

Ms. Hosford explained that the new addition could not be located in the side yard due to the location of a sewer line, an existing chimney and a bathroom. In addition, she could maintain the architectural character of the home by attaching the garage on the Dover side of the house.

Community Development Manager Aniol presented her report and findings dated, April 16, 2015:

- **Practical Difficulties:** 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.
- **Substantial Justice:** 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.
- **Public Safety and Welfare:** 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.
- **Extraordinary Circumstances:** 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.
- **No Safety Hazard or Nuisance:** The proposed variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
- **Relationship to Adjacent Land Uses:** 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.

The petitioner distributed an additional rendering to demonstrate the new attached garage would be architectural compatible and consistent with the principal structure. ZBA members then questioned the petitioner and staff regarding lot coverage, clarification of required front and side yard setbacks, need for a variance if existing garage was rebuilt, and height of the proposed addition.

Chairman Mekas opened the public hearing at 7:35 pm.

- Zach Michaels, 3325 Dover stated he worked for Dexter Township and was originally concerned about a large building being constructed adjacent to his property. However, he complimented the applicant for taking the time to talk with him and his wife, and offering to move the new garage forward, slightly.

He also stated he thoughts the architectural details would be sharp, and the applicant was doing a nice job.

- John Hansen, 7880 Fifth Street stated he was the neighbor across the street. He encouraged the ZBA to grant the variance, and was pleased to see the applicant making an investment in her property, and would like to see more of that in the historic old village neighborhood.

ZBA Decision

Motion by Hansen, supported by Gray, 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**, for the property located at 7910 Fifth Street, HD-08-06-128-010 because the 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 City of Dexter Zoning Ordinance:

1. Practical Difficulties
2. Substantial Justice
3. Extraordinary circumstances

Ayes: Tell, Schmid, Hansen, Gray, Mekas
Nays: None

Adjournment

-Move Tell, support Gray to adjourned at 7:41 pm

Respectfully submitted,

Michelle Aniol
Acting Recording Secretary

Filing Approved:

Memorandum

To: Chairman Mekas and Zoning Board of Appeals
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Report for May 18, 2015 ZBA Meeting

Date: May 12, 2015

Business/Development Updates

- Red Brick Kitchen has official moved its entrance to 8099 Main Street. The former entrance at 8093 Main will be reconstructed to eliminate the recessed doorway. This improvement will restore the front façade to its original design.
- The Mayor, City Manager and staff met with Steve Brouwer and Allison Bishop on Wednesday, May 6th to discuss a potential mixed density residential development concept that AR Brouwer is considering at the corner of Grand and Baker Streets. Mr. Brouwer identified 3 items that need to be worked out with the City; 1) an existing public stormwater sewer that bisects the property, which apparently does not have easement, 2) acquisition of a small triangular piece of property at the southwest corner of the site, which the city current owns, and 3) regional stormwater management.

The property is designated Baker Road Corridor – Mixed Use in the City's Master Plan. One of the objectives of the Baker Road Corridor – Mixed Use is to *"encourage residential or mixed-use development (including residential uses) as a buffer between adjacent residential areas and other uses within this planned area. Such uses shall not create adverse impacts on existing or proposed residential uses, and will be scaled, designed and landscaped so as to complement and enhance the adjacent properties."*

Additionally, the property is currently zoned I-1 Industrial and BRC Baker Road Corridor Overlay District. Prior to applying for development review a rezoning to a mixed use residential district would be required. This could be accomplished through a straight rezoning, or through the Conditional Rezoning or Planned Unit Development process.

Planning Commission Updates

- The Planning Commission held a worksession to initiate the start of the Master Plan amendment process regarding oil and gas drilling operations. Doug Lewan from Carlisle Wortman explained the process, procedures and requirements for a Master Plan update and subsequent Zoning Ordinance amendments. One of the key points was the City has the authority to regulate oil and gas drilling operations, but it cannot exclude them. Another was the Zoning Ordinance currently does not have regulations regarding extraction of natural resources, but through this process, provisions could and should be established.

Mr. Lewan explained that Mill Creek and the Huron River have received Natural River designations, and are exempt from drilling operations. As such, any amendment to the Master Plan would need to address these designations, and set the foundation for regulations to be added to the zoning ordinance.

Mr. Lewan and the Commission discussed districts and areas of the City that would be the most compatible with oil and gas exploration and development activities and land uses, including any ancillary uses and activities.

The Commission requested that Mr. Lewan prepare a map that illustrates the following:

- The 450-foot radius from residential uses, in accordance with Part 615, MDEQ Administrative Rules regarding oil and gas wells (http://www.michigan.gov/documents/deq/ogs-oilandgas-regs_263032_7.pdf);
 - The 1,320-foot radius from natural rivers (i.e. Mill Creek and Huron River); and
 - The City's well-head protection zone(s).
- The Planning Commission reviewed staff's findings regarding the regulation of food service in a brewery/microbrewery in an industrial park, in anticipation of NUBC submitting an application for on-site dining. A copy of staff's report accompanies this memorandum.
 - The owners of the Riverview Café have indicated a desire for outdoor seating.

MEMORANDUM

TO: Chairman Phil Mekas and the Zoning Board of Appeals
FROM: Michelle Aniol, Community Development Director
DATE: May 12, 2015
RE: **ZBA #2015-02, 3441 Broad Street Variance Request**

The Zoning Board of Appeals is scheduled to conduct a public hearing to consider a variance request submitted by Ply Architecture, for property located at 3441 Broad Street (08-06-31-477-002) on May 18, 2015. I will not be in attendance, as I had scheduled time off prior to receiving the variance request. Laura Kreps from Carlisle Wortman Associates (CWA) will be attending the meeting, in my place.

Ply Architecture, on behalf of property owner, Jack Savas, has requested a variance from Section 20.01 Schedule of Regulations for Principal Buildings-Residential in the City of Dexter Zoning Ordinance. The request calls for a 19.25-foot variance from the required 25-foot rear yard setback, in order to build a mixed-use structure, with a café on the first floor and a single apartment on second floor. The variance, if granted, would allow a 5.75-foot rear yard setback. The applicant cites practical difficulties associated with the property.

ZONING

The property owner seeks to build a 2-story structure with a European style café on the first floor and a single residential apartment on the second floor at 3441 Broad Street. The property is zoned VR Village Residential. The intent of the VR District is to:

- A. Encourage innovative, traditional residential mixed and multiple-use developments so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings.
- B. Promote land development practices which will protect the public health, safety and welfare.
- C. Traditional neighborhoods are the desired alternative to conventional modern, use-segregated developments such as large lot suburban subdivisions and strip commercial developments.
- D. Encourage residential/mixed-use development in a manner consistent with the preservation and enhancement of property values within existing residential areas.
- E. Promote the creation of places which are oriented to the pedestrian, promote citizen security and social interaction.
- F. Promote development of mixed-use structures or mixed-use development with offices, multiple family and retail uses located with related community facilities.
- G. Discourage commercial or industrial uses that create objectionable noise, glare and odors.

Restaurants without drive through facilities are permitted in the VR District, subject to special land use approval. The applicant has applied for combined site plan review and special land use approval. A public hearing regarding the special land use request is scheduled for Monday, June 1, 2015 with the Planning Commission.

BACKGROUND

After closing on the property, Mr. Savas and his architect, Craig Borum met twice with the Pre-application/Site Plan Review Committee. The purpose of the pre-application meetings is to allow a prospective applicant to obtain information regarding the most optimum layout and design for a site

and in relation to the surrounding neighborhood. The proposed layout is the direct result of the feedback the applicant received during these meetings.

Following the pre-application meetings, and as part of his due diligence to get ready for site plan review, Mr. Savas had the site surveyed. According to the applicant it was at this point he discovered the boundary of the railroad right-of-way (dashed green line) took a sharp turn at his east property line and extended 35 feet south (as shown in the attached diagram). Thus he ended up with a new rear boundary line (dotted red line).

The applicant indicated a 65% loss of property, as a result of this boundary correction. However, staff calculates the loss of property at 6,777 square feet or 35%, leaving the owner with 65% of what he thought he owned. The majority of the "lost" property was railroad right-of-way and was not developable (darker gray). The property loss that triggered the variance request is the 1,929.5 square feet of property, shown in light gray.

REVIEW COMMENTS

The city's planning consultant, Carlisle Wortman Associates (CWA), has reviewed this case and a copy of their letter accompanies this memo. Ms. Kreps will review her findings with the ZBA at the meeting.

ALTERNATIVES

The only viable option, according to the applicant and recognized in the CWA review letter, would be to flip flop the proposed building and parking lot (i.e. building on west side of property and parking lot on the east side). However, due to sites the existing topography, a retaining wall would have to be constructed, in order to ensure the proper grade needed to accommodate the required off-street parking lot. Staff's primary concern with this alternative is the focal point (for people traveling into town on Broad Street) would be the parking lot, not a potential new structure.

CONCLUSION

The ZBA must determine the following:

1. If the applicant has demonstrated that a practical difficulty resulted, based upon the size and configuration of the parcel.
2. If the need for a variance is due to a self-created hardship.
3. If flip flopping the building and parking lot would be an appropriate alternative.

SUGGESTED MOTIONS

Based on the information provided by the applicant, Ply Architecture, at the May 18, 2015 Zoning Board of Appeals meeting, the Board determines the request for a 19.25-foot variance from the required 25-foot rear yard setback, pursuant to Section 20.01 Schedule of Regulations for Principal Buildings – VR Village Residential of the City of Dexter Zoning Ordinance, is **(GRANTED / NOT GRANTED)** for the property located at 3441 Broad Street (08-06-31-477-002) 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. _____

If you have any question prior to the meeting, please contact Laura Kreps (734-662-2200 or lkreps@cwaplan.com), if you have questions.

Respectfully submitted,

Michelle Aniol
Community Development Manager

cc: City Manager
Laura Kreps, CWA
Applicant

BUILDING EAST
PARKING WEST
13' rear setback variance



BUILDING WEST
PARKING EAST
3-4' parking retaining wall



April 16, 2015

PLY Architecture



CARLISLE

WORTMAN
associates, inc.

P11

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

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

VARIANCE ANALYSIS

City of Dexter

May 11, 2015

APPLICANT INFORMATION

Applicant: Ply Architecture

Property Address: 3441 Broad Street

Property I.D. #: HD-03-31-477-002

Zoning: VR, Village Residential

VARIANCE REQUESTED

The applicant is requesting a variance from Section 20.01 Schedule of Regulations of the City of Dexter Zoning Ordinance. The applicant is requesting the variance to allow the construction of a new European café with a second floor apartment within the required rear side yard setback.

SUMMARY

The applicant is seeking a variance from Section 20.01 which requires a 25-foot rear yard setback for principal structures in the VR zoning district. The applicant provided the following summary of their request:

The property owner is looking to build a 1,750 square foot take-out restaurant (less than 6 tables) with a second floor accessory apartment. The subject property is located within the Village Residential zoning district, with single-family residential to the north, west and south; and the train museum to the east. The rear (north) of the property backs onto land owned by the railway.

The original Mortgage Survey which delineated the property size and location of 3441 Broad had recently been (April 2015) discovered to be incorrect by a new survey performed by Nederveld Engineers. The property was originally documented to have 99 feet of frontage and a depth of 198 feet with the railway running through the back of the property as a right-of-way. It has now been determined the railway company purchased the rear portion of the property, reducing the depth of the east property line to 90 feet and 170 feet along the western property

line. This is a 65% reduction in property area from what the owner thought they purchased. The need for on-site parking in the VR, Village Residential District further reduces the buildable area of the lot.

The new building design and site plan was being developed, until this past month, under the assumption of the previous survey which allowed the parking lot and building to fit comfortably within all site setbacks. Based on the corrected (actual) property survey, the building encroaches by 12 feet into the 25-foot required rear setback. Based on this information, the applicant is requested a variance from the required 25-foot rear yard setback to allow a 13-foot rear yard setback for the building, and a 5-foot 9-inch setback for the back porch.

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?

CWA COMMENTS: Since the property was previously developed with a dwelling it is likely the subject site could be redeveloped as such, which is a permitted use in the VR zoning district (not a practical difficulty). While the applicant cites lot area reduction (unknown to them at time of sale), and topographic constraints as practical difficulties, we don't consider these to be demonstrated practical difficulties as part of the application submittal.

While the lot area is reduced by the railroad ROW, there is ample room for the proposed development if parking and building were reconfigured to the opposite sides. Further, the applicant notes topographic constraints, but existing topography limitations have not been provided as part of the packet for review (existing conditions of site including topography not provided in plan set).

The applicant notes further the site's topography played a significant role in the site design, and reconfiguration would result in the need for a retaining wall to achieve grade required for the parking lot. That not only is this option cost-prohibitive, but it will be very invasive to the site, create an unsightly backdrop for the train museum and will cause the parking to be much more visually exposed to the residential neighborhood.

While we recognize the location of the railroad ROW at the rear of the property is a practical difficulty, the applicant's claims of not being informed of the correct property size (and producing site plans) and topographic constraints (which are not demonstrated) do not meet the practical difficulty standard as presented. We also feel locating the parking lot adjacent to the train museum would allow for the building to buffer the parking area from the adjacent residential dwelling.

- 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.*

CWA COMMENTS: While granting of the variance will provide a substantial justice to the applicant, we are hesitant to claim the addition of this commercial use (special use) will provide substantial relief to other properties (residential) in the VR district. The applicant notes the granting of the variance will not affect any neighboring property owners, and will relieve the residential neighbors of future complaints about a commercial parking lot negatively impacting the character of the residential and open green space of the Broad Street area.

We recommend the ZBA consider a lesser variance which would require altering the building size, or "flip-flopping" the parking lot and building. We disagree with the applicant's claim that the parking area is better suited directly abutting a neighboring residence, when it can be accommodated on the eastern side of the lot adjacent to another commercial use, where the proposed building will buffer it from the only directly adjacent residential neighbor.

- 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.*

CWA COMMENTS: The proposed setback variance has been requested due to circumstances related to the subject property, and 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.*

CWA COMMENTS: The extraordinary circumstance applicable to the subject property is the location of the railroad ROW which cuts through the rear of the property at an angle reducing the lot area. In our opinion, the site plan was developed prior to the actual land survey which demonstrated the reduced lot area, and may be considered a self-created hardship.

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.*

CWA COMMENTS: 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 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.*

CWA COMMENTS: We are not convinced the proposed site layout will fit harmoniously within the existing neighborhood. We mentioned previously our opinion regarding the site design and configuration, and feel there are alternatives available for the development of this lot that would require none or a lesser variance that would provide less impact on the surrounding neighbors.

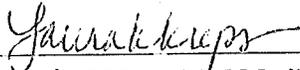
ALTERNATIVES

As suggested in the applicant's submission, the only viable option is to relocate the building to the west side of the site, and construct a retaining wall to obtain the necessary grade for the parking area. We understand this alternative is a greater expense to develop.

CONCLUSION

The ZBA should consider whether the applicant has presented evidence that a practical difficulty exists, that the variance is not due to a self-created hardship, and that a lesser variance cannot be granted that would provide the same property owner similar relief.


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


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

#241-1415

Cc: Jack Savas, 4775 Bridgeway, Ann Arbor, MI 48103
Ply Architecture, 679 S. Wagner Road, Ann Arbor, MI 48103



VILLAGE OF DEXTER

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

RECEIVED
APR 22 2015

CITY OF DEXTER

APPLICATION FOR ZONING BOARD OF APPEALS HEARING

Application is being made for: Appeal Variance

Property Address: 3441 BROAD STREET

Tax ID Number: HD-03-31-477-002

Property Owner Name: JACK SAVAS Phone: 734-276-2935

Property Owner Address: 4775 BRIDGEWAY, ANN ARBOR, MI, 48103

Applicant Name: PLY ARCHITECTURE Phone: 734-827-2238

Applicant Address: 679 S. WAGNER ROAD, ANN ARBOR, MI, 48103

Type of Improvement Proposed: NEW 1750gsf TAKE-OUT RESTAURANT W/ 650sf ACCESSORY APARTMENT ABOVE, & REQUIRED ON-SITE PARKING (SPECIAL USE IN VR DISTRICT)

Reason Waiver is Requested (explain practical difficulty or hardship): PLEASE SEE ATTACHED SHEETS

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 checked="" 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).

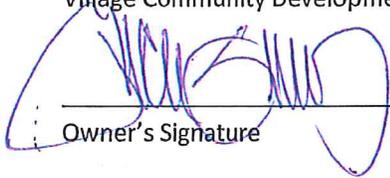
Application Zoning Board of Appeals Hearing - Page 2

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.


04.22.15

4.22.2015
 Owner's Signature Date Applicant's Signature Date

Staff Review: Fee: Residential \$250 Non-Residential \$350
 Date Received: 4/22/15 Receipt #: 42620

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:

REASON WAIVER IS REQUESTED (explain practical difficulty or hardship)

The owner of 3441 Broad Street (as of December, 2014) is looking to build a 1750sf take-out restaurant (less than 6 tables) with second floor accessory apartment, beside the historic Railroad Museum along the train tracks. This property is set within the Village Residential (VR) Zone, with a single family residence on the west side of the property, and the museum on the east side. The rear of the property backs onto land owned by the railway. Due to the stringent suburban parking requirements for the VR Zone, (5.03 - Business & Commercial - 9.) the owner is required to provide 5 spaces plus 1 space for each employee on peak shift (1), in addition to 1 space for the apartment, for a total of 7 parking spaces on site. There is currently an abundance of parallel street parking along this part of Broad Street, with angled street parking further south close to the downtown core.

In addition to the 7 parking spaces required by the ordinance, the original Mortgage Survey which delineated the property size and location of 3441 Broad has been recently (as of April 2015) discovered to be incorrect by a new survey performed by Nederveld engineers. While the property was originally documented to be 99' of frontage and 198' deep with the railway running through the back of the property as a Right-Of-Way, it has now been determined that the railway company purchased the rear portion of the property, reducing the depth to 90' on the east edge (1.45 chains as documented on the Plat of the Village of Dexter) and 170' on the west edge. This is a 65% reduction in property area from what the owner thought they purchased.

The new building design and site plan was being developed, until this past month, under the assumption of the previous survey which allowed the parking lot and building to fit comfortably within all site setbacks. Due to the relocation of the rear property boundary, the building now encroaches by 12' into the 25' rear yard setback. PLY Architecture, on behalf of the owner, would like to apply for a variance on the rear yard setback to allow us have a 13' rear yard setback for the building, and a 5'9" setback for the back porch. All other setbacks will be adhered to, but the 99' site width does not allow us to move the building out of the rear setback.

The other hardship that we are faced with which is constraining us to locate the building on the east side of the property is the steep topography as shown in the site plan. From the west edge to the east, the site drops by 6-9' depending on location. Locating the required parking on the west, to the left of the building is the least site-invasive parking strategy and does not require us to construct any retaining walls. However due to the topography on the east side of the property, if we were to locate the building to the west edge of the property (with no variance needed) the east edge of the parking lot would require a 4' retaining wall with engineered fill to achieve code required grading for the parking lot. This is not only cost-prohibitive from the owner's standpoint, but it will be very invasive to the site, create an unsightly backdrop for the train museum and will cause the parking to be much more visually exposed to the residential neighborhood for which we are attempting to fit in with.

In summary;

1. Compliance with the 25' rear setback will force us to construct the building on the west side of the property, and parking on the east side, where, due to topographical circumstances, will

require us to construct a large unsightly retaining wall along the east side of the property, which is not in character with the neighborhood, is environmentally irresponsible, and exposes the large asphalt parking lot to the picturesque neighborhood and neighboring train museum.

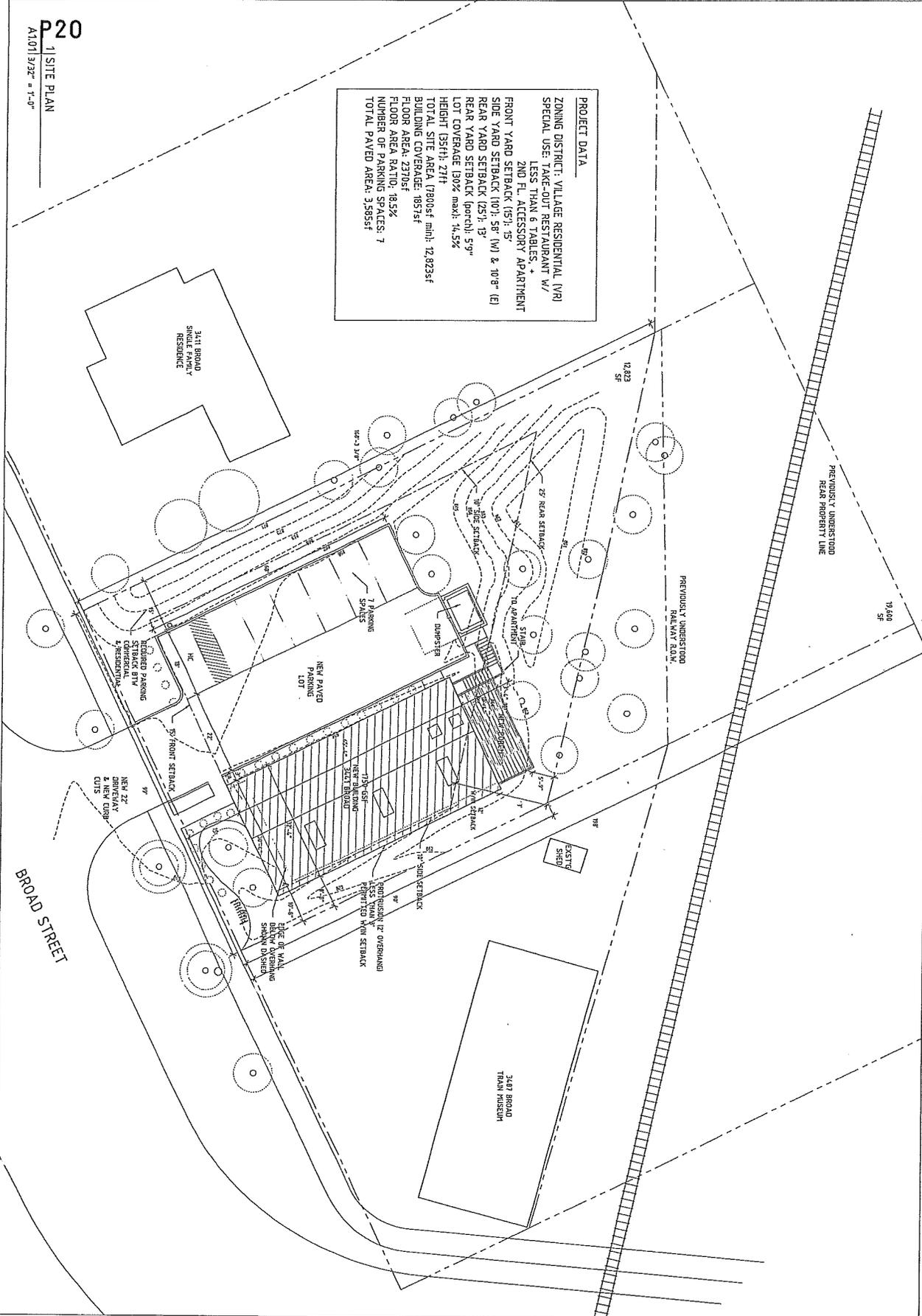
2. Granting the variance would do substantial justice to the owner due the recent discovery of the true property size and the constraints that those dimensions put on his project, as well as the unavoidable topographical hindrances. There are no residential properties which back onto the rear of his property, thus will not affect any neighboring property owners, and will relieve the residential neighbors of future complaints about a commercial parking lot negatively impacting the character of the residential and open green space of the Broad street area.
3. The unique circumstances of the property, in combination with the strict and obtrusive parking requirements as ordained by the Village Residential guidelines, are forcing the owner to build into the required setback.
4. This problem is not self-created, as we feel that it is in the best interest of the Village of Dexter, if they anticipate other future Special Use Commercial developments in the Village Residential Zone, to not allow parking to be located on the most exposed and visible portion of the property which will start to create a suburban "strip-mall" setting in the middle of a residential neighborhood.

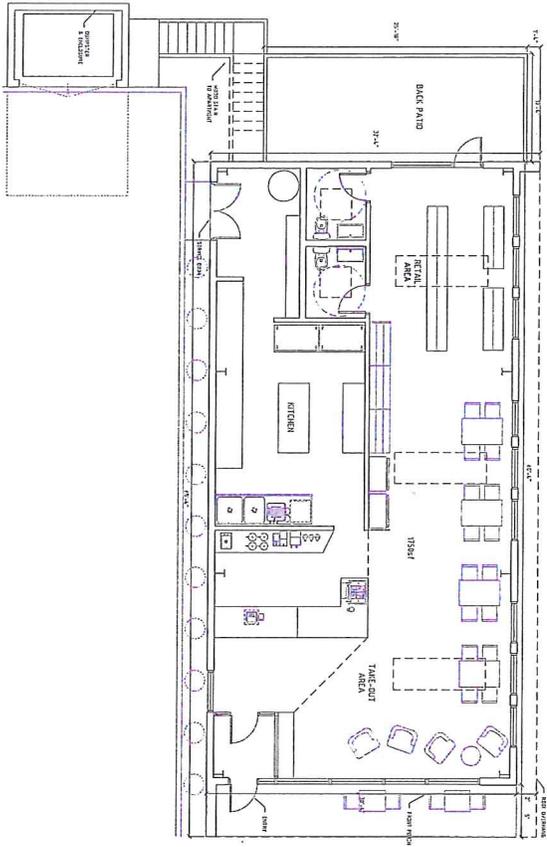


PROJECT DATA

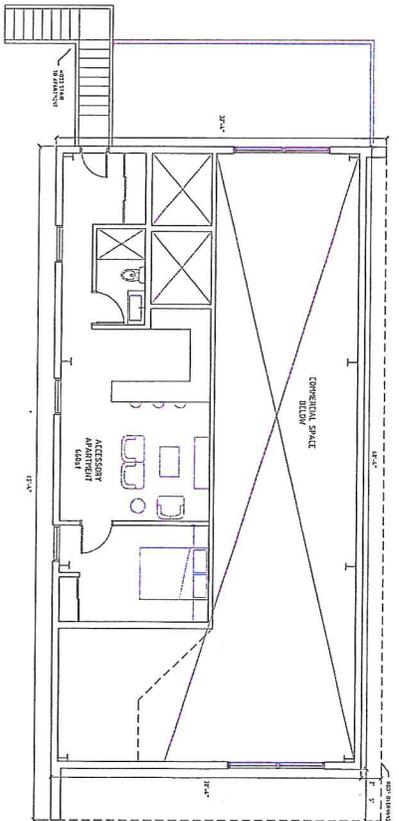
ZONING DISTRICT: VILLAGE RESIDENTIAL (VR)
SPECIAL USE: TAKE-OUT RESTAURANT W/ LESS THAN 6 TABLES + 2ND FL. ACCESSORY APARTMENT

FRONT YARD SETBACK (15'): 15'
SIDE YARD SETBACK (10'): 5' (W) & 10' (E)
REAR YARD SETBACK (25'): 13'
REAR YARD SETBACK (porch): 5' 9"
LOT COVERAGE (30% max): 14.5%
HEIGHT (35ft): 27ft
TOTAL SITE AREA: 7800sf min: 12,823sf
BUILDING COVERAGE: 1837sf
FLOOR AREA: 2370sf
NUMBER OF PARKING SPACES: 7
TOTAL PAVED AREA: 3583sf





1 | GROUND FLOOR PLAN
A1.02 | 3/16" = 1'-0"



2 | SECOND FLOOR PLAN
A1.02 | 3/16" = 1'-0"



3 | EXTERIOR SKETCH
A1.02 | NTS



4 | SITE PLAN AERIAL
A1.02 | NTS

PLY Architecture

678 South Wayne Road
Ann Arbor, Michigan 48106 USA

TEL: 734.769.7400

WWW.PLYARCHITECTURE.COM



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STANDARD ADMIN. CODE ONE

SITE PLAN

PLANS & SKETCHES
ZONING VARIANCE

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