

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of April 15, 2004**

Call to Order: Chairperson Wendt called the April 15, 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
Jim Carlton
Dennis Strelchuk
Roger Lamont

Board Members Absent

Staff Present

Leon Genre

Approval of Agenda:

- **Board Member Strelchuk moved to approve the agenda as presented. Board Member Lamont 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: March 18, 2004

- **Board Member Lamont moved to approve the minutes of March 18, 2004 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: None

New Business:

1. **George Mansour, Kingston Development Co., 6751 Dixie Highway, Suite 112, Clarkston, Michigan. Property located at the corner lot, unit #5, Kingston Point Drive. Parcel # 07-14-302-005**

The applicant is requesting a 25-foot setback on Kingston Court, rather than the required 35-foot setback to allow a home to be built, fronting on Kingston Point Drive.

Mr. George Mansour is present in regard to this request.

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Mr. Mansour explained that unit 5 is narrow and the requested setback would help reduce the strain on the lot. He has no house plans for this lot at this time but he visualizes the driveway coming off as Kingston Court.

Board Member Carlton asked if this would be a two or three car garage? Mr. Mansour said the development's minimum is a 2 1/2 car garage.

Mrs. Donna Nowak, 9751 Kingston Point, provided pictures of the lot to the Board. She noted her concern that the proposed setback of the house will block the view of drivers and they cannot see young children playing in the street. She is also concerned that her home will not sell if this setback is approved because of overcrowding homes in the area.

Chairperson Wendt asked Mrs. Nowak if she knew the type of lots and their placements throughout when she bought her home? Mrs. Nowak said, yes.

Mr. Edward Bragg, 9739 Kingston Point, said he is concerned the property values will be reduced if the lots are being resized and there is very little usable real estate left. He did not look into the lots closely when he bought into this development but now he can feel the overcrowding effect and what it is doing to the aesthetics of the neighborhood.

Mr. John Austin, 9760 Kingston Point, said he would concur with Mr. Bragg and feels the reduced setback of lot five would look funny.

Board Member Walls asked the applicant if this unit has its own septic? Mr. Mansour said, no, it is on a sewer system.

Board Member Carlton asked how much of the house would be close to the 25-foot setback? Mr. Mansour said he has no specific house plan yet and could not answer how things would be laid out. Mr. Mansour suggested to the Board, tabling this request until he has a plan and therefore, would not have to reapply when he does have a plan. He believes that he would have a plan probably within the next six months. The Board Members agreed that may be a good idea.

- **Board Member Strelchuk moved to table the request by Mr. George Mansour of Kingston Development Co., that this matter be tabled for a period not to exceed six months, it will not be published every month but only for the month that Kingston Development Company request that it be placed on the agenda for a specific month and they have a specific house plan. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Strelchuk, Carlton and Lamont; No: Walls. The motion carried by a 4 to 1 vote.**

Board Member Walls said the problem with that motion is that there is a direction to publish and we will not know when the applicant will have the plan. In order to publish the plan must be in the Township at least one month prior to the meeting.

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- **Board Member Strelchuk moved to amend the motion to include that the applicant have a submitted plan to the Township within a 30 day notice prior to the meeting and the request not have to be published by the Township again. Board Member Carlton supported the amended motion. Vote on the amended motion. Yes: Wendt, Walls, Strelchuk, Carlton and Lamont; No: none. The motion carried by a 5 to 0 vote.**

- 2. John Wiedeman, R.O. Whitesell & Associates, 5900 S. Main Street, Suite 100, Clarkston, Michigan. Property located as lot 32 in Bridge Valley on Fieldstone Ridge (Independence Township.) and back parcel (vacant) in Springfield Township. Parcel # 07-24-226-002**

The applicant is requesting a split of 1.34 acres from acreage parcel in Springfield Township, and attach to an existing lot in Independence Township, necessitating a variance from the minimum lot size of 1.5 acres in Springfield Township and a variance of the minimum road frontage in Springfield Township.

Mr. Wiedeman is present in regard to this request.

Chairperson Wendt asked the applicant why there is a necessity for the Board to create a non-conforming property? Mr. Wiedeman said he is asking for two variances, one of which is no road frontage because the parcel is land-locked. In regard to the minimum frontage, Kieft Engineering could not find a natural line to stake the property that did not encroach into the wetlands. Mr. Wiedeman said he would like to preserve the natural state of the lot and owning it is the only way to guarantee its natural state as is.

Board Member Carlton said he believes this would not negatively impact the adjoining property. He asked Board Member Walls if this would then have to be one tax parcel? Board Member Walls said, no, it cannot become one tax parcel.

Board Member Lamont asked, if the owner sold the parcel, would the natural state of this parcel be a condition of the sale? Board Member Walls said the Zoning Board of Appeals could make it a requirement.

- **Board Member Walls moved that the request by Mr. Wiedeman be approved with the following conditions: that a document drafted by our attorney and acceptable to Mr. Wiedeman that provides preservation and conservation protections for the parcel that includes slope and wetland conditions similar to those that apply to the conservation area dedicated in Bridge Valley; and that provides a provision to maintain the natural existing wooded nature of the top of the hill; that the parcel in Springfield be tied to lot 32 Bridge Valley Phase II in perpetuity unless it is separated by approval of the then Springfield Township Board of Appeals; those documents to be prepared in recordable form and recorded as a condition of the land division and the restrictions must run with the land. Board Member Lamont supported the motion.**

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Chairperson Wendt commented that Board Member Walls said the natural area must follow Bridge Valley but he did not say Phase III, which is in Springfield Township. Board Member Walls said, there are no conservation provisions in Phase II but the intent was that the applicant follow the conservation provisions in Phase III, IV and V. Board Member Walls noted that this does not require Mr. Wiedeman to dedicate anything to the land conservancy.

- **Board Member Walls amended his motion to add that if the adjacent fen is dedicated to a land conservancy with similar protections to what is applied to this property, that the applicant would agree to have the third party conservation easement placed over this. Board Member Lamont supported the amended motion. Vote on the motion. Yes: Wendt, Walls, Strelchuk, Lamont and Carlton; No: none. The motion carried by a 5 to 0 vote.**

3. Peter Marchbank, 12135 Shaffer Road, Davisburg, Michigan. Property located at 12135 Shaffer Road. Parcel # 07-32-200-023.

The applicant is requesting permission to temporarily allow two dwelling units on a parcel of property. The existing dwelling to be demolished after construction of the new dwelling.

Mr. Marchbank is present in regard to this request.

Chairperson Wendt asked if the house shown is 400 feet to the inside corner instead of the upper right corner? Mr. Marchbank said the 400 foot dimension to the house is pretty correct but may be off by about 25 feet.

Board Member Walls noted that our ordinance allows the Board to do this with mobile homes and prefabricated modulars. It does not anticipate an existing house being demolished. Chairperson Wendt said this is not an unusual request.

Board Member Walls asked Mr. Marchbank, from time of permit, how long does he anticipate the construction to take place? Mr. Marchbank said he anticipates construction could be done in 9 months to one year.

Planning Coordinator, Leon Genre, suggested that the Township obtain a bond to ensure removal of the existing house.

- **Board Member Walls moved that the request by Mr. Marchbank for two homes to temporarily be on a single piece of property be approved with the condition that only one of those homes be occupied at any one time; that the existing home be removed within 90 days after occupancy of the new house; that an enforceable agreement be prepared by the Township attorney that is acceptable to Mr. Marchbank that would ensure that demolition or provide the ability to the Township to demolish and assess the cost on the tax roll and that \$1,000 cash bond be placed with the Township to be used only if necessary to cover the legal fees for the removal. Board Member Carlton supported the motion. Vote on the motion.**

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Yes: Wendt, Walls, Strelchuk, Lamont and Carlton; No: none. The motion carried by a 5 to 0 vote.

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:50 p.m.

Susan Weaver, Recording Secretary