



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

PETER MAIER
SECRETARY

KATHY BRADBURY
MARTY STRAUB

DON DARNELL, *ALT.*
AARON WORSHAM, *ALT.*

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Tuesday June 4, 2024

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

Also present: Ashley Cepeda, Zoning Administrator; Sarah Gabis, Attorney; 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:**
With no additions or corrections, the Chair deemed the agenda approved as presented.
- 4. Approval of Minutes:**
The ZBA minutes header needs to contain the name of the second alternate. Two typo errors corrected.
Motion by Maier to approve the minutes as amended. Motion seconded by Filip.
All ayes. Motion carried.
- 5. Public Comment – Non-Agenda Items:** Opened 6:05 PM. No public comments.
- 6. Action Item:**

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

Variance:

- Request for variance from Section 7.07(3); 25-foot local and private road setback.
[applicant requesting front yard setback of 13-feet]

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

No conflict of interest.

B. Staff Presentation and Questions from ZBA members:

This property is in a Lake Residential District and the future zoning map indicates it will continue as Lake Residential. This property consists of two tax IDs and currently there is a mobile home straddling both parcels. The mobile home will be demolished and a new residence built that encompasses more square footage. The

topography drops significantly at the rear of the property so the new structure will be built closer to the road, thereby reducing the front yard setback.

C. Petitioner Presentation and Questions from ZBA members:

Fred Dehn, property owner. He grew up here as his parents owned the property for about thirty years. The combination of the two parcels into one parcel is already in progress. The mobile home will be demolished but due to the topography of the land the new single-family home will need to be placed closer to the road. The proposed new deck on the lake side will occupy the space of the current deck.

D. Public Comment:

i. letters and/or emails – one email from a neighbor.

ii. comments from public in attendance – Donna Zak, 13881 Sauer Dr. She stated that she is in full support of the applicant, he is a wonderful neighbor, the home will enhance the neighborhood without moving closer to the lake.

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

Deliberations: No ZBA members have issues or questions that have not been discussed or shared already.

Standards of Review:

<p>(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard</p>	<p>7.07(3) Front 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> Bradbury Filip Straub Maier Smith</p>
<p>Notes: Smith: Clearly this lot is small and unusually shaped and it makes a lot of sense to treat this as a practical difficulty.</p>	<p><u>NO</u> None</p>

<p>(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard</p>	<p>7.07(3) Front 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> Bradbury Filip Straub Maier Smith</p>
<p>Notes: Filip: We need to take into consideration the (extreme) twenty-five foot drop off at the back end of the property.</p>	<p><u>NO</u> None</p>

<p>(3) Self-Created §29.06C)(3) Does the requested variance meet the following standard</p>	<p>7.07(3) Front yard setback</p>
<p><i>The practical difficulty is not self-created.</i></p>	<p><u>YES</u></p>
<p>Notes: Smith: Obviously this lot has been around for a long time and the applicant is not responsible for its topography.</p>	<p>Bradbury Filip Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>(4) Reasonable Amount Necessary §29.06(C)(4) Does the requested variance meet the following standard</p>	<p>7.07(3) Front yard setback</p>
<p><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></p>	<p><u>YES</u></p>
<p>Notes: Bradbury: Yes, trying to fit it into two bedrooms.</p>	<p>Bradbury Filip Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>(5) Public Health, Safety, and Welfare §29.06(C)(5) Does the requested variance meet the following standard</p>	<p>7.07(3) Front yard setback</p>
<p><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></p>	<p><u>YES</u></p>
<p>Notes: Filip: There is no evidence it would otherwise be a problem.</p>	<p>Bradbury Filip Straub Maier Smith</p> <p><u>NO</u> None</p>
<p>(6) Adverse Effect §29.06(C)(6) Does the requested variance meet the following standard</p>	<p>7.07(3) Front yard setback</p>
<p><i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i></p>	<p><u>YES</u></p>
<p>Notes: Smith: Yes, as we heard from one neighbor who thinks it would be a positive for the neighborhood.</p>	<p>Bradbury Filip Straub Maier Smith</p> <p><u>NO</u> None</p>

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

F. Motion by Zoning Board of Appeals:

Motion by Filip to approve the variance petition number (24-ZBA-002), for the property Located at 13879 Sauer Dr., tax IDs D-04-18-132-016 and D-04-18-132-015, for the requested variance from §7.07(3), a thirteen-foot setback, normally requiring a twenty-foot local and private road setback, recognizing any legal non-conformities. Motion seconded by Straub.

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

7. Public Comment: Opened 6:29 PM. No public comments.

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

Zoning Officer Cepeda – The draft Development Manual and draft Single-Family Checklist have been presented to the Board of Trustees. Zoning permits and code enforcements have increased significantly. There will be a ZBA meeting in July.

Bradbury – She will not be present at next month’s ZBA meeting.

Straub – Announced the June 17th, 7pm Community Engagement Event at the township hall regarding information on renewable energy state legislation and what the townships can do.

9. Adjournment

Chairperson Smith declared the meeting adjourned at 6:45PM.

Respectfully submitted,

 Peter Maier, Secretary

 Janis Miller, Recording Secretary