

Springfield Township
Zoning Board of Appeals Meeting
Minutes of February 19, 2004

Call to Order: Chairperson Wendt called the February 19, 2004 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

Attendance:

Board Members Present

Skip Wendt
Collin Walls
Roger Lamont
Dennis Strelchuk

Board Members Absent

Jim Carlton

Staff Present

Mary Blundy

Approval of Agenda:

- **Board Member Strelchuk moved to accept the agenda for February 19, 2004 as presented. Board Member Lamont supported the motion. Vote on the motion; Yes: Wendt, Walls, Lamont and Strelchuk; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

Approval of Minutes:

January 22, 2004

- **Board Member Walls moved to approve the minutes of January 22, 2004 as presented. Board Member Strelchuk supported the motion. Vote on the motion; Yes: Wendt, Walls, Lamont and Strelchuk; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

New Business:

1. **Joseph Strube, 24853 Curtis Drive, Brownstown Twp., MI. Property located as vacant property located on Hillsboro Rd. Parcel # 07-28-227-003.**

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

Mr. Joseph Strube is present in regard to this request.

Zoning Board of Appeals Meeting - February 19, 2004

Mr. Strube commented that he plans to build a small retirement home on the lot. The lot does not conform to modern standards, as the lot was purchased in 1952. There was previous concern by the Board members that there would be no access to the back of the lot; therefore, preventing a septic system from being serviced. Mr. Strube sought to get an easement from the property behind, but the owners were not inclined to agree to an easement. However, they were agreeable to selling Mr. Strube the lot to adjoin it with his. Mr. Strube has closed on the purchase of that property and did provide documentation.

Board Member Walls asked the applicant if it is his intention to combine the two lots into a single tax description. Mr. Strube said he would if that is necessary. Board Member Walls commented that combining the lots would save the applicant money regarding tax dollars, and it makes the decision easier for the Board of Appeals in regard to the variance.

Board Member Walls said it appears that by acquiring lot 142, it might free up more room so the applicant could push the house back further from Hillsboro Road.

- **Board Member Walls moved that the applicant's request for 6 foot side yard setbacks and a combination of 12 foot rather than 30 foot be approved and that the front setback from Hillsboro be approved at 36 feet based on the pre-existing, non-conforming nature of the subdivision, and the lot with the condition that lots 144 and 142 be combined into a single tax description prior to the issuance of any building permits. Board Member Strelchuk supported the motion. Vote on the motion; Yes: Wendt, Walls, Lamont and Strelchuk; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

**2. Matthew S. & Margaret L. Bowman, 9250 Rattalee Lake Rd., Clarkston.
Property located at 9250 Rattalee Lake Rd. Parcel # 07-02-400-027.**

The applicant is requesting: a) an access strip to a parcel of 20 plus acres to enable a split of 3.48 acres; b) a minimum road frontage of 145 feet rather than 165 feet required by the ordinance and; c) a renewal of a variance which expired in December of 2003.

Mr. Bowman is present in regard to this request.

Board Member Walls asked if anything is different from the expired variance other than the fact that we now have an actual survey instead of a drawing? Mr. Bowman said he has a purchase agreement on the property, and that purchaser is not seeking a split at this time. The purchaser is aware of the existing easement and will be put in recordable form at the time of closing. Mr. Bowman said it will be worded in such a way that the easement cannot be removed without the approval of Springfield Township.

- **Board Member Walls moved that the request by the Bowman's to allow a land division with 145 feet width rather than the 165 feet required and with approval of an access strip with a 40 foot of width rather than the minimum of 20 feet be approved, as it would make a non-conforming parcel more conforming and the access strip falls within the criteria under Section 16.20 with the condition that the**

Zoning Board of Appeals Meeting - February 19, 2004

westerly 10 feet of the access strip be deed restricted to require preservation of trees and brush. Board Member Strelchuk supported the motion. Vote on the motion; Yes: Wendt, Walls, Strelchuk and Lamont; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.

Old Business:

1. Kingston Development Co., LLC, 6751 Dixie Highway, Suite 112, Clarkston, MI. Property known as Hills of Kingston Development

The applicant is requesting removal of a 75 foot combined front and rear setbacks. This request was tabled at the January Zoning Board of Appeals meeting.

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

Mr. Mansour commented that he is requesting a variance of 5 feet for lots 6, 8, 14, 44 and 52; units 15, 28, 29, 33 and 41 are being requested as a 10 foot variance. On the setbacks of units 4 and 8, the applicant is asking that the five foot be removed and allow the builder to be within the 10 foot (each side yard) setback. That would allow the builder to construct the home on both lots 4 and 8. Lastly, in regard with unit 5, the applicant is requesting that the 35 foot setback be approved to a 25 foot setback to construct a house on Kingston Pointe Drive.

Chairperson Wendt asked the applicant what hardship is present to grant this request? Mr. Mansour said when this development was being reviewed by the Township, they had 25 to 30 plans at any given time. Because of pressure to preserve more open space, the applicant had to concede to the Township and make the lots smaller. By creating smaller lots, Mr. Mansour said he hurt himself and the builders in the development. Chairperson Wendt said the developer is as responsible as everyone regarding the documents that created the development. He did not have to go along with the requests by the Township, but chose to.

Board Member Strelchuk said he understands the applicant made an honest mistake and is trying to rectify it so there is no future impact and keep the development consistent. He noted, in regard to the side yard setback on units 4 and 8, we did not publish for that request; therefore, it cannot be granted. Board Member Walls corrected and said units 4, 8 and 5 could not be granted due to publishing restraints.

Mr. Joubran said lot 5 is very important, but if we can take care of the rest of the requests, they could come back in regard to lot 5, as it is not sold at this point.

Board Member Walls asked the applicant what he accomplishes by the requested change in setback regarding unit 33? Mr. Joubran said it is because of elevation. Board Member Walls said they cannot build within the drainage easement; therefore, a change in the combined front and rear without a change in the front setback does not provide more building area. The applicants agreed to eliminate the request for unit 33.

Zoning Board of Appeals Meeting - February 19, 2004

Board Member Walls commented that the plan provided for unit 8 could not be built on that lot even if a variance is granted because the house size is too large. Mr. Joubran said they asked the builder to reduce the size of the home, and he is currently working on reducing the garage size. Mr. Mansour said they are trying to ask for 5 feet on unit 8. Board Member Walls said the deck cannot go over the building line. Board Member Walls said he has a hard time granting a variance for a home that contains an almost 1000 square foot garage. Mr. Joubran suggested letting the builder come back and obtain his own variance on unit 8. The Board Members agreed to this. The applicants agreed to eliminate unit 8 from the request, as well as unit 33.

- **Board Member Walls moved that the Board of Appeals grant a new combined front rear setback with the understanding that it does not change the minimum rear or minimum front setbacks based upon the need to have homes that conform to others in the neighborhood, and because of the buffers provided around and within the development create a net effect of a larger than typical rear setbacks. Setbacks as follows; unit 6 combine front and rear 70 foot, unit 14 combine front and rear 70 foot; unit 44 combine front and rear 70 foot; unit 52 combine front and rear at 70 foot; unit 15 combine front and rear at 65 foot; unit 28 combine front and rear at 65 foot; unit 29 combine front and rear at 65 foot; unit 41 combine front and rear at 65 foot. Board Member Strelchuk supported the motion. Vote on the motion; Yes: Wendt, Walls, Strelchuk and Lamont; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

Chairperson Wendt noted units 4, 5 and 8 have not been published. He asked the Board if it is the desire to table those units until next month to allow to republish. Board Member Walls said it was not part of the original request, therefore, could not be tabled. The applicant must submit a separate application.

Adjournment:

- **Board Member Strelchuk moved to adjourn the meeting at 8:35 p.m. Board Member Lamont supported the motion. Vote on the motion. Yes: Wendt, Walls, Strelchuk and Lamont; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

Susan Weaver, Recording Secretary