



# 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 February 2, 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, Peter Maier, and Marty Straub.

Absent: Jay Holland

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 6:02 pm. Pledge of Allegiance omitted due to teleconferencing.
- 2. Approval of Agenda:** Chairperson Smith deemed the agenda approved as presented.
- 3. Approval of Minutes:** Motion by Filip to approve the minutes of January 5, 2021 as amended. Motion second by Straub. **Motion carried 3-0.** (Maier abstained)
- 4. Public Comment – Non-Agenda Items:** None.
- 5. Public Hearing Review Process:** Chairperson Smith noted to those attending the virtual meeting that most of the meeting was between Zoning Board members and there would be time in the agenda when the public would be asked to comment. He then verbally outlined the Public Comment/Input Policy printed in the agenda.
- 6. Action Item:**

#### **Item #1 (20-ZBA-884ABCDE) Lee Arend, Inverness Country Club, 13893 N. Territorial**

##### **Variations: Pole barn for golf carts**

- Reduced front setback of fourteen-point-two five (14.25) feet rather than the eighty (80) feet required (N. Territorial);
- Reduced front setback of fourteen-point-two five (14.25) feet rather than the two hundred (200) feet required (N. Territorial);
- Reduced front setback of twenty-four point five (24.5) feet rather than the thirty-five (35) feet required (Westbourne Road);
- Reduced front setback of twenty-four point five (24.5) feet rather than the two hundred (200) feet required (Westbourne Road);
- Increase accessory structure lot coverage to 8,750 square feet rather than the 3,750 square feet allowed.

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

Filip stated that her daughter's third grade teacher was a member of Inverness Country Club but she had no discussion or ex-parte contact with the teacher regarding the issue before the ZBA tonight. Filip would like discussion regarding conflict of interest in the rules as it applies to her situation.

Chairperson Smith acknowledged that the way to resolve the issue was by a motion and majority vote of the remaining members of the ZBA.

Motion by Straub that in the opinion of the non-conflicted [non-affected] members, member Filip has no conflict of interest in this matter. Motion second by Maier.

**Roll Call Vote: Yeas – Straub, Maier, Smith: Nays - None: Abstain – None: Absent – Holland.**

**Motion carried 3-0.**

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

DPZ Rohr noted this was postponed from the October 6, 2020 public hearing so the applicant could provide additional materials. The applicant is asking for five variances to the (2003 Zoning Ordinance) Recreation Conservation District (RC) zoning requirements: 2 variances for road setbacks (A & C), 2 variances for special performance standards (B & D), and 1 variance for increase in accessory structure lot coverage (E). This is unusual as there are multiple parcels the golf course owns, although the Zoning Ordinance considers them one parcel. The parcel in question, location of the cart barn, is at the corner of N. Territorial and Westbourne Drive. Currently members carts are housed in rental space on the north side of N. Territorial and for public safety, the Golf Club would like to get all the golf carts on the south side of N. Territorial where the golf course is located. New details and buildout of the barn are in the board packet. DPZ Rohr then answered questions from the Zoning Board of Appeals members.

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

Lee Arend, club member, and Brian Hayes, Inverness Country Club Board member, presented the new material and answered questions from the Zoning Board of Appeals members.

**d. Public Comment:**

**Opened: 6:40 pm**

**i. letters and/or emails;** One letter and one email in the file.

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

Mary Sue Webb, 12739 Aberdeen

She is a member of Inverness Country Club and is on the Board for the Park Lawn Beach Association, not formally representing the PLB Association. She is concerned about the private road Westbourne Road as the PLB Association maintains it and it was not meant to be used by the Inverness Country Club. Also, of concern is esthetics of the pole barn and water management.

Joel Craig, 13995 Aberdeen

He sees the need for a cart barn but indicated that the proposed pole barn would not fit into the historic community. He indicated that the Park Lawn Beach Association Board had not been consulted on the structure and the community not notified of the plan. There is community support, for safety purposes, for the cart barn but would like to see collaboration between Inverness and Park Lawn Boards.

Jennifer Moro, 6868 Eastbourne Dr.

Echoed Mary Sue Webb’s comments and asked if they needed that size barn for carts as well as inquiring about information on the current barns and sheds on the Inverness Country Club property.

Jack Carlson, 7451 N. Pinefield Drive, Dexter, MI

He is a member of Inverness Country Club with a golf cart stored on the north side of N. Territorial. He reiterated that this is a safety issue and the need was great for cart storage on the south side of N. Territorial.

Darren Girard, owner of North Lake Storage, 14048 N. Territorial

He started he stores most of the club members golf carts and doesn’t see a need for another storage barn. He also stated that putting the golf storage on the south side of N. Territorial will not eliminate the safety hazard of golf carts crossing the road.

**Closed: 6:56 pm**

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

Safety issues. Setback requirements. Excessive lot coverage request. Excavation and who would be doing it. Practical difficulty. This is the third time this applicant has been before the ZBA and they have not submitted all the requested documentation from the postponed October 2020 meeting. Lack of lighting, landscaping, and water management plans. They need to work through a collaboration with their neighbors. The application is unusual as it falls under the old Zoning Ordinance from 2003 which does not require a site plan.

**Standards of Review**

Practical Difficulty §4.30(C)(1) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>The strict application of the terms of this Ordinance would constitute a practical difficulty.</b>	<u>YES</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip Maier Smith
	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None	<u>NO</u> None
Notes: <b>Filip:</b> Yes, as this is a lot split up by North Territorial. Actually, the property isn’t contiguous and N. Territorial goes across the properties owned by Inverness and therefore that is the reasoning I would present.					

(2) Physical Conditions §4.30(C)(2) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>The practical difficulty is due to some physical condition peculiar to the property involved.</b>	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None
Notes: <b>Straub:</b> Yes, the reason being the shape and the way the property is not all contiguous. <b>Filip:</b> I would reiterate what Marty just said and vote five yes' across the board. <b>Maier:</b> This gives me some pause as I'm not convinced the mere division of the lot is a physical condition that is causing the need for this [variances]. I vote yes five times but it is not clear to me. <b>Smith:</b> Yes, five times for the reasons that have already been stated on the record.					

(3) Self-Created §4.30(C)(3) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>The practical difficulty is not self-created.</b>	<u>YES</u> Filip Maier Smith  <u>NO</u> Straub	<u>YES</u> Filip Maier Smith  <u>NO</u> Straub	<u>YES</u> Filip Maier Smith  <u>NO</u> Straub	<u>YES</u> Filip Maier Smith  <u>NO</u> Straub	<u>YES</u> Filip Maier Smith  <u>NO</u> Straub
Notes: <b>Straub:</b> This gives me a bit of an issue as I haven't seen anything that would allow me to conclude that it is anything other than self-created. I have five nos. <b>Smith:</b> I don't see how the applicant has created this situation. It's a property that has been in existence for a very long time and our Zoning Ordinances are layered on top of it. So, I don't see that the variance request being self-created any more than any applicant that comes before us and says "hey, I want to do something different with my property can you give me a variance". They are self-creating the request, but they're not self-creating the situation that leads to the need of the request.					

(4) Reasonable Amount Necessary §4.30(C)(4) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>The variance is a reasonable amount necessary to mitigate the practical difficulty.</b>	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u> Straub  <u>NO</u> Filip Maier Smith
Notes: <b>Straub:</b> Four no's because I think the amount of setback variance is unreasonable. The lot coverage, however, I think has been proven the amount requested is reasonable. <b>Filip:</b> Five no's as I disagree with Marty on the last one. We've received evidence that there is a possibility that the amount of space requested is more than maybe what is necessary <b>Maier:</b> I vote no for the reasons articulated by Beth. <b>Smith:</b> No for the same reasons Beth set forth.					

(5) Public Health, Safety, and Welfare §4.30(C)(5) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>Approval of the variance will not be injurious to the public health, safety, and welfare.</b>	<u>YES</u> Straub Filip Maier  <u>NO</u> Smith	<u>YES</u> Straub Filip Maier  <u>NO</u> Smith	<u>YES</u> Straub Filip Maier  <u>NO</u> Smith	<u>YES</u> Straub Filip Maier  <u>NO</u> Smith	<u>YES</u> Straub Filip Maier  <u>NO</u> Smith
Notes: <b>Smith:</b> No on all five on the grounds that based on the information I've seen so far; I can't affirmatively state yes.					

(6) Adverse Effect §4.30(C)(6) Does the requested variance meet the following standard	A	B	C	D	E
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</b>	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> Straub Filip Maier Smith  <u>NO</u> None	<u>YES</u> None  <u>NO</u> Straub Filip Maier Smith	<u>YES</u> None  <u>NO</u> Straub Filip Maier Smith	<u>YES</u> Straub  <u>NO</u> Filip Maier Smith
Notes: <b>Straub:</b> Yes, to both of the setbacks to N. Territorial as I don't think they will adversely affect the adjacent properties. No to the setbacks to Westbourne and yes to the lot coverage					

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).

Smith: My vote is mostly due to lack of information to support those final three requests.					
(7) Intent of the Ordinance §4.30(C)(7) Does the requested variance meet the following standard	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Front setback 18.23(A)(1)(o)	Special Performance 16.20(B)(6)	Lot coverage 18.18(D)(2)
<b>Approval of the variance is consistent with the intent and purpose of this Ordinance.</b>	<u>YES</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip Maier Smith	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u>  <u>NO</u> Straub Filip Maier Smith	<u>YES</u> Straub Filip  <u>NO</u> Maier Smith
	<u>NO</u> None	<u>NO</u> None			
Notes: Smith: My vote is again due to lack of good information to support the requests of C, D, and E.					

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

(Note: This appeal was heard under Zoning Ordinance 34 of 2003)

*Motion by Filip to deny the petition (20-ZBA-884ABCDE), to applicant Lee Arend, Inverness Golf Course, for a pole barn for golf carts, located at 13893 N. Territorial Rd., tax id. (D-04-19-132-001; project site), (D-04-18-462-008), (D-04-19-131-001), and (D-04-19-100-002), for: A) Reduced front setback of fourteen point two five (14.25) feet rather than the 80 feet required under Ordinance Section 18.23(A)(1)(o), B) Reduced front setback of fourteen point two five (14.25) feet rather than the 200 feet required from N. Territorial, under [Special Performance Standards] Ordinance 16.20(B)(6), C) Reduced front setback of twenty-four point five (24.5) feet rather than the 35 feet required from Westbourne Road under Ordinance Section 18.23(A), D) Reduced front setback of twenty-four point five feet (24.5) feet rather than the 200 feet required from Westbourne Road under [Special Performance Standards] Ordinance 16.20(B)(6), and E) Increase accessory structure lot coverage to 8,750 square feet rather than the 3,750 square feet allowed under Ordinance Section 18.18(D)(2). Motion second by Maier.*

Discussion: Zoning Ordinance Special Performance Standards is Section 16.20(B)(6), not Section 16.20(B)(4) as printed in the staff report. Motion amended to reflect correct Ordinance Section.

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

Chairperson Smith stated the application has been denied.

Brian Hayes thanked the ZBA for their time/deliberations and said they appreciated it.

6. **Public Comment:** None.

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

Recording Secretary Miller noted that Marty didn't find any corrections to the minutes, which he usually helps edit.

Chairperson Smith asked DPZ Rohr if the Pledge of Allegiance could be eliminated from the agenda, while zooming, until they started meeting in person again.

Maier, attending his first meeting since being appointed to the ZBA, complimented Chairperson Smith on running a good meeting and being a very good chair.

8. **Adjournment**

Chairperson Smith declared the meeting adjourned at 7:37 p. m.

Respectfully submitted,

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Marty Straub, Acting Secretary

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Janis Miller, Recording Secretary