

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of January 22, 2004**

Call to Order: Chairperson Wendt called the January 23, 2004 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Hall, 12000 Davisburg Rd., Davisburg, MI 48350.

Attendance:

Board Members Present

Skip Wendt
Collin Walls
Jim Carlton
Dennis Strelchuk
Roger Lamont

Board Members Absent

Staff Present

Mary Blundy

Approval of Agenda:

Board Member Walls noted that the request by Mark Yovich of 7822 Brook Lane, Clarkston was tabled last month and should be added to the agenda under Old Business. The Board Members concurred.

- **Board Member Strelchuk moved to approve the agenda as amended. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

Approval of Minutes: Minutes of December 18, 2003

- **Board Member Walls moved to approve the Minutes of December 18, 2003 as presented. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

Old Business:

1. Julian & Mona Kempf, 5811 Edgar Rd., Clarkston. Parcel #07-25-301-009

The applicant is requesting a split of 5.709 acres using an access strip of 40 foot wide by 660 feet long.

Board Member Walls explained that the applicant telephoned the township to withdraw their request, however, they never forwarded a written withdrawal.

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- **Board Member Walls moved to deny the request. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

2. Interpretation of Zoning Ordinance Article 19.01 Section 3B subsection 2 (Curves)

Board Member Walls explained that the Planning Commission discussed the Curves request and recommended that the use be allowed as a use by right under Office/Service. The Planning Commission decided to title this a small-scale personal training facility or personal fitness center. It is not unlike a physical therapy facility, which would be allowed in the Office/Service District.

- **Board Member Walls moved that in accordance with the interpretation powers of the Board of Appeals we determine that a small-scale personal training facility or personal fitness center, such as but not limited to Curves or a physical therapy facility, be allowed as a use permitted by right in the Office/Service Zoning District. Such use is clearly similar to uses allowed in the Office/Service area, it is similar and compatible with other allowed personal service uses such as beauty shops, barber shops and medical offices and was recommended for inclusion in this zoning district by the Planning Commission. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

3. Mark Yovich, 7822 Brook Lane, Clarkston, MI. Parcel # 07-28-227-003. Property located on Hillsboro (vacant parcel).

The applicant is requesting a) 30 foot front yard setback instead of the required 50 feet; b) a 6 foot side yard setback instead of the required 15 feet; c) a 12 foot (total of two) side setback rather than the required 30 feet.

No one is present in regard to this request.

Board Member Walls said we received no information regarding this request that was tabled last month.

- **Board Member Walls moved to deny the request based on the fact that both the applicant and the property owner have indicated that their request is not workable on the property. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Strelchuk, Carlton and Lamont; No: none. The motion carried by a 5 to 0 vote.**

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New Business:

- 1. Hills of Kingston, Oakland County Condominium Subdivision Plan # 1335, Kingston Development Co., LLC. 6751 Dixie Hwy., Suite 12, Clarkston, MI. Property: Hills of Kingston units.**

The applicant is requesting removal of the 75 foot combined front and rear setback requirement.

Mr. George Mansour and Mr. Edward Joubran are present in regard to this request.

Mr. Mansour explained that they have been through several plans with the Hills of Kingston. Many of the plans that met the criteria for approval were larger lots and less open space. However, the township suggested to the developer that he preserve more open space in the back of the property and around the surrounding communities. In doing so, he made the lots smaller, which affected the development in a negative manner. It is making it difficult to allow homeowners to meet the setbacks with the 2400 square foot minimum home. Without the 75 foot setback it would meet setbacks, however, with the combined setback of 75 feet, it hurts the development. Mr. Mansour said if his request is approved he will still be meeting the criteria of a typical setback and the buffer still would put them at over 75 feet of a setback from the neighboring property. Mr. Mansour said he does not feel this issue was self-created but created along with township guidance at the early stages of development of this project.

Chairperson Wendt said he reviewed the templates provided and is shocked that the applicant is asking for a blanket variance. He reviewed the width and depth of some of the garages proposed and does not think there has been much imagination used to place the homes within the building envelope. Chairperson Wendt asked the applicant why he did not come to the Board of Appeals and ask to remove the 2400 square foot minimum or other variances as far as the number of square feet to drop it down to 2000 square feet or 1800 square feet so the homes would fit in the lots? Mr. Mansour said he does not think a 2400 square foot house is unreasonable and it would affect the homes already existing by lowering the value of those current homes. Mr. Mansour said, by asking for a blanket variance he is incorporating the homes that already exist because they barely met the envelope with a 75-foot setback and they have no room for sunrooms or decks.

Chairperson Wendt asked if a 22 foot or 24 x 24 garage is out of the ordinary? Mr. Mansour said they are 2 1/2 and 2 car garages and they still do not fit the criteria. Chairperson Wendt said the applicant furnished a variety of plans and is asking the ZBA to figure out how they will fit. Mr. Mansour said he provided such a variety so the Board could see several plans. Chairperson Wendt asked the applicant why he does not come to the Board of Appeals with plans one by one and ask for what is only necessary when it is necessary. Chairperson Wendt said he is not anti-development but he is not comfortable approving a blanket variance in this manner because there are many other variables involved in how the square footage can fit in the building envelope.

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Board Member Carlton said the applicant has provided three proposals and listed many lots where they do not work. He noted that some of the homes have already been started and it is hard to say it won't work when some have already been started and do fit. Mr. Mansour said he provided examples of all the lots so the Board could get an idea of what will and will not work. In regard to the homes that already exist, he is asking for the variance so they add a deck.

Board Member Carlton said there appears to be alternatives and he would rather the necessary variances be requested one by one.

Board Member Walls said he reviewed the templates and determined that at least one could fit on 43 of the 54 units so why should we grant the variance for 54 units. He does see where some variances would be necessary but cannot see it based on the information provided. Board Member Walls said if people choose to build homes not designed to meet the criteria, it may be easier for the applicant to let the homeowner deal with it one on one. He noted that the applicant is also asking for a variance on the units that do not have open space behind them.

Board Member Walls said he would be willing to table this request for the applicant to provide more specifics and reasons based on individual units. Board Member Strelchuk said he would support tabling this issue.

- **Board Member Walls moved to table the request until the February Board of Appeals Meeting. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

2. RBI23, LLC and RBI33, LLC. P.O. Box 96, Clarkston, MI. Property located at 9331 Dixie Highway. Parcel # 07-14-451-005

The applicant is requesting a 2 sided 4 x 8 foot marketing sign for Ingomar Farms, situated on property fronting Dixie Highway currently zoned C2.

Mr. Tim Birtsas is present in regard to this request.

Mr. Birtsas confirmed for the Board that the request is not two two-sided signs but one two-sided 4 x 8 foot sign. Mr. Birtsas explained that the size of the sign is not out of line with other developer's signs in the area. Mr. Birtsas said barn relocation project has been longer than expected and is in the view from Dixie Highway of where the development is.

- **Board Member Walls moved to approve the request subject to two conditions: 1) both signs should direct traffic to Old Pond Road and not Softwater Woods Drive and 2) approval is conditioned upon the illegal small signs going up and down Dixie Highway and I-75 every weekend must discontinue. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Strelchuk and Lamont; No: none. The motion carried by a 5 to 0 vote.**

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3. Daniel & Carol Tunnecliffe, 8656 Shore Drive, Davisburg. Parcel # 07-10-402-009

The applicant is requesting a 47-foot front setback (lake side) instead of the 50 feet required.

Mr. and Mrs. Tunnecliffe are present in regard to this request.

Mrs. Tunnecliffe said they have dealt with several builders and decided the plan presented to the Board is what will make the house look best.

Board Member Walls asked what size the new room is? Mr. Tunnecliffe said it is 16 x 21 foot and would take up part of the current deck. The current deck is 16 x 32 feet not including the steps and they are not going any closer to the lake than the current deck.

Board Member Lamont asked how many stories is the addition? Mr. Tunnecliffe said it is one-story.

- **Board Member Carlton moved to approve a 3 foot variance at 8656 Shore Drive from the lake due to the fact that this is the minimum variance that would make possible the reasonable use of the land. Granting the variance would be in harmony with the neighborhood and would not be injurious to the adjacent properties and is a pre-existing, non-conforming property. Board Member Strelchuk supported the motion. Vote on the motion. Yes: Wendt, Walls, Strelchuk, Carlton and Lamont; No: none. The motion carried by a 5 to 0 vote.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:47 p.m.

Susan Weaver, Recording Secretary