



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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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

Variations:

- 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 variations 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:	A	B
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith	<u>YES</u> Bradbury Filip Straub Maier Smith
Notes:		

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:	<u>A</u> 7.02 Front yard setback (West)	<u>B</u> 7.02 Front yard setback (East)
	<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith
Notes:	<u>NO</u> None	<u>NO</u> None

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

(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard:	<u>A</u> 7.02 Front yard setback (West)	<u>B</u> 7.02 Front yard setback (East)
	<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u> Bradbury Filip Straub Maier Smith
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.	<u>NO</u> None	<u>NO</u> None

(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard:	A	B
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
Approval of the variance will not be injurious to the public health, safety, and welfare.	<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:	A	B
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.	<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:	A	B
	7.02 Front yard setback (West)	7.02 Front yard setback (East)
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<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