

VILLAGE of DEXTER
ZONING BOARD OF APPEALS
April 19, 2004

The meeting was called to order at 7:00 PM by Chair Hansen at the Dexter Senior Citizen Center, 7720 Ann Arbor Street.

Present: Hansen, Kowalski, Walters, Alt. Lester

Absent: Adams, Rush

Also Present: Zoning Officer Menard

Approval of Minutes

-Moved Lester, support Kowalski to approve the minutes of the March 15, 2004, ZBA Meeting as presented.

Voice Vote: Unanimous Motion Carried

Approval of Agenda

-Moved Walters, support Lester to approve the agenda as presented.

Voice Vote: Unanimous Motion Carried

Site Inspections - Members are familiar with the site.

Public Hearings

Variance Request – ZBA Case 2004-02

Request by E. Wieggers for Conspiracy Cycle Works at 8080 Grand

Section 4.06 (C) Changing Uses in Non-Conforming Uses of Structures and Land

The applicant is requesting the ZBA determine that the proposed motorcycle repair and customization shop be permitted as an equally as appropriate or less appropriate use to the VR District as the existing nonconforming use.

Chair Hansen opened the hearing at 7:05 P.M.

Zoning Administrator Menard gave a brief presentation of the applicant's request.

Petitioner, E. Wieggers, 9041 Stoney Field Court, addressed the Board explaining his request and plans for future use of the building and briefly answered some of the questions addressed in the review.

The hearing was opened to public comment at 7:13 P.M. The following citizens addressed the Board:

-M. Fialkowski, 8055 Forest, stated she is opposed to the variance due to the increased noise it will bring to the neighborhood and that the proposal does not make sense to her. She requested the Board carefully consider noise issue in their residential district and stated that offices would be a more appropriate use.

-D. Bower, 7992 Grand, stated he has lived at this address for 4 years and noise is always present in the neighborhood. He further stated his opinion that a motorcycle business should not make much difference in volume, and he believes the current noise is due to racing cars, as well as, the restaurant business.

-C. Dresner, 8015 Forest, stated she is very concerned about noise as her home backs up to the proposed site. She further stated she works at home and that current noise levels are very high and there is no need to add to the high levels.

-A. Dresner, 8015 Forest, expressed his opposition to variance request, stating that the issue is not only that of adding a cycle business, but that the whole area is a problem area and the whole corner needs to be changed as it is zone residential. According to the Village Master Plan, a cycle shop is not an appropriate use.

The Chair then recognized the Petitioner for a rebuttal comment, and Mr. Weigers stated that his business would not bring that much additional noise.

There were no other citizens who wished to speak and the hearing was closed to public comment at 7:45 P.M.

Optional Recess – None

Business Session

1. Variance Request – ZBA Case 2004-02

Request by E. Weigers for Conspiracy Cycle Works at 8080 Grand
Section 4.06 (C) Changing Uses in Non-Conforming Uses of Structures and Land

-Moved Walters, support Kowalski that based on the information provided by the applicant at the April 19, 2004, Zoning Board of Appeals meeting, the Board determines per Section 4.06 (C) that the request submitted by Eric Weigers of Conspiracy Cycle Works for the use change within approximately 2,950 square feet of the building located at 8080 Grand, from an auto care shop to a motorcycle repair and customization shop is a less appropriate use to the VR (Village Residential) district than the current legal non-conforming use. The determination is made based on information presented by the applicant and reflected in the minutes of this meeting. The determination was made with consideration to the following criteria, Section 24.05 Standards for Variances and Appeals, #2 Substantial Justice; is not served to residents in the residential zoning as the granting of the variance would increase the public nuisance with increased noise, and #6 Relationship to Adjacent Land Uses; the proposed use would have a negative effect on the residential land use and the character of their neighborhood.

Ayes: Hansen, Kowalski, Walters

Nays: Lester

Motion Carried

Adjournment

-Moved Lester, support Kowalski to adjourn the meeting at 9:00 PM.

Voice Vote: Unanimous

Motion Carried

Respectfully submitted,

Donna L. Fisher, Recording Secretary

Filing Approved 7-19-04

- *AUGUST 16, 2004 - Move Adams; support Lester to make reference in the July 19, 2004 and the April 19, 2004 ZBA meeting minutes that ZBA Case #2004-02, Conspiracy Cycle Works was reconsidered in July and the April decision was overturned due to additional information provided.*