

**VILLAGE OF DEXTER
ZONING BOARD OF APPEALS MEETING**

***** 7720 Ann Arbor Street *****

**Dexter Senior Center
MONDAY, April 15, 2013, 7:00 pm**

AGENDA

A. CALL TO ORDER

- B. ROLL CALL - MEMBERS:**
- | | |
|-----------------------|---------------------|
| S. Hansen | J. Rush |
| E. Bombery, Chair | D. Wilcox – PC Rep. |
| J. Carson – VC Rep. | Vacant - Alternate |
| B. Stacey - Alternate | |

C. APPROVAL OF MINUTES – February 20, 2013 Regular meeting minutes

D. APPROVAL OF THE AGENDA

E. SITE INSPECTION (Conduct on own)

F. PUBLIC HEARINGS

- 1. Public Hearing for Variance Request (ZBA Case #2013-03)
Applicant: BST Investments
2740 Baker Road, HD-08-06-455-002**

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

Section 15(D).02(A)1 of the Baker Road Corridor Standards - Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.

PROPOSAL - The applicant is proposing the construction of a new building in the Baker Road Corridor that has the main building entrance facing the parking lot or rear of the building.

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

G. BUSINESS SESSION

- 1. CONSIDERATION OF: ZBA Case #2013-03
Variance Request for 2740 Baker Road
Applicant: BST Investments**

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.

H. ADJOURNMENT

Chair Bombery opened the hearing at 7:08 pm

Consultant Laura Kreps provided a presentation on the request and the review.

The applicant, Fred Schmid, provided comments on the request, including but not limited to: visibility problems at the site; parking location on side of the building not typical and confusing to customers; traffic speeds reduce visibility of signage and possibly cause drivers to miss location; desire to improve signage tastefully; awnings help with inclement weather at entrance; awnings help to identify entrance to pharmacy; request being made to benefit entire building; helps identify "Pharmacy" building; traffic is a public safety concern; signage on the side of the building important because new proposed building will obscure pharmacy; drive entrance sort of like a corner lot; unique building – building doesn't look like a typical pharmacy; it is currently hard to tell if the pharmacy is open based on customer feedback.

Jim Johnson, Johnson Sign Company provided comments on the request, including but not limited to: misread ordinance when installed directional signs, apologized; reviewed the intent of the sign ordinance, commented on the applicant's ability to meet the intent of the sign ordinance, such as proposing signs that ensure the effective communication of the business and location; currently customers are struggling to locate business; no nuisance will be created by the use of the signs proposed or will the new signs hurt adjacent property values; needs more signage due to the 12 tenants that will occupy the site when development is complete; currently the ordinance does not have allowances for corner lots, this building is essentially on a corner lot; entrance is similar to a road; request is still under 84 square feet which would essentially be corner lot maximum; criteria for meeting variances has been met, the current signage is burdensome to customers who cannot find the entrance; unique circumstances, buildings closeness to the road limits visibility of signage; Public Safety, there is no harm in granting the variance and it could improve traffic; open sign meets illumination standards for ground signs.

Marni Schmid, Pharmacy Manager was also present.
There was no other public wishing to comment.

The Board discussion included, but was not limited to: first development of this kind with multiple buildings and multiple tenants; Village sign ordinance is flawed and not equipped to handle large scale development; scale of permitted signage not appropriate for a building of this size and location; multiple, diverse uses; approaching north of Baker Road is where signage needs to be; awning signs add architectural element; future requests for additional signage would require additional variance requests; awning and perpendicular signs are effective and used through the region; projecting signs are intended to serve pedestrian traffic; Baker Road Corridor goal is to be more pedestrian oriented; this is the only perpendicular sign in the Village with "open"; currently no content regulations for text or illumination standards for perpendicular signs; cannot regulate content or illumination; routed aluminum "open" sign will only appear illuminated at night, similar to Dexter Plaza signage.

The public hearing was closed at 7:50 pm.

2. Variance Request-ZBA Case #2013-02 8059 Main Street and 2810 Baker Road

This Public Hearing is being held to hear public comment regarding a request submitted by the Dexter Wellness Center. The applicant is requesting the following variances:

8059 Main Street –

A. Section 7.07(5)D – Temporary banner signs are permitted to be installed for a period of 10 days in a 30 days period.

PROPOSAL – The applicant is proposing to install temporary signage for a period of 4 months.

2810 Baker Road –

B. Section 7.07(5)D – Temporary banner signs are permitted to be installed for a period of 10 days in a 30 days period.

PROPOSAL - The applicant is proposing to install temporary signage for a period of 4 months.

C. Section 2.02 – Banner must be attached to a pole or a building.

PROPOSAL – The applicant is proposing to install a banner on temporary stakes along the roadway frontage.

D. Section 7.07(5)C – Temporary signs must be installed at a five (5)-foot setback.

PROPOSAL – The applicant is requesting installation of a temporary sign at a zero (0)-foot setback.

Chair Bombery opened the public hearing at 7:50 pm.

Consultant, Laura Kreps, provided a presentation on the request and review.

The applicant's representative, Peg Bravo, said a few words regarding the request and the unique temporary nature of the sales office, the need to identify the location and signage needs.

There was no public wishing to comment.

The Board discussion included, but was not limited to: the proposed location of the sign at Baker Road may be affected by the proposed new building, although chances it will not be a problem; must consider an end date; request very reasonable and within all other requirements aside from length of time; setback could be a problem, applicant agreed to remove request for zero (0) setback.

The public hearing was closed at 8:02 pm.

Recess: none

Business Session

1. Variance Request-ZBA Case # 2013-01; 2820 Baker Road

Moved Carson, supported Hansen:

Based on the information provided by the applicant, Fred Schmid for the Dexter Pharmacy at 2820 Baker Road, HD-08-06-458-501, at the February 20, 2013 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 GRANTED:

- A. Section 7.04(1)A, Building Signs in the C-1 General Business District to permit the applicant to exceed the allowable 42 square foot maximum building signage requirement to install 71.4 square feet of building signage.
- B. Section 7.04(1)C, Projecting Signs, to permit the applicant to install a projecting sign in the C-1 General Business District.
- C. Section 7.02(4)A, Incidental/Directional Signs, to permit the applicant to have a directional sign that includes the business logo.

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

- 1. #1 – Practical Difficulties – Building placement and sign location

2. # 2 – Substantial Justice – Visibility
3. # 6 – Multiple Buildings and Tenants

MOTION CARRIED 4-0

2. Variance Request-ZBA Case # 2013-02; 8059 Main Street and 2810 Baker Road

Moved Hansen, supported Bombery:

Based on the information provided by the applicant, Dexter Wellness Center for the Dexter Wellness Center at 8059 Main Street, HD-08-06-210-031 and 2810 Baker Road, HD-08-06-455-001, at the February 20, 2013 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 GRANTED:

- A. Section 7.07(5)D, Temporary Signage, to permit the applicant to install temporary banner signage for a period of 4 months at 8059 Main Street and 2810 Baker Road.
- B. Section 2.02, Banner Sign, to permit the applicant to install a banner sign with temporary stakes along the roadway frontage at 2810 Baker Road.

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

1. # 2 – Substantial Justice
2. # 4 – Extraordinary Circumstances

MOTION CARRIED 4-0

Adjournment

-Moved Carson, support Bombery to adjourn the meeting at 8:25 pm

MOTION CARRIED 4-0

Respectfully submitted,

Allison Bishop, AICP
Community Development Manager
Village of Dexter

Filing Approved _____

**NOTICE OF PUBLIC HEARING
VILLAGE OF DEXTER
ZONING BOARD OF APPEALS**

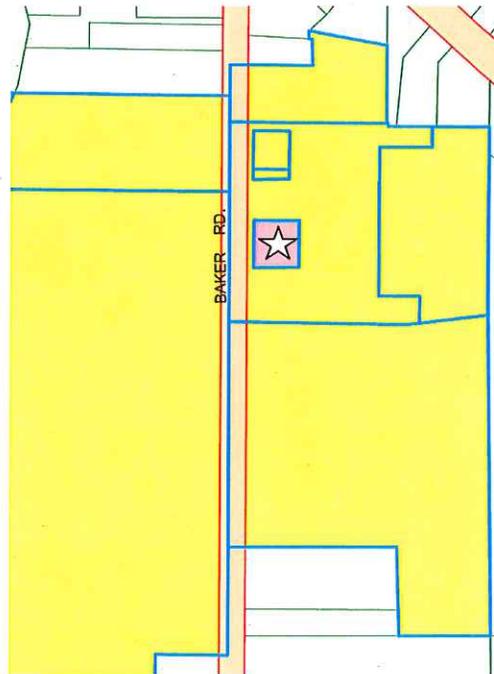
Pursuant to Michigan Public Act 110 of 2006, as amended, notice is hereby given that the Dexter Village Zoning Board of Appeals will hold a public hearing at 7:00 p.m. Monday, April 15, 2013 at the Dexter Senior Center, 7720 Ann Arbor Street, Dexter, Michigan, for the purpose of hearing public comment regarding the following Zoning Ordinance waiver request.

The applicant, BST Investments, 2740 Baker Road, HD-08-06-455-002, is requesting a waiver from the following section of the Village of Dexter Zoning Ordinance:

Article 15D, Baker Road Corridor, Section 15(D).02(A)1, Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.

The applicant is proposing the construction of a new building in the Baker Road Corridor that has the main building entrance facing the parking lot or rear of the building.

Information regarding the application is available for public inspection at the Village Offices, 8123 Main Street, Dexter, weekdays between 9:00 a.m. to 5:00 p.m. or by phone at (734) 426-8303 Ext. 15. Written comments regarding this application should be submitted to the Village Zoning Office, and must be received no later than 5:00 p.m., Tuesday, April 9, 2013. Sign language interpreter, or other assistance, is provided upon request to the Clerk, at least 72 hours in advance of the meeting. Minutes of all meetings are available on the Village's website, www.dextermi.gov or at the Village Offices.





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: 2740 Baker Road, Dexter, MI 48130

Tax ID Number: HD-08-06-455-002

Property Owner Name: BST Investments, LLC Phone: 734-426-9980

Property Owner Address: 7444 Dexter-Ann Arbor Road, Dexter, MI 48130

Applicant Name: Steve Brouwer Phone: 734-426-9980

Applicant Address: 7444 Dexter-Ann Arbor Road, Dexter, MI 48130

Type of Improvement Proposed: New Building

Reason Waiver is Requested (explain practical difficulty or hardship): See attached.

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

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A complete, signed application form, with application fee.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	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.

<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>
Date <u>3/21/13</u>	Date <u>3/21/13</u>
Owner's Signature	Applicant's Signature

Staff Review: Fee: Residential \$250 Non-Residential \$350

Date Received: 3/25/13 Receipt #: 19810

Regulations (Ordinance Sections) to be waived: 15(D).02(A)1

Code Requirement: Building shall front towards and have @ least one ped. entrance facing onto the public street

Proposal: Main entrance to be @ parking lot on rear side of building; sidewalk from front to provide ped. access.

Zoning Board of Appeals Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>4/15/13</u>
Planning Commission Action: <u>Site Plan</u> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>5/6/13</u>
Village Council Action: <u>Site Plan</u> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: _____

APPROVAL STAMP:

BST Investments, LLC is requesting a variance from Section 15(D).02 A.1 which requires one pedestrian entrance to face the public street. Following is the justification for our request.

The Dexter Town Center property is unique in that it is a campus-type layout accommodating three mixed use buildings with a single drive approach and shared parking area. By ordinance parking is not permitted directly in front of the proposed building at Baker Road. Also, as requested in Article XV (D) of the Baker Road Corridor Overlay District, the property provides a shared parking lot. This by default places the parking at the *back* of the proposed third building. As the building is for medical use, the main entrance *must* be located adjacent to the parking lot to accommodate patients. Thus, the main entrance for the building is located in the back of the building.

Also in consideration of the building's medical use, having only one entrance is appropriate for reasons of security and privacy. The lobby and patient check-in / check-out desk is located at the entrance adjacent to the parking lot. Pedestrian access is provided along the north side of the building, allowing pedestrians to safely access the other buildings in the Dexter Town Center.

Yet another practical difficulty pertains to the grade change of approximately 5 feet between the proposed finished floor and the west elevation. To make such an entrance accessible and ADA compliant a large stair and potentially a long handicap ramp would be required. Considering the use of the third building it is not expected that patrons will be walking there. Providing the ADA compliant entry adjacent to the parking lot is appropriate for the medical facility.

The site has been maximized as a mixed use development property and has significantly improved the aesthetics and economic performance of the Baker Road corridor.

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.

Compliance with Section 15(D).02 Architectural Standards A-1 will not allow use of the first floor as proposed. The medical use facility must provide an entrance adjacent to the parking area to accommodate patients. Having a second entrance facing the street is not conducive to the privacy or security of the tenant's business.

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.

Unlike the other buildings on the site, parking is located at the rear of the building. Substantial justice would be granted to the proposed and future tenants if parking and entry are conveniently located adjacent to each other.

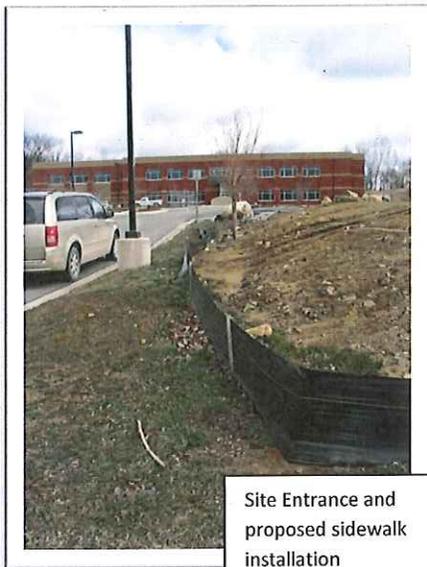
3. The plight of the land owner is due to unique circumstances of the property.

The campus type layout of the mixed use development property provides shared parking, utilizes a single drive approach and remains compliant with ordinances, setbacks, etc. for the Baker Road Corridor District. Given the medical use of the third building and the orientation of the parking area within the development, an ADA compliant entrance is provided adjacent to the parking lot. Considering the use of the building it is not expected that patrons will be walking to the facility. Providing only one entrance adjacent to parking is justified considering the use of the third building.

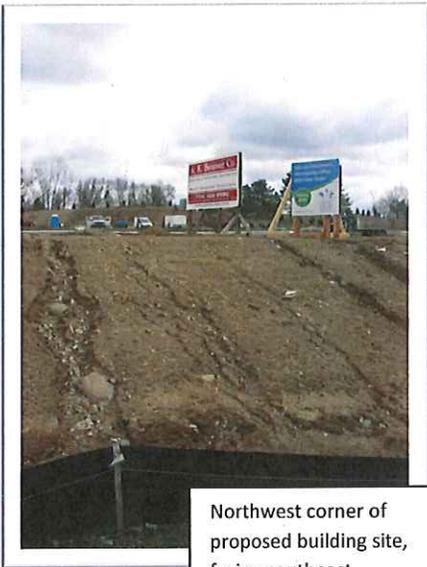
Also, a grade change of approximately 5 feet exists between the proposed finish floor and the street-side elevation. To make such an entrance accessible and ADA compliant, a large stair and potentially a long handicap ramp would be required. Again, it is not expected that patrons will be walking to this facility. Pedestrian access is provided along the north side of the building, allowing patrons to safely access the other buildings in the Dexter Town Center.

4. The problem is not self-created.

See #3.



Site Entrance and proposed sidewalk installation



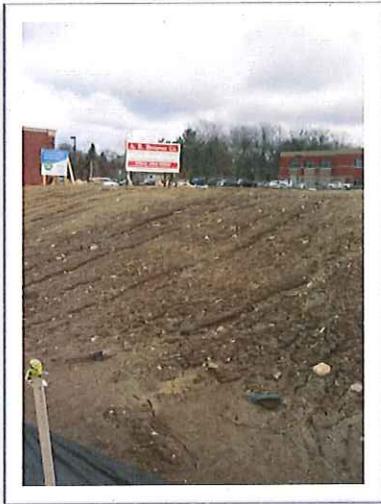
Northwest corner of proposed building site, facing southeast



Grade change between public sidewalk and building pad, south facing



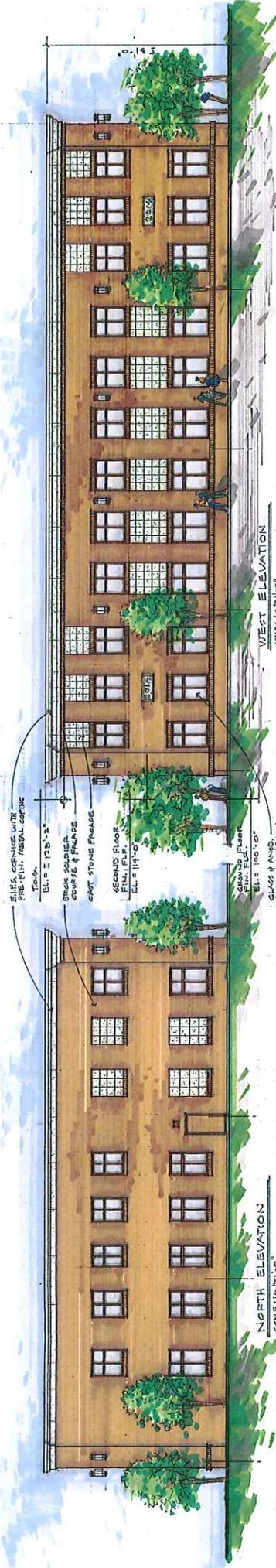
Grade change between public sidewalk and building pad, north facing



Approximate Building entrance as proposed

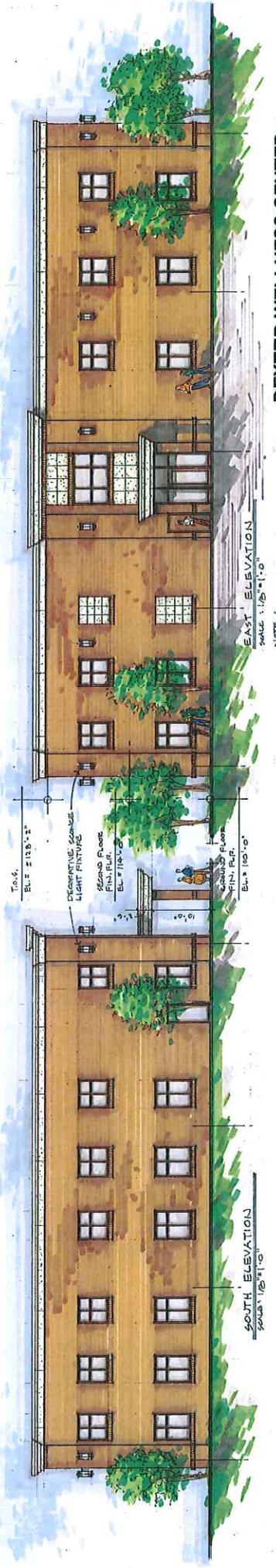


Proposed rear parking at proposed building entrance



WEST ELEVATION
SCALE: 1/8"=1'-0"

WEST ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"

EAST ELEVATION
SCALE: 1/8"=1'-0"

DEXTER WELLNESS CENTER
DEXTER MICHIGAN

WAM YEE ASSOCIATES
ARCHITECTS & PLANNERS
1000 W. WYOMING ST.
ANN ARBOR MI 48106-1500
734.769.8800
WWW.WAMYEE.COM



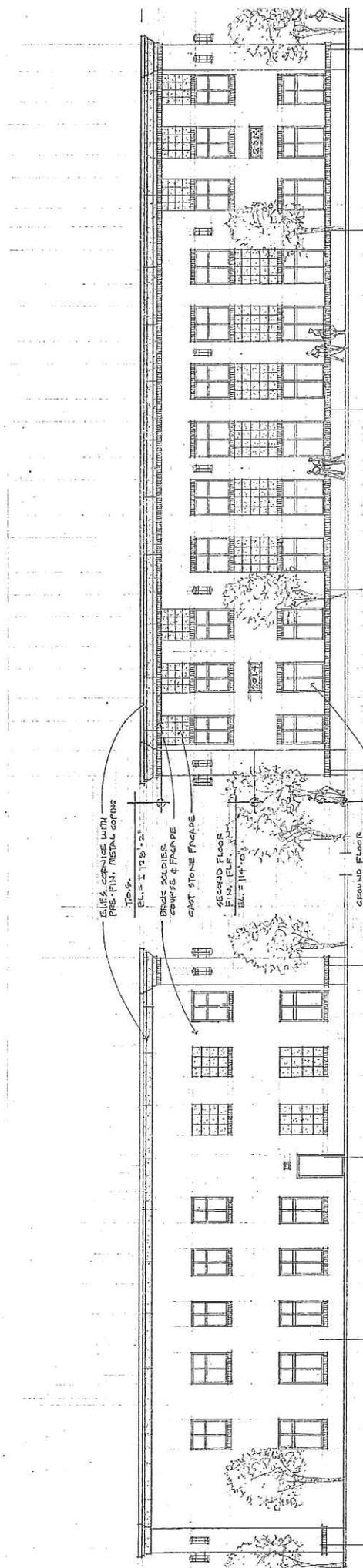
PROJECT NO. 46253

JUNE 23, 2017
Dexter, Michigan

ELMS, CORNICE WITH
PRE-FIN. MEDAL CORNIC
To G.
EL: 2' 118'-2"
BRICK SOLIDERS
CORNICE & PARAPET
EAST YOUNG FACADE
SECOND FLOOR
FIN. FL.
EL: 11'-0"
GLASS & ANOD.
ALUM. WINDOWS
To G.
EL: 2' 118'-2"

DECORATIVE SCHEME
LIGHT FINISH
SECOND FLOOR
FIN. FL.
EL: 11'-0"
To G.
EL: 2' 118'-2"

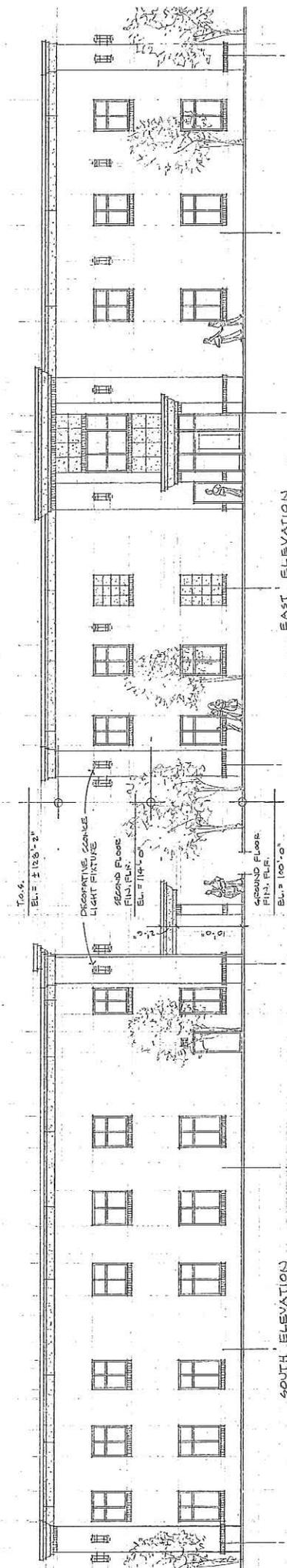
NOTE:
PARKING / ENTRY: PHASOS.



NORTH ELEVATION
SCALE: 1/8"=1'-0"

WEST ELEVATION
SCALE: 1/8"=1'-0"

NOTE: BARKER HOND FACADE.



SOUTH ELEVATION
SCALE: 1/8"=1'-0"

EAST ELEVATION
SCALE: 1/8"=1'-0"

NOTE: PARKING / ENTRY FINISH.

DEXTER WELLNESS CENTER
DEXTER MICHIGAN



WAM YEE ASSOCIATES
ARCHITECTS & PLANNERS
3701 WEST TWELVE MILE ROAD
FARMINGTON HILLS, MICHIGAN 48331
(248) 866-8986 FAX (248) 866-9131

PROJECT NO. 4623

THIS DOCUMENT IS THE PROPERTY OF WAM YEE ASSOCIATES ARCHITECTS & PLANNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WAM YEE ASSOCIATES ARCHITECTS & PLANNERS.

Dexter Town Center – Building 3

March 13, 2013

Pre Application Meeting

Attendees: Matt Kowalski, Derk Wilcox, Julie Knight, Joe Semifero, Allison Bishop, Steve Brouwer

The applicant, Steve Brouwer, requested a pre application meeting to discuss the floor plan and elevation of the proposed Dexter Town Center Building 3. The applicant was requesting feedback on the placement of the main entrance at the rear of the building adjacent to the parking lot.

The discussion included, but was not limited to:

- Discussed the proposed building in relation to the entire 3 building site and parking lot layout.
- The parking lot layout and building layout and needs of the users (medical, i.e. sick)
- The parking adjacent to the pharmacy door, not possible for this building/location
- Building being placed as proposed when initial multi-use/multi-building site was originally approved.
- Options for a fake door on the front of the building would require additional impervious surface due to sidewalk and ramp; grade at street level about 5 feet less than building finished floor; a fake door would be misleading, provide no useful purpose
- Grading at the front of the building is a challenge; steps required like pharmacy; ADA ramp also required and would result in extensive pavement and changes in street frontage
- Sidewalk is provided around the north side of the building for pedestrians to access to all buildings and parking; users of building will likely be drivers, all other buildings designed with sidewalk for pedestrians.
- First Floor medical use – all one user, needs one entrance for safety and privacy
- Second Floor office uses
- Architectural Elements; pre cast stone – comments to provide more windows and details on sides (north and south) of building.
- Building architecture same but different; windows to be standard windows with blinds for privacy
- Use – after hours care possible, not urgent care or walk in clinic
- Building does not appear to have a back side; all facades of building nicely detailed, which meets the goal of the ordinance to not have a rear façade facing the street.
- Patio shown on the south side of the building.
- Same size as pharmacy – 10,000 sq ft +
- Conditions of project warrant variance consideration; do not want to change the ordinance, however this situation, comprehensive site design with multiple uses, shared parking causes a unique circumstance in this case.

- Variance needed from Section 15(D).02(A)1:
 - A. Building Orientation: The intent of the BRC is to contribute to the desirability of pedestrian activity within the Baker Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:
 - 1. Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.
- Building frontage facing a public street, pedestrian entrance at rear, however sidewalk along north side of building to provide pedestrian access to entire site.
- Applicant to apply for variance for April 15, 2013 Meeting – Case #2013-03



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

VARIANCE ANALYSIS

Village of Dexter

April 9, 2013

APPLICANT INFORMATION

Applicant: BST Investments, LLC

Property Address: 2740 Baker Road

Property I.D. #: HD-08-06-455-001

Zoning: C-1, General Business / Baker Road Corridor Overlay

VARIANCES REQUESTED

The applicant is requesting a variance from the following sections of the Zoning Ordinance:

1. To allow the proposed building's main entrance to be located at the rear adjacent to the parking lot.

Section 15(D).02 A. 1. – Building Orientation: The intent of the Baker Road Corridor (BRC) is to contribute to the desirability of pedestrian activity within the Baker Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:

Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.

SUMMARY

The applicant provides the following narrative as part of their variance application:

The Dexter Town Center property is unique in that it is a campus-type layout accommodating three (3) mixed-use buildings with a single drive approach and shared parking area. By ordinance, parking is not permitted directly in front of the proposed building at Baker Road. Also, as requested in Article XV (D) of the Baker Road Corridor Overlay District, the property provides a shared parking lot. This by default places the parking at the back of the proposed third building. As the building is for medical use, the main entrance must be located adjacent to the parking lot to accommodate patients. Thus, the main entrance for the building is located in the back of the building.

Also in consideration of the building's medical use, having only one (1) entrance is appropriate for reasons of security and privacy. The lobby and patient check-in / check-out desk is located at the entrance adjacent to the parking lot. Pedestrian access is provided along the north side of the building allowing pedestrians to safely access the other buildings in the Dexter Town Center development.

Yet another practical difficulty pertains to the grade change of approximately five (5) feet between the proposed finished floor and west elevation. To make such an entrance accessible and ADA compliant a large stair and potentially a long handicap ramp would be required. Considering the use of the third building, it is not expected that patrons will be walking there. Providing the ADA compliant entry adjacent to the parking lot is appropriate for the medical facility.

The site has been maximized as a mixed use development property and has significantly improved the aesthetics and economic performance of the Baker Road corridor.

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 BZA; however, at least one (1) of the applicable criteria must be found by the BZA 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 give 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 requested variance should be reviewed with respect to the variance considerations noted in the previous section. Therefore, we have provided a rationale for the approval or denial of the variance, and the corresponding findings of fact:

Variance: To allow the proposed building's main entrance to be located at the rear adjacent to the parking lot.

Practical Difficulty: We believe a practical difficulty exists due to a number of factors. First, if a pedestrian entrance were provided at Baker Road a 5-foot grade change from the first floor building elevation to street level would need to be accommodated. As noted in both the application and the pre-applicant meeting minutes, in order to provide access to the street, stairs and ADA compliant ramp would be required. A "false door" option was suggested at the pre-application meeting, but would provide no useful purpose, and would be potentially misleading to patrons.

Further, the medical use (first floor) needs to provide an entrance adjacent to the parking area to accommodate patients (potentially sick or injured); these patrons will most likely drive to the facility. The single entrance is also provided for safety and privacy of medical patients.

Lastly, the proposed building is part of a campus accommodating three (3) mixed use buildings with a single drive approach and shared parking area. This situation is unique to both the property and the Village.

Substantial Justice: We do not believe that substantial justice has been demonstrated. Other uses/properties along Baker Road have and continue to struggle with grading issues and ADA compliance. No lesser variance would result in substantial relief to the owner and provide consistency with justice provided to other property owners.

Extraordinary Circumstances: While the campus-type layout of the Dexter Town Center is unique to the property and to the Village, the building design is dictating the need for a variance and appears to be self-created.

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

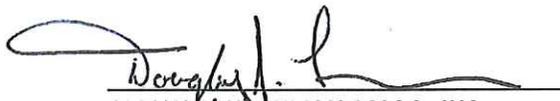
Relationship to Adjacent Land Use: The proposed medical building is part of the Dexter Town Center Development containing the Dexter Wellness Center, pharmacy, and other similar uses. The Baker Road corridor contains a variety of commercial uses to the north, school to the south and west, and existing single-family residential to the east. The addition of the third building was planned as part of the Dexter Town Center, and will complete the development of the site.

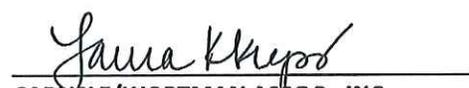
However, the subject site is within the Baker Road Corridor Overlay. Section 15(D).01, Statement of Purpose outlines specifically the following (items B. and D.):

1. Development of unified design elements within the corridor reflecting its pedestrian scale. Design elements shall promote the continuation of the downtown streetscape.
2. Improved pedestrian access and non-motorized transportation. Due to the nature of this corridor and close proximity to residential areas, new development within the overlay district must provide continuous pedestrian access along Baker Road.

In association with the criteria required as part of the Baker Road Corridor District, the applicant should explain further why the floor plan cannot be modified to allow a front entrance. It appears all reasoning for safety could be accomplished with two (2) entrances.

Further, while we believe a practical difficulty can be demonstrated due to the grade of the proposed building, we want to make sure all alternatives have been explored. We are supportive of the requested variance if the ZBA is satisfied that the applicant has investigated all potential solutions to provide an entrance along Baker Road, and find none to be practical.


CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal


CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP

#241-02-1303

SUGGESTED MOTIONS

Case #2013-03

Based on the information provided by the applicant, BST Investments for 2740 Baker Road, HD-08-06-455-002, at the April 15, 2013 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 **(GRANTED / DENIED):**

A. Section 15(D).02(A)1 of the Baker Road Corridor Standards - Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street. The applicant is proposing the construction of a new building in the Baker Road Corridor that has the main building entrance facing the parking lot or rear of the building.

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

- 1. _____
- 2. _____
- 3. _____

OR

The Board moves to postpone variance request Case #2013-03, submitted by BST Investments until (____ (date) _____) to allow the applicant to address the following items: (list items)

- 1. _____
- 2. _____