

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of September 27, 2004**

Call to Order: Chairperson Wendt called the September 27, 2004 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

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: August 18, 2004

- **Board Member Walls moved to approve the Minutes of August 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.**

New Business:

- 1. Timothy D. Birtsas, Maple Grange Properties. Property located at 7170 Ormond Road, Davisburg. Parcel # 07-19-226-022**

The applicant is requesting a) a split of five (5) acres using an access strip according to Ordinance #26, Section 16.20 and; b) to allow accessory buildings to temporarily remain on said property for a maximum period of four (4) months before being removed.

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

Mr. Birtsas commented that under Section 16.20 paragraph D (2) there were different criteria required to be met and he originally thought he met both of them. However, it has come to his attention that he does not meet the pre-existing condition within 2000 feet. There are driveway

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accesses within 2000 feet of the original property but not within 2000 feet of the actual driveway/access strip location. He provided an aerial photo and an engineering analysis of the topography of the site. Mr. Birtsas clarified that, under Item #2, paragraph 2 of the analysis referring to the slope variations, it should indicate the percentage of slopes are within a distance of 100 feet of the residence and that the slopes contained within 50 feet, ranged from 19% to 67%.

Board Member Walls asked what there is about the topography of this parcel that makes it impractical to divide in conformance with the width-to-depth ratios? He does not see any indication that an access strip is what is necessary. Mr. Birtsas said when they looked at the topography of the site they determined what would be the best place for a boulevard access. Board Member Walls noted regarding the outbuildings, the detailed drawing received shows the proposed lot line running thru one of the smaller barns. He asked if all of the barns are meant to go to Oakland County Parks and will they expect a land division prior to that happening. Mr. Birtsas said they would remove all the barns and is requesting the land division before any of them are moved.

Mrs. Todd, 7060 Ormond Rd., said this is right beside her bedroom window, and if it becomes a roadway, she is not in favor of that. Chairperson Wendt noted that the applicant has indicated that will not be the case.

Mrs. Cheryl Dillenbeck, 13120 Scott Rd., asked why vary from the ordinance at all? Chairperson Wendt explained that the statute was written for an access strip that would be wider but not further in length than 660 feet to gain access to that parcel of property. It is the applicant's right to ask for a variance.

Mr. Dean Camden, 7055 Ormond Rd., said there are five parcels running along Ormond Rd. and asked how those divisions are made knowing that you would need 150 feet for that property? Board Member Walls explained that it was divided into eight parcels; one is larger acreage that contains the current buildings with frontage on Scott Rd., as well as two different access points to Ormond Rd.

Board Member Walls said in his opinion, he does not have a problem temporarily allowing the large barn to remain; but unless there is some significant cash bond and an affidavit to allow the other barn to be destroyed using the applicant's money, then there is nothing more permanent than a temporary structure. To allow a land division that divides a building does not make sense. The question of conformance to the Township Ordinance standards makes him nervous. He said he is concerned that the access strip is not affected by the topography; it is affected solely by the previous land division of the applicant. Board Member Lamont said he agrees with Board Member Walls.

Chairperson Wendt asked for a motion several times.

- **Board Member Walls moved that the applicant's request be denied for the five acre parcel with an access strip because, as he has recognized, they do not meet the test as found in the Ordinance for similar parcels within 2000 feet along the road**

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and any wetlands or topographical restraints on the property have no impact on the location of the access strip; the location of the access strip was a self-created practical difficulty when the land divisions were taken; that being said, the second request is moot. 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.

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:35 p.m.

Susan Weaver, Recording Secretary