



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

PETER MAIER
MARTY STRAUB

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

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday September 7, 2021

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:** Chairperson Smith called the meeting to order at 6:00 PM.
2. **Pledge of Allegiance:** Recited by all.
3. **Approval of Agenda:** Without additions or corrections, Chairperson Smith deemed the agenda approved as submitted.
4. **Approval of Minutes:** Motion by Straub to approve the minutes of August 3, 2021, as amended. Motion second by Maier. Motion carried by voice vote.
5. **Public Comment (Non-Agenda Items):** None.
6. **Public Hearing Procedure Review:** Chairperson Smith reviewed the Public Comment Policy on the back of the agenda.
7. **Action Items:**

Item #1 (21-ZBA-896) Lori Thompson, 9109 McGregor Rd.

Variations:

- A) Reduced waterbody setback of 26 feet rather than the 50 feet required,
- B) Reduced front setback (from Robert Dr.) of 17 feet rather than the 25 feet required, and
- C) Reduced front setback (from Russel Dr.) of 6 feet rather than the 25 feet required.

a. Conflict of Interest/Ex parte contact: None.

b. Staff Presentation and Questions from ZBA members:

DPZ Rohr stated there are 2 lake lots separated by a road. There are two separate projects: on the lakeside a porch rebuild (variances a & b), and on the (Russel Dr.) front a new garage (variance c).

c. Petitioner Presentation and Questions from ZBA members:

Applicant Lori Thompson stated she bought the house 5 months ago and is looking to make it safer. The porch is moldy and leaks water. The existing garage is small and she would like to add a new two-car garage and attached laundry-room.

d. Public Comment:

- i. letters and/or emails:** Six from neighbors in support of the project.
- ii. comments from public in attendance:** No audience present.

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

Existing non-conformities. Height of new construction. Lot coverage, although separate tax id's the Zoning Ordinance considers the two lots combined. One lot cannot be sold separately. Parking for guests.

Standards of Review

(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith
Notes: Smith – Clearly there is an existing structure there falling down. It would be a serious practical difficulty if this applicant were not able to put a new roof over her falling down porch, and that's essentially all she's asking to do here and she should be allowed to do that, with respect to the porch. And then what we've also determined, as a ZBA in the past, is that not having a garage, if there is a way to fit one into your lot, is also a practical difficulty. We're trying to mitigate that problem.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Filip Straub Maier Smith
Notes: Filip – It's in an awkward situation, so to speak, to have a property that sits on two roads, actually in this case, technically three because McGregor is on the other side of the tax id., the second parcel. This lot is somewhat unique, in the way it is set out. So, I would say yes to all three. Smith – Yes for the reasons already on the record stated by Beth.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> Holland

(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
<i>The practical difficulty is not self-created.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Notes: Smith – The applicant has told us she acquired this property less than six months ago, so she’s certainly not responsible for its current configuration.	Holland Filip Straub Maier Smith	Holland Filip Straub Maier Smith	Holland Filip Straub Maier Smith
	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None

(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Notes: Smith – I think the first two are pretty obvious. The Russel Dr. setback, again seems to me to be easily necessary in order to fit a new garage in there which will get the car off the street, and so I think it is a reasonable amount necessary.	Holland Filip Straub Maier Smith	Holland Filip Straub Maier Smith	Filip Straub Maier Smith
	<u>NO</u> None	<u>NO</u> None	<u>NO</u> Holland

(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Notes: Smith – Three yesses, the reasons I already stated on the record.	Holland Filip Straub Maier Smith	Holland Filip Straub Maier Smith	Filip Straub Maier Smith
	<u>NO</u> None	<u>NO</u> None	<u>NO</u> Holland

(6) Adverse Effect §29.06(C)(6) Does the requested variance meet the following standard	A	B	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith
Notes: Filip – Yes, as there is no evidence contrary to that. Straub – Yes, in fact there were six letters of support from neighbors.	<u>NO</u> None	<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	C
	7.02 Waterbody Setback	7.02 Front setback (Robert Dr)	7.02 Front setback (Russel Dr)
Approval of the variance is consistent with the intent and purpose of this Ordinance.	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Holland Filip Straub Maier Smith	<u>YES</u> Filip Straub Maier Smith
Notes: Filip – Yes to all. Again, I would reiterate what I said before, with regards to this property sits relative to three roads and so it is rather uniquely situated.	<u>NO</u> None	<u>NO</u> None	<u>NO</u> Holland

f. Motion by Zoning Board of Appeals:

Motion by Filip to approve petition (21-ZBA-896), for the property located at 9109 McGregor Road, tax id (D-04-01-481-012 & D-04-01-482-010), to the applicant Lori Thompson, for; a) reduced waterbody setback of 26 feet rather than the 50 feet required, b) reduced front setback (from Robert Dr.) of 17 feet rather than the 25 feet required, and c) reduced front setback (from Russel Dr.) of 6 feet rather than the 25 feet required; recognizing the non-conformities of the existing structure, and with the understanding that these two parcels are being treated as a single zoning lot. Motion second by Straub.

Discussion: Should we state that the first two variances are for the porch structure only assuming its built according to the plan the ZBA has reviewed. Would doing so create an issue with the garage? With the understanding the porch will be built on the existing footprint. With the understanding the work done on the east side will be done according to the plans submitted to the ZBA for approval. Only granted 6 feet [setback] for the porch. DPZ Rohr made clear that if the submitted plans are not accurate, the permitting process will require new plans.

Amendment to motion by Filip:

And with the understanding that the renovations are being made in substantial conformity with the site plans as provided to the Zoning Board of Appeals this evening.

Amendment second by Straub.

Roll Call Vote: Yeas – Filip, Straub, Maier, Smith: Nays - Holland: Abstain – None: Absent – None. Motion carried 4-1.

8. **Public Comment:** None.

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

Lengthy discussion regarding 2 small lake lots [same owner], with separate tax id's, being considered as one lot, and what mechanism is in place to enforce the prevention of the lots being sold separately.

10. **Adjournment**

Chairperson Smith declared the meeting adjourned at 6:48 p. m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary