

**VILLAGE of DEXTER
ZONING BOARD OF APPEALS
March 23, 2005**

The meeting was called to order at 7:04 PM by Chair Hansen at the Village Offices, 8123 Main Street, Second Floor.

Present: Hansen, Walters, Adams
Absent: Lovell, Rush
Also Present: Community Development Manager Bishop

Approval of Minutes

-Minutes were approved at the March 21, 2005 meeting.

Approval of Agenda

-Agenda was approved at the March 21, 2005 meeting.

Site Inspections - Members are familiar with the site.

Public Hearings

Variance Request – ZBA Case 2005-01

-Application was postponed at the March 21, 2005 Zoning Board of Appeals meeting.

1. **Variance Request – ZBA Case #2005-05**

The Public Hearing is being held to hear public comment regarding a request submitted by Hermann Real Estate for 3276 Central Street. Variances are being requested from the following Sections:

- 1) **Section 5.01A, Off-Street Parking Requirements** – The standard states that Off-Street parking shall not be permitted within the front or side yard setback. The applicant is proposing to construct a parking lot partially within the side yard setback.
- 2) **Section 5.06, Off-Street Parking Space Layout, Standards, Construction and Maintenance** – The standard states that parking lot maneuvering lanes shall be 22 feet for parking spaces between 75 and 90 degrees. The applicant is proposing to construct a 20-foot maneuvering lane in the off-street parking lot.
- 3) **Section 6.06, Landscape Screening Between Land Uses** – The standard states that uses within the Village Commercial District shall have a 10-foot landscape buffer when they are adjacent to other uses within a Commercial District. The applicant is proposing an addition that will encroach on the landscape buffer approximately 5 feet and a parking lot maneuvering lane that will encroach approximately 8 feet on the landscape buffer.

Chair Hansen opened the hearing at 7:05 PM.

Community Development Manager Allison Bishop gave a brief presentation of the applicant's request and the review.

Applicant representative, Bona and Kolb Architects, 7910 Ann Arbor Street, addressed the Board and explained the request.

The hearing was opened to public comment. The following citizens addressed the Board:
Mary Kimmel, 3290 Central Street, asked the applicant why additions could not be put on the rear of the structure to save the historic nature of the building. Ms. Kimmel also asked about the existing drainage problem in the alley.

Applicant responded with the following, the front area is to be used for a waiting area and the drainage will be taken care of on-site.

The public hearing was closed at 7:15 pm.

Optional Recess – None

Business Session

1. Variance Request – ZBA Case #2005-05

Request by Hermann Real Estate for 3276 Central Street
Section 5.01A, Off-Street Parking Requirements
Section 5.06, Off-Street Parking Space Layout, Standards, Construction and Maintenance
Section 6.06, Landscape Screening Between Land Uses

The Board began discussing the variance requests.

The Board, the applicant and the members of the audience discussed the project and the variances in detail including, but not limited to the following: historical nature of the structure and its context in the neighborhood. The Board encouraged the designer to protect the historic nature of the neighborhood and build the addition with consideration to the existing structures in the area and their relationship to each other and the neighborhood. The applicant stated that he wanted to accentuate the buildings historical character.

The Board discussed the various zoning districts and the language of the zoning ordinance for the Village Commercial District and encouraged the Community Development Manager to forward their concerns about the recent changes to the Planning Commission.

-Moved Adams, support Walters, Based on the information provided by the applicant at the March 23, 2005 Zoning Board of Appeals meeting the board determines that the request to waive the requirements of Section 5.01A, Off Street Parking Requirements, submitted by Hermann Real Estate to permit the construction a parking lot within the side yard setback be granted for the property located at 3276 Central Street because the proposed variance meets the conditions required for the granting of a variance.

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

1. Practical Difficulties, the width of lot presents a practical difficulty when trying to meet the villages schedule of regulations, the applicant has demonstrated that the variance request is not a mere inconvenience.
2. Substantial Justice, the village, the public and the applicant are granted substantial justice by private parking being provided and not placing the entire burden of parking on the public.
3. The applicant must also receive site plan approval from the Planning Commission and Village Council prior to the variance being effective.
4. The applicant must ass no parking signs to the south side of the parking lot, alongside the maneuvering lane.

Yeas: Walters, Adams, Hansen

Nays: None

Motion Carries

-Moved Walters, support Adams, Based on the information provided by the applicant at the March 23, 2005 Zoning Board of Appeals meeting the board determines that the request to waive the requirements of Section 5.06 Off-Street Parking Space Layout, Construction, Standards and Maintenance, submitted by Hermann Real Estate to permit the construction a parking lot within the side yard setback be granted, for the property located at 3276 Central Street because the proposed variance meets the conditions required for the granting of a variance.

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

1. Practical Difficulties, The applicant would be unable to bring the site into conformity without the subject variance and the applicant has demonstrated that the variance request is not a mere inconvenience.
2. Substantial Justice, the village, the public and the applicant are granted substantial justice by private parking being provided and not placing the entire burden of parking on the public.
3. The applicant must also receive site plan approval from the Planning Commission and Village Council prior to the variance being effective.

Yeas: Walters, Adams, Hansen

Nays: None

Motion Carries

-Moved Adams, support Walters, Based on the information provided by the applicant at the March 23, 2005 Zoning Board of Appeals meeting the board determines that the request to waive the requirements of Section 6.06 Landscape Screening Between Land Uses, submitted by Hermann Real Estate to permit the construction a parking lot within the side yard setback be granted, for the property located at 3276 Central Street because the proposed variance meets the conditions required for the granting of a variance.

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

1. Practical Difficulties, the applicant would be unable to bring the site into use conformance and the lot width does not permit the applicant to be able to meet current schedule of regulation requirements.
2. Substantial Justice, the village, the public and the applicant are granted substantial justice by private parking being provided and not placing the entire burden of parking on the public.
3. The applicant must also receive site plan approval from the Planning Commission and Village Council prior to the variance being effective.

Yeas: Walters, Adams, Hansen

Nays: None

Motion Carries

The applicant withdrew the variance request from Section 6.06, Landscape Screening Between Land Uses for the building encroachment portion of the request.

Adjournment

-Moved Adams, support Walters to adjourn the meeting at 7:05 pm.

Voice Vote: Unanimous Motion Carried

Respectfully submitted,

Allison Bishop, Recording Secretary
Community Development Manager

Filing Approved 4-18-05