

# DEXTER TOWNSHIP

6880 DEXTER PINCKNEY RD  
DEXTER, MICHIGAN 48130

(734) 426-3767

Fax (734) 426-3833

E-mail [dexter\\_twp@usol.com](mailto:dexter_twp@usol.com)

[www.twp-dexter.org](http://www.twp-dexter.org)

## Zoning Board of Appeals Meeting Minutes February 10, 2004

Present: Mark Wojno, Acting Chairman, David Millar Secretary, William Gajewski,, Pat Kelly

Absent: Steven Burch

The meeting was called to order at 7:42 p.m. by Acting Chair Wojno

### AGENDA

**04-17-300-004/ 009**

**04-ZBA-570**

**Guenther Building Company  
2864 Carpenter Road**

Applicant requests relief from:

Section 12.01.E.1 to allow less than two acres per parcel for each land division.(03 Lda 110 and 03Lda 111)Also to reverse the decision of the Dexter Township Supervisor, per section VI .B of the Dexter Township Land Division ordinance. (Ordinance #27)

To allow for 2 parcels of land to become 6. Each of the new parcels would be less than the two acres required by the 2003 Zoning Ordinance.

Persons notified were read into the record and the applicant's representative, his attorney, Jerold Lax, and several neighbors were present.

Jerold Lax explained to the Board that the application was a two part request.

- 1) Reverse the decision of the supervisor under the Land Division Ordinance, or

- 2) Grant a variance from the minimum lot requirements of the Zoning Ordinance so that the supervisor may reconsider her conclusion that the lots are too small.

Mary Boomis  
Eric Krause  
Linda Smith  
Jim Pascoe  
Marcia Ottoman

All were opposed to the variance request for the following reasons:

Splitting the property would be detrimental to their property  
Different standards for shared driveways for multiple families  
No hardship

Kelly made a motion, supported by Gajewski –

To deny the request that the supervisors decision be overturned pertaining to the land division, based on the following:

Special circumstances do not exist that are peculiar to the land involved.  
The non-conforming size of the property and other existing non-conformities would result from the actions of the applicant. (by removing those particular lots from the Site Condominium).

Discussion points as follows:

1. Economic hardship not a criteria for zoning board of appeals decision.
2. Removal of lots was voluntary action of applicant.
3. Therefore, preliminary site plan is moot.
4. Application was late.

There has been no hardship or practical difficulty demonstrated.

Millar - yea  
Kelly - yea  
Cormier- yea  
Gajewski- yea  
Wojno- yea

Motion Carried

Motion Carried  
Dexter Township  
Zoning Board of Appeals  
Meeting Minutes  
February 10, 2004  
Page 3

2)

**04-18-380-014**

**04-ZBA-571**

**Kent Brown/Pamela Byrnes**

**14180 North Territorial Road**

Applicant requests relief from:

Section 12.02.B.2 to allow the continued use as a three family dwelling.

And to recognize the following existing non-conformities:

66' south side setback, from the edge of North Territorial Road to the existing structure.

41' from the centerline of the existing private drive.

The present existent use as a three family dwelling.

Persons notified were read into the record and present was the applicant, and neighbors, Pat Green, North Territorial Rd., Sally Shield, Robert Slupe.

All the neighbors above were opposed to the variance request because they feel there is a problem with the now shared driveway.

All past information found in the assessing records and permitting records state that it's use has only been a duplex.

The following resolution was offered by Kelly, and supported by

**DEXTER TOWNSHIP ZONING BOARD OF APPEALS  
WASHTENAW COUNTY, MICHIGAN**

**Notice of Appeal – Kent Brown/Pamela Byrnes (File No. 04-ZBA-571)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on the 10<sup>th</sup> day of February, 2004 at 7:30 p.m.

Present:

WOJNO, KELLY, MILLAR, GAJEWSKI, CORMIER,

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Absent:

BURCH

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The following preamble and resolution were offered by Member  
KELLY and supported by Member MILLAR

**Whereas**, on December 12, 2003 Kent Brown and Pamela Byrnes filed a Notice of Appeal requesting a variance to Section 12.02.B of the Dexter Township Zoning Ordinance to permit the principal use of a multi-family (triplex) dwelling on property located at 14180 and 14182 North Territorial. (Property ID # 04-18-380-014) and

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on February 10, 2004, was attended by the applicant and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, available records at Dexter Township and Washtenaw County indicate that the principal structure was erected as a two-family dwelling in 1971 and,

**Whereas**, Multi-family (triplex) dwellings were permitted under the provisions of the August, 1961 Dexter Township Ordinance but were not permitted under the provisions of the March 27, 1973 Dexter Township Ordinance and,

**Whereas**, evidence supporting the existence of the use of the principal structure as a multi-family (triplex) dwelling prior to March 27, 1973 has not been demonstrated by the applicant or available records and,

**Whereas**, per section 4.05.C.1.a and 4.05.C.1.b of the Dexter Township Zoning Ordinance, there are no practical difficulties or unnecessary hardships due to unique circumstances or physical conditions of the property that are not economic which prevent the carrying out of the strict letter of the Dexter Township Ordinance and,

**Whereas**, per section 4.05.C.1.h of the Dexter Township Zoning Ordinance granting of the requested variance would permit the establishment an un-permitted use within the Lakes Residential District,

**Be it therefore resolved** that the request to permit the principal use of a multi-family (triplex) on property I.D. 04-18-380-014 is denied.

Dexter Township  
Zoning Board of Appeals  
Meeting Minutes  
February 10a, 2004  
Page 5

Cormier -     yea  
Millar -       yea  
Gajewski -    yea  
Kelly-         yea  
Wojno-        yea

Motion Carried

A motion was made by Gajewski, supported by Kelly to approve the January 13, 2004 meeting minutes as submitted. Carried

A motion was made by Gajewski, supported by Kelly to adjourn the meeting at 9:20 p.m. Carried.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

David Millar,  
Secretary