



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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CHAIRPERSON

BETH FILIP
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PETER MAIER
SECRETARY

KATHY BRADBURY
SHAUN SMITH
DON DARNELL, *ALT.*
AARON WORSHAM, *ALT.*

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday May 13, 2025

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Peter Maier, Shaun Smith, and Kathy Bradbury. Absent:

Also present: Fletcher Reyher, 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:

Chairperson Smith noted that this was the first meeting in 2025 and the election of officers should take place. Election of Officers added as 3.a). With no objections, Chairperson Smith declared the agenda approved with the amendment.

3. a) Election of Officers:

Motion by Maier, supported by Filip, to nominate the current Chair Brook Smith as Chair.
Motion by Maier, supported by Bradbury, to nominate the current Vice-Chair Beth Filip as Vice-Chair.

Motion by Filip, supported by Smith, to nominate the current Secretary Peter Maier as Secretary.

Voice vote. Motions approved 5-0.

4. Approval of Minutes:

Approval of minutes for July 2, 2024: Edits: Changes to page 2 E Zoning Board of Appeals Deliberations. **Motion by Maier, supported by Filip, to approve the July 2, 2024 minutes as amended. Voice vote. Motion approved 5-0.**

Approval of minutes for September 3, 2024: Edits: Page 6, change to Standards of Review #2 Filip comment needs commas. **Motion by Maier, supported by Filip, to approve the September 3, 2024 minutes as amended. Voice vote. Motion approved 5-0.**

5. Public Comment – Non-Agenda Items: Opened 6 :07 PM. No public comments.

6. Action Items:

Item #1 (25-ZBA-001) Frank and Lisa Johnson, 9433 Dexter Pinckney Rd.

Variance:

- a) Request for variance from Zoning Ordinance Section 7.07(2) front yard setback to renovate existing residence and add a two-story 800 sq. ft. addition.

A. Conflict of Interest/Ex-parte Contact Review:

No conflict of interest.

B. Staff Presentation and Questions from ZBA members:

Located on Dexter-Pinckney Road, Lake Residential District, with a lot size of 0.238 acres it is a nonconforming lot size. The variance request is for a front yard setback as they are adding a two-story, 800 sq. ft. addition. The current home is a two-story 1,584 sq. ft. structure with an attached single story 594 sq. ft. garage. The proposed two-story addition, combined with the existing structure, will have a ground floor area of 2,384 sq. ft (2,978 sq. ft. with the garage). The addition is 36-feet from Dexter-Pinckney right-of-way with a requested variance of 25-foot setback, rather than the required 80-foot setback, to the proposed addition. The applicant needs to clarify to the Board whether the entryway is enclosed or is open with an overhang. If it is an overhang the DPZ would not consider it to be a building. The current dwelling is totally within the required 80-foot setback. If approved, the applicant will be required to submit a stormwater management plan as required by Sec. 23.09 of the Township Zoning Ordinance prior to issuing a building permit.

Questions of ZBA members:

Will the current structure wall facing the road change the setback? A: Only the addition is under consideration. Will the height of the existing structure change? A: No. Will the second story balcony be enclosed? A: The second story balcony is enclosed. Will the second story balcony change the lot coverage? A: Balconies are impervious surfaces. Is the addition over a sanitary system? A: The sanitary cleanout has been moved so there is no encroachment.

C. Petitioner Presentation and Questions from ZBA members:

Frank Johnson summarized the project. The attached garage next to the road is single story. They are requesting a 25-foot variance to a new entryway, with wing wall to quiet road noise, that is going into the house where said garage is attached, with the addition being beyond that (at 36-feet). They are attempting to make the house ADA compliant for when they become mobility challenged and also have space for a caregiver.

D. Public Comment:

- i. **letters and/or emails** – one email received in support
- ii. **comments from public in attendance** – Opened 6:58 PM. No public comments.

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

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.

Confusion as there is a 25-foot setback to a portion of the structure but they are asking for a 36-foot setback. Clarification, there is a 25-foot setback to an entryway, with overhang, and a 36-foot setback to the proposed addition. Should there be a variance for the height? The ZBA is looking for architectural drawings of what the applicant is proposing for the addition. Consensus that the variance request should be tabled, or postponed, until the applicant can produce drawings of the proposed structure.

F. Motion by Zoning Board of Appeals:
See motion after #7 Public Comment.

**Item #2 (25-ZBA-002) Brent C. Williams, Barrington Drive Access Easement/Lake
Access between 13816 and 13800 Edgewater Drive, Gregory, MI 48137**

Variance:

- a) Request for variance from Section 16.16(A)(2)(b) for installation of a 20 foot, 4-foot tall, split rail fence (located in waterbody yard) along Barrington Drive access point extending to the edge of Halfmoon Lake.

A. Conflict of Interest/Ex-parte Contact Review:

No conflict of interest.

B. Staff Presentation and Questions from ZBA members:

Located at the Barrington Drive platted access easement this is unique as it is not private property. It is used as a recreational amenity and not for private use. The zoning is Lake Residential as are the surrounding properties. The applicant is proposing the installation of a 20-foot long, 4-foot-tall split rail fence, perpendicular to Halfmoon Lake shoreline. There was a court order dated October 28, 2024 specifying the construction of the split rail wood fence although the ZBA retains the authority to make their decision based on the Ordinance criteria for granting a variance. The applicant applied for a permit to build the fence and staff recognized that fences cannot be built in a waterbody yard triggering the need for the variance. The applicant did revise the plan to install the fence outside the waterbody yard. If the ZBA approves the variance, the DPZ offers a few recommended conditions: 1) the applicant apply for the required permit as fences are a minor zoning permit, 2) the fence would be constructed with wood materials consistent with the visual characteristics of the lake, 3) no signage, lighting, or barriers attached to the fence, 4) and the applicant should be responsible for maintaining the fence for the duration of the fences life.

C. Petitioner Presentation and Questions from ZBA members:

Brent C. Williams is representing a group of neighbors. They want to make sure everyone has access to the lake by protecting a 40-foot swath of land for access. The neighbor to the west filed a lawsuit for the western part of the easement under

adverse possession. The Township was not a part of this lawsuit. They want the fence to be aesthetically pleasing, split-rail and no more than 4 foot tall.

D. Public Comment:

i. letters and/or emails - none

ii. comments from public in attendance – Opened 7:27 PM.

Thomas Stringer representing Norma Freeman, and her son Jason Tripp, whose property is adjacent to the easement. Ms. Freeman thought her property line was to the tree line, which she has maintained since 1980. The tree line is within the easement. She is advocating for a three-foot fence rather than the proposed four-foot fence as she thinks the four-foot-tall fence will block the view to the neighborhood. Ms. Freeman has never built an accessory structure in the easement, although there is a swing there, and has maintained all the neighbors have always had access to the lake through the easement.

D. Zoning Board of Appeals deliberations:

Are they considering building a minor accessory structure like a trellis? Are the eight partners to the lawsuit part of the Halfmoon Lake subdivision? Intent of the Ordinance is to maintain a view of the lake. All property owners in a subdivision have common ownership of the easement. The property owner to the west has a permanent prescriptive easement. The neighbor’s opinions are not a practical difficulty. This is a self-created problem as there is not a precedence to put a fence in a public easement.

Standards of Review:

(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i>	<u>YES</u> None
Notes: 	<u>NO</u> Maier S. Smith Filip Bradbury B. Smith
(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<i>The practical difficulty is due to some physical condition peculiar to the property involved.</i>	<u>YES</u> None
Notes: Maier – The second half is true but the first half is not true.	<u>NO</u> Maier S. Smith Filip Bradbury B. Smith

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(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<i>The practical difficulty is not self-created.</i>	<u>YES</u> None
Notes:	<u>NO</u> Maier S. Smith Filip Bradbury B. Smith
(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u> None
Notes:	<u>NO</u> Maier S. Smith Filip Bradbury B. Smith
(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u> Maier S. Smith Filip Bradbury B. Smith
Notes:	<u>NO</u> None
(6) Adverse Effect §29.06(C)(6) Does the requested variance meet the following standard	16.16(A)(2)(b) Waterbody yards
<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> Maier S. Smith Filip Bradbury B. Smith
Notes:	<u>NO</u> None

<p>(7) Intent of the Ordinance §29.06(C)(7) Does the requested variance meet the following standard</p>	<p><i>16.16(A)(2)(b)</i> <i>Waterbody yards</i></p>
<p><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></p>	<p><u>YES</u> None</p>
<p>Notes:</p>	<p><u>NO</u> Maier S. Smith Filip Bradbury B. Smith</p>

Chairperson Smith – Sorry your variance has been turned down [results of review standards] and there’s nothing more we can do this evening on this matter.

F. Motion by Zoning Board of Appeals:

Motion by Filip, supported by Bradbury: The request for the variance, for petition (25-ZBA-002), for the Barrington Drive Access Easement/Lake Access (between 13816 and 13800 Edgewater Drive, Gregory, MI 48137), requesting a variance from Section 16,16(A)(2)(b) to allow a split rail fence to be located in waterbody yard, specifically for the installation of 20 feet of 4-foot-tall split rail fencing along the Barrington Drive access point extending to the edge of Halfmoon Lake, is denied.

Roll Call Vote: Yeas – Maier, S. Smith, Filip, Bradbury, and B. Smith: Nays - None: Absent – None. Motion approved 5 - 0.

7. Public Comment: Opened 8:10 PM. No public comments.

RE: Further action regarding variance request by Frank & Lisa Johnson. DPZ Reyher reviewed the Zoning Board of Appeals By-Laws regarding postponing a variance. He is confident that the ZBA can postpone this [25-ZBA-001] indefinitely or they can pick a date when they want to do it, as long as it’s properly noticed that it is coming back to the ZBA and adheres to the Open Meeting Act.

Motion by Filip, supported by Maier: Motion to postpone petition (25-ZBA-001), to Frank and Lisa Johnson, tax id D-04-400-025, for the property located at 9433 Dexter-Pinckney Road, to December 2, 2025 or the next scheduled meeting thereafter, to allow the applicant to revise their plans reflecting ZBA comments that they would like more clarity in the design of the proposed structure. All ayes. Motion approved 5-0.

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

Chairperson Smith – He was concerned with the microphone at the podium turning off before the speaker was finished.

DPZ Reyher – His first meeting since being hired and he said he was happy to be here. There is one variance request for the June meeting.

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Filip – She is really happy with the information in the Board packet [re: DPZ Reyher’s first for this Board].

9. Adjournment

Chairperson Smith declared the meeting adjourned at 8:20 PM.

Respectfully submitted,

Peter Maier, Secretary

Janis Miller, Recording Secretary