

**ZONING BOARD OF APPEALS  
SPECIAL MEETING**

**MONDAY, AUGUST 22, 2016**

**A. CALL TO ORDER:**

The meeting was called to order at 6:01 PM by Chairman Phil Mekas at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

**B. ROLL CALL:**

P. Mekas  
M, Schmid

S. Hansen  
Zach Michels

J. Rush

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; and Rob Marshke, representing the applicant.

**C. APPROVAL OF THE MINUTES**

1. Regular Meeting – August 15, 2016

Motion Schmid; support Rush to approve the minutes of the Regular Meeting of August 15, 2016 as presented.

Unanimous voice vote approval.

**D. APPROVAL OF THE AGENDA**

Motion Schmid; support Rush to approve the agenda as presented. A photo packet of information was distributed by the applicant at the meeting.

Unanimous voice vote approval.

**E. STAFF REPORT**

**F. SITE INSPECTION (Conduct on own)**

**G. PUBLIC HEARINGS**

None

**H. BUSINESS SESSION**

1. Continuation of ZBA Case #2016-03 ZBA Case #2016-03 Variance Request for 7200 Dan Hoey (parcel ID numbers: 08-08-05-380-000, 08-08-05-380-001, 08-08-05-380-02, 08-08-05-380-03, 08-08-05-380-04, 08-08-05-380-05, and 08-08-05-380-06)

**Applicant: Dexter Commerce Center Association**

ZBA postponed action following the public hearing on August 15, 2016 to allow applicant time to obtain additional information regarding an alternative location.

- a. Discussion: Review of facts based on all information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony). Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” and/or “conclusions”, and “rationale explaining why conclusions are reached” and “conditions” if any. This would be the appropriate time for the Board to call witnesses, and ask questions of owners, consultants, staff, etc.
- b. Motion is proposed on “finding of fact, rationale, conclusions and conditions.”
- c. Discussion on standards and requirements of the ordinance.
- d. Action on the motion.

**Staff:**

On August 15, ZBA voted to postpone action on the request. Under variance considerations, Substantial Justice has been updated from the previous meeting to identify an alternative location for the installation of a sign, east of the west entrance, which would meet the required setbacks.

**Applicant:**

Rob Marshke was present and began by identifying the other business owners of the center. He listed issues with the west entrance location:

- There is a row of trees and a sign is not visible
- Will need to remove at least one tree.
- At the east entrance there is two roads of entrance access which is a more visible site.

**Commissioner Comments and Discussion:**

Hansen – I did not realize there was a west entrance to the site until the August 15 meeting. That entrance seems like the back door or secondary entrance. At the east entrance you can see buildings, and it seems like a logical place to locate a sign.

Mekas – I am hesitant to ~~grant~~ grant a variance on a setback.

Rush – Now days, people use their smart phones to find a location. Why the need for a sign.

Michels – What type of trees are at the west entrance and does that affect the landscaping requirements with the space? With the future growth of the trees currently on the site, we should consider if they would create a practical difficulty on the west entrance.

Schmid - I'm torn between the business side of this request and the Planning Commission/ZBA side of not issuing a variance. The applicant could go to the Planning Commission to amend the PUD.

**Action:**

Motion Mekas; support Michels based on the information provided by the applicant and staff at the August 22, 2016 Zoning Board of Appeals meeting, the Board determines the application , ZBA #2016-03, submitted by Dexter Commerce Center Association, on behalf of the owners of property at 7200 Dan Hoey (parcel ID numbers: 08-08-05-380-000, 08-08-05-380-001, 08-08-05-380-02, 08-08-05-380-03, 08-08-05-380-04, 08-08-05-380-05, and 08-08-05-380-06), fails to meet the criteria required for the considering of a variance request, pursuant to Section 24.05, sub-section A.

Therefore let it be resolved, the Zoning Board of Appeals does not grant the following variances from Section 7.03 (1):

1. 10-foot variance from the required 10-foot setback from the Dan Hoey Road right-of-way;
2. 15-foot variance from the 15-foot required setback from the property line, along Dan Hoey Road; and
3. 8-foot variance from the required 15-foot setback from the property line, along Lexington Road.

Let it further be resolved, the applicant is not permitted to install a ground sign with a 0-foot setback from the Dan Hoey Road right-of-way/property line, and a 7-foot setback from the Lexington Road right-of-way/property line.

The determination was made based on the following findings per Section 24.05 of the City of Dexter Zoning Ordinance:

1. No practical difficulty, and
2. Case lacked extraordinary circumstances needed to grant variance.

Ayes: Rush, Schmid and Michels

Nays: Hansen and Mekas

Motion carries 3-2

Question from Applicant – Could the 0-foot setback be allowed at the west entrance?  
(Could come back for this and not have to wait a year.)

**I. ADJOURNMENT**

Motion Schmid; support Michels to adjourn at 6:52 PM.

Unanimous voice vote approval.

Respectfully submitted,

Michelle Aniol

Community Development Mgr Approved for Filing, as amended: September 19, 2016