# VILLAGE OF DEXTER
# ZONING BOARD OF APPEALS MEETING
## ***** 7720 Ann Arbor Street *****
## Dexter Senior Center
## MONDAY, May 19, 7:00 pm

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL -** MEMBERS:

| | | |
|---|---|---|
| E. Bombery, Chair | J. Carson – VC Rep. | B. Stacey – Alternate |
| S. Hansen | D. Wilcox– PC Rep. | B. Gray – Alternate |
| J. Rush | | |

**C. APPROVAL OF MINUTES – February 18, 2014 Regular meeting minutes**

**D. APPROVAL OF THE AGENDA**

**E. SITE INSPECTION (Conduct on own)**

**F. PUBLIC HEARINGS**

**Order for Public Hearings**

a. Staff presentation.
b. Petitioner's presentation.
c. ZBA member reports on conversations and site inspections.
d. Public comment (State name and address).
e. Rebuttal by petitioner (At chairman's discretion).
f. Close the public comment portion of the public hearing

**1. Public Hearing for Variance Request (ZBA Case #2014-02)**
**Applicant: Jonathon Coffer**
**7690 Grand Street, HD-08-06-452-001**

This Public Hearing is being held to hear public comment regarding the following request submitted by Jonathon Coffer to waiver the following requirement:

Section 20.01 Schedule of Regulations for Principal Buildings-Residential; the minimum front yard setback for a principal structure in the R-1B One Family Residential District is 15 feet. The applicant proposes a reduced setback of 5.6 feet due to practical difficulties associated with the property.

PROPOSAL - The applicant proposes a reduced setback of 5.6 feet due to practical difficulties associated with the property..

**2. Public Hearing for Variance Request (ZBA Case #2014-03)**
**Applicant: Matt Fromboluti, on behalf of St. Joseph Mercy Health System**
**7061 Dexter-Ann Arbor Road, HD-08-08-200-021**

This Public Hearing is being held to hear public comment regarding the following request submitted by Matt Fromboluti, on behalf of St. Joseph Mercy Health System to waive the following requirement:

Section 7.04 Building Signs. Signs for multiple tenant shopping centers or multi-tenant buildings shall not exceed one (1) square foot of sign area per one (1) lineal foot of building frontage per tenant, with the maximum sign area not to exceed 42 square feet.

PROPOSAL - The applicant proposes a 112 square foot sign due to practical difficulties associated with the property; specifically the tenant space within the subject building is located more than 300 feet from Dexter Ann Arbor Road and a 42 square foot sign would not be sufficiently visible.

## G. BUSINESS SESSION

1) Discussion: Review of facts based on all information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony). Discussion continues until a member is confident enough to propose a motion that includes a "finding of fact" and/or "conclusions", and "rationale explaining why conclusions are reached" and "conditions" if any.
   * This would be the appropriate time for the Board to call witnesses, and ask questions of owners, consultants, staff, etc.
2) Motion is proposed on "finding of fact, rationale, conclusions and conditions."
3) Discussion on standards and requirements of the ordinance.
4) Action on the motion.

**1. CONSIDERATION OF: ZBA Case #2014-02**
**Variance Request for 7960 Grand Street**
**Applicant: Jonathon Coffer**

**2. CONSIDERATION OF: ZBA Case #2014-03**
**Variance Request for 7061 Dexter-Ann Arbor Road**
**Applicant: Matt Fromboluti, on behalf of St. Joseph Mercy Health System**

## H. ADJOURNMENT

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Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the Village Office at (734) 426-8303, at least forty-eight hours prior to the meeting. Village staff will be please to make the necessary arrangements.

**VILLAGE of DEXTER**
**ZONING BOARD OF APPEALS**
**February 18, 2014**

The meeting was called to order at 7:01 PM by Chair Bombery at the Dexter Senior Citizen Center, 7720 Ann Arbor Street.

Present: Bombery, Hansen, Carson, Wilcox
Absent: Rush

**Approval of Minutes**
-Moved Carson, support Bombery to approve the August 19, 2013, Regular Meeting minutes.
Voice Vote: Unanimous Motion Carried

**Approval of the Agenda**
-Moved Hansen, support Carson to approve the agenda as presented.
Voice Vote: Unanimous Motion Carried

**Site Inspections** – none

**Public Hearings**

1. **Variance Request-ZBA Case #2014-01 2110 Bishop Cr E/2103 Bishop Cr W, HD-08-07-125-543**
   This Public Hearing is being held to hear public comment regarding a request submitted by Dexter Fastener Technologies, for 2110 Bishop Cr E/2103 Bishop Cr W, HD-08-07-125-543
   The applicant is requesting a variance from the following section:

   Section 6.14D - All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table. Replacement trees shall be in addition to all other landscaping requirements.

| D.B.H. of Removed Tree | Number of Trees Required to be Planted |
|---|---|
| Landmark trees | 5 trees of at least 2.5" caliper |
| 23.9" or larger (non-native) | 4 trees of at least 2.5" caliper |
| 12"-23.9" | 3 trees of at least 2.5" caliper |
| 8"-11.9" | 2 trees of at least 2.5" caliper |

   Proposal – The applicant is proposing a reduced number of replacement trees than is required by the Zoning Ordinance.

   Chair Bombery opened the hearing at 7:03 pm

   Community Development Manager Michelle Aniol gave a presentation of the applicant's request and the review.

   The applicant's representative, Tom Arehart summarized Dexter Fastener Technologies variance request, proposal and presented a full size landscape plan to the ZBA.

   The hearing was opened to public comment:

Matt Pargof, 509 Coventry Cr, lives in the back corner of subdivision. Stated he opposed the variance request, questioned notification of rezoning, questioned the types of trees being proposed and requested additional trees be planted along the southeast boundary of the petitioner's property because it abuts his backyard. He also stated people in the neighborhood do not know about this and that this project has damaged property values.

Chris Pargof, 509 Coventry Cr, spoke in support of his son, Matt Pargof. Mr. Pargof stated he is a certified arborist, stated proposed evergreens would become deer food, and suggested planting be postponed until fall due to the probability of a wet spring due to the heavy snow we've experienced this year. Also stated the berm is too high-maintenance headache. Disagreed with price for replacement trees contractor gave petitioner of $120, average price usually $250. Agreed to work with petitioner as a volunteer consultant to upgrade landscape plan and should not begin until the fall of 2014.

Chris DeCorte 517 Coventry, asked for details about the expansion of Dexter Fastener Technologies.

Zach Wismer, 7833 Baker Heights Ct, wondered what was taken out behind property and what would replace the materials taken out.

Lori Twigg, 2090 Baker Road, had questions about berm along western property line and if there were trees being removed and planted in that location.

The hearing was closed to public comment at 8:08 pm

**Recess:** none

**Business Session**

1. **Variance Request-ZBA Case # 2014-01**

   The Public Hearing is being held to hear public comment regarding a request submitted by Dexter Fastener Technologies, for 2110 Bishop Cr E/2103 Bishop Cr W, HD-08-07-125-543

   Variances were requested from the following section:

Section 6.14D - All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table. Replacement trees shall be in addition to all other landscaping requirements.

| D.B.H. of Removed Tree | Number of Trees Required to be Planted |
|---|---|
| Landmark trees | 5 trees of at least 2.5" caliper |
| 23.9" or larger (non-native) | 4 trees of at least 2.5" caliper |
| 12"-23.9" | 3 trees of at least 2.5" caliper |
| 8"-11.9" | 2 trees of at least 2.5" caliper |

The Board and the applicant began discussing the variance request.

1. Discussion about the notification issue
2. General direction proposed in plan is good
3. The existing berm along the eastern boundary of the site.
4. The intent of the tree protection ordinance and that it wasn't meant to apply to the Industrial Park.
5. How the Village established the $120/tree amount.

6. Possible expansion of the company in the future
7. Factory was there prior to development
8. Landscape Ordinance to guarantee plantings

Move Carson, support Wilcox, based on the information provided by the applicant, Dexter Fastener Technologies for 2110 Bishop Circle E ad 2103 Bishop Circle W, HD-08-06-458-501, at the February 18, 2014 Zoning Board of Appeals meeting the Board determines that per Section 24.05 Standards for Variances and Appeals that the request to waive the following sections be approved:

Section 6.14D – All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table. Replacement trees shall be in addition to all other landscaping requirements.

| D.B.H. of Removed Tree | Number of Trees Required to be Planted |
|---|---|
| Landmark trees | 5 trees of at least 2.5" caliper |
| 23.9" or larger (non-native) | 4 trees of at least 2.5" caliper |
| 12" – 23.9" | 3 trees of at least 2.5" caliper |
| 8" – 11.9" | 2 trees of at least 2.5" caliper |

Based on the findings of facts and conclusions including that adherence to the standards of the Ordinance in this case would result in a practical difficulty; complying with the Ordinance would prove unreasonable; the probability that replacement trees provided to fulfill ordinance requirements at this time may have to be removed in the future for additional expansion; this is a unique circumstance related to the physical condition of the property, and is not a self-created hardship; and the proposed variance would not pose a hazard to public safety or welfare and will not constitute a public nuisance.

The determination was made based on the applicant's ability to meet Section 24.05 of the Village of Dexter Zoning Ordinance.

Ayes: Hansen, Bombery, Wilcox, Carson
Nays: None
Absent: Rush

Motion Carried 4-0

**Adjournment**

Meeting adjourned at 8:43 pm

Respectfully submitted,

Brenda Tuscano
Recording Secretary

Filing Approved_____

VILLAGE OF DEXTER - COMMUNITY DEVELOPMENT OFFICE
8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

## APPLICANT INFORMATION – ZBA CASE #2014-02

**APPLICANT:** Jonathan Coffer
**DATE:** May 19, 2014
**ADDRESS:** 7960 Grand Street
**PROPERTY#:** HD-08-06-425-001
**ZONING:** R1B – Single Family Small Lot

### VARIANCE REQUESTED

1. The applicant has requested a variance from Section 20.01, Schedule of Regulations for front yard setbacks in the R1B district. The applicant is proposing to construct a 27 foot x 26 foot attached garage and an 18 foot x 18 foot dining room on the north side of the home. The addition will encroach 9 ½ feet into the setback. The applicant is requesting that a 5 ½ foot front yard setback be permitted.

   The applicant has requested the variance for the following reasons:
   1. Practical Difficulties. Windows on the rear of the home would be covered by addition or have to be removed if garage was moved back.
   2. Substantial Justice. Permitting the variance would maximize the usable space in the rear yard.
   3. Extraordinary Circumstances. The applicant's house is very small and the proposed addition would make the house similar in size to the other homes in the neighborhood.

### BACKGROUND

The ZBA granted a 9 ½-foot variance from the 15-foot front yard setback requirement in Section 20.01 Schedule of Regulations, on March 17, 2008. A copy of the ZBA's 2008 decision accompanies this report.That approval was valid for a period of one year, unless a building permit was obtained within that year period and the construction of the addition the variance allowed was started and completed, in accordance with the terms of such permit (Section 24.09). Mr. Coffer did not obtain a building permit within the one year period, due to the downturn in the economy; as a result, the variance expired.

### VARIANCE CONSIDERATIONS

Section 24.05 A. outlines the criteria applicable to variance considerations. Variances shall be granted only in accordance with the Michigan Public Act 110 of 2006, as amended and based on the findings set forth below. The extent to which the following criteria apply to a specific case shall be determined by the ZBA; however, at least one (1) of the applicable criteria must be found by the ZBA for each variance request.

1. **Practical Difficulties:** *Compliance with the strict letter of the restriction governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonable prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

   A *practical difficulty* is measured by answers associated with the following questions:

- Would enforcement of the Ordinance unreasonably prevent the owner from using the property for a permitted use? Would conforming to the Ordinance be unnecessarily burdensome?

- Does the variance do substantial justice to the applicant and to other property owners in the district?

- Is the situation causing the need for the variance due to unique circumstances related to the property?

2. **Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

3. **Public Safety and Welfare:** *The requested variance can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.*

4. **Extraordinary Circumstances:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

5. **No Safety Hazard or Nuisance:** *The granting of a variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.*

6. **Relationship to Adjacent Land Uses:** *The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.*

**CONCLUSION**

The variance request to allow a 5 ½ foot front yard setback has been reviewed with respect to the criteria noted in the previous section and generally accepted best planning and zoning practices. Therefore, the following rationale for the approval or denial of the variance request and the corresponding findings of fact are offered for your consideration:

- *The applicant's lot measures 10,200 square feet. The lot size is relatively large compared to the minimum lot size of 7,800 square feet that is required in the R1B district. However, the lot, which is located on the east corner of the intersection of Grand and Hudson Streets, is constrained by two front yard setbacks, which limits the applicant's buildable area. The buildable area has been outlined on the applicant's application.*

  *Currently, the applicant's home measures 722 square feet without a garage. The applicant desires to construct an addition of a garage with bonus room and dining on to the existing principle structure. The proposed garage would measure 27' x 26' (702 sq. ft.). Standard garage dimensions, for a 2-car garage measure 24' x 24' (576 sq. ft.). In his application, Mr. Coffer stated that alternatives were considered, but reducing the size of the proposed addition would "inconveniently crowd" the usability of the garage. The applicant also stated that relocating the garage was considered, but even this alternative would require a*

*variance for the separation between structures (not the side yard as stated in the application).*

*Regardless of the size of the garage the applicant would have necessity to seek relief from the requirements of the Zoning Ordinance.*

- *The size of the proposed garage/dining room is not unreasonable and was proposed to accommodate 2 cars and minimal storage. Most new homes built in Dexter today include a 2-car attached garage with some storage capacity. Granting the variance would do substantial justice to the property owner by providing an up to date home with modern amenities, such as an attached garage.*

  *The applicant has proposed to build the garage within the front yard setback to maintain the usable space in the backyard as much as possible and to avoid having to remove existing structures on site or crowding the neighbor adjacent to the east. The applicant also stated that the proposed garage location will avoid having to remove or cover 2 windows on the rear of the existing home.*

- *There are not necessarily any extraordinary circumstances with this property. As with many of the properties in the older part of Dexter the right-of-ways are extraordinarily large, 99 feet. The applicant's home, however, is particularly small and the applicant wishes to improve the house for his growing family and add modern amenities to a home built in the early 1900's.*

The Board should consider requesting the applicant provide additional information on the following:

1. Height of the home and the proposed addition.
2. Whether or not the massing of the proposed addition fit in with the neighborhood and the existing home.
3. Siding material to be used on the proposed addition and how the addition will blend with the existing home.

As documented in the sections above, I believe the criteria to grant the variance request has been met. It is recommended that the Board evaluate the applicant's proposal and determine whether or not the applicant has met the criteria required for the granting of a variance for the front yard setback.

**SUGGESTED MOTIONS**

Based on the information provided by the applicant at the May 19, 2014 Zoning Board of Appeals meeting the board determines that the request to waive the requirements of Section 20.01, Schedule of Regulations for the front yard setback, submitted by Jonathan Coffer for 7690 Grand Street, HD-08-06-425-001 to permit the applicant to construct an attached structure that encroaches 9 ½ feet into the front yard setback be **(GRANTED / NOT GRANTED)**, for the property located at 7690 Grand Street because the proposed variance **(MEETS/FAILS TO MEET)** the conditions required for the granting of a variance.

The determination was made with consideration of following per Section 24.05 of the Village of Dexter Zoning Ordinance (list criteria):

1. _____
2. _____

3. _____

**OR**

The board moves to postpone the variance request until **(_____(date)_____)** to allow the applicant to address the following items: (list items)

1. _____
2. _____

Please contact me prior to the meeting if you have questions.

Respectfully submitted,

_____
Michelle Aniol
Community Development Manager

CC: Donna Dettling, Village Manager
Applicant

VILLAGE OF DEXTER
8140 Main Street · Dexter, Michigan 48130-1092 · (734) 426-8303 · Fax (734) 426-5614

## APPLICATION FOR ZONING BOARD OF APPEALS HEARING

Application is being made for: ☐ Appeal ☒ Variance

Property Address: 7690 Grand ST

Tax ID Number:

Property Owner Name: Jonathan Coffer Phone: 734-730-8360

Property Owner Address: 7690 Grand

Applicant Name: Jonathan Coffer Phone: 734-730-8360

~~Applicant Address:~~ Email JDcoffer@hotmail.com

Type of Improvement Proposed: Home Addition & Garage

Reason Waiver is Requested (explain practical difficulty or hardship): ~~[illegible]~~ Difficulty in Addition Location due to Triangular Shape of property with large ~~[illegible]~~ 100' right-of-ways for Both Streets along property boundries

**Application Procedure:** Please check if the following information is being provided, and attach the required documents to this application.

| Yes | No | |
|---|---|---|
| ☒ | ☐ | A complete, signed application form, with application fee. |
| ☒ | ☐ | A site plan, drawn to scale and fully dimensional, showing the entire lot; the location of all existing structures including buildings and signs; the proposed improvements; lot area calculations to show compliance with building coverage allowances for the zoning district; and land contours (if applicable). |
| ☒ | ☐ | In the case of buildings, sketches or elevations. For additions, both the old and new structures must be included to show how the addition relates to the existing structure. |
| ☐ | ☐ | In case of appeals, a clear description of the order, requirement, decision, or determination for which the appeal is made and grounds for appeal (Please attach to this application). |

**General Information**

At the public hearing, the applicant must present the Board with proof that there is a practical difficulty in carrying out the strict letter of the ordinance. By ordinance, the following four standards apply in determining whether practical difficulty is sufficient to warrant granting of the variance.

1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such restrictions unnecessarily burdensome;

2. Granting the variance would do substantial justice to the applicant as well as other property owners in the district; or granting some portion of the variance would give substantial relief to the owner and be more consistent with justice to other property owners;

3. The plight of the land owner is due to unique circumstances of the property; and

4. The problem is not self-created.

The application and a site plan must be filed at least 4 weeks prior to the public hearing. Please call the Village Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

4-21-14 4-21-14

Owner's Signature Date Applicant's Signature Date

**Staff Review:** Fee: ☒ Residential $250 ☐ Non-Residential $350

Date Received: 4/21/14 Receipt # 31853

Regulations (Ordinance Sections) to be waived:

Code Requirement:

Proposal:

Zoning Board of Appeals Action: ☐ Approved ☐ Denied Date:

Planning Commission Action: ☐ Approved ☐ Denied Date:

Village Council Action: ☐ Approved ☐ Denied Date:

APPROVAL STAMP:

**Variance Request**
To the Board of Zoning
Village of Dexter
8140 Main Street
Dexter, Michigan 48130

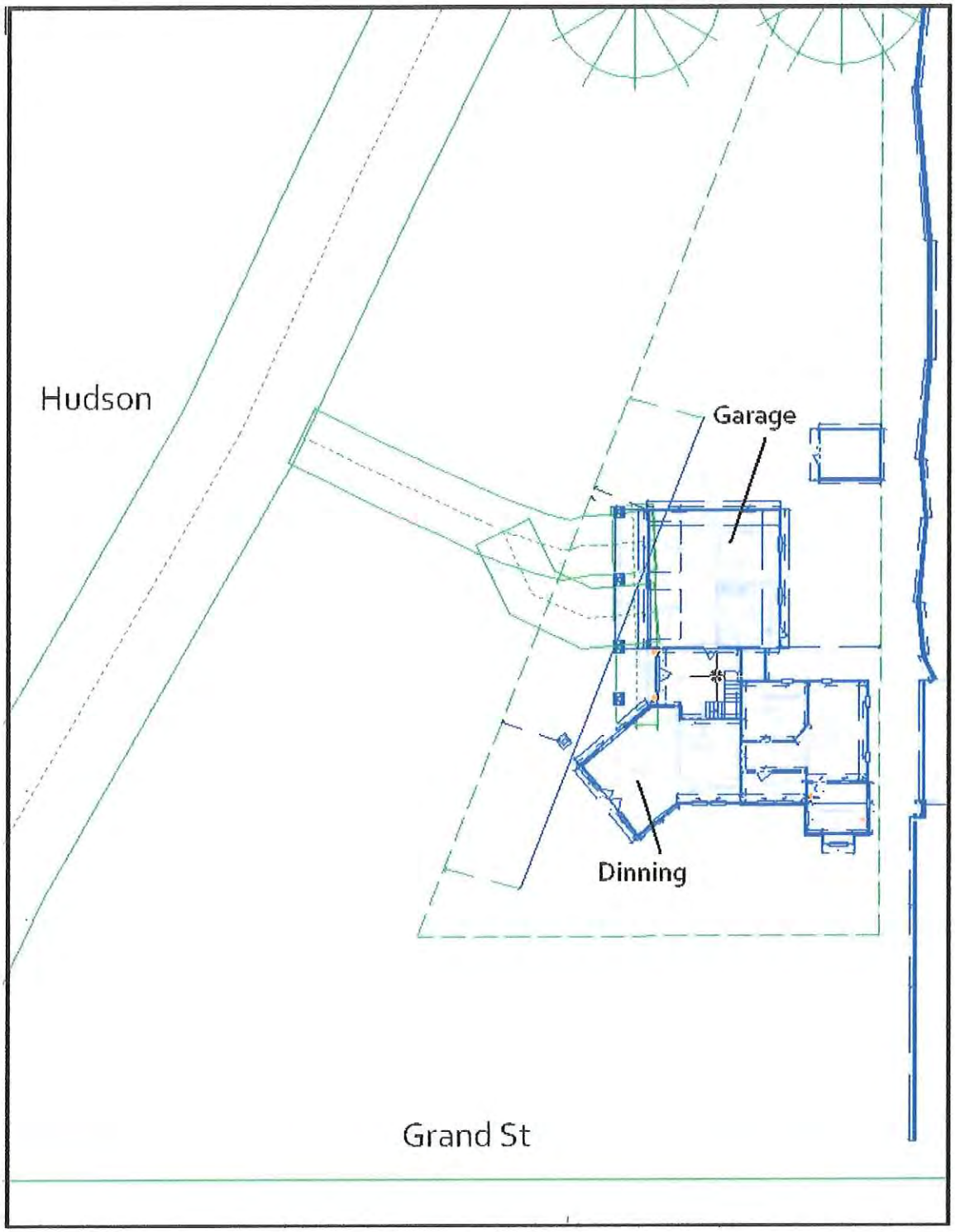
Jonathan and Marta Coffer
7690 Grand Street
Dexter, MI. 48130

Dear Zoning Board,

We the owners of the house on 7690 Grand Street in the village of Dexter would like to request a variance for a proposed home addition. Our current home is 900 sq ft with no garage. We would like to add a two-car garage with bonus room on the second floor with bathroom. There would be a main entryway with stairs attaching the new structure to the rest of the home. The addition would also include a new Dining room and the addition of 2 more 2nd floor bedrooms and one bathroom.

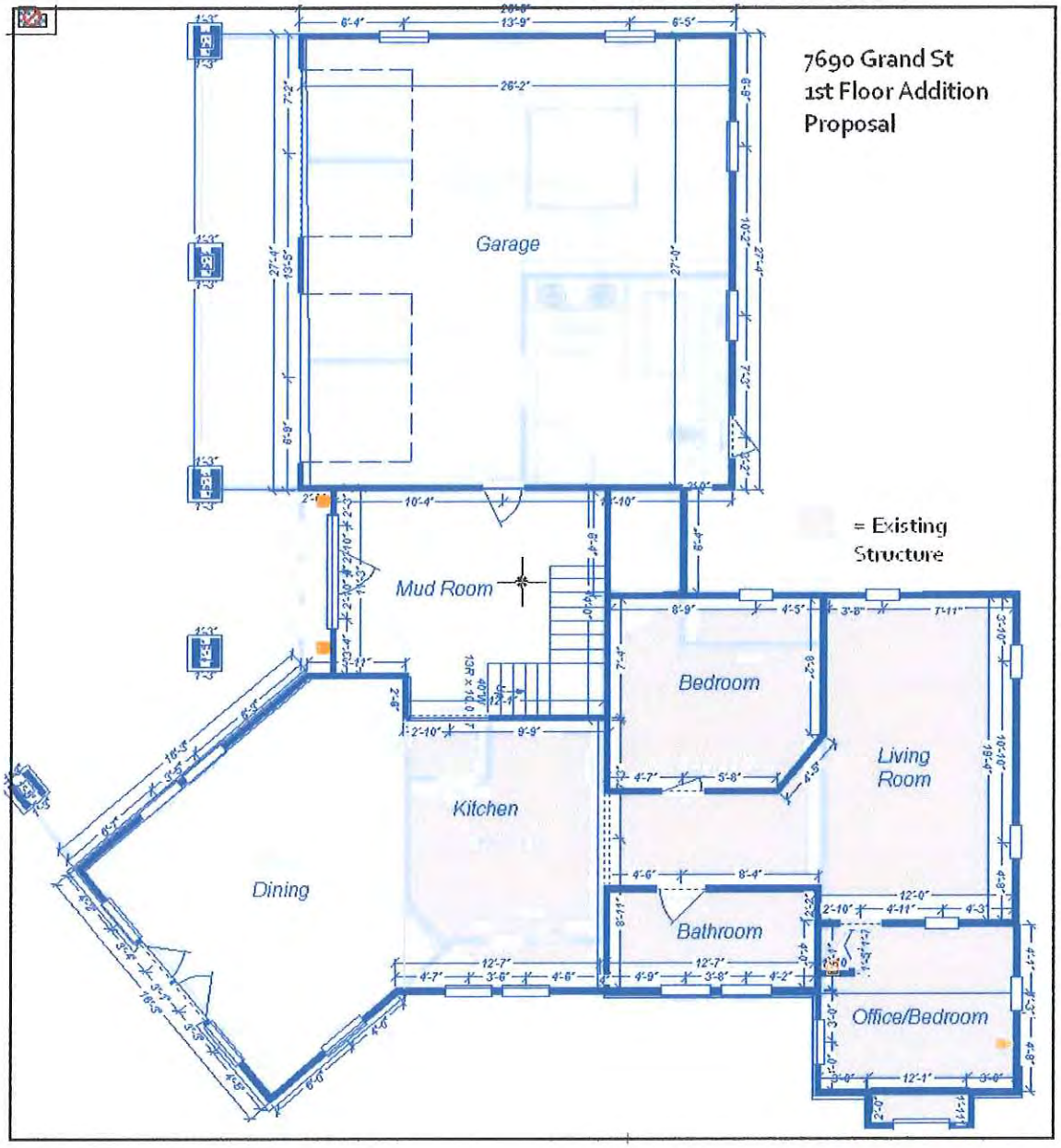
Our property is on the east corner of Hudson and Grand street. This is a corner lot of 10,200 sq feet. Both streets have 99' right of ways. The following drawings show the existing home as well as the planned addition. Below is a photo of the current structure.

**Proposed Home Addition:**

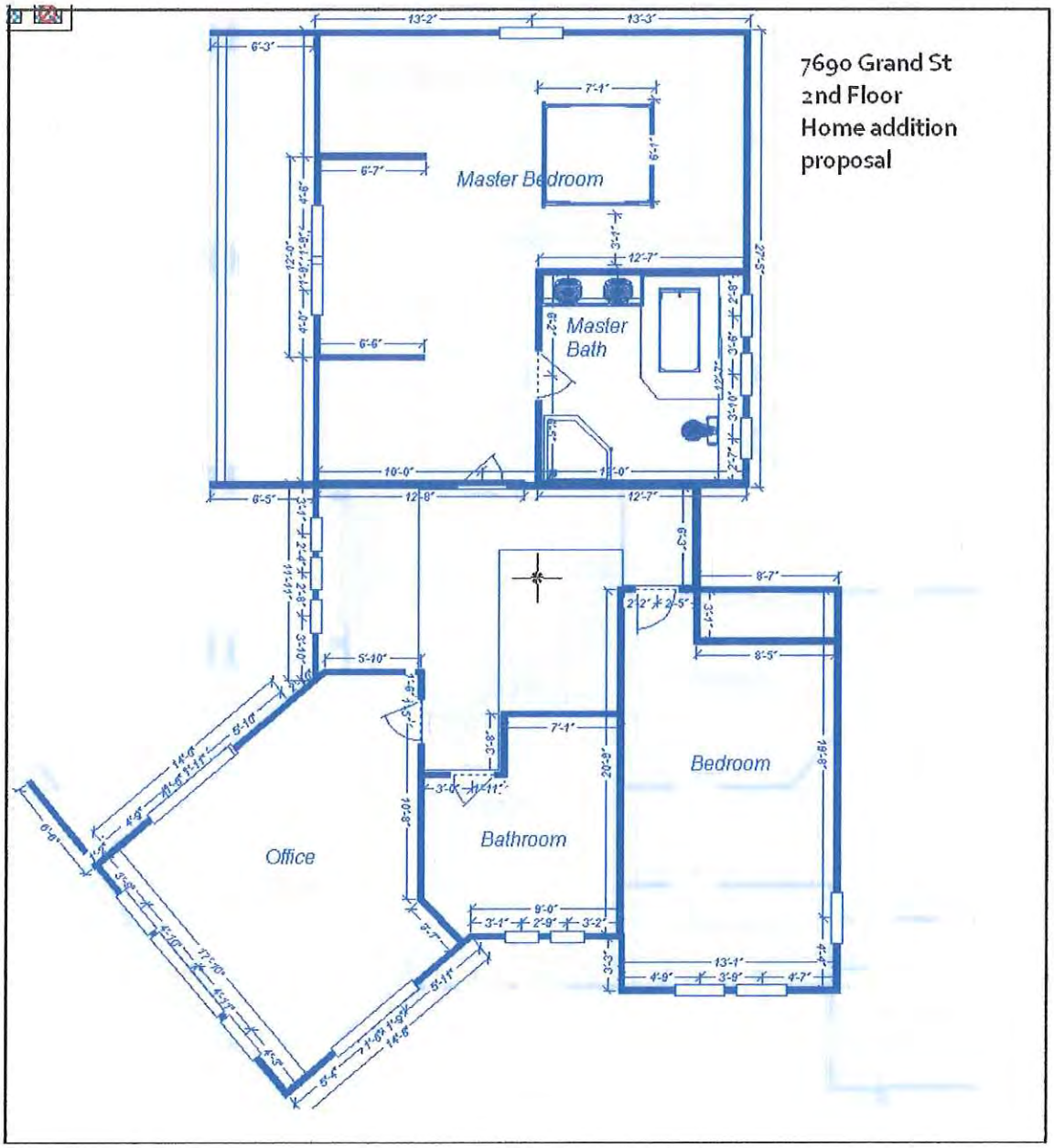



*The garage has a footprint of 27ft x 26ft and the dining room would be about 18ft 18ft.*

## Blueprint of Addition:
## 1st Floor



## Blueprint of Addition:
## 2nd Floor



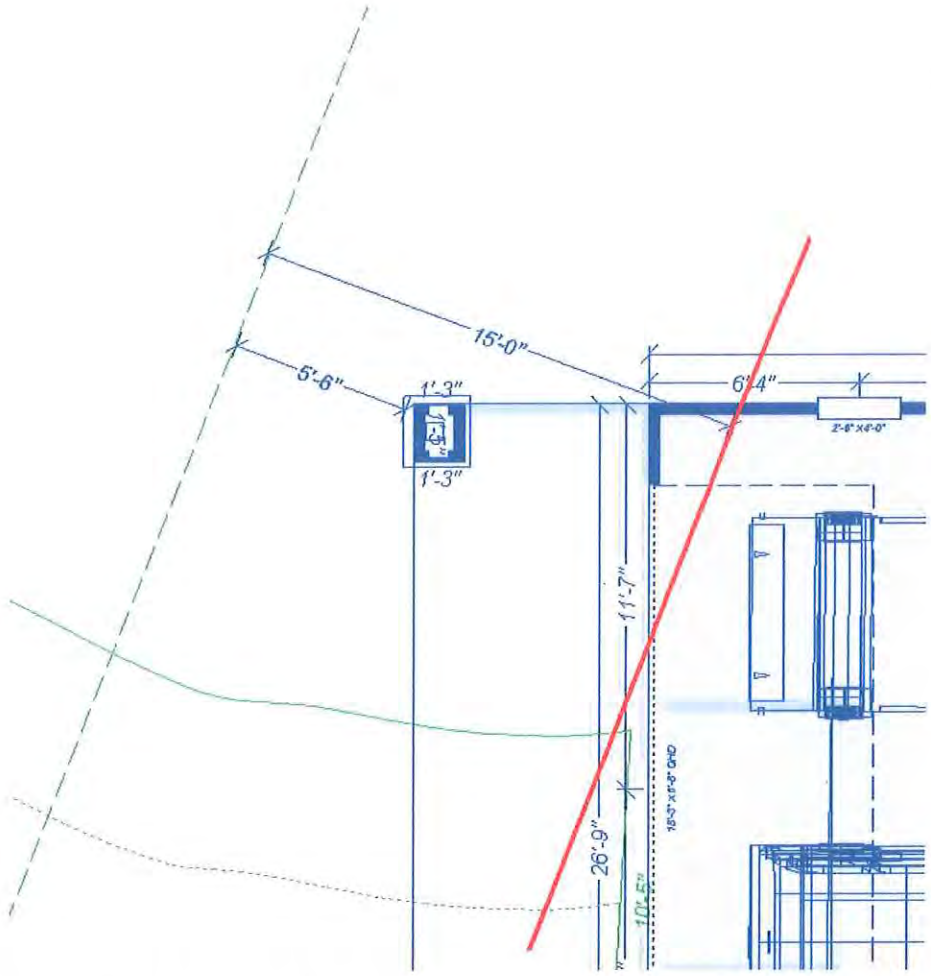
**Rendered Drawing of Addition Concept:**

*Concept only. Overall floor plan and footprint to remain. Heights and general roof layout and style to remain. Final window placement and roof details may be adjusted to improve design before final plan submittal.*

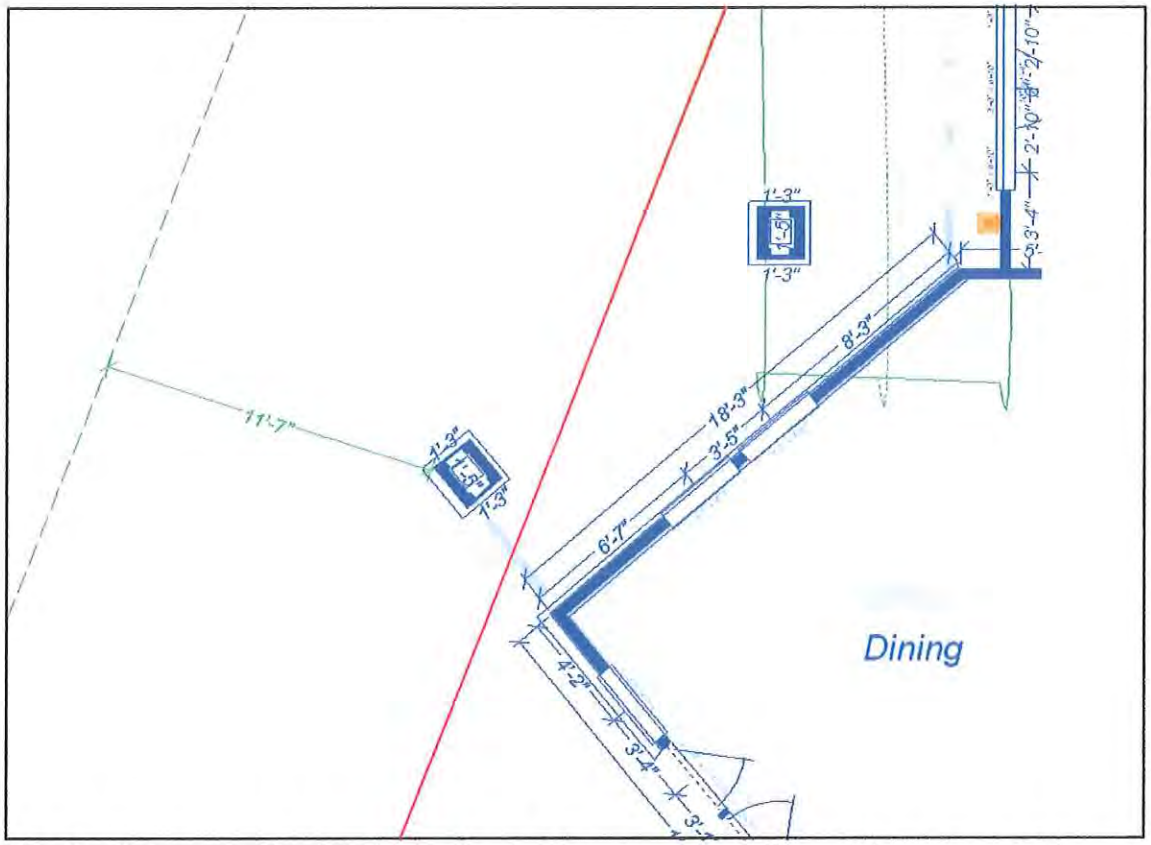
Garage and Entryway

View from Grand

*It is the North corner of the garage and South corner of the dining room that infringes on the setback. The house is a R-1B and for the front yard has a minimum setback requirement of 15 feet. See diagram below.*




*For the Garage the dotted green line is the property line. The red line represents the setback line. The corner post of the proposed garage comes to within 5 ½ feet of the property line. The corner of the garage itself is close to 12 feet within the property line.*




*For the dining room the dotted green line is the property line. The red line represents the setback line. The corner post of the proposed dining comes to within 11' 7" feet of the property line. The corner of dining room itself would be outside of the setback boundry.*

After some deliberation, including other proportions and locations of the garage and dining room, it was determined that the current planned location of the structure's rooms and spaces would be best in these locations. Moving the Garage any further to the South-East would only encroach upon the neighbors lot line.

Due to the large size of the right-of-ways on two sides of the property, the garage would not appear to crowd the property line. In fact there would still be over 60 feet of space between the corner of the garage post and the street. See photos below.

*This view is standing at the northeast end of the property on Hudson Street looking southwest. Note that the cars are parked in the location of where the garage would be.*

*This view is standing at the southwest corner of Hudson and Grand looking northeast.*

The size of the garage could be reduced, but it would then be inconveniently crowded. The garage itself could be moved southwest, closer to the house, but this interferes with the need for a mudroom, a closet, and stairs accessing the rooms on the second floor. The overhang itself could be eliminated from the design – but this would still not completely eliminate the setback interference. Also, with a design for the second floor to have 4-foot high knee walls with a cathedral ceiling, the removal of the overhang would drastically reduce design appeal and function. (Originally a complete second floor was considered over the garage, but this was deemed to stand too tall over the existing structure and would thus be aesthetically unappealing.)

Perhaps the most feasible alternative would be to move the garage 10 feet back towards the neighbor's property (southeast). This would resolve the setback conflict property line bordering Hudson Street. However, in doing so, we would encroach upon the setback for that property line. There would be at most 10 feet of space between the back of the garage and the neighbor's yard, in which their garage is already close to the property line. This plan would also cover up two windows in our house. As the current design stands, there is a space of 20 feet between the garage and the neighboring property line. This space allows for a semi-private area large enough to be useful to us. We also believe it would be more considerate of our neighbor's space. See picture below.

*The back of the garage wall would be in line with the peak of the roof shown here. Moving the garage away from Hudson Street would close off the area shown in the left half of the photo.*

There are no known public safety issues that the variance would affect. We have attempted to fit the look of the neighborhood and leave as much space as possible between our addition and the neighbor's yard.

The proposed addition would add 620 sqft to the footprint of the home and 715 sqft for the garage. Total lot coverage would thus be 2355 sqft. (This includes the 120 sq ft for the existing shed). This would be only 23% coverage of the total allowable lot coverage of 30%. Also note: Total additional living space added for the 2nd floor would be 1450 sqft brining the total living area to 2970 sqft.

When we purchased this home in October of 2005, we saw a lot of potential in the house and yard. Our plan is to enlarge the home without making it look too large for the lot or having it crowd particular boundary lines. In building this addition our hope is to increase our living space and improve the look of our area. We feel our design and implementation will do this. A bedroom was added to the Grand St side of the home several years ago and a picture of it can be seen at the beginning of this document. The style and look of this addition captures our vision for the rest of the home and property.

Thank you for taking the time to review this request for a variance. We hope that we have effectively communicated our design selection and our thought process behind this request.

Sincerely,

Jonathan and Marta Coffer

**Questions from the Zoning Board**
**Addressed by Jonathan Coffer**
**3-17-08** From original ZBA

1. **What is the need for a large awning?**
   A. Aesthetics – With a 4 foot high wall on the second floor the removal of the awning would leave the building looking boxy and out of proportion. (See attached drawing.)
   B. The overhang at most will be 7.5 feet. Depending on the angles and final elevations of the roof line this overhang may end up being shorter.
   C. I have seen this style work well on other homes and seems to fit the style of the homes in the neighborhood.

2. **What type of siding will be used?**
   Siding will be one of the two:
   A. Cement board is our preferred choice. With it you can get a 7-8 inch reveal per slat, plus it lasts longer then vinyl and requires less maintenance then wood. This would be painted to match the rest of the house with future plans to replace the siding on the rest of the house with the same material.
   B. Our second choice would be a higher quality color matching vinyl with the intentions of replacing the siding on the rest of the house in the future.

3. **What is the height of the current and proposed structures?**
   A. Existing structure is 16'
   B. Proposed addition would be 25'

4. **How will this addition blend in with the existing structure and fit in with the rest of the homes in the neighborhood?**
   We are still working out the details of how to blend the addition with the original home. (See attached drawings for latest design ideas) The Northwest and Southwest faces are the most difficult areas of the addition to try and blend due to the roof lines and dual front yards. ~~Another challenge is that we wanted to build this addition with the possibility of enlarging the west end footprint of the house in later years. This would include a second floor on top of the west half of the existing house. However, if we decide not to pursue another addition we would want the current addition to be aesthetically sound on its own.~~

   Our goal is not only to provide square footage and value to our home, but to also maintain the look of the larger yard and improve the appearance of the neighborhood.

NOT Currently Applicable. Full home ~~the~~ Addition Planned in single phase
JC

# VILLAGE OF DEXTER - ZONING BOARD OF APPEALS

8140 Main Street, Dexter, Michigan 48130-1092 Phone (734)426-8303 ext. 15 Fax (734)426-5614

## NOTICE OF DECISION

**TO:** Village Council
Planning Commission

**CC:** Jonathan Coffer, 7690 Grand Street, Dexter, MI 48130
Donna Dettling, Village Manager

**FROM:** Allison Bishop, Community Development Manager
**DATE:** Wednesday, March 18, 2008
**RE:** ZBA Decision (Case #2008-02)
Tax ID's HD-08-06-425-001

In compliance with the Zoning Board of Appeals Rules of Procedure and Policy, Article III, notice of the following ZBA decisions is given to Village Council and Planning Commission:

**Variance Request (ZBA Case #2008-02)**

On March 17, 2008, the ZBA reviewed a variance request, submitted by Jonathan Coffer for 7690 Grand Street, to waive the following sections of the Village of Dexter Zoning Ordinance to permit the construction of an attached structure on the front of the applicant's home.

A. Section 20.01, Schedule of Regulations for Front Yard Setbacks in the R1B One Family Residential Small Lot District. Section 20.01 requires a front yard setback of 15 feet. The applicant proposed to construct an attached structure that encroaches 9 ½ feet into the required 15 foot front yard setback.

The staff review was presented. The Board and the applicant discussed the details of the review and the request, including but not limited to the following: corner lot challenge, triangular shaped lot that narrows reducing building envelope, 722 square foot home, increases homes presence on the large corner, more substantial structure on corner, investment into home and community, gentle intrusion into large 99' ROW and public space, awning adds to appearance of addition, excessive space between edge of pavement and actual structure and setback.

**ZBA Decision**

On March 17, 2008, the Village of Dexter Board of Zoning Appeals moved the following:

-Moved Hansen, support Rush based on the information provided by the applicant at the March 17, 2008 Zoning Board of Appeals meeting, the board determines that the request to waive the Section 20.01 Schedule of Regulations for front yard setbacks, submitted by Jonathan Coffer for 7690 Grand Street, HD-08-06-425-001 to permit the applicant to construct an attached structure that encroaches 9 ½ feet into the front yard setback be **granted** for the property located at 7690 Grand Street because the proposed request **meets** the conditions required for the granting of a variance.

The determination was made with consideration of the following per Section 24.05 of the Village of Dexter Zoning Ordinance:

1. Practical Difficulties - Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
2. Substantial Justice - Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
3. Extraordinary Circumstances - There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties of other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

Please feel free to contact me with any questions regarding the variance request or decision.

Thank you.

Respectfully submitted,

_____

Allison Bishop, AICP
Community Development Manager

VILLAGE OF DEXTER - COMMUNITY DEVELOPMENT OFFICE
8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

## APPLICANT INFORMATION – ZBA CASE #2014-03

**APPLICANT:** Matt Fromboluti, on behalf of St. Joseph Mercy Health System
**DATE:** May 19, 2014
**ADDRESS:** 7061 Dexter-Ann Arbor Road
**PROPERTY#:** HD-08-08-200-021
**ZONING:** PUD/Dexter-Ann Arbor Road Corridor Overlay/C-1 General Business base

### VARIANCE REQUESTED

1. The applicant has requested a variance from Section 7.04, Building Signs to allow a sign design that includes 112 square feet of signage on new tenant frontage facing Dexter-Ann Arbor Road.

   *Section 7.04 Building Signs. Within all non-residential zoning districts, a combination of building signs may be established not to exceed the maximum sign area per "Table B" for each zoning lot (for a single business). Signs for multiple tenant shopping centers or multi-tenant building shall not exceed one (1) square foot of sign area per one (1) lineal foot of building frontage per tenant, with a maximum area of 42 square feet.*

   The applicant contends the property is too far from the main thoroughfare (Dexter-Ann Arbor Road) for a 42 square foot sign to be adequately viable.

### SUMMARY

The applicant desires to install a building sign for a new tenant that plans to occupy the end cap in the Dexter Crossing Shopping Plaza. The applicant contends the front building wall of the end cap is more than 300 feet from Dexter-Ann Arbor Road, and as a result a 42- square foot sign would not be sufficiently visible for the clientele the clinic will serve.

According to the applicant, the tenant space "is a health clinic, not a commercial property." Furthermore the applicant maintains that patients "will be coming for the first time and may not be familiar with the location. The signage must be sufficiently descriptive, which requires additional area."

The applicant requests "the additional area not to attract customers, but to ensure that those who are looking for the clinic are able to find it without difficulty."

The applicant is not requesting relief from the maximum 42-square foot requirement for signage on the portion of the end cap facing Dan Hoey Road.

### VARIANCE CONSIDERATIONS

Section 24.05 A. outlines the criteria applicable to variance considerations. Variances shall be granted only in accordance with the Michigan Public Act 110 of 2006, as amended and based on the findings set forth below. The extent to which the following criteria apply to a specific case shall

be determined by the ZBA; however, at least one (1) of the applicable criteria must be found by the ZBA for each variance request.

1. **Practical Difficulties:** *Compliance with the strict letter of the restriction governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

   A *practical difficulty* is measured by answers associated with the following questions:

   - Would enforcement of the Ordinance unreasonably prevent the owner from using the property for a permitted use? Would conforming to the Ordinance be unnecessarily burdensome?
   - Does the variance do substantial justice to the applicant and to other property owners in the district?
   - Is the situation causing the need for the variance due to unique circumstances related to the property?

2. **Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

3. **Public Safety and Welfare:** *The requested variance can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.*

4. **Extraordinary Circumstances:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

5. **No Safety Hazard or Nuisance:** *The granting of a variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.*

6. **Relationship to Adjacent Land Uses:** *The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.*

**CONCLUSION**

The variance request to allow a sign design that includes 112 square feet signage on new tenant frontage facing Dexter-Ann Arbor Road and exceeds the 48 square foot area maximum has been reviewed with respect to the criteria noted in the previous section and generally accepted best practices. Therefore, the following rationale for the approval or denial of the variance request and the corresponding findings of fact are offered for your consideration:

- *It is a generally accepted best practice to have standards for on-premise signage that are objective in nature, based on existing scientific research. Standards based on scientific principles eliminate subjective or individual preferences, which can vary greatly. Such standards ensure on-premise signage, especially in a commercially zoned district, has adequate visibility and legibility for motorists, in the interest of public/traffic safety.*

  *In this case, the primary goal regarding building signage is to have sufficient area and height to provide a motorist with adequate time and travel distance to detect a sign, read*

*and understand the content(s), and then execute an appropriate driving maneuver. Factors that could impede this process (making a sign too small, obstructed view, etc.) would be at odds with traffic safety principles, and should be avoided.*

- *Examples from communities throughout the southeast Michigan region could shed some light on this issue. However, it is important to keep in mind that when making comparisons with other communities, the ZBA recognizes that the subject site in this case has suburban characteristics compared to the more urban nature of the Village's historic downtown district. Simply said, the subject site is oriented to the vehicular traffic traveling Dexter-Ann Arbor Road, and the building is setback a significant distance from the road to accommodate parking located in front of the building. Therefore, research of alternatives was conducted to reflect the suburban nature of the subject site, for example:*

  - *In Saline's C-3 Zoning District[1], the maximum area allowed for a building sign is 1 square foot per one (1) foot of building frontage, not to exceed 100 square feet. When the Saline standard is applied in this case, the total sign area would be 84 square feet.*

  - *In Northville Township, the community established sign standards based on roads and corridors, rather than zoning districts. These standards also allow for increased signage based on the closest point of any portion of a building, or tenant space, to the road right-of-way, as follows:*

| ***Distance From the Future ROW (feet)*** | ***Allowable increase*** |
|---|---|
| *250-300* | *25%* |
| *301-400* | *30%* |
| *401-500* | *35%* |
| *> 501 feet* | *40%* |

    *The Haggerty Road corridor, between 7 and 8 Mile Roads, is used for comparison[2]. The standard for this corridor is ½ square foot of signage per linear foot of building frontage. When this standard is applied to the subject site, the total area of the sign would be 84 square feet. When the increase standard, based on the distance to the future road right-of-way, is applied, the total area of the sign would be 105 square feet.*

  - *In Ypsilanti Township's B-3 Zoning District[3], the sign face area of all building-mounted signs shall not exceed ten percent of the front face of the building space occupied by the used associated with the sign, up to a maximum of 240 square feet. When the Ypsilanti Township standard is applied in this case, the total sign area allowed would be 141 square feet.*

*Based on the research and examples cited above, the ZBA could increase the maximum area of the building sign. It's my professional opinion that the Northville Township example would provide the best guidance in this case.*

---

[1] The C-3 Zoning District is comparable to the Village C-1 District.

[2] The Haggerty Road Corridor, between 7 and 8 Mile Roads is comparable to Dexter-Ann Arbor Road in terms of development.

[3] The B-4 Zoning District is comparable to the Village C-1 District.

*Therefore, conditions related to the allowance of increased sign area are due to the following findings:*

1. *Practical difficulty due to the distance of the front face of the building (i.e. tenant space) to the road, and*

2. *Public safety and welfare would be secured by ensuring adequate visibility and legibility for motorists.*

**SUGGESTED MOTIONS**

Based on the information provided by the applicant at the May 19, 2014 Zoning Board of Appeals meeting, the board determines that the request to waive the requirements of Section 7.04 Building Signs, submitted by Matthew Fromboluti, on behalf of new tenant, St. Joseph Mercy Health Center, for 7061 Dexter-Ann Arbor Road, HD-08-08-200-021 to permit the applicant to install a building sign with a maximum area of 105 square feet be **(GRANTED / NOT GRANTED)**, for the tenant space at the property located at 7061 Dexter-Ann Arbor Road because the proposed variance **(MEETS/FAILS TO MEET)** the conditions required for the granting of a variance.

The determination was made with consideration of following per Section 24.05 of the Village of Dexter Zoning Ordinance (list criteria):

1. _____
2. _____
3. _____

**OR**

The board moves to postpone the variance request until **(____ (date) _____)** to allow the applicant to address the following items: (list items)

1. _____
2. _____

Please contact me prior to the meeting if you have questions.

Respectfully submitted,

_____
Michelle Aniol
Community Development Manager

CC: Donna Dettling, Village Manager
Applicant

VILLAGE OF DEXTER
8140 Main Street · Dexter, Michigan 48130-1092 · (734) 426-8303 · Fax (734) 426-5614

# APPLICATION FOR ZONING BOARD OF APPEALS HEARING

Application is being made for: ☐ Appeal ☑ Variance

Property Address: 7061 7093 Dexter Ann Arbor Rd., Dexter MI 48130

Tax ID Number:

Property Owner Name: Dexter Crossing Associates Phone: (734)-995-9200

Property Owner Address: 210 S. Fifth St., Ann Arbor, MI 48104

Applicant Name: Matthew Fromboluti Phone: (734)-929-9013

Applicant Address: 302B S. State St., Ann Arbor MI 48104

Type of Improvement Proposed: Sign in excess of 42 square foot limit

Reason Waiver is Requested (explain practical difficulty or hardship):
The property is too far from the main thoroughfare for the 42 sf sign to be adequately visible.

Please see attached statement.

**Application Procedure:** Please check if the following information is being provided, and attach the required documents to this application.

| Yes | No | |
|---|---|---|
| ☑ | ☐ | A complete, signed application form, with application fee. |
| ☑ | ☐ | A site plan, drawn to scale and fully dimensional, showing the entire lot; the location of all existing structures including buildings and signs; the proposed improvements; lot area calculations to show compliance with building coverage allowances for the zoning district; and land contours (if applicable). |
| ☑ | ☐ | In the case of buildings, sketches or elevations. For additions, both the old and new structures must be included to show how the addition relates to the existing structure. |
| ☑ | ☐ | In case of appeals, a clear description of the order, requirement, decision, or determination for which the appeal is made and grounds for appeal (Please attach to this application). |

RECEIVED
APR 28 2014
VILLAGE OF DEXTER

**General Information**

At the public hearing, the applicant must present the Board with proof that there is a practical difficulty in carrying out the strict letter of the ordinance. By ordinance, the following four standards apply in determining whether practical difficulty is sufficient to warrant granting of the variance.

1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such restrictions unnecessarily burdensome;

2. Granting the variance would do substantial justice to the applicant as well as other property owners in the district; or granting some portion of the variance would give substantial relief to the owner and be more consistent with justice to other property owners;

3. The plight of the land owner is due to unique circumstances of the property; and

4. The problem is not self-created.

The application and a site plan must be filed at least 4 weeks prior to the public hearing. Please call the Village Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

[signature] [signature] 4/28/2014

Owner's Signature Date 4/28/14 Applicant's Signature Date

Agent for the owners

**Staff Review:** Fee: ☐ Residential $250 ☒ Non-Residential $350

Date Received: 4/30/14 Receipt # 31938

Regulations (Ordinance Sections) to be waived: Section 7.03 Building Signs.

Code Requirement: maximum 42sf.

Proposal: 112sf ~~due~~ to increase visibility as building front is setback over 300' from Road

| | | | |
|---|---|---|---|
| Zoning Board of Appeals Action: | ☐ Approved | ☐ Denied | Date: |
| Planning Commission Action: | ☐ Approved | ☐ Denied | Date: |
| Village Council Action: | ☐ Approved | ☐ Denied | Date: |

APPROVAL STAMP:

O|X STUDIO INC.
302 S. State St., Second Floor | Ann Arbor, MI 48104 | o: 734.929.9000 | f: 734.929.9001
www.oxstudioinc.com
imagine | integrate | innovate

April 28, 2014

Village of Dexter
8140 Main St.
Dexter, MI 48130

RE: Application for Zoning Board of Appeals Hearing

Dear Dexter Board of Appeals,

We are applying for a variance regarding the maximum allowable size of signage for the Dexter Community Clinic, a tenant occupying the ~9,200sf end cap at the Dexter Crossing Shopping Center.

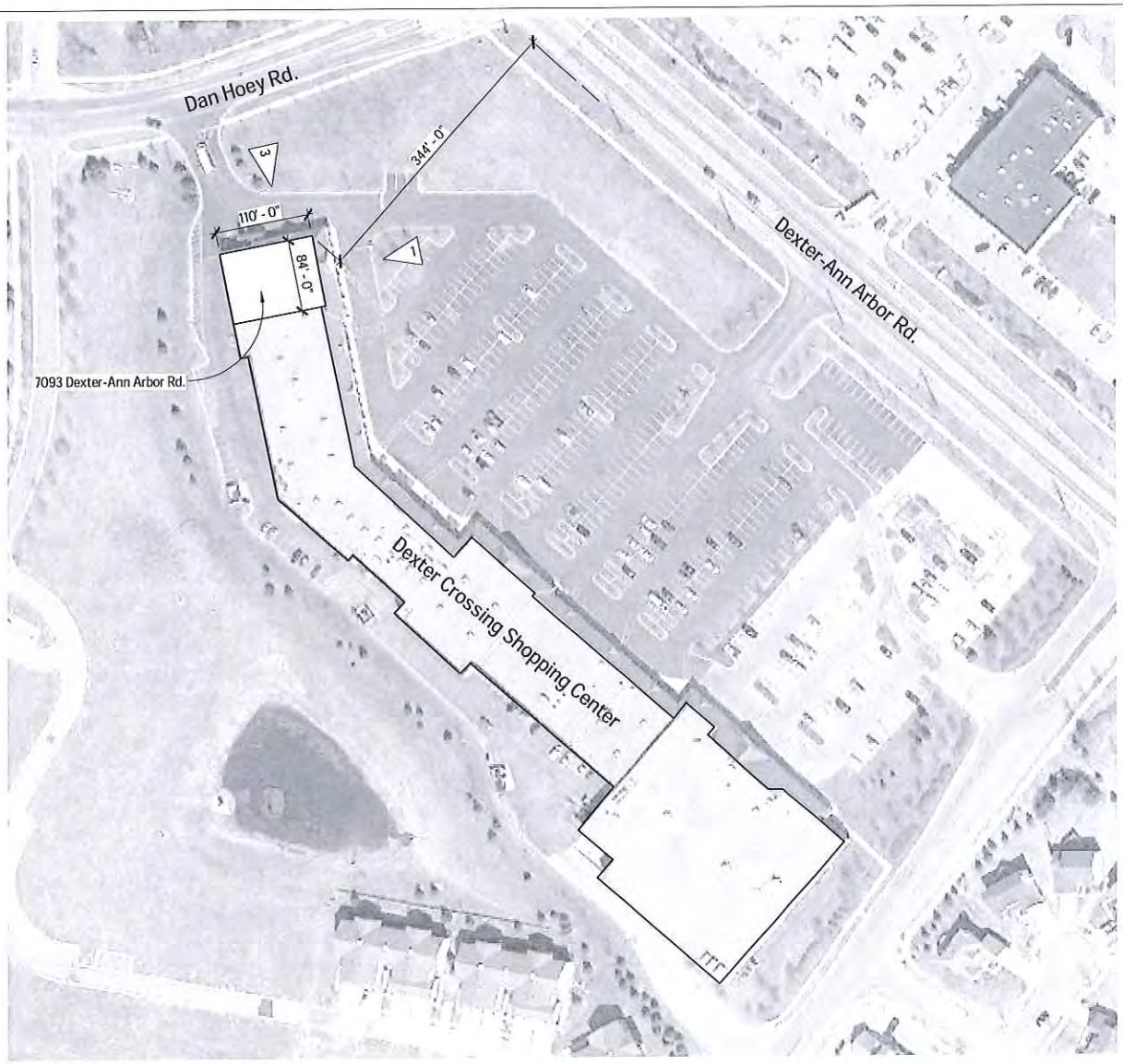
Per sign regulations (Zoning Ordinance, 7.03), the Dexter Community Clinic is allowed a maximum 42 sf of signage per frontage. We are asking approval of a signage design that includes 112 sf of signage on the frontage facing Dexter Ann Arbor Road. Please note that the signage on Dan Hoey road is within the 42 sf limits.

The reason for this is that for this building the 42 sf is inadequate for the necessary visiblity. The building façade is over 300' from Dexter Ann Arbor road, and a sign only 42 sf in area would not be sufficiently visible for the clientele served. This building is a health clinic, not a commercial property, and many people will be coming for the first time and may not be familiar with the location. The signage must be sufficiently descriptive, which requires additional area. We request the additional area not to attract customers, but to ensure that those who are looking for the Clinic are able to find it without difficulty.

Thank you for your time and consideration,

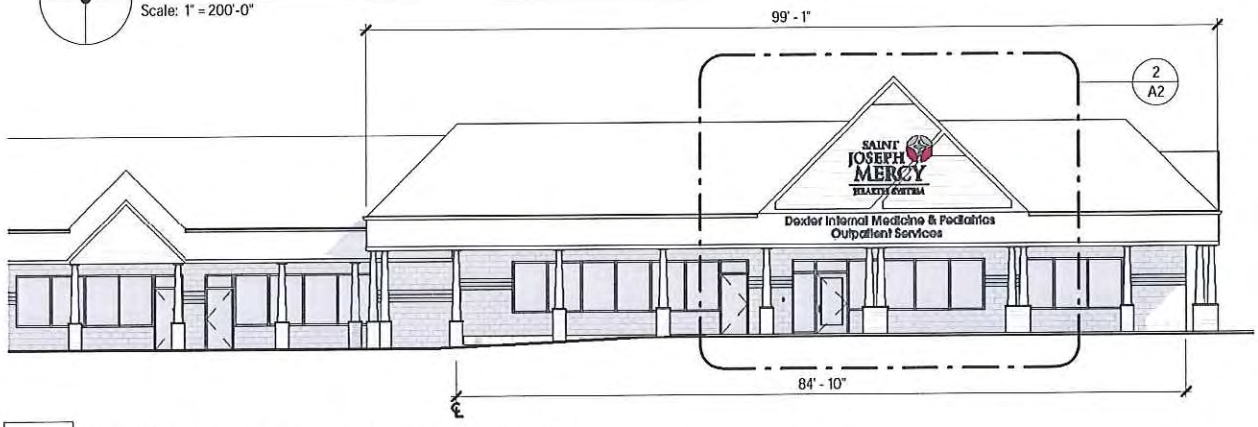
Sincerely,

Matthew O. Fromboluti




## Site Plan

Scale: 1" = 200'-0"

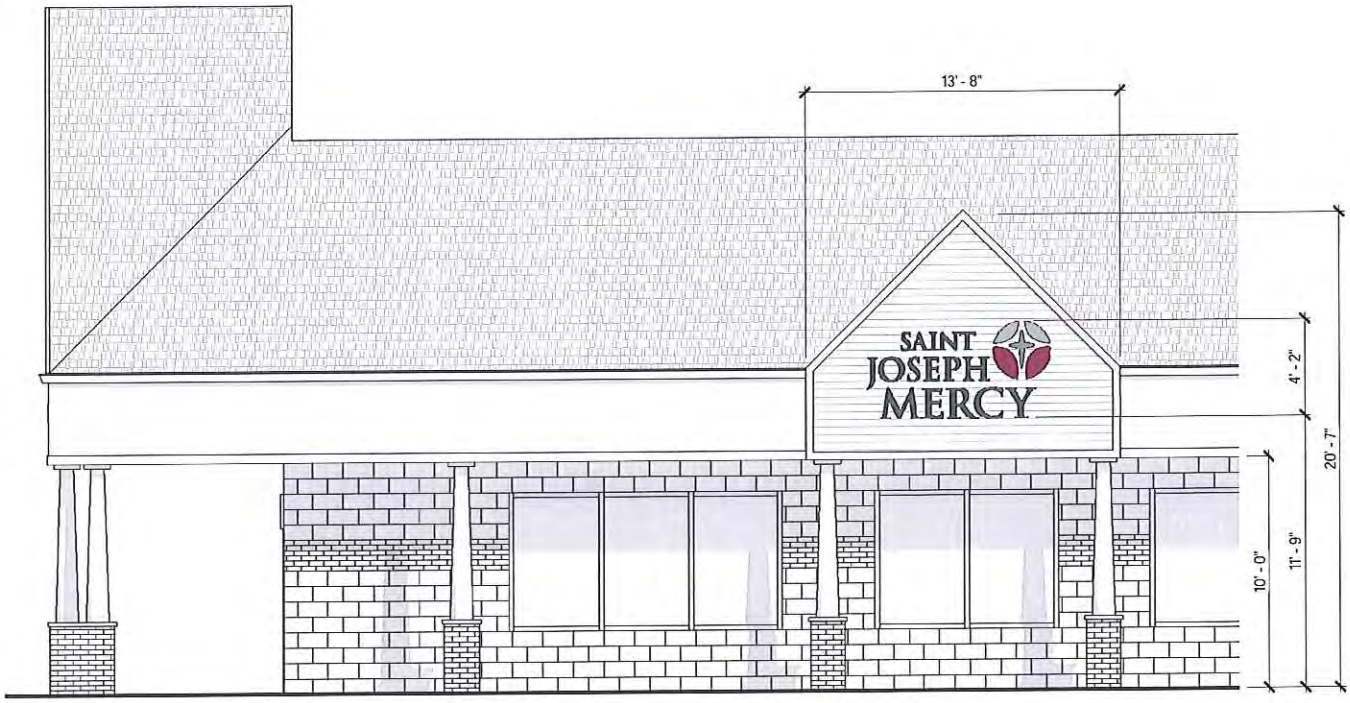



| 1 | Building Elevation - Dexter-Ann Arbor Rd. |
|---|---|
| A1 | Scale: 3/64" = 1'-0" |

O|X STUDIO INC.
architecture | construction | objects
P: (734) 929-6000 | F: (734) 929-9001 | www.oxstudioinc.com

| | | | | |
|---|---|---|---|---|
| Sheet Title: Signage Plans and Elevations | Job Name: Chelsea Community Clinic | | Latest Revision Date: 04/28/2014 | Original Issue Date: 04/28/2014 |
| | Owner (Client): Dexter Internal Medicine | | Released For: Signage Submittal | |
| Scale factors on this sheet are accurate only if Print Scale dimension is correct: | Job Address: Dexter Ann Arbor Rd. Dexter, MI 48130 | o\|x Job #: DCH13 | Drawing Number: A1 | Reference Number: |

—Print Scale: 1 inch—




| 3 | Signage Elevation - Dan Hoey Rd. |
|---|---|
| A2 | Scale: 1/8" = 1'-0" |

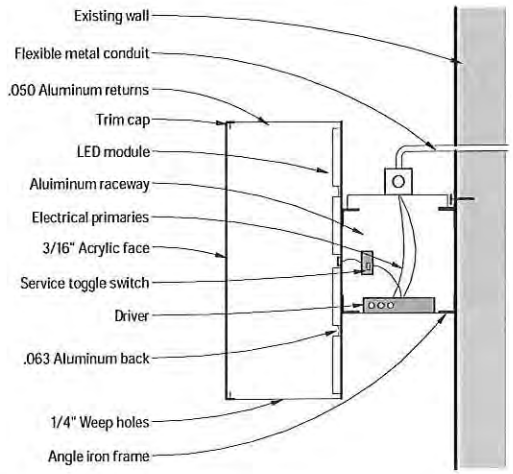
| 2 | Signage Elevation - Dexter-Ann Arbor Rd. |
|---|---|
| A2 | Scale: 1/8" = 1'-0" |

| | | | | | |
|---|---|---|---|---|---|
| O\|X STUDIO INC. architecture \| construction \| objects P: (734) 929-9000 \| F: (734) 929-9001 \| www.oxstudioinc.com | Sheet Title: Signage Elevations | Job Name: Chelsea Community Clinic | | Latest Revision Date: 04/28/2014 | Original Issue Date: 04/28/2014 |
| | | Owner (Client): Dexter Internal Medicine | | Released For: Signage Submittal | |
| | Scale factors on this sheet are accurate only if Print Scale dimension is correct: | Print Scale: 1 inch | Job Address: Dexter Ann Arbor Rd. Dexter, MI 48130 | o\|x Job #: DCH13 | Drawing Number: A2 | Reference Number: |

Dexter-Ann Arbor Rd. Frontage

Signage Area: 112 sf

| 1 | Sign Layout - Dexter-Ann Arbor Rd. |
|---|---|
| A3 | Scale: 1/4" = 1'-0" |




| 3 | Sign Detail |
|---|---|
| A3 | Scale: 1 1/2" = 1'-0" |

Dan Hoey Rd. Frontage

Signage Area:33 sf

| 2 | Sign Layout - Dan Hoey |
|---|---|
| A3 | Scale: 1/4" = 1'-0" |

## Signage Description:

LED Illuminated Channel Letters:

- Aluminum returns and backs
- White plexiglass faces with day/night vinyl
- White trim cap
- White LED internal illumination
- All letters raceway mounted

Pantone 506C Burgundy

Pantone Warm Grey 8

Pantone Cool Grey 11 - Day/night vinyl

| | | | | | |
|---|---|---|---|---|---|
| o\|x STUDIO INC. architecture \| construction \| objects P: (734) 929-9000 \| F: (734) 929-9001 \| www.oxstudioinc.com | Sheet Title: Signage Layout and Description | Job Name: Chelsea Community Clinic | | Latest Revision Date: 04/28/2014 | Original Issue Date: 04/28/2014 |
| | | Owner (Client): Dexter Internal Medicine | | Released For: Signage Submittal | |
| | Scale factors on this sheet are accurate only if Print Scale dimension is correct: | Print Scale: 1 inch | Job Address: Dexter Ann Arbor Rd. Dexter, MI 48130 | o\|x Job #: DCH13 | Drawing Number: A3 | Reference Number: |

## Michelle Aniol

**From:** Courtney Nicholls <cnicholls@dextermi.gov>
**Sent:** Thursday, May 01, 2014 5:51 PM
**To:** 'Michelle Aniol'
**Subject:** FW: Zoning Appeal- St. Joe Signage

FYI for the ZBA...

Courtney Nicholls
Village of Dexter
Assistant Village Manager

-----Original Message-----
From: Hermann [mailto:r.hermann@sbcglobal.net]
Sent: Thursday, May 01, 2014 5:46 PM
To: cnicholls@dextermi.gov
Subject: Zoning Appeal- St. Joe Signage

Submitted on Thursday, May 1, 2014 - 17:45 Submitted by anonymous user: [68.40.191.137] Submitted values are:

First Name: Randy
Last Name: Hermann
Email: r.hermann@sbcglobal.net
Subject : Zoning Appeal- St. Joe Signage
Comments:
Hello,
I would like to voice my concern about the requested variance for a larger sign. While the current limit of 42 sq. ft. may (or may not) be too small, I think 112 sq. ft. would be too large and begin to change the character of Dexter, making it look like the ugliness along Ford Rd in the Detroit suburbs. People coming to the location will be more "connected" to the internet for directions. Also, the business is not one that is driven by advertising as much as referral, so an advertising sign is less critical to success.

Thank You,
Randy Hermann
8372 Parkridge Dr.
Dexter

The results of this submission may be viewed at:
http://www.dextermi.gov/node/51/submission/168