

**ZONING BOARD OF APPEALS
SPECIAL MEETING**

MONDAY, AUGUST 22, 2016

A. CALL TO ORDER:

The meeting was called to order at 6:01 PM by Chairman Phil Mekas at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL:

P. Mekas
M, Schmid

S. Hansen
Zach Michels

J. Rush

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; and Rob Marshke, representing the applicant.

C. APPROVAL OF THE MINUTES

1. Regular Meeting – August 15, 2016

Motion Schmid; support Rush to approve the minutes of the Regular Meeting of August 15, 2016 as presented.

Unanimous voice vote approval.

D. APPROVAL OF THE AGENDA

Motion Schmid; support Rush to approve the agenda as presented. A photo packet of information was distributed by the applicant at the meeting.

Unanimous voice vote approval.

E. STAFF REPORT

F. SITE INSPECTION (Conduct on own)

G. PUBLIC HEARINGS

None

H. BUSINESS SESSION

1. **Continuation of ZBA Case #2016-03 ZBA Case #2016-03 Variance Request for 7200 Dan Hoey** (parcel ID numbers: 08-08-05-380-000, 08-08-05-380-001, 08-08-05-380-02, 08-08-05-380-03, 08-08-05-380-04, 08-08-05-380-05, and 08-08-05-380-06)

Applicant: Dexter Commerce Center Association

ZBA postponed action following the public hearing on August 15, 2016 to allow applicant time to obtain additional information regarding an alternative location.

- a. 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.
- b. Motion is proposed on “finding of fact, rationale, conclusions and conditions.”
- c. Discussion on standards and requirements of the ordinance.
- d. Action on the motion.

Staff:

On August 15, ZBA voted to postpone action on the request. Under variance considerations, Substantial Justice has been updated from the previous meeting to identify an alternative location for the installation of a sign, east of the west entrance, which would meet the required setbacks.

Applicant:

Rob Marshke was present and began by identifying the other business owners of the center. He listed issues with the west entrance location:

- There is a row of trees and a sign is not visible
- Will need to remove at least one tree.
- At the east entrance there is two roads of entrance access which is a more visible site.

Commissioner Comments and Discussion:

Hansen – I did not realize there was a west entrance to the site until the August 15 meeting. That entrance seems like the back door or secondary entrance. At the east entrance you can see buildings, and it seems like a logical place to locate a sign.

Mekas – I am hesitant to grant a variance on a setback.

Rush – Now days, people use their smart phones to find a location. Why the need for a sign.

Michels – What type of trees are at the west entrance and does that affect the landscaping requirements with the space? With the future growth of the trees currently on the site, we should consider if they would create a practical difficulty on the west entrance.

Schmid - I'm torn between the business side of this request and the Planning Commission/ZBA side of not issuing a variance. The applicant could go to the Planning Commission to amend the PUD.

Action:

Motion Mekas; support Michels based on the information provided by the applicant and staff at the August 22, 2016 Zoning Board of Appeals meeting, the Board determines the application , ZBA #2016-03, submitted by Dexter Commerce Center Association, on behalf of the owners of property at 7200 Dan Hoey (parcel ID numbers: 08-08-05-380-000, 08-08-05-380-001, 08-08-05-380-02, 08-08-05-380-03, 08-08-05-380-04, 08-08-05-380-05, and 08-08-05-380-06), fails to meet the criteria required for the considering of a variance request, pursuant to Section 24.05, sub-section A.

Therefore let it be resolved, the Zoning Board of Appeals does not grant the following variances from Section 7.03 (1):

1. 10-foot variance from the required 10-foot setback from the Dan Hoey Road right-of-way;
2. 15-foot variance from the 15-foot required setback from the property line, along Dan Hoey Road; and
3. 8-foot variance from the required 15-foot setback from the property line, along Lexington Road.

Let it further be resolved, the applicant is not permitted to install a ground sign with a 0-foot setback from the Dan Hoey Road right-of-way/property line, and a 7-foot setback from the Lexington Road right-of-way/property line.

The determination was made based on the following findings per Section 24.05 of the City of Dexter Zoning Ordinance:

1. No practical difficulty, and
2. Case lacked extraordinary circumstances needed to grant variance.

Ayes: Rush, Schmid and Michels

Nays: Hansen and Mekas

Motion carries 3-2

Question from Applicant – Could the 0-foot setback be allowed at the west entrance?
(Could come back for this and not have to wait a year.)

I. ADJOURNMENT

Motion Schmid; support Michels to adjourn at 6:52 PM.

Unanimous voice vote approval.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF REPORT

To: Zoning Board of Appeals
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Date: September 15, 2016

CITY COUNCIL UPDATES

- City Council granted conditional approval of the Area Plan for Grandview Commons, a 76 unit mixed residential development, located at the southwest corner of Grand Street and Baker Road. See attached Decision. The development proposal involves four parcels, which total 8.21 gross acres, plus .36 acres of city owned property, which the applicant is proposing to swap with the city in exchange for a public stormwater easement. Once the conditions of approval are satisfied, the applicant can move to Final Site Plan review with the Planning Commission.

MISCELLANEOUS UPDATES

- The City hired some new interns. The first is Zach Burgess. He will be helping out in the office. Zack is working on his Masters of Public Administration from Wayne State. The second and third interns are working as a team to develop a plan for First Street Park. They are Sarah Pizzo and Yuchen Ding. Both are graduate students at UM.
- At the beginning of the 3045 Broad Street Pre-Development Agreement process staff set up a special webpage for the project <http://dextermi.gov/3045-broad-street-redevelopment>. There you will find the comments from each meeting and the different iterations of the concept plan. Since the last public meeting (#3), the developer and the RFQ Committee have met twice to continue the concept plan refinement process. Attached to this report you will find the latest revision of the concept plan. As you can see, significant progress has been made; however, there are still some issues the RFQ Committee wants the developer to address, for example:
 - The Committee would like the developer to consider removing existing utility poles along Broad Street, and install the power lines underground. These costs may be recoverable as an eligible brownfield improvement.
 - Because the intersection of Broad and Forest Streets provides such an important connection to the downtown, the connectivity Broad Street provides to and from the downtown cannot be underestimated and must be maintained. So, the Committee would like the developer to prepare a concept site plan that maximizes on-site parking at one car per unit for the residential. The proposed retail would use the existing parking along Forest Street. Streetscape improvements to Broad Street could then include on-street public parking only on the east side of the street. Additional on-street public parking could be added on the east side of Broad Street approaching Forest, and on the south side of Forest, east of the Broad/Forest intersection. Funding of improvements to Broad Street would be open for discussion.
- Northern United Brewing Company (NUBC) broke ground for its new sanitary sewer pretreatment system on September 12th. The company anticipates the Cambrian EcoVolt system will be installed on or around Oct 4th. In addition, staff met with James Toner, from NUBC on Friday, August 12th. Staff was informed that Jolly Pumpkin has been invited to participate in Zwanze Day 2016. Zwanze Day is the brain child of Cantillon brewer, Jean Van Roy. Cantillon is considered one of Belgium's greatest breweries. The company makes a traditional Lambic, a strong, sweet Belgian beer. In 2008, Van Roy began bottling a series of beers called Zwanze. The word zwanze

refers to a semi-sarcastic style of humor or a joke or to kid, depending on regional dialects. Zwanze Day was established in 2011 to bring Lambic enthusiasts together through a worldwide release party.

NUBC is one of 28 breweries in the United States selected to participate this year, and the only one in Michigan. Zwanze Day would be an outdoor, ticketed event at NUBC, with 500 attendees anticipated. The hours would be 2:15-7:15 pm, Saturday, October 1, 2016. NUBC is partnering with the non-profit *Feelgood Tap*. Feelgood Tap raises fund to support local and regional nonprofits throughout Michigan with a focus on community, culture and wellness. NUBC must apply for and obtain a permit for a temporary special event, in accordance with Section 3.07 of the Zoning Ordinance.

- 8106 Main Street, formerly known as, Nicholls and Stafford has been leased to local businessman, Chris Jones. Mr. Jones plans to open a frozen yogurt and gourmet popsicle establishment on the first floor and relocate his business, Intuitive Technology, currently located at 8011 Main Street. To the 2nd floor.
- Now that The Alley has closed, staff contacted the Liquor Control Commission (LCC) to find out what happens to the license. According to the LCC, the licensee has 60 days to appeal the LCC's action. If no appeal is filed, the status of the license is changed from *revoked* to *dead*. Normally the license would come back to the city as a quota license. However, the City, based on its population, was granted 3 licenses. According to the LCC's records, we have 4 licenses because one was transferred in from another municipality. Thus, the license in this case would remain with the state. The next opportunity to gain additional quota license will be the 2020 census, and then 1 license would be granted for every 1,500 in additional population over the 2010 census. Consequently, the City would need to have an increase in population of more than 3,000, based on the 2020 Census, to gain 1 new license.
- While researching permit information for 3411 Broad Street, staff discovered a *Resolution for Partial Fourth Street Abandonment and Vacation*, which the then Village Council adopted on June 25, 1990 (attached), in the address file. See aerial photo below. In the attachment you will find the meeting minutes for June 25, 1990, which identify the agenda item as *REQUEST FOR VACATION OF FOURTH STREET BETWEEN BROAD STREET AND THE ROALROAD RIGHT-OF-WAY. RALPH AND ANNETTER FINLEY, APPLICANTS.*



The Finley were and still are the owners of the property located at 3411 Broad St, 08-03-31-477-003, which is adjacent to the ½ of Fourth Street that was vacated and abandoned. You will also find a survey that shows the Finley's garage encroached into the Fourth Street ROW. Based on this information, it's logical to conclude that the then Village Council granted the Finley's request as a way to clear up the encroachment issue.

In 1996, Council amended the Resolution to correct a description error. The County's GIS map does not show the partial vacation and abandonment. Staff is working with the city and county assessors to get the discrepancy cleared-up.

- You will find an article regarding parking in the latest edition of Downtown Idea Exchange. It deals with some issues that contribute to parking shortages in downtowns.

SITE DATA

SITE AREA (GROSS)
EXISTING (1,500 S.F. OF LAND/RED) ± 79,983 S.F. OR ± 1.83 AC

ZONING (CURRENT) EXISTING
CBD (CENTRAL BUSINESS DISTRICT) & VC (VILLAGE COMMERCIAL)
PROPOSED
P.U.D. W/ CBD BASE ZONING STANDARDS

TOTAL BUILDING FOOTPRINT AREA
PROPOSED 31,855 S.F.
LOT COVERAGE - MULTI-FAMILY
± 39.8%

BUILDING HEIGHT ALLOWABLE
PROPOSED 45 FEET - 3 STORY
59 FEET - 4 STORY

BUILDING AREA (GROSS)
APARTMENTS 98,822 S.F.
COMMERCIAL OFFICE 4,480 S.F.
TOTAL 103,302 S.F.

DENSITY - APARTMENTS
PROPOSED - DWELLINGS/ACRE ± 47

UNIT COUNT
STUDIO UNITS 10 D.U. (11.6%)
1 BR UNITS 48 D.U. (55.8%)
2 BR UNITS 28 D.U. (32.6%)
TOTAL 86 D.U.

PARKING REQUIRED
APARTMENTS UNITS (1 SPACE/UNIT) 86 SPACES
OFFICE (3 CARS/1000 S.F.) 14 SPACES
TOTAL 100 SPACES

PROPOSED
APARTMENTS (INCLUDING ANGLE STREET PARKING) 86 SPACES
BIKE PARKING 12 SPACES
SCOOTER PARKING 4 SPACES
FUTURE CITY PARKING 18 SPACES

NOTE:

ALL INTENSITY AND DIMENSIONAL DATA NOTES AS *REQUIRED OR *ALLOWABLE* IS BASED ON THE CBD BASE ZONING STANDARDS.

LEGEND

- COMMERCIAL OFFICE FIRST FLOOR / UNITS ABOVE
- UNITS
- FIRST FLOOR COVERED PARKING W/ UNITS ABOVE

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OWNER REVIEW
JULY 29, 2016

SHEET 1 OF 1



**CONCEPTUAL
SITE PLAN**



SCALE: 1" = 30'-0"



Downtown Idea Exchange

Essential Information for Downtown Revitalization

Vol. 63, No. 9
September 2016

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New program aims to reduce homelessness. Broad partnerships and outreach have a huge impact 2

Panhandling and homelessness are two different issues. Addressing panhandling concerns is simply a matter of education 3

Grant funds create a more attractive outdoor dining scene. Outdoor seating and more attractive facades help restaurants thrive 5

Attracting infill development. Thirty strategies to fill vacant or under-used land 7

Gap funding drives new-home construction in historic city center. Grant dollars aim to create a more diverse housing stock and attract residents with disposable income 9

Idea Exchange. Food halls increase in popularity, Historic theaters find new uses, Pokémon attracts crowds, and more..... 11

Economic Impact

Creating a density of like businesses attracts more customers

Groupings of related businesses and services can give those business owners, and your downtown as a whole, a competitive edge, says N. David Milder, author of *Niche Strategies for Downtown Revitalization*. Customers drawn to a particular type of business, whether thrift stores, antiques, art galleries, or pubs, will find a variety to choose from more attractive.

Developing a niche, or cluster, of similar businesses can also focus promotion and recruitment efforts, says Milder. That's been the case in Phoenix, AZ (est. pop. 1,445,632),

where a 12-block stretch of downtown is being marketed as a desirable location for bar owners, as well as patrons. Downtown Phoenix, Inc. has created a distinctive brochure to market available commercial properties and to inform the types of businesses attracted to these spaces.

The brochure touts "conditions that support a bar cluster," including significant public demand for diverse eating and dining concepts, the successful track record of six bars already operating in the cluster, and a downtown that sees seven

(Continued on page 3)

Parking

Inaccurate perceptions, and a lack of education and enforcement mask plentiful parking

A recent parking study in Turlock, CA (est. pop. 68,549), reveals that even though 50 percent of the 3,872 available parking spaces are underutilized, 72 percent of residents believe there is a parking shortage downtown. While there is plenty of parking, a lack of turnover in some busy areas, combined with a lack of motorist knowledge of municipal parking options, gives the impression

that downtown parking is scarce. A lack of willingness on the part of downtown visitors and employees to park more than a block or two from their destination also contributes to the perception of scarcity.

To meet demand now and over the next few years, more efficient parking management, including enforcement, wayfinding, and

(Continued on page 8)

difficulty securing financing because lenders see these projects as risky. Finally, if existing infrastructure in an infill site requires substantial improvements, developers might not be willing to develop there.”

Infill in existing neighborhoods can bring environmental and economic benefits, but it can also disrupt life for existing residents and businesses, and potentially lead to the displacement of some, cautions the EPA. “It is important for local governments to listen to and consider the concerns of people living in priority infill areas as they develop policies and programs to attract new development and investment into these areas. This means giving careful consideration to strategies that can help longtime residents and businesses stay in these neighborhoods, actively participate in planning for infill, and ultimately benefit from new growth.”

The report organizes the 30 strategies

into two main categories: foundation and funding. Foundation strategies are the critical steps downtown leaders can take to make infill development more feasible, such as establishing priorities, policies, and partnerships, as well as changing public perception. Downtown leaders are provided with eight policy strategies; six aimed at developing partnerships, and five strategies to help shift public perception. There are also six strategies for securing funding for infill, and four to raise funding for infrastructure.

Appendix A includes self-assessment questions for each strategy that will help downtown leaders decide which strategies best fit their individual communities, and whether they are ready to move forward with the strategies and tools provided in the report. The 81-page report is packed with case studies exemplifying communities successfully using each strategy to attract infill development. **DIX**

Inaccurate perceptions, and a lack of education and enforcement mask plentiful parking — *Continued from page 1*

education are more essential than the creation of more parking spaces, says TJKM Transportation Consultants, which was hired in 2015 to develop a Downtown Parking Plan.

As part of that process, TJKM surveyed downtown stakeholders. Of the 157 respondents, 65 percent were residents, 14 percent visitors, and 10 percent were business owners. An inventory of available parking spaces, as well as occupancy studies at various times of the day during the week and on weekends were also conducted.

While new parking will be necessary to meet long-term growth, for now, the city needs to focus on changing parking time limits, allocating staff to enforce parking regulations, educating the public about available parking, and creation of an employee parking permit program.

According to survey results, only 19.6 percent of respondents were familiar with all of the downtown parking lots, while 50.3 percent knew about some, and 30.1 percent were not at all aware of available parking in the city center. Better promotion of available parking is required, say the consultants, who recommended a stronger parking message on the city website, wayfinding signage, window stickers for downtown businesses, and perhaps even a parking app for mobile devices.

Changes in parking regulations, and enforcement of those regulations, will be required to address a lack of turnover on some downtown streets, says TJKM. On the busiest downtown streets, for example, 138 of 800 spaces were occupied for as long as six hours, despite most of that area being posted for two-hour parking. These changes may not come



DowntownDevelopment.com

To view the full Downtown Parking Study presentation made to the Turlock City Council and Planning Commission in June, visit our website and click on Web Extras.

easy. Most survey respondents indicated an unwillingness to park more than a block or two from their destination, with 38.7 percent stating that they would continue to circle their desired block until a space opened, and only 23.7 percent indicating they were willing to use a public parking lot.

Potential reasons people might be unwilling to walk included poor sidewalk and street lighting conditions, a lack of interest or physical ability to walk, and concerns about personal and property safety.

To make the city center more walkable, consultants recommended improved crosswalks and sidewalks, improvements to storefronts and lighting along side streets, and that the city explore funding and planning for beautification and lighting projects for municipal parking lots.

City officials were also encouraged to reduce any four-hour parking zones downtown to two-hour, and to then enforce those two-hour time limits. This alone would increase the available parking supply in high-demand areas at a minimal cost, says the study. Additional staff would need to be allo-

Taking the long view regarding future parking needs

While a recent parking study in Turlock, CA, finds a need for better parking management, rather than more parking spaces, TJKM Transportation Consultants has also made numerous infrastructure recommendations to meet parking needs over the next four to 10 years. These include:

- Reducing parking demand by enhancing pedestrian and bicycle infrastructure and promoting other modes of transportation, including public transit and car pooling.
- Installation of smart parking meters and real-time availability signage.
- Smartphone apps and pay-by-phone options.
- Seeking funding and space to increase surface parking lots and parking garages downtown within the next 10 to 20 years.

cated for enforcement, but costs could be offset by citation revenues.

Issuance of employee parking permits would accommodate those all-day parking needs, save employees having to move their vehicles multiple times per day, and direct those vehicles to areas with lower parking demand, says TJKM, making the initiative worth any resulting pushback and program management costs. **DIX**

Residential Development

Gap funding drives new-home construction in historic city center

A new Downtown Residential Development Program approved in June in Henderson, NV (est. pop. 257,729), aims to create more density in the historic city center while also adding diversity to the types of homes available. Developers can apply for up to \$24,500 in grant funding per residential unit, up to a six-plex project, on new construction only.

“Our focus is just the Water Street District, which is the core of our historic downtown,” says Mark Hobaica, city architect/redevelopment manager. “We need to increase our density, our critical mass of people calling downtown home.” Homes in the Water Street District were constructed as temporary dwellings during WWII, “so there’s a lot of his-



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STAFF REVIEW

TO: Chairman Phil Mekas and the Zoning Board of Appeals
FROM: Michelle Aniol, Community Development Director
DATE: September 14, 2016
RE: **ZBA #2016-03, 7200 Dan Hoey Sign Setback Variance Request**
Applicant: Stephen Chumney
Property Owner: Stephen and Sandra A Chumney

The Zoning Board of Appeals is scheduled to conduct a public hearing on September 19, 2016. The purpose of the hearing is to consider a variance request, submitted by Stephen Chumney for property located at 8058 Huron Street (08-03-32-360-007). Mr. Chumney has requested the following variance from Section 3.02, sub-section E, of the City of Dexter Zoning Ordinance, regarding required setbacks for detached accessory structures:

1. 1.3-foot variance from the required 10-foot setback from the principal building for a detached accessory structure.

The applicant cites practical difficulties associated with the property. It must be noted, the shed has already been constructed. Thus, if the request is granted, the shed would be allowed to remain 8.7-foot feet from the principal structure.

BACKGROUND

The applicant erected a 160 sq. ft. pre-fabricated wood shed earlier this year without a permit. The applicant was informed that erection of the shed without a permit was a violation of the Zoning Ordinance, and he needed to apply for a zoning compliance permit. The applicant submitted the required application, but the application was denied because the shed was located less than 10 feet from the principal structure, as required in Section 3.02, sub-section E.

According to the applicant, the shed was erected in the same location where a previous garage had been located. Photographs attached to this report confirm this. In his application, Mr. Chumney indicates the garage measured 226 square feet. The shed has a small footprint at 160 square feet.

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

The applicant states the property abuts the Huron River and placement of the shed deeper into the lot is limited by a steep topographic gradient (i.e. slope). He also cites the placement of the shed would adversely impact the view of the river for adjacent property owners to the east and west of his property.

The topography of the subject property slopes down toward the river, from a contour of 856 feet to 852 feet, over a distance of approximately 40 feet. That results in a 10% grade change. Photos accompanying this report show the grade change, as well as the former garage foundation. The sloping topography is naturally occurring, and is more than a mere inconvenience. It constitutes a practical difficulty and would be sufficient to justify a variance.

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

As stated above, compliance with the required setbacks would be difficult due to the natural contours of the site. Furthermore, due to the sloping grade, a lesser variance would not provide any relief, since moving the shed toward the front of the property would not eliminate the need for a variance. The requested variance is an appropriate alternative.

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

The requested variance should not impact public safety and welfare negatively.

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 of other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

The topographic conditions (steep slope) are an extraordinary circumstance, not of the applicant's creation.

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

The location of the shed should not present 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 prevailing shopping pattern, convenience of access for patrons, continuity of development, and the need of particular services and facilities in specific areas of the City.*

The subject property is zoned VR, Village Residential District. The intent of the VR Village Residential District is to:

- 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.
- Promote land development practices which will protect the public health, safety and welfare.
- *Traditional neighborhoods are the desired alternative to conventional modern, use-segregated developments such as large lot suburban subdivisions and strip commercial developments.*
- Encourage residential/mixed-use development in a manner consistent with the preservation and enhancement of property values within existing residential areas.
- Promote the creation of places which are oriented to the pedestrian, promote citizen security and social interaction.
- Promote development of mixed-use structures or mixed-use development with offices, multiple family and retail uses located with related community facilities.
- Discourage commercial or industrial uses that create objectionable noise, glare and odors.

A single family residential house currently occupies the site. Zoning and use of adjacent properties is provided in the following table:

Property Location	Zoning	Use
North	Huron River	
East	VR, Village Residential	Single Family Residential
South	VR, Village Residential	Multiple Family Residential
West	VR, Village Residential	Single family residential

The neighborhood is residential in character with single and multiple family dwellings on either side of Huron Street. Commercial uses are limited to the intersection of Huron and Central Street, to the east. A shed is a common residential accessory structure, and would be consistent with the neighborhood character.

CONCLUSION/FINDINGS

- The natural contours of the site produce steep slopes, which constitutes a practical difficulty and justifies a variance.
- A lesser variance would not provide any relief, and as such the requested variance would provide substantial justice.
- Risk to public safety and welfare would not be compromised nor increased.
- The properties steep slopes are a naturally occurring extraordinary circumstance, not of the applicant’s creation.
- The hazard of fire or other dangers to public safety or creation of a public nuisance would not be increased.
- A shed is a common residential accessory structure, and would be consistent with the neighborhood character.

SUGGESTED MOTIONS

Based on the information provided by the applicant and staff at the September 19, 2016 Zoning Board of Appeals meeting, the Board determines the application, ZBA #2016-04, submitted by Stephen Chumney for property located at 8058 Huron Street (08-03-32-360-007), **(MEETS/FAILS TO MEET)** the criteria required for the considering a variance request, pursuant to Section 24.05, sub-section A.

Therefore let it be resolved, the Zoning Board of Appeals **(GRANTS/DOES NOT GRANT)** the following variance from Section 3.02, sub-section E:

1. 1.3-foot variance from the required 10-foot setback from the principal building for a detached accessory structure.

Let it further be resolved, the applicant’s shed is **(PERMITTED / NOT PERMITTED)** to be setback 8.7 feet from the principal structure.

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** ZBA #2016-04 until (____(date)____) to allow the applicant time to address the following items: **(list items)**

1. _____

- 2. _____
- 3. _____

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



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APPLICATION FOR ZONING BOARD OF APPEALS HEARING

Application is being made for: Appeal Variance

Property Address: 8058 Huron St Dexter, MI 48130 Tax ID Number: 08-03-32-360-007

Proposed Use: Accessory building to the principle structure (storage shed)

Applicant Name: Stephen Chumney Phone: 734-417-6874

Applicant Address: 8058 Huron St. Dexter, MI 48130

Email Address: schumney74@gmail.com Mobile Phone: 734-417-6874

Property Owner Name: Stephen Chumney Phone: 734-417-6874

Property Owner Address: 8058 Huron St Dexter, MI

Email Address: schumney74@gmail.com Mobile Phone: 734-417-6874

Type of Improvement Proposed: Pre-fabricated wood storage shed placed within foundation footprint of formerly existing garage structure

Reason Waiver is Requested (explain practical difficulty or hardship): Please see attached bullet point document

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 City Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

	<u>7/20/2016</u>		<u>7/21/2016</u>
Owner's Signature	Date	Applicant's Signature	Date

Staff Review:	Fee: <u>Residential \$250</u>	Non-Residential \$350	<u>For Sept 28A mtg</u>
	Date Received: <u>7/22/16</u>	Receipt # <u>56380</u>	

Regulations (Ordinance Sections) to be waived: _____

Code Requirement: _____

Proposal: _____

Zoning Board of Appeals Action: Approved Denied Date: _____

APPROVAL STAMP:

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

- Property abuts the Huron River and placement of the accessory building further back in the rear lot is limited by a steep topographic gradient adjacent to the river. Additionally, placement of the accessory structure further back on the rear lot would adversely impact the river view of adjacent property owners to the west and east of the applicant's property.
- Deprivation of the applicant's rights to make use of a portion of the property (formerly utilized for a detached garage) for placement of an accessory storage building which is commonly enjoyed by other property owners residing within the Village Residential District. Note: the accessory storage shed occupies less square footage than the formerly existing detached garage structure (160 square feet vs 226 square feet) and is located entirely within the former garage footprint.
- In the applicant's opinion, the variance to allow the location of the accessory structure on the applicant's lot, and the accessory structure itself will not adversely impact or prove detrimental to the general welfare of adjacent property owners and the neighborhood. The placement location of the accessory structure meets the required setbacks for the side, rear, and front lot lines, with the only non-conforming element being the 8.7 ft lateral distance from the applicant's principle structure. Moreover, the accessory structure is professionally constructed and of high quality, and the architectural features and appearance are in line with the spirit of the Village Residential District neighborhood.



OFFICE OF COMMUNITY DEVELOPMENT

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

~~FINAL ZONING COMPLIANCE~~

Preliminary

This application is to be used only for the items listed below. All other uses first require Site Plan Review by the Planning Commission and City Council. A complete application shall include a scaled site plan, plot plan or survey, and required fees.

APPROVAL REQUESTED FOR:

New Single Family Dwelling	Detached structure (garage, etc.) <i>Shed</i>	Addition to single-family dwelling
Remodeling of an existing building	Multiple family dwelling	Deck
Commercial office building	Other property alteration:	

THE CITY OF DEXTER HAS NO JURISDICTION OVER MASTER DEED RESTRICTIONS, THEREFORE, IF ZONING ORDINANCE REQUIREMENTS ARE MET, A PERMIT WILL BE ISSUED.

HOWEVER, THE APPLICANT SHOULD BE AWARE THERE MAY BE DEED RESTRICTIONS REGARDING DECKS, ADDITIONS, GARAGES AND EXTERIOR REMODELING, ETC.

PLEASE CONTACT YOUR HOMEOWNERS ASSOCIATION BEFORE BEGINNING CONSTRUCTION.

Property Address: 8058 Huron St. Tax ID Number: 08 150-03-32-360-007

Proposed Use: Storage shed

Applicant Name: Stephen & Sandra Chumney Phone: 734-417-6874

Applicant Address: 8058 Huron St. Dexter 48130

Email Address: schumney74@gmail.com Mobile Phone: 734-417-6874

Property Owner Name: Stephen & Sandra Chumney Phone: "

Property Owner Address: 8058 Huron St. Dexter, MI 48130

Email Address: schumney74@gmail.com Mobile Phone: 734-417-6874

Preliminary

Final Plot Plan Requirements for new home construction: Plot plans shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

1. Plot plans must be prepared, signed and sealed by a Registered Professional Engineer or Licensed Surveyor.
2. North arrow and scale, between 1" = 20' and 1" = 50'.
3. Builders name, address and telephone number.
4. Date of plan or revision, subdivision name, property address, lot number, and legal description of property.
5. Street right-of-way name and width.
6. Location, shape and dimensions of the lot, including total area in square feet.
7. Dimensioned outline and area (in square feet) of all existing and proposed structures, including those on adjacent lots.
8. Front, side and rear setbacks.
9. Location and species type of required street trees.

DENIED

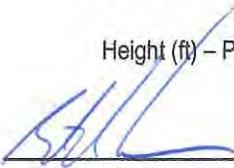
Preliminary

Final Zoning Compliance – Page 2

10. Location, type of material and width of sidewalks and driveway (with elevations). Please indicate driveway slopes.
11. Provide site benchmark on NAVD '88 datum.
12. Location, elevations, and easements for all utilities, including water, sanitary and stormwater sewers and gas, cable, etc.
13. Location of fire hydrants must be provided.
14. Elevations at each lot corner.
15. Finish grade and finish floor elevations for first floor, garage and basement for proposed structure(s) and finish grade elevation of structures on adjacent lots, as applicable. Please indicate if the adjacent lot is vacant.
16. Sanitary sewer and water services lines must be shown at the as-built location with invert elevation.
17. Sump line shall be shown connecting the building to the existing sump lead with pipe slope noted.
18. Rear yard and side yard drainage swales with grades shown at sufficient locations to provide for positive drainage away from the building and other structures. Channelization of drainage to an approved outlet shown. Direction arrows provided showing proposed and existing drainage directions.

Regulations and Standards (applicant must complete): In addition to the basic requirements for each zoning district, the following regulations also apply:

1. Corner Lots are considered to have two (2) front yards and two (2) side yards.
2. All additions to a dwelling, including attached garages and decks, are considered part of the dwelling and must meet the same setbacks. Detached structures must be at least ten (10) feet from any other structure; detached structures may be placed not less than three (3) feet from any rear lot line or the rear yard portion of the side lot line.
3. Height limitations are 35 feet for dwellings, and 14 feet for detached accessory buildings. (Height is measured to the middle of the roofline for a pitched roof).
4. Street trees must be planted. Planting Date: NA Species: NA
5. Right of Way Pavement Construction permit must be closed out.

	Requirement	Plan Submitted
Front Yard Setback (ft) () Check here if corner lot	<u>10 ft</u>	<u>52 ft</u>
Side Yard Setback (ft) – Principal/Accessory Structure	<u>3 ft</u>	<u>3 ft</u>
Rear Yard Setback (ft) – Principal/Accessory Structure	<u>50'</u>	<u>68'</u>
Lot Coverage (Structures) (%)	<u>15 25%</u>	<u>18% 14.4%</u>
Height (ft) – Principal/Accessory Structure	<u>14'</u>	<u>9'</u>
 _____	 _____	
Date <u>6/25/16</u>	Date <u>6/25/16</u>	
Owner's Signature	Applicant's Signature	Date

Phelan

Final Zoning Compliance – Page 3

To be completed by Staff:

Staff Review:

Fee: 25

Date Received:

*7/5 input into system
8/15/14*

Receipt #

57621

Remodel/Deck \$25; Residential Home \$50; Multi-Family/Commercial/Industrial/Quasi-Public \$100

Site/Plot Plan	Acceptable	
	Yes	No
Prepared, signed and sealed by a Registered Professional Engineer or Licensed Surveyor.		
North arrow and scale, between 1" = 20' and 1" = 50'.		
Builders name, address and telephone number.		
Date of plan or revision, subdivision name, property address, lot number, and legal description of property.		
Street right-of-way name and width.		
Location, shape and dimensions of the lot.		
Dimensioned location, outline, and dimensions of all existing and proposed structures, including those on adjacent lots.		
Front, side and rear setbacks.		
Location and species of required street trees, at least 6 feet from water/sewer leads and driveways, at least 5 feet from the edge of the driveway, and a minimum of 20 feet from other street trees. Tree Species:		
Location, type of material and width of sidewalks and driveway (with elevations). Driveway slopes are indicated.		
Site benchmark on NAVD '88 datum provided.		
Location, elevations, and easements for all utilities, including water, sanitary and stormwater sewers and gas, cable, etc.		
Location of fire hydrants		
Elevations at each lot corner and grade change points.		
Finish grade and finish floor elevations for first floor, garage and basement of proposed structure and finish grade elevation of adjacent houses provided, where applicable.		
Sanitary sewer and water lead locations at the as-built location with invert elevation, and the proposed grade of the sanitary lead		
Sump lead shall be shown at the as-built location with invert elevation and connects the building to the existing sump lead with pipe slope noted.		
Rear yard and side yard drainage swales are clearly indicated with grades shown at sufficient locations to provide for positive drainage away from the building and other structures. Channelization of drainage to an approved outlet shown. Direction arrows provided showing proposed and existing drainage directions.		

Connection Fees

Tap fee paid on: _____	YES	NO
Other		
SESC Permit Close-out.		
Right of Way Pavement Construction Permit Close out or bond posted.		
MXU Installed		

Date Site Checked: _____ Date Utilities Checked: _____

Preliminary

Final Zoning Compliance - Page 4

Reviewed by: _____

(Signature)

Date: _____

7/5/16

Approved

Denied

REASONS FOR DENIAL: _____

shed less than 10' from principal structure.

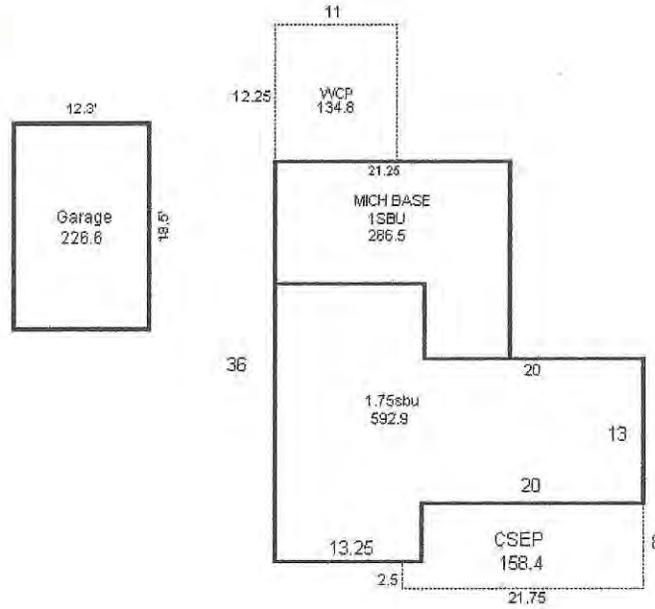
EXISTING NON-CONFORMITIES/VARIANCES GRANTED: _____

APPROVAL STAMP:

DENIED

Image/Sketch for Parcel: 08-03-32-360-007

Historical Use



Sketch by Apex IV Windows™

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MORTGAGE SURVEY

Certified to: LIBERTY TITLE

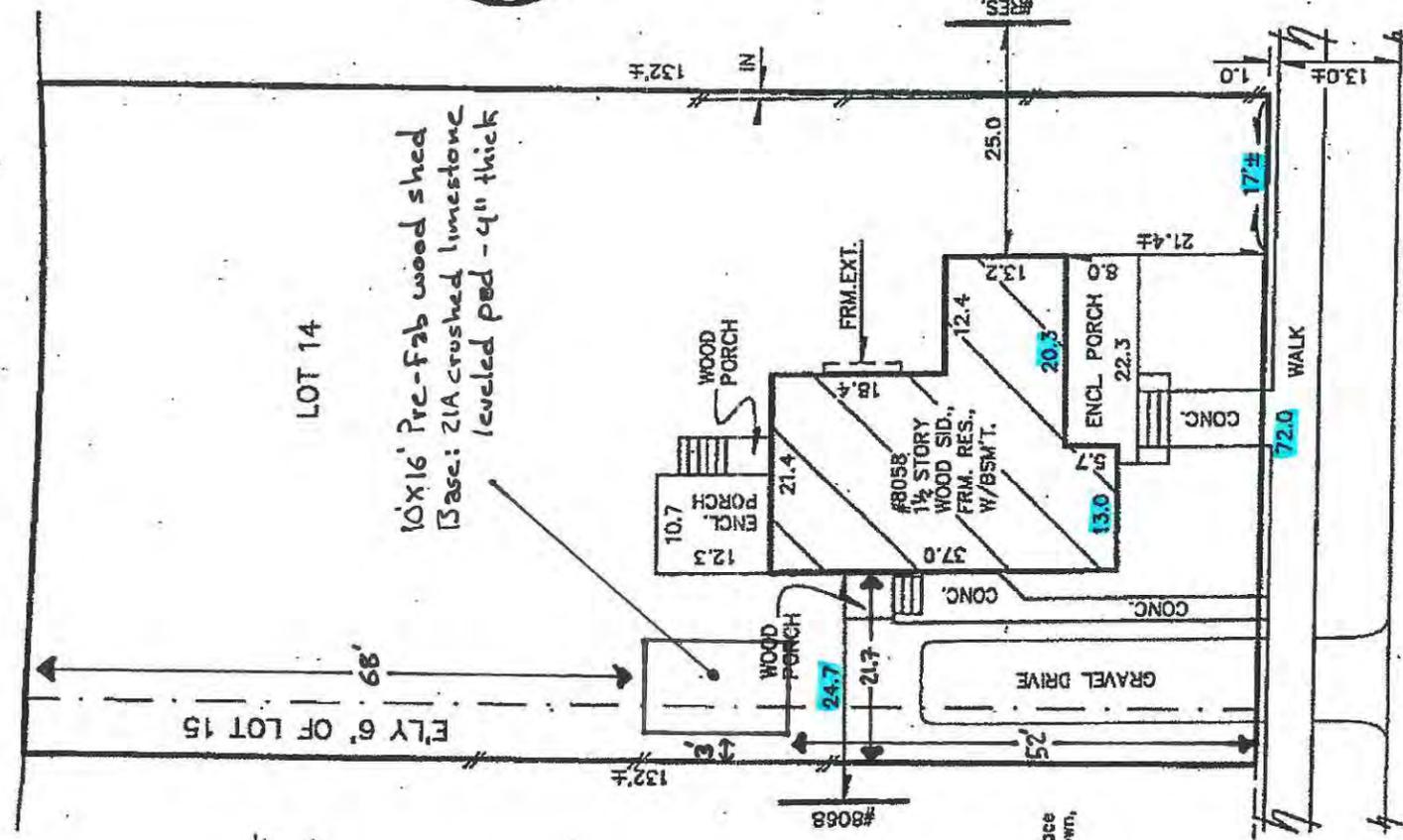
Applicant: STEPHEN E. BLINDER AND MICHELE L. DEERING

Certified True Copy

Property Description:

Lot 14 and 6 feet in width off the Easterly side of Lot 15; MARY J. RAYWALT'S ADDITION TO THE VILLAGE OF DEXTER, Washtenaw County, Michigan, as recorded in Liber 60 of Deeds, Page 770 of Washtenaw County Records.

HURON RIVER



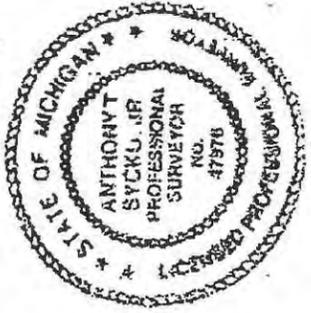
REM. OF LOT 15

NOTE:
Due to snow cover some surface level features may not be shown, such as Conc. & Asph. etc.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the aforementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

JOB NO: 04-60121 SCALE: 1"=20'
DATE: 01/09/2004 DR BY: SLD

Stephen E. Blinder



KEM-TEC WEST
LAND SURVEYORS

800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 • (800) 433-8133
FAX: (734) 994-0887



KEM-TEC
LAND SURVEYORS

22556 Grand Avenue
Eastpointe, MI 48027-3312
(588) 772-2222
FAX: (588) 772-4048









OFFICE OF COMMUNITY DEVELOPMENT

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

STAFF REVIEW

TO: Chairman Phil Mekas and the Zoning Board of Appeals
FROM: Michelle Aniol, Community Development Director
DATE: September 13, 2016
RE: **ZBA #2016-05, 3544 Lexington – Variance to increase maximum lot coverage**
Applicant: Elizabeth Ritter
Property Owner: Peters Building Company

The Zoning Board of Appeals is scheduled to conduct a public hearing on September 19, 2016. The purpose of the hearing is to consider a variance request, submitted by Elizabeth Ritter for property located at 3544 Lexington (08-08-08-260-066). Ms. Ritter has requested the following variance from Section 20.01, Schedule of Regulations of the City of Dexter Zoning Ordinance, to allow the construction of a 14-foot by 14-foot deck and stairway:

1. A 2% increase in the maximum lot coverage, from 30% to 32%

The applicant cites practical difficulties associated with the property.

If the request is granted, the applicant would be allowed the construction of a 14-foot x 14-foot deck and stairway, and have maximum lot coverage of 32%.

ZONING

The subject site is located on the south side of Lexington Court. The subject site, and all adjacent property is zoned Dexter Crossing Planned Unit Development (PUD) with an underlying zoning of R-1B, One Family Residential – Small Lot. Improvements, such as a deck, are permitted, subject to yard setbacks and maximum lot coverage requirements. According to Section 20.01, Schedule of Regulations for Principal Buildings – Residential, the maximum lot coverage in the R-1B District is 30%.

The applicant contracted Peters Building Company to build a new home on the subject site. The home was constructed with a walkout basement, and sliding doors off the dining room, on the main level. The sliding doors are at the back of the home and are not at grade level. The property owner, Peters Building Company applied for a permit to construct a 14-foot x 14-foot deck and stairway. The application was denied because the proposed deck and stairway would result in the lot coverage exceeding the 30% maximum allowed, by 2%.

BACKGROUND

In the 2005, Peter's Building Company requested and obtained an amendment to the Area Plan for Dexter Crossing Residential, to allow the maximum lot coverage to be 35%, for the following 5 lots:

- a) 193 (515 Coventry)
- b) 194 (513 Coventry)
- c) 198 (505 Coventry)
- d) 201 (499 Coventry)
- e) 214 (3635 South Downs)

The size of the lots ranged from 6,387 square feet to 6,829 square feet. In granting the amendment to the PUD, the Planning Commission and Village Council determined these lots were substantially smaller than the minimum lot area required in the R-1B districts.

In addition, that same year the Zoning Board of Appeals granted a variance to the homeowner of lot 129 (3656 South Downs), to allow a maximum lot coverage not to exceed 34%. The variance was granted based upon findings of substantial justice and extraordinary circumstances. The homeowner suffered from multiple sclerosis, the yard was not level enough for the wheelchair to maneuver easily,

and a larger deck was needed to accommodate his wheelchair. The area of the lot in this case was 7,244 square feet, which is 556 square feet less than the minimum lot area required in the R-1B District.

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

In correspondence submitted by the applicant, dated August 15, 2016, the applicant states she was not aware of the 30% maximum lot coverage until the application for a deck was denied. She cites the need for ingress/egress from the rear of the house on the main level as a practical difficulty. The lot, with just the house has 29% lot coverage.

Unlike the situation in 2005, the subject site exceeds the minimum lot area required in the R-1B zoning district. The subject site measures 8,312 square feet, which is 6.5% or 512 square feet greater than the minimum lot area of 7,800 square feet, which is required in the R-1B zoning district.

The maximum lot coverage regulation is not unnecessarily burdensome. Other than the 6 lots cited above, which are smaller than the minimum lot area required in the R-1B District, all other property owners in the Dexter Crossing Residential Development have been able to meet the restrictions governing lot area.

It is evident that not having a form of ingress/egress on the main level, at the rear of the home would be inconvenient, but it would not prevent the homeowner from exiting the home from the rear. The home has a walk out basement. However, per the variance consideration criteria, demonstration of an inconvenience is not enough to justify a variance.

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

The applicant has indicated to staff that a 12-foot x 12-foot deck would be acceptable. However, even at a reduced size, the resulting lot coverage would be 31%. A stairway that measures 100 square feet would be a viable alternative, and provide substantial justice for the following reasons:

- a) It would provide access from the main floor, at the rear of the home, to grade level below, and
- b) It would not result in the lot coverage exceeding 30%.

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

A variance in this case would not compromise 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 of other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

As stated previously, the subject site measures 8,312 square feet, which is 6.5% or 512 square feet greater than the minimum lot area required in the R-1B zoning district.

Per the variance consideration criteria, extraordinary circumstances cannot be self-created. In this case, the builder and property owner, Peter’s Building Company created this situation by not informing the applicant that the size of the house she wanted to construct would limit her options for other improvements, such as, but not limited to a deck. While the applicant can claim ignorance, the builder cannot. Extraordinary circumstances have not been demonstrated.

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

The granting of the variance would not increase the hazard of fire or otherwise endanger public safety or create a public nuisance. However, it would set a precedent that could result in many more applicants requesting lot coverage variances.

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 prevailing shopping pattern, convenience of access for patrons, continuity of development, and the need of particular services and facilities in specific areas of the City.*

Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential – Small Lot. Zoning and use of adjacent properties is provided in the following table:

Property Location	Zoning	Use
North	Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential – Small Lot	Single family residential
East	Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential – Small Lot	Single family residential
South	Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential – Small Lot	Single family residential
West	Dexter Crossing PUD with an underlying zoning of R-1B, One Family Residential – Small Lot	Single family residential

As stated above, the granting of the variance would set a precedent that could result in many more applicants requesting lot coverage variances, not just in Dexter Crossing, but throughout the city.

CONCLUSION/FINDINGS

- Demonstration of an inconvenience is not enough to justify a variance.
- A 100 square foot stairway would provide ingress/egress and would not require a variance.
- Extraordinary circumstances were self-created.
- Public safety and welfare would not be compromised.
- The hazard of fire or other dangers to public safety or creation of a public nuisance would not be increased.
- Granting the variance would set a precedent that could result in many more applicants requesting lot coverage variances, not just in Dexter Crossing, but throughout the city.

SUGGESTED MOTIONS

Based on the information provided by the applicant and staff at the September 19, 2016 Zoning Board of Appeals meeting, the Board determines the application, ZBA #2016-05, submitted by Elizabeth Ritter,

for property at 3544 Lexington (08-08-08-260-066), **(MEETS/FAILS TO MEET)** the criteria required for the considering a variance request, pursuant to Section 24.05, sub-section A.

Therefore let it be resolved, the Zoning Board of Appeals **(GRANTS/DOES NOT GRANT)** the following variance from Section 20.01, Schedule of Regulations of the City of Dexter Zoning Ordinance):

1. A 2% increase in the maximum lot coverage, from 30% to 32%.

Let it further be resolved, the applicant is **(PERMITTED / NOT PERMITTED)** to construct a 14-foot x 14-foot deck and stairway, with a maximum lot coverage not to exceed 32%.

The determination was made upon the following findings:

1. _____
2. _____
3. _____

OR

The Board moves to **postpone** ZBA #2016-05 until (____(date)____) to allow the applicant time to address the following items: (list items)

1. _____
2. _____
3. _____

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



Michigan OFFICE OF COMMUNITY DEVELOPMENT

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: 3544 Lexington Circle Tax ID Number: #08-08-08-260-066

Proposed Use: Residential - Single Family Home - Zoning R-1B

Applicant Name: Elizabeth Ritter Phone: 702-240-8300

Applicant Address: 37151 Medjool Ave, Palm Desert, California 92211

Email Address: ritterks@aol.com Mobile Phone: same as above

Property Owner Name: Peters Building Co. Phone: 734-429-4200

Property Owner Address: 172 S. Industrial, P.O. Box 557, Saline, MI 48176

Email Address: jhaeussler@petersbuilding.com Mobile Phone: 734-260-9678

Type of Improvement Proposed: Deck with stairs 14x14 deck with stairs

Reason Waiver is Requested (explain practical difficulty or hardship):
Increase lot coverage ratio from 30 to 32%.

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

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

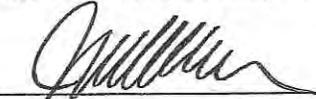
Application Zoning Board of Appeals Hearing - Page 2

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 City Community Development Office at (734) 426-8303 x 15 for meeting dates and deadlines.

	<u>8/15/16</u>		
Owner's Signature	Date	Applicant's Signature	Date
Peters Building Co.		Elizabeth Ritter	
James G. Haussler			

Staff Review:	Fee:	<u>Residential \$250</u>	Non-Residential \$350
	Date Received:	<u>8/15/16</u>	Receipt # <u>57620</u>

Regulations (Ordinance Sections) to be waived: _____

Code Requirement: _____

Proposal: _____

Zoning Board of Appeals Action: Approved Denied Date: _____

APPROVAL STAMP:

August 15, 2016

City of Dexter
Zoning Board of Appeals
81040 Main Street
Dexter, Michigan 48130

Re: Variance Request For Unit #66
3544 Lexington Circle

Dear Zoning Board Of Appeals Members:

As background, I am a widow who recently retired and made the decision to relocate near family who also happen to reside in the Dexter Crossing subdivision.

Within Dexter Crossing there were limited choices that would accommodate a ranch floorplan. I selected lot 66 versus several other lots as they are located in what I felt would be a less desirable section of the subdivision in being located near the industrial park since I am retired and would be home most days.

Based on the lot dimensions and setbacks of lot 66 the 45' wide ranch floor plan fit within the building envelope, however when the permit for the deck was applied for I became aware that 29% of the 30% lot coverage restriction was utilized. This oversight has created the need for this zoning variance request in order to accommodate a deck with stairs that will provide for egress to the back yard from the main level of the home to the walkout level.

I respectfully request the boards consideration for a variance to the lot coverage from 30% to 32% to allow me to able to build a 14x14 deck with split stairs which will provide egress from the deck to the back yard. This request for a variance has been granted in the past for lot 129 in October of 2005. Also, a similar variance was granted in December 2006 for lots 193,194,198,201 and 214 to avoid a similar situation.

For questions in regard to this request I can be reached at (702) 240-8300.

Sincerely,



Elizabeth Ritter
37151 Medjool Ave.
Palm Desert, CA 92211

Dexter Crossing Homeowners Association

Pinnacle Condominium Management, LLC.
2320 Washtenaw Avenue, Suite 200
Ann Arbor, MI 48104

Phone: 734-222-3700
Fax: 734-222-9677

August 23, 2016

City of Dexter
Zoning Board of Appeals
8140 Main Street
Dexter, MI

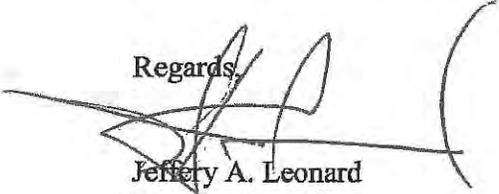
Re: Association Support for Variance Request at 3544 Lexington Circle

Dear Board Members:

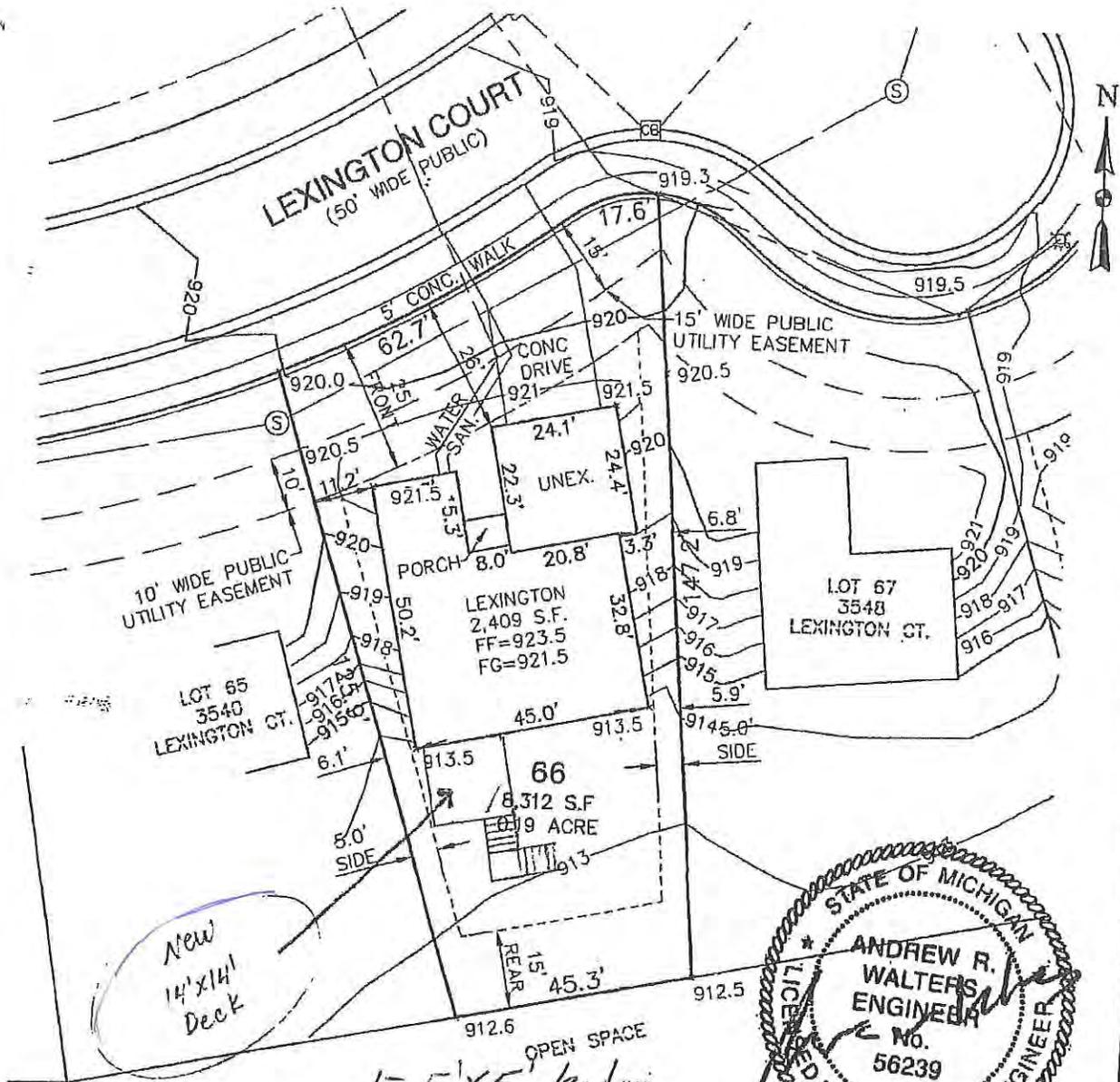
Please know that the Board of Directors at the Dexter Crossing Homeowners Association has reviewed the application before the Board, with respect to a 14' x 14' rear deck at 3544 Lexington Circle, which requires a variance by the City of Dexter due to the lot coverage ratio, as indicated.

The Board of Directors SUPPORTS the variance proposed to the Board, accordingly.

Regards,



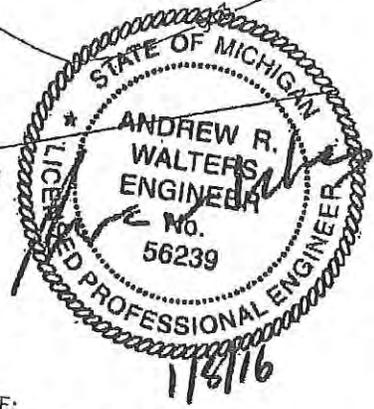
Jeffery A. Leonard
President
Pinnacle Condominium Mgt., LLC
For the Dexter Crossing Homeowners Association



LEGEND

- 880 — PROPOSED CONTOUR
- X 880.0 PROPOSED SPOT ELEVATION
- PROPOSED SANITARY
- PROPOSED WATER
- PROPOSED STORM
- PROPOSED DRAINAGE ARROW
- FF FINISH FLOOR
- FG FINISH GRADE
- BF BASEMENT FLOOR

1- 5'x5' landing
2- 5'x5' stairs



NOTE: SUMP LEAD LOCATION UNAVAILABLE

APPROVED
[Signature]
3544 Lexington Circle
ID # 080808260066

Unit 66, DEXTER CROSSING, a condominium, according to the Master Deed recorded in Liber 3699, pages 50-568, Washtenaw County Records, and amended by First Amendment to Master Deed recorded in Liber 3735, pages 602-606, Washtenaw County Records, and amended by Second Amendment to master Deed recorded in Liber 4040, page 711, Washtenaw County Records, and amended by Third Amendment to Master Deed recorded in Liber 4173, page 308, Washtenaw County Records, and amended by Fourth Amendment to Master Deed recorded in Liber 4358, page 144, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. 293, together with rights in general common elements and limited common elements as set forth in the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

PROJECT:	DEXTER CROSSING	CLIENT:	PETERS BUILDING COMPANY
SECTION 8		JOB: 1037-12-5538	
T2S. R5F			

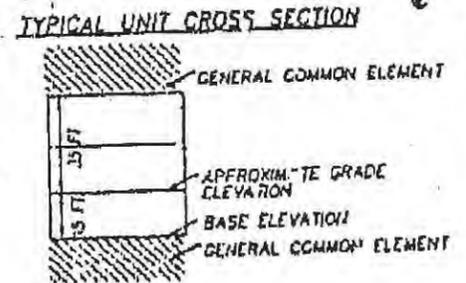
VILLAGE OF DEXTER, WASHENAW COUNTY, MICHIGAN



UNIT CORNER COORDINATES

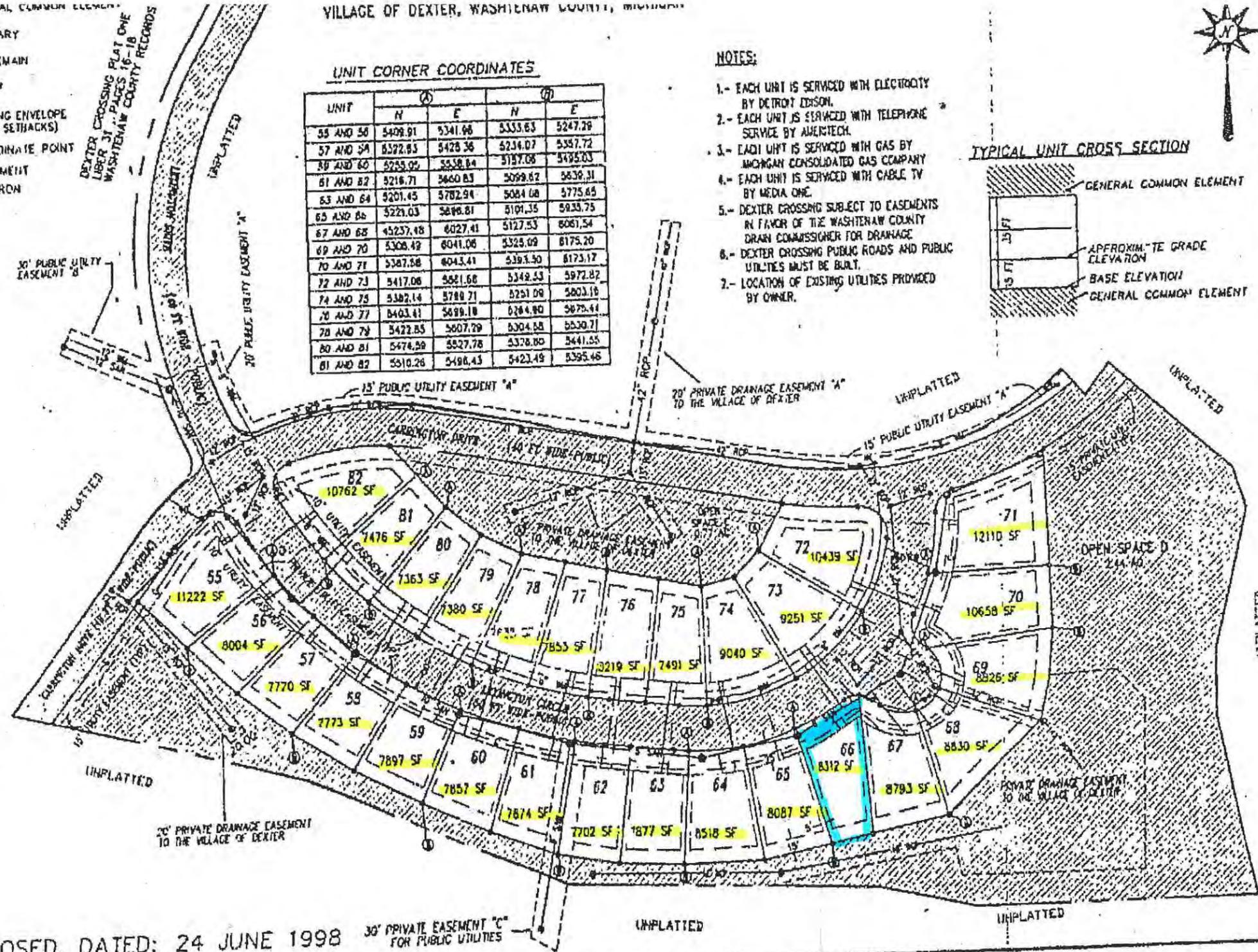
UNIT	N	E	N	E
55 AND 56	5409.91	9341.98	5333.63	5247.29
57 AND 58	5372.83	5428.36	5234.07	5357.72
59 AND 60	5255.07	5538.84	5157.08	5495.03
61 AND 62	5216.71	5660.83	5099.62	5639.31
63 AND 64	5201.45	5782.94	5084.08	5775.65
65 AND 66	5221.03	5898.81	5101.35	5933.75
67 AND 68	5257.48	6027.41	5127.53	6061.54
69 AND 70	5308.42	6041.06	5325.09	6175.20
70 AND 71	5387.58	6043.41	5391.50	6173.12
72 AND 73	5417.06	5861.66	5348.53	5972.87
74 AND 75	5382.14	5780.71	5251.09	5803.19
76 AND 77	5403.41	5899.18	5284.80	5875.44
78 AND 79	5422.85	5807.29	5304.58	5530.71
80 AND 81	5474.58	5827.78	5378.80	5441.55
81 AND 82	5510.26	5486.43	5423.49	5395.46

- NOTES:
- 1.- EACH UNIT IS SERVICED WITH ELECTRICITY BY DETROIT EDISON.
 - 2.- EACH UNIT IS SERVICED WITH TELEPHONE SERVICE BY AMERITECH.
 - 3.- EACH UNIT IS SERVICED WITH GAS BY MICHIGAN CONSOLIDATED GAS COMPANY.
 - 4.- EACH UNIT IS SERVICED WITH CABLE TV BY MEDIA ONE.
 - 5.- DEXTER CROSSING SUBJECT TO EASEMENTS IN FAVOR OF THE WASHENAW COUNTY DRAIN COMMISSIONER FOR DRAINAGE.
 - 6.- DEXTER CROSSING PUBLIC ROADS AND PUBLIC UTILITIES MUST BE BUILT.
 - 7.- LOCATION OF EXISTING UTILITIES PROVIDED BY OWNER.



FINISH GRADE ELEVATIONS

UNIT	FINISH GRADE
55	929.0
56	929.0
57	930.0
58	930.0
59	931.0
60	931.0
61	932.0
62	932.0
63	933.0
64	934.0
65	933.0
66	934.0
67	934.0
68	934.0
69	934.0
70	934.0
71	934.0
72	934.0
73	932.4
74	934.0
75	932.7
76	934.0
77	929.0
78	934.0
79	934.0
80	932.4
81	930.0
82	929.0



LOCATION MAP NO. 1000

PLANNED PLANNING DEVELOPMENT CORPORATION
 1808 OLD PLUM TREE CT.
 ANN ARBOR, MI 48103

ENGINEER
 ENGINEERING TECHNOLOGIES CORPORATION
 3828 YARDLEY DRIVE
 ANN ARBOR, MI 48106
 313/975-0411
 FAX 313/975-0412

SUPERVISOR
 C. WILSON
 & ASSOCIATES
 517 NORTH MAIN
 CHELSEA, MI 48118

DESIGNER: RET
 DRAWN BY: RET
 CAD NAME: PHJCOND

REVISIONS:

NO.	DESC.	DATE

DRAWING TITLE:
 SITE AND UTILITY PLAN

DATE:
 24 JUNE 1998

SHEET NO.:
 3 OF 4

PROPOSED, DATED: 24 JUNE 1998

30' PRIVATE EASEMENT 'C' FOR PUBLIC UTILITIES

bing maps

Lexington Circle, Dexter, MI 48130

Type your notes here

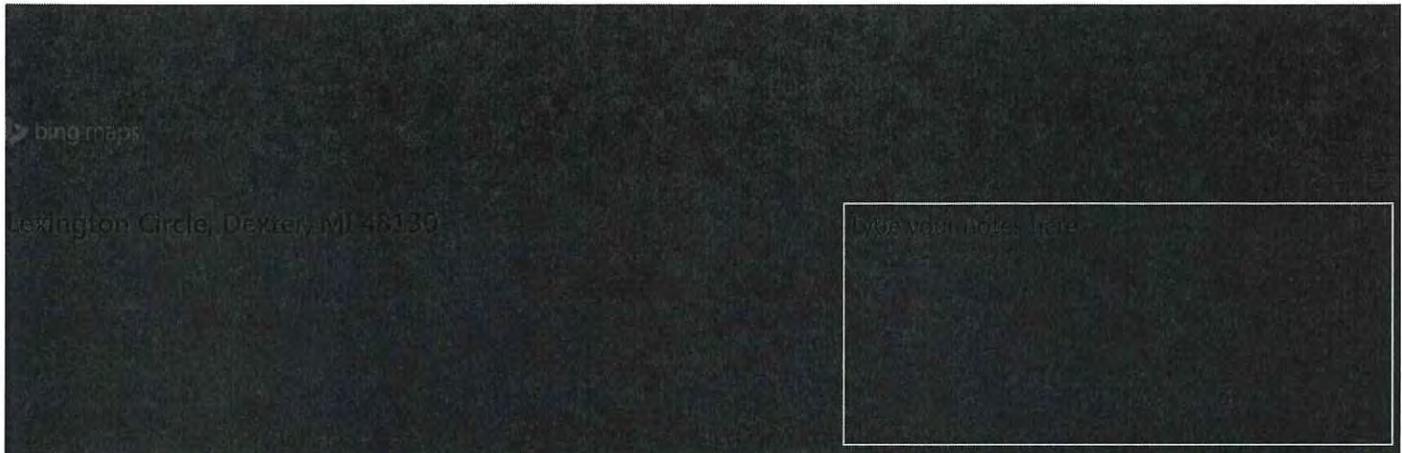


bing maps

Lexington Circle, Dexter, MI 48130

Type your notes here.





August 15, 2016

City of Dexter
Zoning Board of Appeals
81040 Main Street
Dexter, Michigan 48130

Re: Variance Request For Unit #66
3544 Lexington Circle

Dear Zoning Board Of Appeals Members:

As background, I am a widow who recently retired and made the decision to relocate near family who also happen to reside in the Dexter Crossing subdivision.

Within Dexter Crossing there were limited choices that would accommodate a ranch floorplan. I selected lot 66 versus several other lots as they are located in what I felt would be a less desirable section of the subdivision in being located near the industrial park since I am retired and would be home most days.

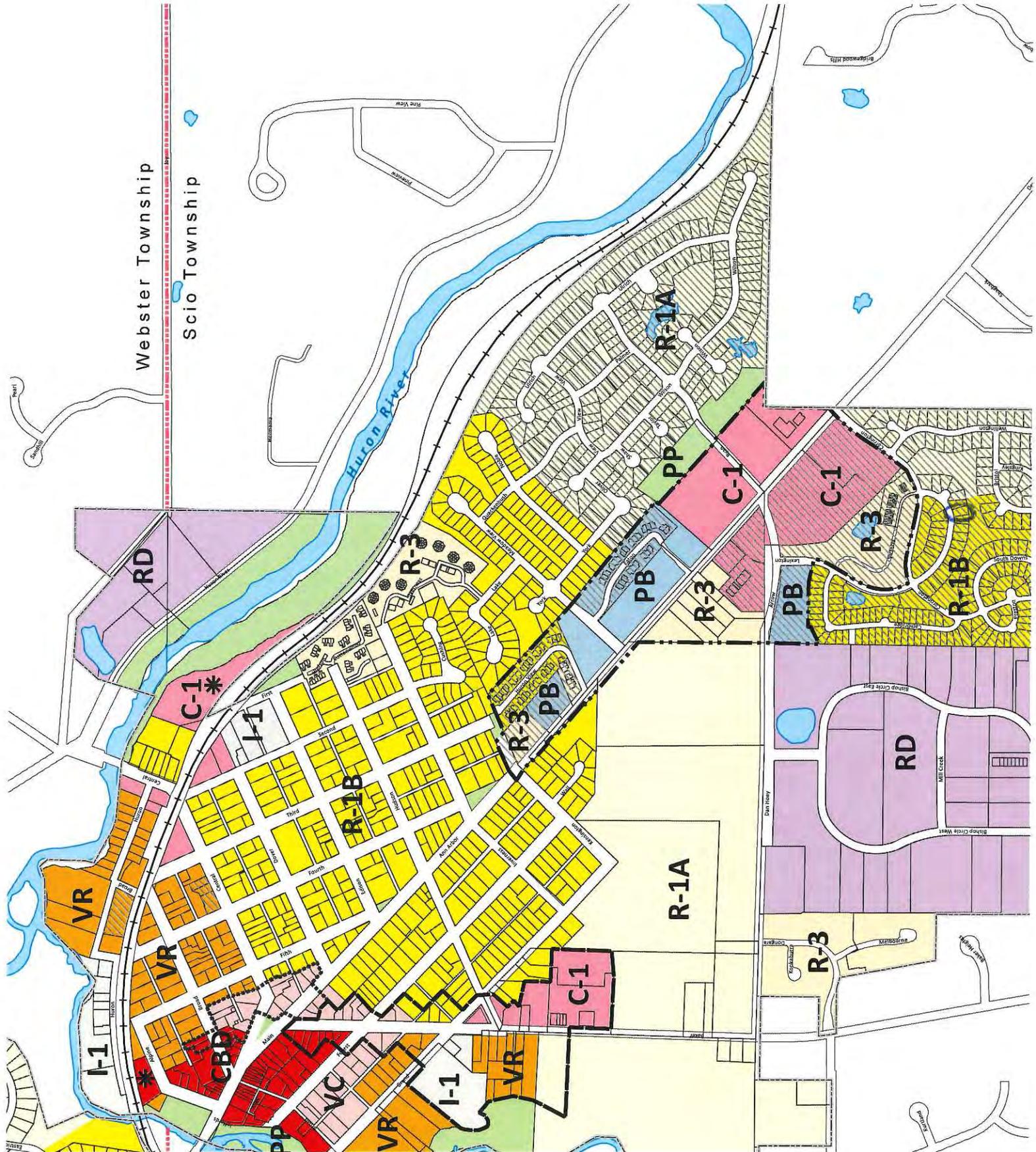
Based on the lot dimensions and setbacks of lot 66 the 45' wide ranch floor plan fit within the building envelope, however when the permit for the deck was applied for I became aware that 29% of the 30% lot coverage restriction was utilized. This oversight has created the need for this zoning variance request in order to accommodate a deck with stairs that will provide for egress to the back yard from the main level of the home to the walkout level.

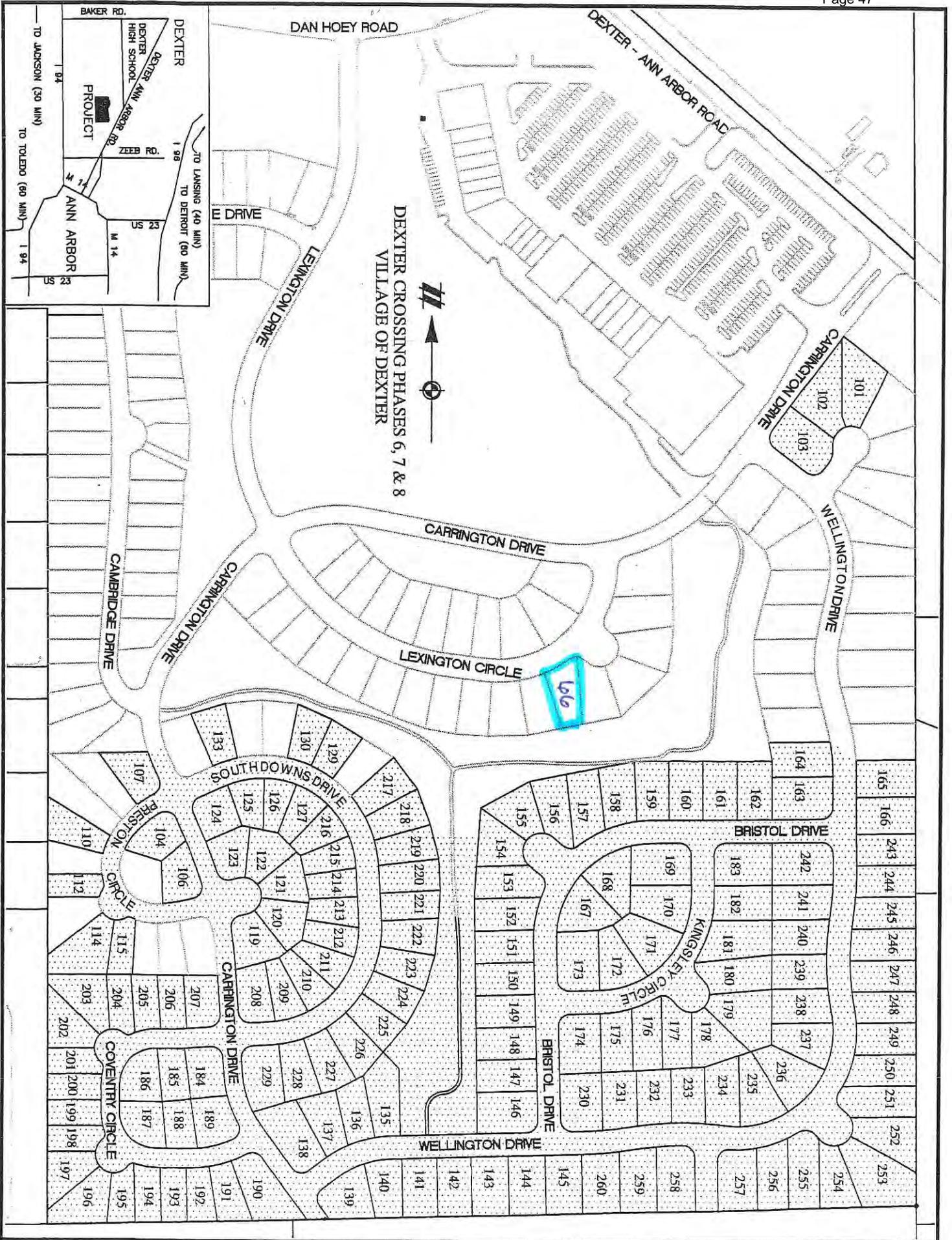
I respectfully request the boards consideration for a variance to the lot coverage from 30% to 32% to allow me to able to build a 14x14 deck with split stairs which will provide egress from the deck to the back yard. This request for a variance has been granted in the past for lot 129 in October of 2005. Also, a similar variance was granted in December 2006 for lots 193,194,198,201 and 214 to avoid a similar situation.

For questions in regard to this request I can be reached at (702) 240-8300.

Sincerely,

Elizabeth Ritter
37151 Medjool Ave.
Palm Desert, CA 92211







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

PRELIMINARY ZONING COMPLIANCE

This application is to be used only for the items listed below. All other uses first require Site Plan Review by the Planning Commission and City Council. A complete application shall include a scaled site plan, plot plan or survey, and three full-size and one 11" x 17" set of building plans, floor plan, and elevations, along with required fees.

APPROVAL REQUESTED FOR:

<input type="checkbox"/>	New Single Family Dwelling	<input type="checkbox"/>	Detached structure (garage, etc.)	<input type="checkbox"/>	Addition to single-family dwelling
<input type="checkbox"/>	Remodeling of an existing building	<input type="checkbox"/>	Multiple family dwelling	<input checked="" type="checkbox"/>	Deck
<input type="checkbox"/>	Commercial office building	<input type="checkbox"/>	Other property alteration:		

THE CITY OF DEXTER HAS NO JURISDICTION OVER MASTER DEED RESTRICTIONS, THEREFORE, IF ZONING ORDINANCE REQUIREMENTS ARE MET, A PERMIT WILL BE ISSUED. HOWEVER, THE APPLICANT SHOULD BE AWARE THERE MAY BE DEED RESTRICTIONS REGARDING DECKS, ADDITIONS, GARAGES AND EXTERIOR REMODELING, ETC. PLEASE CONTACT YOUR HOMEOWNERS ASSOCIATION BEFORE BEGINNING CONSTRUCTION.

Property Address: 3544 Lexington Tax ID Number: 08-08-08-260-066
 Proposed Use: New Deck
 Applicant Name: Mike Young Phone: (734) 216-7621
 Applicant Address: 9784 Kies Rd. Manchester, MI 48158
 Email Address: _____ Mobile Phone: (734) 216-7621
 Property Owner Name: Peters Building Company Phone: (734) 429-4200
 Property Owner Address: Saline, MI 48176
 Email Address: _____ Mobile Phone: _____

Preliminary Plot Plan Requirements: Plot plans shall be drawn to scale, submitted in two (2) copies, and must meet the following standards:

1. Plot plans must be prepared, signed and sealed by a Registered Professional Engineer or Licensed Surveyor.
2. North arrow and scale, between 1" = 20' and 1" = 50'.
3. Builders name, address and telephone number.
4. Date of plan or revision, subdivision name, property address, lot number, and legal description of property.
5. Street right-of-way name and width.
6. Location, shape and dimensions of the lot, including total area in square feet.
7. Dimensioned outline and area (in square feet) of all existing and proposed structures, including those on adjacent lots.
8. Front, side and rear setbacks.

Preliminary Zoning Compliance – Page 2

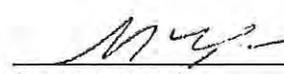
9. Location and species of required street trees must be provided and must be at least 6 feet from water/sewer leads and driveways, at least 5 feet from the edge of the driveway, and a minimum of 20 feet from other street trees.***
10. Location, type of material and width of sidewalks and driveway (with elevations). Please indicate driveway slopes.
11. Provide site benchmark on NAVD '88 datum.
12. Location, elevations, and easements, including width, for all utilities, existing and proposed.
13. Location of fire hydrants must be provided.
14. Elevations at each lot corner.
15. Finish grade and finish floor elevations for first floor, garage and basement for proposed structure(s) and finish grade elevation of structures on adjacent lots, as applicable. Please indicate if the adjacent lot is vacant.
16. Proposed location of sanitary sewer and water leads, as well as service connections to structure.
17. Proposed sump lead shall be shown connecting the building to discharge location (i.e. storm sewer).
18. Rear yard and side yard drainage swales shall be clearly indicated with grades shown at sufficient locations to provide for positive drainage away from the building and other structures. Channelization of drainage to an approved outlet shall also be shown. Direction arrows shall be provided showing proposed and existing drainage directions.

Regulations and Standards (applicant must complete): In addition to the basic requirements for each zoning district, the following regulations also apply:

1. Corner Lots are considered to have two (2) front yards and two (2) side yards.
2. All additions to a dwelling, including attached garages and decks, are considered part of the dwelling and must meet the same setbacks. Detached structures must be at least ten (10) feet from any other structure; detached structures may be placed not less than three (3) feet from any rear lot line or the rear yard portion of the side lot line.
3. Height limitations are 35 feet for dwellings, and 14 feet for detached accessory buildings. (Height is measured to the middle of the roofline for a pitched roof).
4. A copy of the Washtenaw County Soil Erosion and Sedimentation Control Plan and permit must be submitted along with application. In addition all streets/roads are required to be kept clean and may from time to time require street sweeping.
5. A Right-of-Way Pavement Construction Permit must be submitted and approved along with a Preliminary Zoning Compliance Permit in accordance with the permit requirements and permit instructions.

	Requirement	Plan Submitted
Front Yard Setback (ft) () Check here if corner lot	25'	N/A
Side Yard Setback (ft) – Principal/Accessory Structure	5'	6'
Rear Yard Setback (ft) – Principal/Accessory Structure	15'	37'
Lot Coverage (Structures) (%)	30%	32% 2680/8312
Height (ft) – Principal/Accessory Structure	35'	N/A

 7/18/16
Owner's Signature Date

 7-18-16
Applicant's Signature Date

Preliminary Zoning Compliance – Page 3

***Street Trees: Attempts should be made to plant trees in a pattern that is uniform to the surrounding street trees. Call MISS DIGG prior to locating and installing any street tree. Please note that the tree species and planting date will be required information on the Final Zoning Compliance application.

To be completed by Staff:

Staff Review: Fee: 25 Date Received: 7/15/16 Receipt # 56875

Remodel/Deck/Fence \$25; Residential Home \$50; Multi-Family/Commercial/Industrial/Quasi-Public \$100

Site/Plot Plan	Acceptable	
	Yes	No
Prepared, signed and sealed by a Registered Professional Engineer or Licensed Surveyor.		
North arrow and scale, between 1" = 20' and 1" = 50'.		
Builders name, address and telephone number.		
Date of plan or revision, subdivision name, property address, lot number, and legal description of property.		
Street right-of-way name and width.		
Location, shape and dimensions of the lot.		
Dimensioned location, outline, and dimensions of all existing and proposed structures, including those on adjacent lots.		
Front, side and rear setbacks.		
Location and species of required street trees, at least 6 feet from water/sewer leads and driveways, at least 5 feet from the edge of the driveway, and a minimum of 20 feet from other street trees. Tree Species: _____		
Location, type of material and width of sidewalks and driveway (with elevations). Driveway slopes are indicated.		
Site benchmark on NAVD '88 datum provided.		
Location, elevations, and easements, including width, for all utilities, existing and proposed.		
Location of fire hydrants		
Elevations at each lot corner and grade change points.		
Finish grade and finish floor elevations for first floor, garage and basement of proposed structure and finish grade elevation of adjacent houses provided, where applicable.		
Proposed location of sanitary sewer and water leads, as well as service connections to structure.		
Proposed sump lead connection from principle structure to storm sewer.		
Rear yard and side yard drainage swales are clearly indicated with grades shown at sufficient locations to provide for positive drainage away from the building and other structures. Channelization of drainage to an approved outlet shown. Direction arrows provided showing proposed and existing drainage directions.		

Plot plan attached

Building Plan	Acceptable	
	Yes	No
Floor plan of proposed structure or alteration/remodeling plan/use.	✓	
Elevation views of the proposed structure		
Estimated tap fee: _____		

Other	Acceptable	
	Yes	No
SESC Permit		
Right of Way Pavement Construction Permit and Fee		N/A

Preliminary Zoning Compliance – Page 4

Date: 7/21/16 Approved Denied

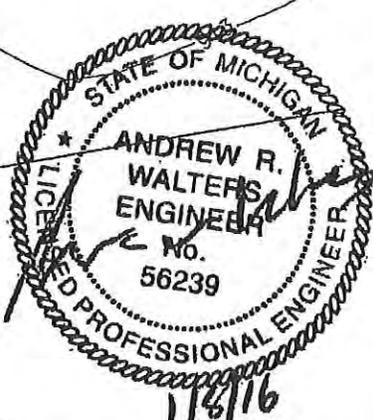
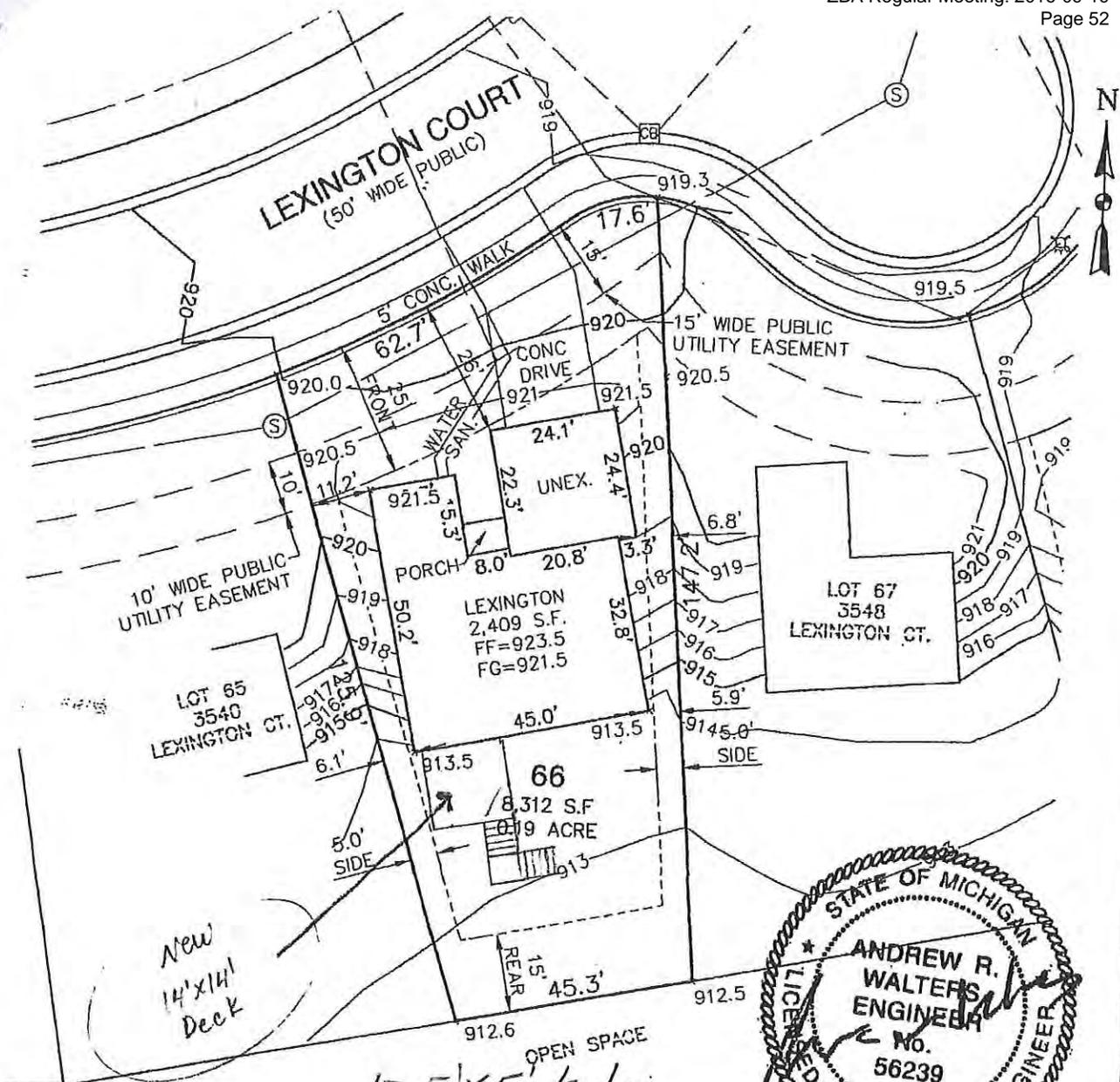
Reviewed by: [Signature]

REASONS FOR DENIAL: Exceeds 30% maximum lot coverage
(32%)

EXISTING NON-CONFORMITIES/VARIANCES GRANTED: _____

APPROVAL STAMP:

APPROVAL EXPIRES SIX (6) MONTHS FROM THE APPROVAL DATE



LEGEND

- 880 — PROPOSED CONTOUR
- X 880.0 PROPOSED SPOT ELEVATION
- PROPOSED SANITARY
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- FF FINISH FLOOR
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2- 5'x5' stairs*

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SUMP LEAD LOCATION UNAVAILABLE

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[Signature]

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PROJECT: DEXTER CROSSING	CLIENT: PETERS BUILDING COMPANY
SECTION 8 T2S. R5F	JOB: 1037-12-5538

