

Springfield Township
Zoning Board of Appeals Meeting
Minutes of March 20, 2008

Call to Order: Chairperson Wendt called the March 20, 2008 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
Dean Baker
Bill Whitley
Jim Carlton
Dennis Vallad

Board Members Absent

Staff Present

Nancy Strole
Collin Walls

Approval of Minutes: January 17, 2008

Board Member Carlton asked that the spelling of his last name under the attendance header be corrected.

- **Board Member Whitley moved to approve the minutes of January 17, 2008 as amended. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Carlton, Vallad, Wendt, Whitley; No: none; Absent: none. The motion carried by a 5 to 0 vote.**

Approval of Agenda:

- **Board Member Whitley moved to approve the agenda as presented. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Carlton, Vallad, Wendt, Whitley; No: none; Absent: none. The motion carried by a 5 to 0 vote.**

Old Business: None

New Business:

1. Timothy J. Mills, 11995 Davisburg Road, Davisburg. P.I. # 07-17-228-002

The applicant is requesting to construct a garage with a side yard setback of seven (7) feet rather than the fifteen (15) feet required per Section 25 of Springfield Township Zoning Ordinance No. 26.

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The property is located at 11995 Davisburg Rd. in Springfield Township and is zoned R-2 One Family Residential (one acre minimum).

Chairperson Wendt read into the record a letter from Mr. Wayne L. Strole, 11990 Davisburg Road, expressing his opposition to the requested variance. **[A copy of the letter is on file at the Office of the Clerk, Springfield Township].**

Mr. Mills was present in regard to this request.

Board Member Whitley asked Mr. Mills how the existing garage is currently being used. Mr. Mills responded the existing garage is 100% used as living space.

Chairperson Wendt stated that variances are granted based on hardships that are peculiar to the property, not manmade hardship and the hardship relating to the this property is self inflicted.

Board Member Baker asked for clarification of the four feet between the existing wall (this is what was said but will need clarifying). Mr. Mills responded this area is a walkway where his side entry door is located and is the area where the main electrical comes into the property.

Board Member Vallad stated the way the lot is laid out makes it very difficult to place a structure anywhere other than where proposed because of access and elevation issues.

Board Member Baker asked Mr. Mills if he would consider a garage reduced from the proposed sixteen (16) foot width to thirteen (13) foot width and moving it over the four feet to be attached to the existing structure. This would result in a two foot encroachment that needs a variance as opposed to the eight (8) or nine (9) foot variance needed now. Mr. Mills responded he would rather not change the plans, he likes the way the garage would be set up as was originally presented.

Board Member Baker stated he cannot support what has been presented here tonight. If the applicant was willing to accept a reduced width on the proposed garage and eliminate the four foot walkway, he would be inclined to support that.

- **Board Member Whitley moved that the request for variance by Mr. Timothy J. Mills be denied due to any practical difficulty being a result of the applicant's own actions and that there are alternative ways to meet the typical usage of the property and the home without granting this requested variance. Board Member Carlton supported the motion. Vote on the motion: Yes: Carlton, Wendt, Whitley; No: Baker, Vallad; Absent: none. The motion carried by a 3 to 2 vote.**

2. Luke Kaczor, 9505 Big Lake Road, Clarkston, P.I. # 07-26-201-010

The applicant is seeking to create a parcel with a width-to-depth ratio of 1 to 5.3 rather than the maximum 1 to 4 width-to-depth ratio allowed per Section 16.18 of Springfield

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Township Zoning Ordinance No. 26, and to create a parcel with a side yard setback of ten (10) feet rather than the fifteen (15) feet required per section 25 of Springfield Township Zoning Ordinance No. 26.

The applicant is proposing to exchange part of his existing parcel with part of his neighbor's parcel in order to eliminate an existing building encroachment onto the applicant's parcel, which will result in the applicant's newly configured parcel exceeding the allowed width-to-depth ratio and in the building on his neighbor's newly-configured parcel encroaching into the required side-yard setback.

The property subject of the width-to-depth variance request is located at 9505 Big Lake Rd. (P.I. #07-26-201-010), and the property subject of the side-yard variance request is located at 9525 Big Lake Rd. (P.I. #07-26-201-014) in Springfield Township. Both properties are zoned R-3 One Family Residential (one-half acre minimum).

Mr. Kaczor was present in regard to this request.

Mr. Kaczor stated he purchased the home two years ago and it was his understanding the property lines was clear. He subsequently had the land surveyed and discovered his neighbor's garage and driveway are on his property. He approached his neighbor with the idea of switching property lines to solve this issue instead of having to remove the garage and tear out the driveway.

Board Member Vallad stated he visited the property last night and stated there are two sheds and a utility pole on the property and asked where they would fall in reference to the proposed new property lines.

Mr. Kaczor stated the utility pole would still be on his property and confirmed it would not be on the proposed new property line. He also stated the concrete block shed in question is currently on his neighbor's property but will be on his side of the property if the lines are reconfigured and he will be tearing the structure down.

Board Member Vallad asked what is being done with electrical at the back of the house. Mr. Kaczor stated it was just run before the winter and he has underground service coming to the house now and is waiting for the above ground line to be dropped and hook up the underground.

- **Board Member Whitley moved that the request to grant a variance for the width-to-depth ratio for the property at 9505 Big Lake Road to be 1 – 5.3, rather than 1.4, be granted. The variance addresses a pre-existing non-conforming condition and results in better use of the land for both property owners. Also, approving a ten (10) foot side yard setback for the property at 9525 Big Lake Road; this increases the width-to-depth conformity of the applicant's neighbor's property. Furthermore, the two small sheds on the property be removed or moved in such a way that they are compliant with side yard setback requirements. Board Member Carlton supported the**

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**motion. Vote on the motion. Yes: Baker, Carlton, Vallad, Wendt, Whitley;
No: none; Absent: none. The motion carried by a 5 to 0 vote.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:25 p.m.

Renee Wilson, Recording Secretary