



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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BROOK SMITH
CHAIRPERSON

BETH FILIP
VICE CHAIRPERSON

JAY HOLLAND
SECRETARY

JAMES DROLETT
MARTY STRAUB

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

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday January 5, 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, Jim Drolett, 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 6:02 pm. Pledge of Allegiance omitted due to teleconferencing.

2. Approval of Agenda:

Discussion of election of officers, as a rule done at the first meeting in January. The question arose as two ZBA members had terms that expired December 31st and the Township Board has not appointed representatives. Motion to include adding 4a Election of Officers.

Motion by Drolett, second by Filip, to approve the agenda, amended with the addition of 4a.

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

3. Approval of Minutes:

Motion by Straub to approve the amended minutes of October 6, 2020. Motion second by Filip.

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

4. Public Comment – Non-Agenda Items: None.

4a. Motion by Drolett to nominate the current slate of officers: Chair Smith, Vice-Chair Filip and Secretary Holland, for the year 2021. Motion second by Straub.

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

4. Public Comment – Non-Agenda Items: None.

5. Public Hearing Procedure Review:

Chairperson Smith encouraged the public to participate but encouraged them to limit public comment to items not on the agenda, and keep the comments to three minutes.

6. Action Items:

**Item #1 (21-ZBA-889) Jim & Terri Norman, 14050 Edgewater Drive, Gregory, MI
Variance:**

A) Reduced side setback of five point four (5.4) feet rather than the six point two (6.2) feet required.

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

b. Staff Presentation and Questions from ZBA members:

DPZ Rohr summary: the setback variance is for the second story, applicant is building on the current footprint, footprint is in compliance at 5 feet 4 inches from the parcel line, Lake Residential District (LR) Section 7.02 Standards apply, total of 342 sq. ft. is being added at a height of 21.7 feet. This application comes under the new 2020 Zoning Ordinance.

Discussion: Setbacks measured from footprint or overhangs. Chimney calculated into setback? Ownership of the chain-link fence.

c. Petitioner Presentation and Questions from ZBA members:

Chad Weiler, Forward Design Build, Jef Forward, owner & creative director of Forward Design, and Carly Leasia: Working with the client to turn a cottage into a year-round home, noting they are balancing the size and scale of the addition to fit into the neighborhood. Using purposeful strategy, A) Maximize green space by combining two lots and therefore removing future building on the lake; B) Adding a second story reinforces the green space instead of using more land; C) Choosing a traditional architectural style to fit the neighborhood; and D) Using minimum height strategies, and horizontal details below to keep the eye down.

Applicant Terri & Jim Norman stated they bought the small house, with the roof caving in, to refurbish the house and add more livable space. The property came with the lot to the east which they will use for recreation.

ZBA member questions answered by Chad Weiler, Jef Forward and Carly Leasia of Forward Design Build.

d. Public Comment:

Opened: 6:33 pm

i. letters and/or emails: Eight letters of approval in the file.

ii. comments from public in attendance:

Laura Sherman and Shawna Shafer, 14112 Edgewater Drive, Gregory, MI Stated they support the refurbishing of the home and asked about a portion of the property owned by the DNR.

Closed: 6:37 pm

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

Practical difficulty. Moving home from current location [center on two lots].
 Structural integrity. Engineering certificate approving current foundation, and soil, will support addition of second story. Addition of perimeter piers to existing foundation for support. Setback to chimney. Possibility of a variance for the existing chimney, which does not touch the ground or have a footprint. Chimneys were excluded from Zoning Ordinance Article 2, Definitions of “roof line”. Should acknowledge chimney, as an existing nonconformity, in the variance motion so it doesn’t cause problems/solicit questions in the future. Public Notice does not include setback measurements as these are found in the staff report. Chimney will gain height with the new addition and will be re-sided but not expanded. Neighbor’s fence.

Standards of Review

<p>(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard</p>	<p>§7.02 LR District side yard setback</p>
<p><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></p>	<p><u>YES</u> Filip Drolett Holland Straub Smith</p>
<p>Notes: Smith: Yes, for the reason that it makes no sense to make these folks move this house sideways, from its current location, just because it is getting a little taller.</p>	<p><u>NO</u> None</p>
<p>(2) Peculiar Physical Condition §29.06(C)(2) Does the requested variance meet the following standard</p>	<p>§7.02 LR District side yard setback</p>
<p><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></p>	<p><u>YES</u> Filip Holland Drolett Straub Smith</p>
<p>Notes: Smith: Yes, as the physical condition [roof cave-in] of the preexisting home [built 1970], already constructed in compliance with existing zoning requirements, and now they just want to add a little bit of height to it.</p>	<p><u>NO</u> None</p>
<p>(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard</p>	<p>§7.02 LR District side yard setback</p>
<p><i>The practical difficulty is not self-created.</i></p>	<p><u>YES</u> Filip Holland Drolett Straub Smith</p>
<p>Notes: Smith: The house is where it is when they acquired it.</p>	<p><u>NO</u> None</p>

4) Reasonable Amount §29.06(C)(4) Does the requested variance meet the following standard	§7.02 LR District side yard setback
<i>The variance is the minimum amount necessary to mitigate the practical difficulty.</i>	<u>YES</u>
Notes: Filip: Yes, particularly because they are not expanding in that direction. Smith: Yes, for the reason that Beth stated.	Filip Holland Drolett Straub Smith <u>NO</u> None
(5) Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard	§7.02 LR District side yard setback
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u>
Notes: Smith: The plans here are not going to have any negative impact on anybody's health, safety or welfare.	Filip Holland Drolett Straub Smith <u>NO</u> None
(6) Adjacent Properties §29.06(C)(6) Does the requested variance meet the following standard	§7.02 LR District side yard setback
<i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i>	<u>YES</u>
Notes: Smith: I think that the plan that they have is going to be a plus for the other people who live in the neighborhood.	Filip Holland Drolett Straub Smith <u>NO</u> None
(7) Intent and Purpose §29.06(C)(7) Does the requested variance meet the following standard	§7.02 LR District side yard setback
<i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i>	<u>YES</u>
Notes: Smith: Yes, clearly this is a situation that the ordinance is called for.	Filip Holland Drolett Straub Smith <u>NO</u> None

Discussion: Conditions to the variance, a) the existing chimney cannot be expanded and b) if the house is moved for any reason, the variance will be null and void.
 Understanding the chimney will be expanded upwards with the new addition roof.

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.

f. Motion by Zoning Board of Appeals:

Motion by Filip to grant the variance for petition (21-ZBA-889), to applicants Jim & Terri Norman, for a reduced side setback of five point four (5.4) feet rather than the six point two (6.2) feet required by Ordinance Section 7.02, property located at 14050 Edgewater Drive, tad id (D-04-06-460-013); recognizing the existing legal nonconformity, relative to the side yard setback created by the chimney, and also recognizing that the intention is that the chimney will increase in height but will not increase in side yard dimension; with conditions a) relative to the chimney, that the nonconformity does not expand and, b) if the foundation of the house has to be moved, this variance will be considered null and void. Motion second by Straub.

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

Chairperson Smith commented to the applicants: Congratulations you have been approved. Be sure to get with [DPZ] David and pursue this because after one year the variance goes away if you haven't acted on it.

Jim and Terri Norman thanked everyone and said they really appreciated it.

7. Public Comment: None.

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

Recording Secretary: Thanked Marty Straub for his attention to detail when reviewing the minutes.

Holland: Thought it was within the scope to bring up the chimney in regards to the setback.

Filip: Appreciated the site plan showing the location of nearby homes and structures.

Straub: Appreciated the way the group worked through the issues and noted the need for everyone to get familiar with the new Zoning Ordinance.

Holland: As Jef Forward had already left the zoom meeting, Jay said he would let Jef know they appreciated all the information that was supplied to the ZBA.

9. Adjournment

Chairperson Smith declared the meeting adjourned at 7:29 p. m.

Respectfully submitted,

Jay Holland, Secretary

Janis Miller, Recording Secretary