



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130

TELEPHONE: 734-426-3767  
FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

BROOK SMITH  
CHAIRPERSON

BETH FILIP  
VICE CHAIRPERSON

JAY HOLLAND  
SECRETARY

JAMES DROLETT  
TOM EHMAN

MARTY STRAUB  
DON DARNELL  
ALTERNATES

JANIS MILLER  
RECORDING SECRETARY

### REGULAR MEETING MINUTES OF THE ZONING BOARD OF APPEALS Tuesday May 1, 2018

Members present: Chairperson Brook Smith, Vice-Chair Beth Filip, Secretary Jay Holland, James Drolett, and Tom Ehman. Absent: None

Also present: Zach Michels, Director of Planning and Zoning (DPZ), and Janis Miller, Recording Secretary.

- I. Call to Order:** The meeting was called to order by Chairperson Smith at 6:00 p.m.
- II. Pledge of Allegiance:** Chairperson Smith led the Pledge of Allegiance to the Flag.
- III. Approval of Agenda:** Chairperson Smith declared the agenda approved with the addition of the Conflict of Interest and postponement of (18-ZBA-838ABC) Fellin.

**Conflict of Interest:** None.

**IV. Public Comment- Non Agenda Items:** None

**V. Action Items:**

**1. Introduction of the case:**

<b>Action Item:</b> # 1
<b>Appeal Number:</b> <u>(18-ZBA-839AB) Palmer</u>
<b>Applicant Name(s):</b> John and Karen Palmer
<b>Property Tax ID:</b> (D-04-32-200-010)
<b>Address:</b> 13429 Waterloo Road, Chelsea
<b>Purpose of Variance Request:</b> <b>A) Reduced front-yard (street) setback of one hundred forty-three (143) feet</b> rather than the two hundred (200) feet require for an accessory building; and <b>B) Increased accessory building lot coverage of one thousand four hundred fourteen (1,414) square feet</b> rather than the one thousand (1,000) square feet allowed.

**2. Report from the Director of Planning & Zoning:**

- A) The applicants wish to construct an accessory building into the hill, in the front yard, between their house and Waterloo Rd.
- B) The Zoning Ordinance allows accessory buildings in front yards if it is set back at least 200 feet or 75% of the distance from the front lot line and the main building setback from the main street.
- C) For properties that have a lot area of less than 2.5 acres, the maximum lot coverage for all of the accessory building is 1,000 square feet.

- D) In this zoning district (AG) you can cover 10% of the lot with roofs, that's principal structure and accessory buildings.
- E) The requested accessory building lot coverage would be 1,414 square feet, or 41% greater than allowed.

**3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:**

**Drolett:** Do we know how far back the house is from the road right-of-way?

**DPZ Michels:** It is 227 feet from the Waterloo right-of-way.

**Drolett:** Seventy-five (75%) percent is 170 feet and they are asking for 143?

**DPZ Michels:** It's seventy-five percent or 200 feet, whichever is greater, and in this case, the 200 feet is greater.

**Drolett:** If the house was at 120 feet, they wouldn't have to put it 200 feet back?

**DPZ Michels:** No, because when the front plane of the house is met, then that is no longer the front yard. If the house were at 120 feet, then it could be at 120 feet without a variance.

**Ehman:** Does Mr. Michels know when this 20 by 24 building was erected?

**DPZ Michels:** The Zoning Permit was issued October 26, 1988.

**Drolett:** For the one in the front yard?

**DPZ Michels:** Correct.

**Drolett:** With the stone base? Someone build a stone base building in 1988?

**Karen:** It's block with stone on the outside.

**Ehman:** The reason I ask that question is that if it was erected during the time of the previous Zoning Ordinance, that front yard only needed to be 133 feet from the centerline of the road. This is set back 168 feet. When I read the definition of a front yard, you measure it from the front lot line back to the foundation; it would appear that the building is in a legally non-conforming front yard.

**Smith:** I would assume that it is to the foundation of the residence, not an auxiliary building.

**Ehman:** To the foundation. That's what it says in the present Ordinance and what it said in the previous Ordinance. When we talk about side-yards, and back-yards, we talk about the foundation of the principal building, but we don't when talking about front-yards. That was done intentionally way back when the first Ordinance was adopted because it was known there were a lot of garages in front of houses, the idea was not to prohibit but to make them legally non-conforming so they could fix them up if they wanted to do that.

**DPZ Michels:** There is an illustration in the book, meant to illustrate what the yards are, and it's not consistent with what Mr. Ehman has stated. That interpretation of "front yard" is not the question before this body tonight.

**Ehman:** One of the requests is for a variance I don't think they need.

**4. Applicant Presentation and Q & A with the Zoning Board of Appeals:**

Karen Palmer and her son Joe Palmer

**Karen:** When we built our house we were trying to save money. Over the years we needed a garage for the winter. The way the house is situated on the lot, we can't put one in the back yard, or an attached garage, because of the drainage issue.

**Joe:** If the garage was constructed to the west side of the lot, there is a 15 foot slope that would have to be tempered into the structure. So the drainage coming off the hill would be a major issue coming into the garage. By sliding it more down the hill you create more problems. By putting it down in front of the driveway, it becomes a drive-in garage without the drainage issue.

**Smith:** Is there a reason it needs to be as big as it is?

**Filip:** It's a large one care garage.

**Holland:** Twenty-eight by eighteen feet.

**Smith:** As you know from reading the materials, in this zoning district, your total accessory buildings are not supposed to be more than a thousand square feet. Building this garage, and even if you tear down the accessory building that is behind the house, you're still going to be substantially

over that size limit. That is the reason I was wondering the particular reason this structure has to be that size.

**Joe:** That building is currently the storage for the lawn tractor and garden equipment to maintain the property. The front of the new garage will be used for that as well.

**Smith:** What I'm concerned about is a particular reason why on this lot it would be appropriate for us to say that it's OK for you to break the law. We're supposed to limit the total amount of square footage of accessory buildings to one thousand square feet. If I understood the presentation, when you are done you will be almost fifty percent higher than that, even if you tear down the structure in back.

**Joe:** If we could, we would attach it to the house. I don't think an eighteen by twenty eight garage is a substantially large garage. It's just enough for a one car with the ability to store some yard equipment in the back. If there were a better spot, we would definitely look into that. If we move east we're in the drain field.

**Smith:** Have you had any studies done to indicate the extent of your drainage problem that prohibit it being attached to the residence?

**Joe:** There isn't a drainage issue currently. The drainage issue would arise by constructing the garage on the upper elevation of the existing residence. The amount of slope, and the distance needed to manage that slope, doesn't make it very feasible.

**Holland:** I think he's presenting a practical difficulty. Are you putting this building in your expansion field?

**Joe:** No, the expansion field is closer to the road.

**Filip:** Based on the discussion, the idea is, with the length of the garage at twenty-eight feet, to be able to put the things currently in the present shed in the back yard, into that garage and remove that shed in the back of the yard?

**Joe:** If it is necessary.

**Filip:** You would consider that an ok condition that you can live with?

**Joe:** The idea would be to keep all of it, as the shed is extremely useful.

**Smith:** My understanding is, if we were to grant your request this evening, to build the auxiliary structure the way you want to build it, and we were to condition it on taking down the structure that is in the back of the property, would you agree there would still be 1,400 some odd square feet coverage of those remaining buildings?

**Drolett:** Zach, this is zoned agriculture?

**DP Michels:** Correct.

**Drolett:** Is this required? Is this maximum size for residential or for agriculture, or for both?

**DPZ Michels:** The text of the Zoning Ordinance does not differentiate by zoning district. In this case it is by the size of the lot. The breaking point is, if you're greater than two and a half acres you get one percent of the lot area, if you're less than that you get one thousand (1,000) square feet.

**5. Open Public Hearing on agenda item: 6:23 PM**

**Reading of letters into the record:**

**Comments from public in attendance:**

Kevin Kline, 13600 Waterloo

As a next door neighbor, he approves the Palmer garage for the health and safety of the residents.

**6. Close Public Hearing on agenda item: 6:26 PM**

**7. Zoning Board of Appeals deliberations:**

**Smith:** I'm not convinced there is a reason for a variance for more than a thousand square feet. I don't understand why in this case it's required.

**Ehman:** Why was that standard put in the ordinance to begin with. While we've been working on the new ordinance, the intent was that the accessory structures would not dwarf, or diminish, the principal structure.

**DPZ Michels:** It is the intent of this body to look at the criteria and see if the standards are met.

**Smith:** We have to decide if there is sufficient practical difficulty to allow a structure that will violate a thousand square feet.

**Holland:** I believe that if they could reasonably attach it to their home they would. I totally makes sense to attach it to your home if you can, from overall property value and convenience. It is agriculture zoning and the Township is interested in having people not store things outside. In my opinion, when it comes to storage, it has to be somewhere and they want it secured inside. So personally I think they have met the practical difficulty.

**Drolett:** I look more at the topography. The way that property drops off from west to east, it would be very difficult to put a garage on the east side of it. The west side is a huge hill. The house is close enough to the lot line, if you put a garage there you wouldn't be able to get to the back yard. I think you have practical issues with the topography of that lot that necessitates that you build somewhere other than beside the house. I don't think it is an unreasonably large garage.

**Filip:** I'm having difficulty with it being over a thousand feet. Even if they accept the condition [to eliminate the back shed] they are still over a thousand feet. But does that get us closer to a reasonable amount necessary?

**Joe:** Recently, with the passing of the family matriarch, the farm has been split and the current owner also owns the fifty acres in front. There is also that quantity of property for consideration.

**DPZ Michels:** Only if it's a single lot.

**Filip:** Twenty foot back is not too deep, as it's hard to get a truck in that.

**Smith:** If they own an adjacent fifty acres, doesn't our ordinance say that as long as they touch, it's all theirs?

**DPZ Michels:** Only if one of the parcels is legally non-conforming, from a lot configuration point. The Zoning Ordinance does allow for lots in the Agriculture District to be as small as one acre. At one point three six (1.36) acres, this lot has the minimum width, is a stand-alone conforming lot.

**Filip:** What is the setback, for residents, on a county road?

**DPZ Michels:** It is eighty (80) feet from the road right-of-way.

**Drolett:** If they tore everything [two accessory buildings] down, they will have to build a larger garage to put the stuff that's in the other buildings into the garage, along with the vehicle.

**Smith:** What is unique to this 1.36 acre lot that makes it different from other 1.36 acre lots with respect to the thousand square foot limitation?

**Drolett:** I think the topography.

**Holland:** Practical difficulty to attach it to the house.

**Drolett:** They have no room to attach it to the house. That's the issue. If you look at the west yard, you have to build into the side of a hill, which will exacerbate drainage problems with water running into the garage. The other side is a drop off, so there are few places you could put it.

**Smith:** That still doesn't address the issue why it needs to be more than the Zoning Ordinance permits in terms of size.

**Ehman:** I support this as practical difficulty. The regulation of a thousand square feet, on a two and a half acre parcel or less, doesn't in any way protect the health, safety, and welfare of the Township. If we approve this, I'm quite prepared to approve it without touching the little back shed, which nobody knows is there and doesn't affect anyone.

**Filip:** Are we going to ask for substantial conformity with the plans?

**Holland:** I think they should build substantially within the plans.

**Smith:** What about the existing screening? Do we want to ask them to maintain the existing screening? But there is not support for taking down the accessory building?

**8. Standards of Review:**

(1) Practical Difficulty 4.30(C)(1) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>The strict application of the terms of this Ordinance would constitute a practical difficulty.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith  <u>NO</u> None	<u>YES</u> Drolett Holland Ehman  <u>NO</u> Filip Smith
Notes: Drolett: The topography of the land, the current location of the existing house, and any potential drainage issues. The other buildings are preexisting and I don't see any reason to tear them down. The lot coverage isn't excessive for accessory buildings on this large of a lot. Filip: Yes, for the same reasons Jim listed on the first one; the extreme sloping of the property. No, on the second one, as the lot can still be used as a residence in the Agriculture District. It still suits its preference as there are accessory buildings on this lot. Ehman: Yes, for the same reasons Mr. Drolett cited. Smith: No, on the lot coverage for the reasons Beth has enunciated. I don't like the one thousand square foot limit. I don't see where adhering to it would constitute a practical difficulty.		

(2) Physical Conditions 4.30(C)(2) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>The practical difficulty is due to some physical condition peculiar to the property involved.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith  <u>NO</u> None	<u>YES</u> Drolett Holland Ehman  <u>NO</u> Filip Smith
Notes: Drolett: Yes as previously stated. The topography is the problem. The location of the house to the side yard line and the topography on the other side of the house. It's a very large lot and they are probably the only ones out there that don't have a garage they can put a car in. Holland: Yes for the same reasons Jim stated. Filip: Yes for the first one as it's an extreme sloping of the lot. No for the second one as I didn't find practical difficulty. Ehman: Yes on the lot coverage because of the unique topography of this lot. Smith: I have the same concerns. The front yard isn't a problem, there is already another structure intruding into that front-yard and this one isn't going to intrude as much. On the lot coverage I don't find a practical difficulty or anything peculiar to this lot that merits ignoring the thousand square foot limit.		

(3) Self-Created 4.30(C)(3) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>The practical difficulty is not self-created.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith  <u>NO</u> None	<u>YES</u> Drolett Holland Ehman Smith  <u>NO</u> Filip
Notes: Filip: Yes, the placement of the garage would be reasonable, but if you want to keep a lot of stuff, that's a self-created difficulty. Smith: I don't think they created the situation that is causing the problem.		

(4) Reasonable Amount Necessary 4.30(C)(4) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>The variance is a reasonable amount necessary to mitigate the practical difficulty.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Ehman  <u>NO</u> Filip Smith
Notes: Drolett: It's not an extremely large garage. It's enough to get a vehicle in, and store some things. Filip: Allowing the placement of the garage as proposed I don't think is going to make any difference, except potentially for rainwater runoff. I don't think approving lot coverage is injurious to the public health. Smith: For the reasons I've already set forth. I think there's no variance necessary so it's not necessary to mitigate a practical difficulty.	<u>NO</u> None	

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>Approval of the variance will not be injurious to the public health, safety, and welfare.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Filip: Yes, for the reasons stated before. Smith: I certainly think this is a plan that will not hurt anybody's health, safety, or welfare.	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Drolett: The location of it, and size, are insignificant in comparison to the surroundings and the neighbors. Smith: Yes for the very reasons that Mr. Drolett has enunciated.	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B
	18.18(C)(2)ai Front-yard	18.18(D) Lot Coverage
<b>Approval of the variance is consistent with the intent and purpose of this Ordinance.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Ehman  <u>NO</u> Filip Smith
Notes: Drolett: On the lot coverage I think we are trying to do something proportional and based on the size of the lot I think this amount of lot coverage for accessory structures is proportional to that size. Filip: The Ordinance says what it says for a reason. Yes [front yard] because the lot really is sloping and there isn't a better place to put it. In terms of lot coverage, no. Smith: I don't think the intent of the Ordinance was to grant a variance for structures in excess of a thousand square feet.	<u>NO</u> None	

**9. Motion by the Zoning Board of Appeals:**

*Moved by Drolett, seconded by Holland, to approve variance to tax ID (D-04-32-200-010), the address being 13492 Waterloo Road, to reduce the front-yard (street) setback for an accessory structure, from two hundred (200) feet required to one hundred forty-three (143) feet, and to allow the increased building size from one thousand (1,000) square feet required to one thousand four hundred fourteen (1,414) square feet, conditioned upon a) the detached garage should be built in substantial compliance with the plans submitted to the Zoning Board of Appeals, and b) the existing screening between the proposed garage and Waterloo Road shall be maintained and replaced as necessary.*

*Roll Call Vote: Yeas-Drolett, Holland, Ehman, and Smith; Nays-Filip; Abstain-none; Absent-none. Motion carried 4-1.*

**Item #2:**

**1. Introduction of the case:**

<b>Action Item:</b> # 2
<b>Appeal Number:</b> (18-ZBA-840AB) Furey
<b>Applicant Name(s):</b> Dave Furey (F & F Ventures. LLC)
<b>Property Tax ID:</b> (D-04-03-207-006 & D-04-03-206-002)
<b>Address:</b> 9323 Anne
<b>Purpose of Variance Request:</b> <b>A) Reduced rear-yard setback of eleven point five (11.5) feet</b> rather than the thirty (30) feet required; and <b>B) Reduced waterbody setback of thirty-two (32) feet</b> rather than the fifty (50) feet required.

**2. Report from the Director of Planning and Zoning:**

- A) There is a lake front property and a back lot property so the actual lot coverage is good.
- B) There are two variances requested: A) a reduced rear-yard setback of eleven point five (11.5) feet rather than the thirty (30) feet required, and B) a reduced waterbody setback of thirty-two (32) feet rather than the fifty (50) required.
- C) There are three elements of this that if they were all done separately, all would require variances, the numbers are here, the closest thing to the water is the reconfigured wooden stairway, but also the infill on the lower level deck would have required a variance, if done separately, as would the expansion of the upper level deck, and the addition of the screened or glass enclosed room on the upper-level deck.
- D) The strip between the lot lines and water, that's why there is both a rear-yard and a waterbody setback.
- E) A minor correction: The deck, if you are looking from the street, on the right hand side, going half way down the hill, actually goes all the way to the lot line, not a few feet short of the lot line as previously reported. It doesn't affect what they are asking for today.

**3. Zoning Board of Appeals Q & A with the Director of Planning & Zoning:**

**Ehman:** I look at the deck shown close to the property line, is that deck there because a variance was granted for that?

**DPZ Michels:** I believe that goes back before our records for the property.

**Ehman:** If that's true, I don't understand why that isn't a legally nonconforming front yard and this upper deck they want to project out there is certainly not breaking that plane.

**Drolett:** Under our current Ordinance, you can't expand nonconformity.

**Ehman:** They're not expanding the non-conformity, they're staying within, and they're not even touching the front yard.

**Smith:** It will facilitate our discussions if we agree to disagree on the current interpretation on the necessity of getting the variance if you move three dimensionally forward on a preexisting situation. We have to decide whether or not a variance is required.

**DPZ Michels:** The question here tonight isn't interpretation, it's getting a variance.

**Drolett:** Zach, looking at the plans it looks like the stone stair step going down is going to disappear?

**DPZ Michels:** That's my understanding, yes, from the lower level deck.

**Drolett:** So that part over to the lot line is going to be taken out?

**DPZ Michels:** Correct.

**Drolett:** The current lower level deck, they aren't talking about taking it any closer to the water's edge?

**DPZ Michels:** Correct.

**Drolett:** It's just the upper level deck that they want to expand?

**DPZ Michels:** Correct.

**Holland:** If they were to demo the lower-level deck, they could just replace it, no variance required? They can put in footings up further, because right now it is cantilevered four feet.

**DPZ Michels:** Yes, which it probably doesn't pass muster for current building codes. It could not be enclosed, like the back part, but it is within the envelope of the thing. If the lower supports come out, that would be consistent with replacement of the legally nonconforming structure

#### 4. Applicant presentation and Q & A with the Zoning Board of Appeals:

Ric Foley representing Dave Furey

There are two decks on the lower level that don't connect so it is difficult going from one to the other.

We want to mitigate the problem by removing the mid-level stairs that go down to the lake as it is too close to the lot line.

We're going to move the deck infill and connect the two with a wood section.

We want to put a straight run stair down and tuck it in as tight as possible.

We're reducing the impervious surface, and taking an existing wood/concrete stair, which exceeds the front level of the deck, and bring it further back.

The second portion of the project is the upper level deck [entry level] which is currently a six foot projection, supported by columns that go down to the lower level. We want to take a portion of this deck and screen it in to make it more livable.

The current nonconforming handrails will be turned into cable rails, which will beautify the project from the lake level.

The house is going to get a massive facelift as we are going to take the brick off the façade.

**Smith:** Are you going to redo the upper-level stairs, the combination concrete and stone, multi-height?

**Ric Foley:** We aren't committed to doing that yet but will take it under advisement.

**DPZ Michels:** You need clarification whether it is going to be screened or glass, because in the application it said a screened room and on the plans it implies its going to have glass.

**Smith:** Is there going to be glass?

**Ric Foley:** I'm open to whatever you will approve. If you say it has to be screen, then we're fine with that.

**Drolett:** I think we did that over on Portage Lake Ave. If you look at all the facades down there, nobody has a glassed in porch protruding out.

**Smith:** The applicant would be willing to accept that as a condition to our approval.

**Ehman:** I don't see that it affects the line of sight, and I don't know why we are talking about something that doesn't have to do with the line of sight or telling people how they are to dress their house.

**Holland:** The question is, is it living area because once you put the glass it is a living area that could be heated. If so, then they are doing a full blown addition instead of a screened porch.

**5. Open Public Hearing on agenda item: 7:06 PM**

**Reading of letters into the record:**

Letter received from adjacent neighbor, in support of the project.

I [DPZ] received a call from a neighbor a few houses down raised some concerns about stormwater runoff, both towards the lake and toward the street into the paved parking area.

**Comments from public in attendance:**

Cindy Grelecki, 9541 Anne, Pinckney

It's a huge difference between a screened porch and a glass one. Mr. Furey entertains an athletic club on Mondays so the parking is an issue.

**Drolett:** Do you have an objection to the porch being partially screened?

**Grelecki:** I don't trust a partially screened porch, as it is the first step.

**Drolett:** If this body stipulated that it's all that it can be, then that's all they can do.

**Ehman:** When Mr. Furey entertains, does he park the cars on his property or do they park somewhere that is in the way of everybody?

**Grelecki:** He bought a second property so they now park behind. For several years they parked on the road.

**6. Close Public Hearing on agenda item: 7:10 PM**

**7. Zoning Board of Appeals deliberations:**

**Holland:** After a site plan visit it started to make sense to me. By moving the stairs he's reduced the non-permeable area of the lot. The screened porch already is over a non-permeable area so it doesn't add any additional. The stairs he's proposed, going down, the issue of storm water, I think he's improved the situation. The glassed-in porch got me to thinking about massing. The porch facing south, the reflective quality of the glass can be an annoyance, when they're that close to the water. I love glassed in porches, but that falls under the minimum amount. A six foot-wide deck does not make sense, and eight foot would be the minimum for chairs. The west end of the deck is not enclosed and not roofed because of the sight line of his neighbor. He has been sensitive to the neighbor to the west.

**Drolett:** Silver Lake is Silver Lake, and it's not going to change. People want to improve and make their properties more pleasant to be at in the summertime. I concur with Jay, getting rid of those stairs all the way over to the lot line, and multiple stairs doesn't make sense. I think what he's proposing is an improvement so I have no problem with it.

**Smith:** I'm still having trouble wrapping my mind around why, as a ZBA, we would be comfortable saying that you can have an extension on the upper level, that goes out as far as it goes toward the lake, but you cannot put any glass around that porch. I think that increases the utility of the porch without any particular negative impact. I'm not as troubled about the concept.

**Holland:** It affects the massing, and whenever we talk about adding a roof or a room, we talk about massing. I think massing is an issue. Silver Lake in particular, they are so close to the water.

**Drolett:** From my standpoint nobody else out there has a glassed in porch, either on the lower deck or the upper deck. I'm concerned if we do it then someone else will come in and want to do it.

**Filip:** Jay's points are well spoken. I pretty much agree with all of them.

**Ehman:** If we attach conditions, and this glass becomes a divisive issue, I'm going to suggest at least we say, if you put glass in, it has to be tinted or non-glare glass.

**8. Standards of Review:**

<b>(1) Practical Difficulty 4.30(C)(1)</b> <b>Does the requested variance meet the following standard:</b>	<b>A</b>	<b>B</b>
	<b>12.02(E)(3)c</b> Rear-yard	<b>18.23(B)</b> Waterbody
<b><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Filip: Mostly because the size of this lot and the shape/sloping of this lot really requires a way to get from the front to the back, and to put that staircase in assists getting from one point to the other. Ehman: I don't think front yard variance is an item here.	<u>NO</u> None	<u>NO</u> None
<b>(2) Physical Conditions 4.30(C)(2)</b> <b>Does the requested variance meet the following standard:</b>	<b>A</b>	<b>B</b>
	<b>12.02(E)(3)c</b> Rear-yard	<b>18.23(B)</b> Waterbody
<b><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Drolett: It's a twenty-three (23) foot drop from the road down to the water. The lots are not that deep. Houses are close together and have been for many years. To facilitate a better accessibility for the downstairs portion, I think this passes. Holland: What is proposed is an improvement, for safety and permeability. Filip: I concur with Jay for his reasoning.	<u>NO</u> None	<u>NO</u> None
<b>(3) Self-Created 4.30(C)(3)</b> <b>Does the requested variance meet the following standard:</b>	<b>A</b>	<b>B</b>
	<b>12.02(E)(3)c</b> Rear-yard	<b>18.23(B)</b> Waterbody
<b><i>The practical difficulty is not self-created.</i></b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Filip: I don't see how he's lived like that. Smith: There is no indication the applicant has anything to do with having created the size of his lot.	<u>NO</u> None	<u>NO</u> None
<b>(4) Reasonable Amount Necessary 4.30(C)(4)</b> <b>Does the requested variance meet the following standard:</b>	<b>A</b>	<b>B</b>
	<b>12.02(E)(3)c</b> Rear-yard	<b>18.23(B)</b> Waterbody
<b><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Drolett: The upper deck is awfully small so it would make sense to extend it out a litter farther so it would be useable as a place to sit. Smith: It's the reasonable amount.	<u>NO</u> None	<u>NO</u> None

(5) Public Health, Safety, and Welfare 4.30(C)(5) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)c Rear-yard	18.23(B) Waterbody
<b>Approval of the variance will not be injurious to the public health, safety, and welfare.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Drolett: It may enhance safety and welfare with the new stair steps. Filip: I agree and it increases permeability. Smith: For the reasons already stated.	<u>NO</u> None	<u>NO</u> None

(6) Adverse Effect 4.30(C)(6) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)c Rear-yard	18.23(B) Waterbody
<b>Approval of the variance will not affect the use or value of the adjacent properties or the area in a substantially adverse manner.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Drolett: All the abutting properties, adjacent properties, are in a very similar situation. Filip: It might improve in value the adjacent properties.	<u>NO</u> None	<u>NO</u> None

(7) Intent of the Ordinance 4.30(C)(7) Does the requested variance meet the following standard:	A	B
	12.02(E)(3)c Rear-yard	18.23(B) Waterbody
<b>Approval of the variance is consistent with the intent and purpose of this Ordinance.</b>	<u>YES</u> Drolett Holland Filip Ehman Smith	<u>YES</u> Drolett Holland Filip Ehman Smith
Notes: Filip: I don't see any evidence that this variance would not be consistent with the intent and purpose of this Ordinance.	<u>NO</u> None	<u>NO</u> None

**8. Motion by the Zoning Board of Appeals;**

*Moved by Filip, seconded by Holland, to approve the variances for petition (18-ZBA-810AB) to Mr. Dave Furey (F & F Ventures LLC), for A) reduced rear-yard setback of eleven point five (11.5) feet rather than the thirty (30) feet required, and B) reduced waterbody setback of thirty-two (32) feet rather than the fifty (50) feet required, at 9323 Anne, property ID (D-04-03-207-006 & D-04-03-206-022), on the conditions that: 1) the project shall be completed in substantial compliance with the plans submitted to and reviewed by the Zoning Board of Appeals, and provided that condition two is also abided by where 2) the roof portion of the upper deck will remained a screened in room and shall not be enclosed with solid walls or glass, and recognizing the nonconformities as set forth in section 3-E [of the staff report].*

*Roll Call Vote: Yeas-Drolett, Holland, Filip, Ehman, and Smith; Nays-none; Abstain-none; Absent-none. Motion carried 5-0.*

**VI. Public Comment: None.**

**VII. Approval of Meeting Minutes:**

**Moved** by Drolett, **seconded** by Filip, to approve the April 3, 2018, minutes as amended.

**Motion carried 5-0.**

**VIII. Concerns of Board Members, Director of Planning and Zoning, Recording Secretary:**

**DPZ Michels:** Bieske has appealed the ZBA's decision to Circuit Court.

**Filip:** We should keep on doing the Conflict of Interest.

**IX. Adjournment**

Chairperson Smith declared the meeting adjourned at 8:01p.m.

Respectfully submitted,

---

Jay Holland, Secretary

---

Janis Miller, Recording Secretary

approved 06.05.2018