

**VILLAGE of DEXTER
ZONING BOARD OF APPEALS
June 20, 2011**

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

Present: Hansen, Bombery, Stacey (alternate), Rush, Tell
Absent: Wilcox

Approval of Minutes

-Moved Rush, support Stacey to approve the February 22, 2010, Regular Meeting minutes.
Voice Vote: Unanimous Motion Carried

Approval of the Agenda

-Moved Hansen, support Rush to approve the agenda as presented
Voice Vote: Unanimous Motion Carried

Site Inspections – (conduct on own)

Public Hearings

1. Variance Request-ZBA Case #2011-02 7390 Dexter Ann Arbor Road (HD-08-05-300-021)

This Public Hearing is being held to hear public comment regarding a request submitted by Juli Huddleston for 7390 Dexter Ann Arbor Road, HD-08-05-300-021. The applicant is requesting the following variance:

- A. Article 4, Section 4.06(C) – Changing the use of a non-conforming use within a building to a lesser non-conforming use within the same building.

Chair Bombery opened the hearing at 7:03 pm

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

Applicant Richard Huddleston at 7390 Dexter Ann Arbor Road, Dexter, MI 48130, addressed the Board to explain the reasons for the request and answer questions from the Board members. He also stated they moved into the location while trying to obtain another property after selling their residence on Forest Street and needed a temporary residence. They currently have an offer on another house in Putnam Township.

ZBA members discussed where the variance is being requested and Section 4.06 (C) Non-Conforming Uses of Structures and Land; Changing Use.

Discussion items:

- 1. Do you realize once you change zoning you cannot go back?
- 2. Can you make the site look more residential by planting grass?
- 3. Do the Daycare employees or parent's park there?
- 4. What are the minimum requirements for establishing a residential unit?
- 5. Will petitioner pursue multi-family inquiries?

The hearing was opened to public comment:

- 1. Jerry Brooks, 3482 Huron View Court, Dexter-lives near the site of petitioner and has questions and comments regarding the variance.
 - a. If the use is changed can there be someone that can come back and request to change it back?
 - b. What is it zoned now?

- c. What are the requirements for property maintenance?

The hearing was closed to public comment at 7:31 pm

Recess: none

Business Session

1. Variance Request-ZBA Case # 2011-02

The Public Hearing is being held to hear public comment regarding a request submitted by Juli Huddleston, 7390 Dexter Ann Arbor Road, HD-08-05-300-021. The applicant is requesting the following variance:

- B. The variance is being requested from: Article 4, Section 4.06(C) – Changing the use of a non-conforming use within a building to a lesser non-Conforming use within the same building. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

The Board began discussing the variance request.

1. We would like to see less parking
2. No storage of vehicles
3. If the berm is on the property it should be maintained as residential
4. We would like to see grass put in 40% of the lot, brought up to front of building
5. Driveway can be 24' wide
6. A single family dwelling is more logical than the other buildings i.e. daycare or an old lumber yard
7. It's getting back to its intended use
8. There needs to be a more defined driveway and more greenery
9. Find out who owns the berm,
10. Possibly plant a tree by the road

The Board and the applicant discussed the request, Public Safety and Welfare and No Safety Hazard or Nuisance

-Moved Bombery, support Stacey based on the information provided by Richard and Juli Huddleston for 7390 Dexter Ann Arbor Road, HD-08-05-300-021, at the June 20, 2011 Zoning Board of Appeals meeting, the Board determines that per Section 4.06(C), changing a non-conforming use, the request (Case #2011-02) to determine that a single family use is equally as appropriate or more appropriate than the indoor recreation use be **Granted**. The applicant is therefore **Permitted** to use 7390 Dexter Ann Arbor Road as a single family home. The applicant shall note that in accordance with Section 4.06(C) where a non-conforming use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

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

1. Established lawn from the inside of public sidewalk to front of building.
2. 24' wide access driveway maximum or less.
3. Public Safety and Welfare
4. No Safety hazard or Nuisance

5. Relationship to Adjacent Land Uses

Ayes: Tell, Stacey, Rush, Bombery, Hansen
Nays: none
Motion carried

Adjournment

Meeting adjourned at 8:07 pm
Voice Vote: Unanimous Motion Carried

Respectfully submitted,

Brenda Tuscano, Recording Secretary
Recording Secretary

Filing Approved 7-18-11