

VILLAGE of DEXTER
ZONING BOARD OF APPEALS
August 18, 2003

The meeting was called to order at 7:02 PM by Chair Hansen at the Dexter Senior Citizen Center, 7720 Ann Arbor Street.

Present: Kowalski, Carson, Hansen, Alternate Lester

Absent: Adams

Also Present: Zoning Officer Menard

Approval of Minutes

-Moved Lester, support Kowalski to approve the minutes of the June 16, 2003, ZBA Meeting as presented.

Voice Vote: Unanimous Motion Carried

Need for correction of minutes of May 19, 2003 Re: ZBA Case 2003-04

(Request by Eleanor Sewell, 8025 Fifth Street, to Waive sections 4.05 Restriction on Creating Nonconformities to allow the applicant to add on to an existing structure that encroaches on the rear and side yard setbacks and Section 20.01 Schedule of Use Regulations for Rear Yard Setbacks to allow 3 foot rear yard setback where 25 feet is the requirement, and Section 20.01 Schedule of Use Regulations for side yard setbacks to waive the required 10 foot side yard setback and allow a side yard setback of 3 feet.)

-Moved Carson, support Kowalski to rescind the action below taken at the May 19, 2003, Zoning Board of Appeals Meeting and to change Lester to Carson under Adjournment. Voice Vote: Unanimous Motion Carried

-Moved Carson, support Adams to grant the waiver of Section 4.05 (A) Restriction on Creating Non-Conformities to allow the applicant, Eleanor Sewell at 8025 Fifth Street, to construct an addition to an existing structure that encroaches on the rear setback, and with the addition will encroach on the side-yard setbacks, with the following conditions;

- 1) the requested workshop and garage must be an accessory to the home and not be built separately, and
- 2) The construction as represented in the South elevation drawing be constructed with a fire-rated sheathing,

based on the Village of Dexter Zoning Ordinance, Section 24.05 Standards for Variances and Appeals, #1 Practical Difficulties, #4 Extraordinary Circumstances and #5 No Safety Hazard or Nuisance.

Ayes: Carson, Adams, Kowalski, Steptoe

Nays: None

Motion Carried

-Moved Carson, support Kowalski to grant the waiver of Section 4.05 (A) Restriction on Creating Non-Conformities to allow the applicant, Eleanor Sewell at 8025 Fifth Street, to construct an addition to an existing structure that encroaches on the rear setback, and with the addition will encroach on the side-yard setbacks, with the following conditions:

- 1) the requested workshop and garage must be an accessory to the home and not be built separately, **and cannot be rented.**
- 2) The construction as represented in the South elevation drawing be constructed with a fire-rated sheathing,

based on the Village of Dexter Zoning Ordinance, Section 24.05 Standards for Variances and Appeals, #1 Practical Difficulties, #4 Extraordinary Circumstances and #5 No Safety Hazard or Nuisance.

Ayes: Carson, Hansen, Kowalski, Lester

Nays: None

Motion Carried

-Moved Lester, support Hansen to rescind the action taken below at the May 19, 2003, Zoning Board of Appeals Meeting. Voice Vote: Unanimous Motion Carried

-Moved Adams, support Carson to waive Section 20.01 Schedule of Use Regulations for side yard setbacks to allow applicant Eleanor Sewell of 8025 Fifth Street to construct an addition with a proposed 3-foot side yard setback where a 10-foot side yard setback is required based on #1 Practical Difficulty, #2 Substantial Justice and #6 Relationship to Adjacent Land Uses.

Ayes: Carson, Adams, Kowalski, Steptoe

Nays: None

Motion Carried

-Moved Carson, support Kowalski to waive Section 20.01 Schedule of Use Regulations for side yard setbacks to allow applicant Eleanor Sewell of 8025 Fifth Street to construct an addition with a proposed **4-foot side yard setback** where a 10-foot side yard setback is required based on #1 Practical Difficulty, #2 Substantial Justice and #6 Relationship to Adjacent Land Uses.

Ayes: Carson, Hansen, Kowalski, Lester
Nays: None
Motion Carried

Approval of Agenda

-Moved Carson, support Kowalski to approve the agenda as presented.
Voice Vote: Unanimous Motion Carried

Site Inspections - Members have visited the site.

Public Hearings

1. ZBA Case 2003-06 Variance Request for T. and A. Aiken, 7923 Forest Ave., to Waive Section 4.05A, Restrictions on Creating Nonconformities to allow the construction of a 10' by 20' attached porch to the existing nonconforming single-family dwelling. The proposed addition will be within 5-feet of an accessory structure and will continue to encroach into the side yard setback.

Chair Hansen opened the hearing at 7:22 P.M. Zoning Administrator Menard gave a brief presentation of the applicant's request. There were no citizens who wished to address the Board. The hearing was closed to the public at 7:30 P.M.

Optional Recess – None

Business Session

1. Variance Request (ZBA Case #2003-06 Aiken)

A variance request submitted by Tim and Eric Aiken for their property at 7923 Forest Ave., from Section 4.05 A, Restrictions on Creating Nonconformities. The applicant is requesting a variance to waive the requirement that prohibits the enlargement of a pre-existing nonconforming building.

-Moved Carson, support Lester to that based on the information received from the applicant and reflected in the minutes of this meeting to approve the variance from Section 4.05 A, Restrictions on Creating Nonconformities, to allow for the expansion of a nonconforming structure and construction of a rear porch upon submitting drawings to the Village for zoning compliance and receiving a building permit from the Washtenaw County Building Department, based on Section 24.05 Standards for Variances and Appeals, #1 Practical Difficulties, #2 Substantial Justice, #3 Public Safety and Welfare, #4 Extraordinary Circumstances, #5 No Safety Hazard or Nuisance, #6 Relationship to adjacent land uses.

Ayes: Carson, Hansen, Kowalski, Lester
Nays: None
Motion Carried

1. Elections

-Moved Kowalski, support Carson to postpone the subject until the next ZBA meeting.

Ayes: Carson, Hansen, Kowalski, Lester
Nays: None
Motion Carried

Adjournment

-Moved Hanson, support Kowalski to adjourn the meeting at 7:39 PM.
Voice Vote: Unanimous Motion Carried

Respectfully submitted,

Donna L. Fisher, Recording Secretary

Filing Approved 3-15-04