

2. The desire to provide additional signage is not a unique circumstance related to the physical condition of the property and is a self-created hardship.
3. The proposed signage does not meet the spirit of the City's sign regulations. Ms. Aniol stated that the applicant was requesting an interpretation of Zoning Ordinance Section 7.03, sub-sections (1) A and D to determine the number of ground signs allowed within non-residential zoning districts and business centers.

Tom Covert from Midwestern Consulting addressed the Board on behalf of the applicant. He reviewed the application materials and stated that his client desired only 1 additional ground sign, not 3, and the Country Market parcel is not part of the request.

The Board and Mr. Covert engaged in a discussion regarding the location, height and area of the proposed ground signs, existing tenant identification signs at Dexter Town Center, and the Board's ability to interpret the Zoning Ordinance.

Following Mr. Covert's presentation, Mr. Mekas asked if there were any comments from the public. There were none. Mr. Mekas closed the public hearing at 8:20 pm.

Recess: none

Business Session:

1. Variance Request-ZBA Case # 2014-06

The Board began discussing the variance request, which included the following comments/statements:

1. Information submitted by applicant is different from the comments made by representative this evening. Concerned about Country Market being removed from request.
2. Dexter Crossing is two parcels-one zoning lot, Country Market has their own so are you proposing to put up a sign on Country Market's property.
3. The Sign Ordinance is conservative, but Dexter did not want to become Washtenaw Ave.
4. Vehicle speed in front of property is 50 mph, but don't see the need for repetitive signage.
5. The Dexter Crossing plaza is a sign in itself.
6. Dexter Town Center the sign ID is on top of the sign that describes the tenants, more of an identification sign.
7. Typically we see ID on ground signs.
8. Who approves location of sign.
9. Two orders of signage; one for identification for the Shopping Center as a whole and the other to identify the tenants.
10. At that point the speed limit is no longer 35 miles an hour
11. Tenants of the shopping center will want to have their sign as close to the road as possible
12. The ordinance is a mess-not sure on whether A applies here or not
13. It comes down to interpretation
14. We've never been asked for an interpretation of the Ordinance.
15. We hire consultants to do this - support consultants and staff on this
16. Section D applies to this.
17. If we rule on this-final approval is administrative
18. Do we have any other signs in town that are 10 feet tall

-Move Mekas, support Carson, based on the information provided by the applicant at the December 15, 2014 Zoning Board of Appeals meeting, the board moves to postpone the variance request until January 19, 2015 to allow the applicant time to address the following items:

1. Clean up request.
2. Concerned with size of signs compared to others in town
3. The placement and location of proposed signs
4. Additional input from staff and consultants

Ayes: Carson, Rush, Mekas, Schmid, Hansen
 Nays: none
 Motion Carried

Public Hearing:

2. **Variance Request-ZBA Case #2014-07 for 2425 Dongara Drive; HD-08-07-100-051 and HD-08-07-100-052. Public Hearing to obtain public comment regarding a request submitted by Chandra Hurd, on behalf of Walkabout Creek, LDHA LP, for 2425 Dongara Drive; HD-08-07-100-051 and HD-08-07-100-052. The applicant is requesting a variance from Section 7.09 (3)A.4 of the City of Dexter Zoning Ordinance.**

The applicant proposes the re-erection of a new non-conforming ground sign that would cost more than fifty percent (50%) of the replacement cost of the original non-conforming sign. The proposed sign will be reduced in size (45.9 square feet versus the existing 49.5 square feet), but taller (currently 5.5 feet; proposed 7 feet). Signs in the R-3 district are limited to 4 feet in height and 20 square feet per side or 40 square feet total signage area.

Chairman Mekas introduced the case and then opened the hearing at 8:37 pm

Community Development Manager Michelle Aniol reviewed her report dated, December 12, 2014. Chandra Hurd addressed the Board on behalf of the applicant. She reviewed the application materials and distributed color sign plans, along with pictures of the entrance to Walkabout Creek, the previous non-conforming sign and similar signs in and around Dexter.

Chairman Mekas called for public comments. There were none. The hearing was closed at 9:31pm

Business Session:

2. **Variance Request-ZBA Case #2014-07 for 2425 Dongara Drive; HD-08-07-100-051 and HD-08-07-100-052**

The Board began discussing the request:

1. What is the size of the previous sign
2. What is the point of clarity of request
3. If you're allowed to rebuild a non-conforming sign, it should be considered
4. What is the difference in square feet
5. The picture of the other signs is very helpful
6. The pillars are very large, maybe reduce the height of the pillars
7. Will the new sign be closer to the road
8. Maybe we should postpone hearing to make sign more conforming
9. This is so much more doable than the first request
10. We need to use a previous ruling where we have granted this, we should let them do it
11. Has sign consultant come up with another design
12. Can you scale down sign to reduce square footage

-Moved Mekas, support Schmid based on the information provided by the applicant at the December 15, 2014 Zoning Board of Appeals meeting, the board determines that the request

submitted by Chandra Hurd, on behalf of Walkabout Creek LDHA LP, to waive the requirements of Section 7.09 (3)A.4 to allow the applicant to re-erect a new non-conforming ground sign that would cost more than fifty percent (50%) of the replacement cost of the original non-conforming sign, is **granted** for the property located at 2425 Dongara Drive, HD-08-07-100-051 and 052 because the proposed variance **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 City of Dexter Zoning Ordinance:

1. Practical Difficulties
2. Substantial Justice

The Board established the following conditions on its approval of the variance:

1. The sign height shall not exceed 4 feet 9 inches;
2. The sign area shall not exceed 70 square feet per side; and
3. The sign shall be setback at least 14 feet from the road.

Ayes: Hansen, Schmid, Mekas, Rush, Carson
Nays: none
Motion Carried

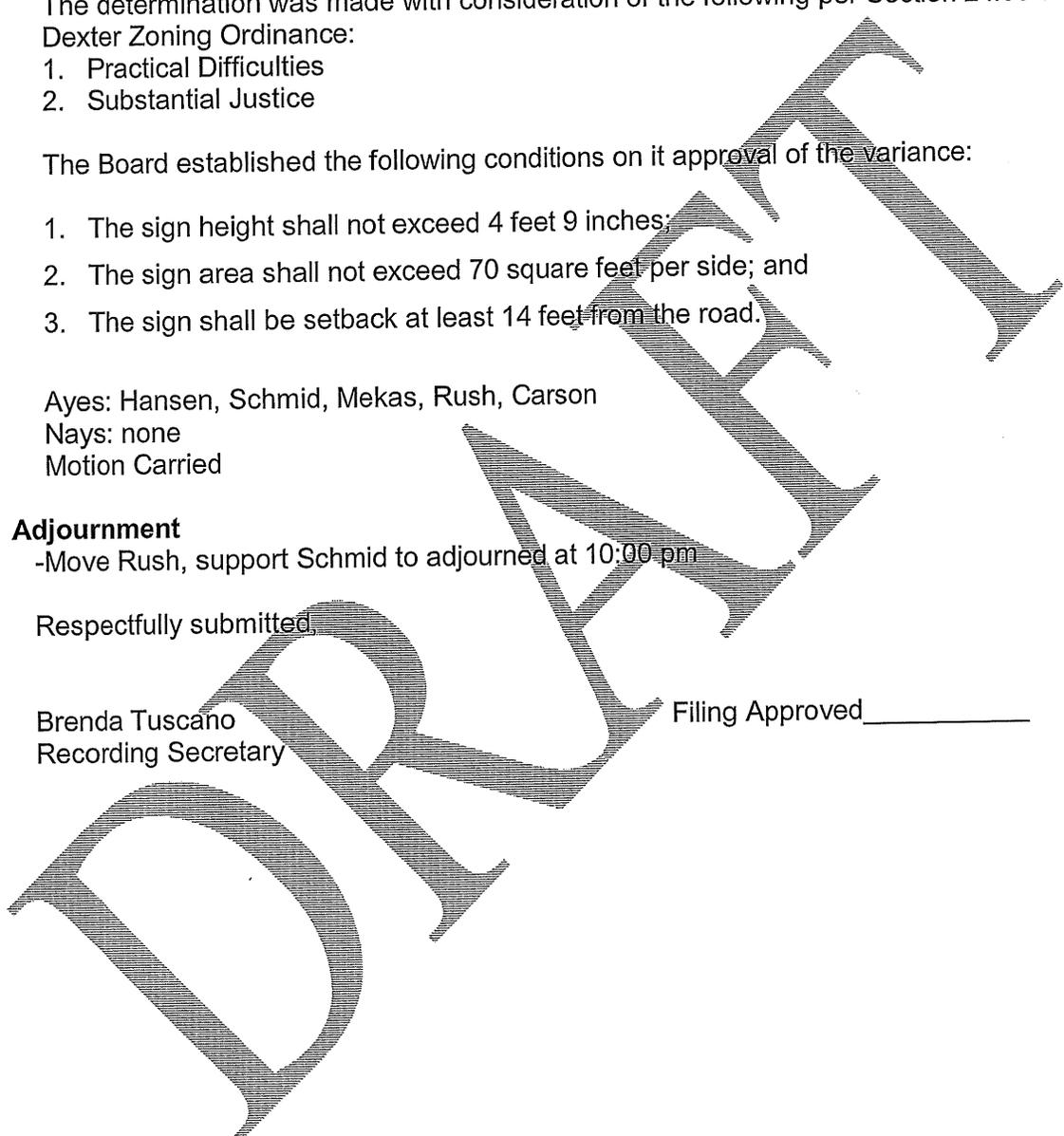
Adjournment

-Move Rush, support Schmid to adjourned at 10:00 pm

Respectfully submitted,

Brenda Tuscano
Recording Secretary

Filing Approved _____



**OFFICE OF COMMUNITY DEVELOPMENT**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

ZBA CASE #2015-01

DATE: April 16, 2015
APPLICANT: Jean Hosford
ADDRESS: 7910 Fifth Street
PROPERTY#: HD-08-06-128-010
ZONING: R-1B, One-Family Residential Small Lot

VARIANCE REQUESTED

The applicant is requesting a 5-foot side yard setback variance from the 10-foot side yard setback required in Section 20.01 Schedule of Regulations for Principal Buildings – R-1B One-Family Residential Small Lot, of the City of Dexter Zoning Ordinance. The applicant is requesting the variance to allow the construction of an attached garage within the required side yard setback.

SUMMARY

The applicant's existing non-conforming detached garage was damaged last winter, and according to the applicant, it would be cost prohibitive to repair. The applicant wishes to demolish the existing detached garage and constructing a new 1.5-story garage that would be attached to the principal structure (i.e. existing house), in the same general location. The existing detached garage was located 3.4 feet from the eastern property line. The new attached garage is proposed to be located 5 feet from the eastern property line (a 5-foot side yard setback deficiency).

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?

FINDINGS: Practical difficulty is represented in providing adequate space on-site in an appropriate location for the attached garage. The subject site is located on the northeast quadrant of the Fifth Street and Dover Street intersection, and therefore contains two (2) front

yards. In addition, the applicant indicates moving the garage to another location on the site would reduce the size of their useable yard space and increase the paved portion of the lot.

- 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.*

FINDINGS: The applicant has noted they have looked at alternatives to the proposed attached garage placement, and the proposed configuration suits the parcel, existing architecture and home layout. The only other alternative would be to reduce the size of the garage to meet the 10-foot side yard standard, decrease the dimension requested for a variance or relocate the garage on the parcel. As proposed, the garage is the same width as the detached garage to be removed. Any additional reduction in garage width would render the garage too small to accommodate a vehicle.

- 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.*

FINDINGS: The proposed setback variance is due to the unique circumstances related to the subject property and architecture of the principal structures. The variance will not impose on the public safety and welfare.

- 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.*

FINDINGS: The subject site is a corner lot with two (2) front yards. All other setbacks and dimensional requirements of the R-1B district have been met. As noted previously, the proposed side yard setback (5 feet) is greater than the existing side yard setback (3.4 feet). Due to the size and configuration of the subject site, it would be difficult to provide for an attached garage on this property without obtaining a variance for the side yard setback.

- 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.*

FINDINGS: The proposed 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.*

FINDINGS: Allowing the proposed attached garage would not negatively alter the essential character of the existing neighborhood. The applicant has provided a rendering of the proposed elevations of the home/garage, which are in conformance with the existing neighborhood.

ALTERNATIVES

An alternative location of a detached garage on the parcel within the buildable confines of the lot could be considered a viable alternative. The applicant should provide specific information how this cannot be accommodated, and the variance request is not based upon their desires (self-created hardship).

CONCLUSION

Based upon the review criteria, the information provided from the applicant and that an alternative location for a detached garage on the parcel cannot be accommodated, we recommend the proposed 5-foot side yard variance for 7910 Fifth Street be approved, based on the following findings:

1. A practical difficulty has resulted based upon the size and configuration of the parcel.
2. The construction of an attached garage is a unique circumstance related to the physical condition of the property and is not considered a self-created hardship.
3. The granting of the proposed variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
4. Allowing the proposed attached garage would not negatively alter the essential character of the existing neighborhood.

SUGGESTED MOTIONS

Based on the information provided by the applicant, Jean Hosford, at the April 20, 2015 Zoning Board of Appeals meeting, the Board determines the request for a 5-foot variance from the required 10-foot side yard setback in Section 20.01 Schedule of Regulations for Principal Buildings – R-1B One-Family Residential Small Lot of the City of Dexter Zoning Ordinance is **(GRANTED / NOT GRANTED)**, for the property located at 7910 Fifth Street, HD-08-06-128-010 because the request **(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 City 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)

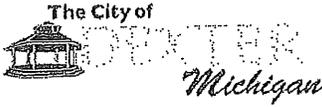
1. _____
2. _____

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

Respectfully submitted,

Michelle Aniol
Community Development Manager

cc: City Manager
Applicant



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

APPLICATION FOR THE BOARD OF ZONING APPEALS HEARING

Application is being made for: Appeal Variance

Property Address: 7910 FIFTH STREET, DEXTER 48130

Tax ID Number: HD-08-06-126-010

Property Owner Name: JEAN HOSFORD Phone: 734-424-2917

Property Owner Address: SAME

Applicant Name: JEAN HOSFORD Phone: SAME

Applicant Address: SAME

Type of Improvement Proposed: GARAGE ADDITION

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).

RECEIVED

MAR 20 2015

CITY OF DEXTER

REASON FOR WAIVER

Last winter our garage roof collapsed. The structure is not worth repairing; it is poorly constructed and has a minimal foundation. We would like to replace it with a story and a half structure that can house a painting studio for my husband on the second floor.

The old garage is currently too close to the side lot line (3.4- 4.3ft) and too close to the house (2.1 ft.) We would like to propose attaching the garage to the house, thereby making it an addition rather than a detached structure and increasing the side set back to ~5.5-6.4 feet.

Moving the garage to another site on the lot would reduce the size of the vegetable garden, reduce useable yard space and increase the paved portion of the lot (and reduce absorption of surface water)

The foundation on the kitchen wing is inadequate to support a second story, thus the need for a second storey in the garage.

The silhouette, roof line and trim of the addition maintain the character of the mid 19th century house which we have restored, and are in keeping with the neighborhood streetscape which features several small barns.

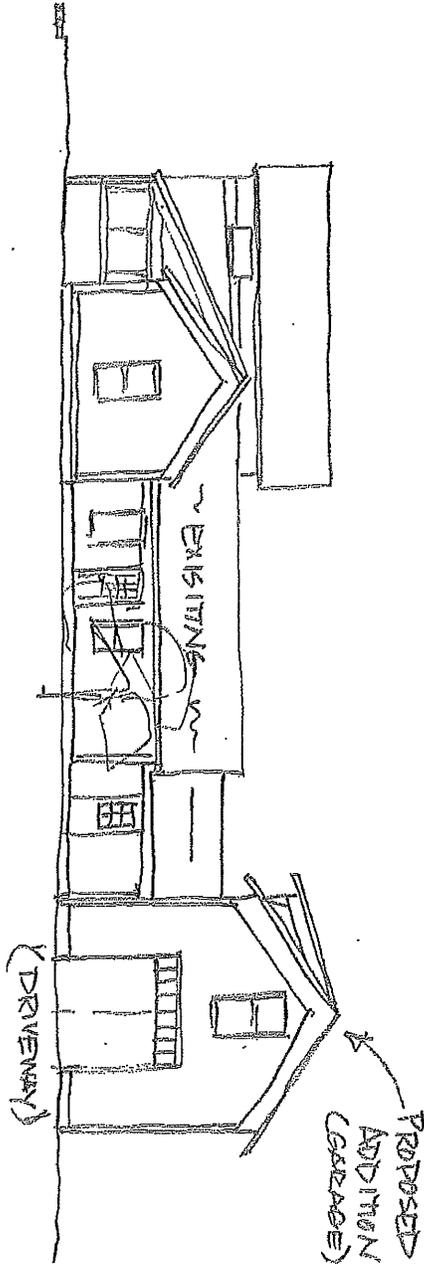
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MAR 20 2015

CITY OF DEXTER

CONCRETE
2111 S. 54TH
MERRILL 30 Y10

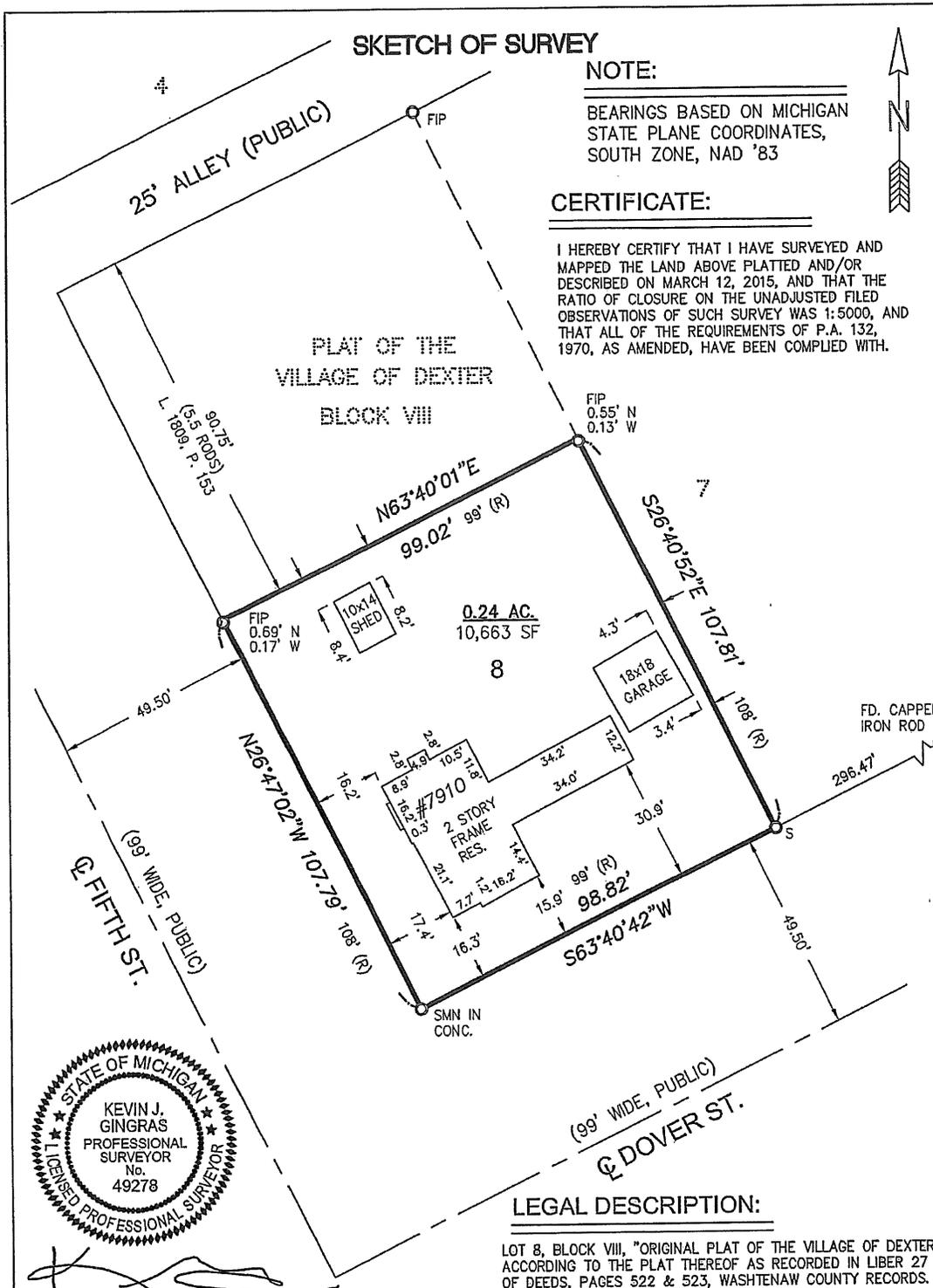
VIEW FROM DIVER STREET



HOPKINSON, CLAREMONT RESIDENCE
7910 FIFTH STREET
DEXTER, MI 48130



HAROLD CLAREMAN RESIDENCE
7910 FIFTH STREET
DEXTER, MI 48130



CLIENT: HOSFORD

BOUNDARY SURVEY
A PART OF LOT 8, BLOCK VIII, ORIGINAL PLAT, VILLAGE OF DEXTER, WASHTENAW COUNTY, STATE OF MICHIGAN

LEGEND:

○	SECTION CORNER
○ FIP	FOUND IRON PIPE
○ FIR	FOUND IRON ROD
○ SMN	SET MAG NAIL
○ FCM	FOUND MONUMENT
○ S	SET IRON PIPE
□	SET WOOD LATH
(R)	RECORDED
(C)	CALCULATED

SCALE: 1" = 30'

Arbor Land Consultants, Inc.
Professional Land Surveyors

2936 S. Madrono
Ann Arbor, MI 48103
(734) 669-2960
Fax 669-2961

www.arborlandinc.com

JOB NO.: 02115	DATE: 3-16-2015
FLD. BOOK: -	REVISED: -
SHEET 1 OF 1	BY: KJG