



DEXTER TOWNSHIP

ZONING BOARD OF APPEALS

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SECRETARY

KATHY BRADBURY
MARTY STRAUB

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

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday May 7, 2024

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Peter Maier, Marty Straub, and Kathy Bradbury. Absent: None.

Also present: Ashley Cepeda, Zoning Administrator; Alexandra Dieck, Attorney, and Janis Miller, Recording Secretary.

1. Call to Order: Chairperson Smith called the meeting to order at 6:04 PM.

2. Pledge of Allegiance: Recited by all.

3. Approval of Agenda:

Zoning Administrator Cepeda stated that it was brought to our attention that the requirement for having the property staked for a proposed structure was not met by the applicant so although there will be no vote on this variance the public hearing and presentations can go forward. The Zoning Ordinance requires staking 15 days prior to the meeting so the ZBA members question is, how can we hold a public hearing? Attorney Dieck said the applicant, who is present tonight, can share information in an informal meeting and re-notice a public hearing for next month. Chairperson Smith suggested adjourning the variance request and noticing a public hearing for the following month.

Motion by Maier to remove this agenda item from the agenda and move it to next month, or the next meeting. Motion seconded by Filip.

Discussion: Allow the applicant to present information tonight, thereby giving the ZBA the opportunity to request more information for next month. The applicant did not stake and mark the proposed structure so therefore it is inappropriate to hold a public hearing that hasn't been properly noticed.

Motion restated: To table [24-ZBA-002] and re-notice it for next month.

Vote: Ayes 4, Opposed 1 (Straub)

Item 1 is removed and will be heard a month from now.

Chairperson Smith deemed the agenda approved as amended.

3. Approval of Minutes:

Amendments: Page 2 E – change Wonderland from RR to LR, page 4 #8 – remove apostrophe from want's and remove 's' from Lakes Residential.

Motion by Straub to approve the April 2, 2024 minutes as amended. Motion seconded by Maier. All ayes. Motion carried.

5. **Public Comment – Non-Agenda Items:** Opened 6:17. No public comments.

6. **Action Items:**

Item #1 (24-ZBA-002) Fred Dehn, 13879 Sauer Drive

This item has been tabled until next month.

Item #2 (24-ZBA-003) RIEMCO Design + Build on behalf of Brad and Sarah Shugart, 14486 Edgewater Drive

Variance:

- a) Request for variance from Zoning Ordinance 7.07(3) requirement of a 25-foot setback for local and private roads.

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

As this property is contiguous (easterly neighbor) to Kathy Bradbury's property, she has recused herself from discussion, deliberation, and voting. No other board members have a conflict of interest.

B. Staff Presentation and Questions from ZBA members:

The existing home was demolished in 2019 leaving a vacant lot. The current owners would like to build a single-family, two-story home with an attached garage. Historically this land has been residential and it will continue to be Lake Residential. Edgewater is an exception of a twenty-foot setback instead of a twenty-five-foot setback. The lot is legally non-conforming as it is less than one-half acre, they are requesting a variance for road setbacks.

C. Petitioner Presentation and Questions from ZBA members:

Peter Shaw, Riemco Design and Build

A single-story ranch, with a larger footprint, was previously on the lot. The goal was to build a modest house that was in line with the adjacent houses. They are seeking the two extra feet (a road setback of 18 feet) to acquire a bit more living space. The sight lines line up with the houses on either side. This property is second to the last on Edgewater, with the gravel road fading in front of their property, so it was hard to determine where the road actually existed until the survey was completed.

D. Public Comment:

i. letters and/or emails

ii. comments from public in attendance – none.

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

Deliberations: This property was staked properly so one could visualize the structure to be built. The practical difficulty is that this is a tiny lot that existed prior to the Zoning Ordinance and they want to build a modest size single-family home.

Chairperson Smith stated that they were unable to get an alternate for the ZBA this evening, and with only four members present, the applicant would have to receive three yes votes on each of the seven criteria. He asked the applicant if they wanted to adjourn for a month in hopes of having an alternate (five members) next month.

The applicant has chosen to proceed.

Standards of Review:

<p>(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard</p>	<p>7.07(3) Road 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 Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>Notes: Smith – Yes for the reason I enunciated earlier, a definite practical difficulty on this little lot.</p>	
<p>(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard</p>	<p>7.07(3) Road 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 Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>Notes: Smith – Yes, it’s a tiny lot.</p>	
<p>(3) Self-Created §29.06(C)(3) Does the requested variance meet the following standard</p>	<p>7.07(3) Road setback</p>
<p><i>The practical difficulty is not self-created.</i></p>	<p><u>YES</u> Filip Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>Notes: Filip – Yes, there is no evidence that the applicant did anything to influence the creation of the size of this lot.</p>	

4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard	7.07(3) Road setback
<i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i>	<u>YES</u> Filip Straub Maier Smith <u>NO</u> None
Notes: Smith – The request is well within the ground of reasonable.	

(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard	7.07(3) Road setback
<i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i>	<u>YES</u> Filip Straub Maier Smith <u>NO</u> None
Notes: Filip – Yes, there has been no evidence presented that it would be injurious to public health, safety, and welfare.	

(6) Adverse Effect §29.06(C)(6) Does the requested variance meet the following standard	7.07(3) Road 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> Filip Straub Maier Smith <u>NO</u> None
Notes: Filip – There’s been no evidence presented that it would.	

(7) Intent of the Ordinance §29.06(C)(7) Does the requested variance meet the following standard	7.07(3) Road setback
<i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i>	<u>YES</u> Filip Straub Maier Smith <u>NO</u> None
Notes:	

F. Motion by Zoning Board of Appeals:

Motion by Filip to approve petition number (24-ZBA-003), for the property located at 14486 Edgewater Drive, tax id D-04-06-355-025, for the requested variance from §7.07(3), normally requiring a twenty-foot local and private road setback to

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.

the requested eighteen-foot setback, recognizing any legal non-conformities.
Motion seconded by Straub.

**Roll Call Vote: Yeas – Filip, Straub, Maier, and Smith: Nays - None:
Absent – None; Recused - Bradbury. Motion carried 4 - 0.**

Chairperson Smith congratulated the applicant and stated they needed to use the variance before it expired in a year.

7. **Public Comment:** Opened 6:45. No public comment.
8. **Concerns of ZBA Members, Zoning Administrator, and Recording Secretary:**
Zoning Officer Cepeda – She provided last month’s planning and zoning report in their packets. Code enforcement complaints are up. The planning and zoning department is restructuring the workload. The Development Manual draft and Single Family New Home Checklist draft for the Board of Trustees review this month.
Filip – She appreciates the board packets showing the actual set marks relative to the project as it is helpful in the decision making.
9. **Adjournment:**
Chairperson Smith declared the meeting adjourned at 6:49 p. m.

Respectfully submitted,

Peter Maier, Secretary

Janis Miller, Recording Secretary