

VILLAGE of DEXTER
ZONING BOARD OF APPEALS
January 17, 2005

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

Present: Hansen, Rush, Lovell, Walters
Absent: Adams, Lester
Also Present: Doug Lewan-Village Planning Consultant

Approval of Minutes

-Moved Walters, support Rush to approve the minutes of the November 15, 2004, regular ZBA Meeting minutes.

Voice Vote: Unanimous Motion Carried

Approval of Agenda-no motion made

Site Inspections - Members are familiar with the site

Public Hearings

1. **Variance Request – ZBA Case 2005-03**

The Public Hearing is being held to hear public comment regarding a request submitted by AR Brouwer for 8031 Main Street. The variance is being requested from Article 5, Parking and Loading, Section 5.07F, Loading and Unloading that states the following:

To allow for the construction of one (1) loading and unloading space when two (2) are required for all buildings over 20,000 square feet gross floor area. The applicant is in the process of obtaining site plan approval for a building that is 21, 870 square feet.

The applicant is requesting a variance to permit the construction of only one (1) loading and unloading space when two (2) are required based on the proposed building size.

Chair Hansen opened the hearing at 7:04 P.M.

Village Planning Consultant Doug Lewan gave a brief presentation of the applicant's request and the review.

Applicant, Steve Brouwer from AR Brouwer 7444 Dexter Ann Arbor Rd Suite F, addressed the Board explaining the reasons for his request and provided copies of the site plan for the property showing the location of the loading and unloading zone.

The hearing was opened to public comment of which there were none.

No rebuttal by petitioner.

The hearing was closed to public comment at 7:18 P.M.

2. **Variance Request-ZBA Case 2005-04**

The Public Hearing is being held to hear public comment regarding a request submitted by Sean McCormick of 7031 Ulrich Street. The variance is being requested from Article 3, General Provisions, Section 3.05D, Home Occupation that states the following:

To allow for the sale of articles that are not primarily produced within the dwelling unit as part of a home occupation (firearms distribution pursuant to Federal Law). The applicant is currently completing the process required by the Federal Bureau of Alcohol, Tobacco and Fire Arms.

The applicant is requesting the variance to permit the sale of articles not primarily produced within the dwelling unit (firearms distribution pursuant to Federal Law).

Chair Hansen opened the hearing at 7:19 pm.

Village Planning Consultant Doug Lewan gave a brief presentation of the applicant's request and the review.

Applicant Sean McCormick of 7031 Ulrich Street, addressed the Board explaining the reasons for his request and future plans for his business.

The hearing was opened to public comment of which there were none.

No rebuttal by petitioner.

The hearing was closed to public comment at 7:36 pm.

Optional Recess-none

Business Session

1. Variance Request – ZBA Case #2005-03

The Public Hearing is being held to hear public comment regarding a request submitted by AR Brouwer for 8031 Main Street.
Section 5.07F, Loading and Unloading.

-Moved Lovell, support Rush, based on the information provided by the applicant at the January 17, 2005 Zoning Board of Appeals meeting the board determines that the variance request submitted by AR Brouwer to waive the requirements of Section 5.07F, Loading and Unloading, to permit the construction of one(1) loading space instead of the required two (2) loading spaces for a building over 20,000 square feet be **Granted**, for the property located at 8031 Main Street.

The determination was made with consideration of the following per Section 24.05 of the Village of Dexter Zoning Ordinance:

1. Practical Difficulties
2. Substantial Justice
3. Public Safety
4. Extraordinary Circumstances
5. No Safety Hazard or Nuisance
6. Relationship to Adjacent Land Uses

The following conditions are attached to granting of the variance:

1. The Village Council must grant Site Plan Approval

See attached Variance Analysis prepared by Doug Lewan-Village Planning Consultant

Ayes: Walters, Lovell, Hansen, Rush

Nays: None

Motion Carried

2. Variance Request – ZBA Case # 2005-04

The Public Hearing is being held to hear public comment regarding a request submitted by Sean McCormick for 7031 Ulrich Street.
Section 3.05D, Home Occupations.

-Moved Lovell support Walters, based on information provided by the applicant at the January 17, 2005 Zoning Board of Appeals meeting the board determines that the variance request submitted by Sean McCormick to waive the requirements of Section 3.05D, Home Occupations to permit the applicant to sell products, firearms, not primarily produced within the dwelling unit to be permitted as a Home Occupation be **Granted** because the proposed variance meets the conditions required for the granting of a variance.

The determination was made with consideration of the following per Section 24.05 of the Village of Dexter Zoning Ordinance:

1. Practical Difficulties
2. Substantial Justice
3. Public Safety
4. Extraordinary Circumstances
5. No Safety Hazard or Nuisance
6. Relationship to Adjacent Land Uses

The following conditions are attached to granting of the variance:

1. That all safety precautions are followed as applicant submitted in the application dated 12-16-04.
2. That home occupation is not in any way a nuisance to the immediate neighborhood.
3. Walk-up sales shall be prohibited.
4. If any of the three (3) preceding conditions are not met the variance shall be revoked.

See attached copy of Variance Analysis prepared by Doug Lewan-Village Planning Consultant

Ayes: Rush, Hansen, Lovell, Walters

Nays: none

Motion Carried

Adjournment

-Moved Walters, support Hansen to adjourn the meeting at 8:20 pm

Voice vote: Unanimous Motion Carried

Respectfully submitted,

Brenda Dirkse, Recording Secretary

Filing Approved_____