

# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

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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 May 4, 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, and Marty Straub. Absent: Peter Maier

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 declared the agenda approved as presented.
3. **Approval of Minutes:** Motion by Straub to approve the minutes of April 6, 2021, as amended. Motion second by Filip. Motion carried by voice vote.
4. **Public Comment – Non-Agenda Items:** None.
5. **Public Hearing Procedure Review:** Chairperson Smith reviewed the Public Comment Policy for the virtual public participants.
6. **Action Items:**

**Item #1 (21-ZBA-891AB) Stephen Goble, 9108 McGregor Rd., Pinckney**

**Variances:**

- A) A dimensional variance for reduced front setback of twenty-seven (27) feet from McGregor Rd. rather than the fifty (50) feet required.
- B) A dimensional variance for reduced side setback of three (3) feet rather than the five (5) feet required.

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

Holland had a chat with the neighbor but did not discuss this application.

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

DPZ Rohr summarized the requested two-dimensional variances in a Lakes Residential District. This is a small parcel with the house built at an angle on the property. The

proposed four hundred and eighty (480) square foot garage will parallel the house at the same angle.

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

Applicant Goble stated that backing out onto McGregor is dangerous so therefore he needs the small 20' x 24' garage. It will also help with storage.

**d. Public Comment:**

**i. letters and/or emails:** One letter of support, one letter opposing.

**ii. comments from public in attendance:**

**Opened 6:22 PM**

Jim Westfall, 9114 McGregor Rd., Pinckney

He is concerned about the three (3) foot setback and would prefer it be the required five (5) foot setback.

M. Fournier, 9122 McGregor Rd., Pinckney

He is concerned about the three (3) foot setback on the north edge of the property and would like to see the garage moved so the three (3) foot setback is on the south edge of the property next to an easement.

**Closed 6:26 PM**

*Prior to starting deliberations, Chairperson Smith addressed the applicant stating there were only 4 of the 5 ZBA members present and to be granted his application he needed three members to vote affirmative in each criteria; and did the applicant want to proceed or postpone. Mr. Goble stated he would withdraw his request for the three (3) foot side setback and to continue with request for the front setback.*

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

Request is more than reasonable amount necessary. Shifting garage south to maintain the five (5) foot setback. Removal of arbor vitae to improve back-out sight lines. The request is relatively consistent with other buildings on McGregor. Need a new site plan filed with the DPZ showing garage shift to the south maintaining the five (5) foot setback on the north.

**Standards of Review:**

(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Front setback 7.02	Side setback 7.02
<b>The strict application of the terms of this Ordinance would constitute a practical difficulty.</b>	<b>YES</b> Straub Filip Holland Smith	Withdrawn
Notes: Smith: We've discussed on the record but I will just mention that it's a practical difficulty because our view is that having a garage on your property is something that others in the zoning district usually get to enjoy, so it would be a practical difficulty for him not to be able to put a garage on his property.	<b>NO</b> None	

*Documents regarding the agenda items can be obtained at the Township Hall during normal business hours, the Townships website: [www.dextertownship.org](http://www.dextertownship.org) and can be viewed on [ew.livestream.com/dextertownship.org](http://ew.livestream.com/dextertownship.org).*

(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Front setback 7.02	Side setback 7.02
<b><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Filip: This is a relatively narrow and small lot and I think it would be difficult for the applicant to fit any other structure on this lot without some sort of variance requirement. Smith: Yes, for the reasons stated by Beth.	<u>NO</u> None	

(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Front setback 7.02	Side setback 7.02
<b><i>The practical difficulty is not self-created.</i></b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Filip: There is no evidence the applicant created this lot.	<u>NO</u> None	

(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Front setback 7.02	Side setback 7.02
<b><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Holland: Yes, I believe it is now. Smith: It's pretty clear that there wouldn't be a way to put a garage on this lot and still maintain the fifty-foot setback from McGregor Road that's required by the ordinance, and twenty-seven feet is the reasonable amount.	<u>NO</u> None	

(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard:	<i>A</i>	<i>B</i>
	Front setback 7.02	Side setback 7.02
<b><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Filip: No evidence has been provided that it would.	<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>
	Front setback 7.02	Side setback 7.02
<b>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Filip: No evidence proven otherwise.	<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>
	Front setback 7.02	Side setback 7.02
<b>Approval of the variance is consistent with the intent and purpose of this Ordinance.</b>	<u>YES</u> Straub Filip Holland Smith	Withdrawn
Notes: Smith: I'm pretty sure that this is the sort of thing the ordinance intends.	<u>NO</u> None	

Discussion: Possible conditions. Building within substantial conformance of submittals.

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

Motion by Filip to approve the variance for a reduced front setback from McGregor Road for petition (21-ZBA-891A) for applicant Stephen Goble, 9108 McGregor Road, tax id (D-04-01-480-015), to construct a two car garage, noting that the dimensional variance for the reduced side setback being withdrawn in this meeting, to grant a twenty-seven (27) foot front yard setback from McGregor Road, under Ordinance Section 7.02, as opposed to the required fifty (50) feet front yard setback from McGregor Road. Motion second by Holland.

**Roll Call Vote: Yeas – Straub, Filip, Holland, Smith: Nays - None: Abstain – None: Absent – Maier. Motion carried 4-0.**

Chairperson Smith congratulated Mr. Goble and told him to act on the variance within the next year as it would expire.

**Item #2 (21-ZBA-892) Jon Inwood, 13776 Rustic Drive, Gregory  
 Variance:**

- A) A dimensional variance for reduced front setback to three point five (3.5) feet rather than the twenty-five (25) feet required.

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

Smith had a discussion with the applicant about where the stakes were located but did not discuss the variance itself.

Holland has known the applicant for a long time but has not discussed the variance with him.

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

The existing forty-three (43) square foot front yard shed is in need of repair and is not large enough to park a vehicle in. The new garage will be 384 square feet, which he hopes will lessen street parking and congestion on Rustic Drive. The new garage will be keeping with the character of the neighborhood. This request came to the ZBA in 2014 under the old ordinance, which had many requirements for front-yard structures. Under the new ordinance he only needs one dimensional variance.

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

Mr. Inwood has been to the ZBA three times previously to build this garage. He said it was impractical to repair the existing shed. Mr. Inwood noted there are two other garages, one attached and one unattached, on Rustic Drive that are as close to the street as his requested variance to build.

**d. Public Comment:**

**i. letters and/or emails:** One letter of support.

**ii. comments from public in attendance:**

**Opened 6:54 PM**

Bob Frayer, 13720 Rustic Drive, Gregory

He supports building the garage and noted that Mr. Ziel, 13806 Rustic Drive, built a garage a year ago.

**Closed 6:56 PM**

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

Proposed garage is the same distance from Rustic Drive as the shed, thereby not increasing noncompliance. Confirmed that the garage will be sixteen (16) feet wide and twenty-four (24) feet long, a modest one car garage. Good idea as parking a car in a garage, not on the street, improves the whole neighborhood.

**Standards of Review:**

<b>(1) Practical Difficulty §29.06(C)(1)</b> <b>Does the requested variance meet the following standard</b>	<b>Front setback</b> <b>7.07(3)</b>
<b><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></b>	<b>YES</b> Straub Filip Holland Smith
Notes: Smith: Yes, for the reasons we've already talked about; the desirability of having a functional garage in the Lakes District. We've come to see that as something that the denial of which is a practical difficulty if it can possibly be achieved.	<b>NO</b> None

This is a vertical extension on the front of their house to expand the second story 468square feet, adding living space. This an old home built approximately 1900 and about 33 feet to the road edge. This is an expansion of a nonconformity as the existing foot print of the house will not change. The applicant is requesting one (1) dimensional variance from Rural Residential (RR) development standards.

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

Applicant Chelsea Conger stated they have two boys and would like each to have their own room.

**d. Public Comment:**

i. letters and/or emails: None.

ii. comments from public in attendance:

Opened 7:10 PM No public comments. Closed 7:11 PM

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

Vertical expansion to add living space. Straightforward application.

**Standards of Review:**

<p><b>(1) Practical Difficulty §29.06(C)(1)</b>                  Does the requested variance meet the following standard</p>	<p><i>Front setback 6.07(3)</i></p>
<p><b>The strict application of the terms of this Ordinance would constitute a practical difficulty.</b></p>	<p><u>YES</u> Straub Filip Holland Smith</p>
<p>Notes: Smith: The farmhouse was positioned at its current location many years before the Township decided that that was too close to the road, and so this is the ability to construct the second story on tis home makes a lot of sense.</p>	<p><u>NO</u> None</p>
<p><b>(2) Physical Conditions §29.06(C)(2)</b>                  Does the requested variance meet the following standard</p>	<p><i>Front setback 6.07(3)</i></p>
<p><b>The practical difficulty is due to some physical condition peculiar to the property involved.</b></p>	<p><u>YES</u> Straub Filip Holland Smith</p>
<p>Notes: Filip: Yes, for the reasons mentioned earlier in regard to criteria one.</p>	<p><u>NO</u> None</p>

<b>(3) Self-Created §29.06(C)(3)</b> <b>Does the requested variance meet the following standard</b>		<b>Front setback</b> <b>6.07(3)</b>
<b>The practical difficulty is not self-created.</b>		<b>YES</b> Straub Filip Holland Smith
Notes: Smith: Yes, clearly what created the problem was the adoption of zoning ordinances.		<b>NO</b> None
<b>(4) Reasonable Amount Necessary §29.06(C)(4)</b> <b>Does the requested variance meet the following standard</b>		<b>Front setback</b> <b>6.07(3)</b>
<b>The variance is a reasonable amount necessary to mitigate the practical difficulty.</b>		<b>YES</b> Straub Filip Holland Smith
Notes: Filip: There are not a lot of properties with houses on top of this house, houses closely adjacent to this house. In this situation I do believe it is reasonable here Holland: Any massing that would be there has no impact on adjacent neighbors so I also vote yes.		<b>NO</b> None
<b>(5) Public Health, Safety, and Welfare §29.06(C)(5)</b> <b>Does the requested variance meet the following standard</b>		<b>Front setback</b> <b>6.07(3)</b>
<b>Approval of the variance will not be injurious to the public health, safety, and welfare.</b>		<b>YES</b> Straub Filip Holland Smith
Notes: Straub: Yes, for the reasons Beth typically states. Filip: Yes, for the reason Marty just stated. Smith: Yes, as there's been no evidence to the contrary.		<b>NO</b> None
<b>(6) Adverse Effect §29.06(C)(6)</b> <b>Does the requested variance meet the following standard</b>		<b>Front setback</b> <b>6.07(3)</b>
<b>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</b>		<b>YES</b> Straub Filip Holland Smith
Notes: Filip: Yes, as there are not a whole lot of properties that are on top of this particular property, and a lot of other adjacent residential buildings close in the area, so I don't think it would negatively affect adjacent properties.		<b>NO</b> None

<p><b>(7) Intent of the Ordinance §29.06(C)(7)</b>  <b>Does the requested variance meet the following standard</b></p>	<p><i>Front setback 6.07(3)</i></p>
<p><b>Approval of the variance is consistent with the intent and purpose of this Ordinance.</b></p>	<p><u>YES</u></p>
<p>Notes:                  Straub: Yes, because the Township Ordinance came well after the road and house were situated that distance apart.</p>	<p>Straub                  Filip                  Holland                  Smith</p> <p><u>NO</u>                  None</p>

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

Motion by Filip to approve the variance for petition (21-ZBA-893), to applicant Chelsea Conger, for the property located at 10660 Island Lake Road, tax id (D-04-34-100-024), for a dimensional variance for a reduced front yard setback, for a requested thirty-point three (30.3) foot front yard setback, under Ordinance Section 6.07(3) as opposed to eighty (80) feet otherwise required. Motion second by Holland.

**Roll Call Vote: Yeas – Straub, Filip, Holland, Smith: Nays - None: Abstain – None: Absent – Maier. Motion carried 4-0.**

Chairperson Smith noted to the applicant that she should act upon it within the next year as it goes away after that.

7. **Public Comment:** None.

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

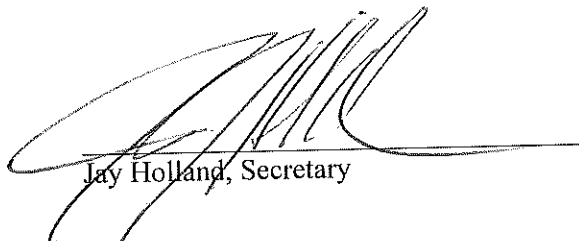
**Filip:** The decision criteria for adjacent properties has changed, the property value component has been eliminated. DPZ Rohr noted that it was putting the ZBA in a position to make financial decisions.

**Smith:** He would like to see better plot plans from the applicants, with all the dimensions.

9. **Adjournment**

Chairperson Smith declared the meeting adjourned at 7:27 p. m.

Respectfully submitted,

  
 Jay Holland, Secretary

  
 Janis Miller/Recording Secretary