5) feet from McGregor Rd. rather than the fifty (50) feet required.

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

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

DPZ Rohr noted this had originally come before the ZBA in July 2020. This request is under the new Zoning Ordinance and is a smaller [garage] structure. The building is 16' x 34' with a porch on the west side and an office on the lake side, totaling 555 square feet.

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

Bruce Donovan, Bruce Donovan Construction, and Richard Blakeney, homeowner.

Reduced the size of the structure to a one car garage, sixteen foot wide, removed the second story, and added an 8' x 16' office. They then answered questions from the Zoning Board members.

**d. Public Comment:**

**i. letters and/or emails:** No emails, letters or phone calls.

**ii. comments from public in attendance:** No public comments.

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

Discussion of other garages, and road offsets, on McGregor Road. Changes in garage dimensions from previous variances request, including removal of second story. Open trellis above the garage door. Comments that the Blakeney's responded to the ZBA's previous concerns and propose a more harmonious structure that would complement their house and the neighborhood.

**Standards of Review**

<p><b>(1) Practical Difficulty §29.06(C)(1)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></b></p>	<p><b><u>YES</u></b>                  Straub                  Filip                  Maier                  Holland                  Smith</p>
<p>Notes:                  Smith: What we've come to believe is, that if there is a way to possibly fit a one car garage on a small lake lot, we like to allow people to be able to do that. The denial of that is a practical difficulty.</p>	<p><b><u>NO</u></b>                  None</p>
<p><b>(2) Physical Conditions §29.06(C)(2)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></b></p>	<p><b><u>YES</u></b>                  Straub                  Filip                  Maier                  Holland                  Smith</p>
<p>Notes:                  Smith: Yes. Again, based on the size of the lot, depth of the lot, and the proximity of the lot to the street, which tends to curve around in front of it,</p>	<p><b><u>NO</u></b>                  None</p>

<p><b>(3) Self-Created §29.06(C)(3)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>The practical difficulty is not self-created.</i></b></p>	<p><b><u>YES</u></b></p>
<p>Notes:                  Smith: Again, the applicant isn't responsible for the size of this lot and has not created this situation.</p>	<p>Straub                  Filip                  Maier                  Holland                  Smith</p> <p><b><u>NO</u></b>                  None</p>
<p><b>4) Reasonable Amount Necessary §29.06(C)(4)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></b></p>	<p><b><u>YES</u></b></p>
<p>Notes:                  Straub: Yes, and I'd like to note that it's a modest footprint and only required one variance.                  Filip: Yes, and I'd also note that it looks like it's placed back a little bit further from the previous garage that was there. This is an improvement.</p>	<p>Straub                  Filip                  Maier                  Holland                  Smith</p> <p><b><u>NO</u></b>                  None</p>
<p><b>(5) Public Health, Safety, and Welfare §29.06(C)(5)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></b></p>	<p><b><u>YES</u></b></p>
<p>Notes:                  Smith: There's no evidence that this proposed variance will cause any problems for any of the neighbors in the realm of public health, safety, or welfare.</p>	<p>Straub                  Filip                  Maier                  Holland                  Smith</p> <p><b><u>NO</u></b>                  None</p>
<p><b>(6) Adverse Effect §29.06(C)(6)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i></b></p>	<p><b><u>YES</u></b></p>
<p>Notes:                  Filip: Yes, there's been no evidence presented otherwise.</p>	<p>Straub                  Filip                  Maier                  Holland                  Smith</p> <p><b><u>NO</u></b>                  None</p>

<p><b>(7) Intent of the Ordinance §29.06(C)(7)</b>  <b>Does the requested variance meet the following standard</b></p>	<p>7.07(1)                  Front setback from road</p>
<p><b><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></b>                  Notes:                  Straub: Yes, the chair summarized that very well a few minutes ago.</p>	<p><b><u>YES</u></b>                  Straub                  Filip                  Maier                  Holland                  Smith</p> <p><b><u>NO</u></b>                  None</p>

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

Motion by Filip to approve the variance requested for petition (21-ZBA-894), to the applicant Richard Blakeney, property located at 9235 McGregor Road, id. (D-04-01-407-029), for a reduced front yard road setback of eighteen-point five (18.5) feet rather than the fifty (50) feet required, under the Ordinance Section 7.07(1). Motion second by Maier.

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

**6. Public Comment:**

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

DPZ Rohr noted that township meetings may return to in-person meetings in July or August.

**8.. Adjournment**

Chairperson Smith declared the meeting adjourned at 8:25 p. m.

Respectfully submitted,

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 Jay Holland, Secretary

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 Janis Miller, Recording Secretary