

Springfield Township
Zoning Board of Appeals Meeting
Minutes of October 16, 2008

Call to Order: Chairperson Wendt called the October 16, 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
Dennis Vallad

Board Members Absent

Jim Carlton
Bill Whitley

Staff Present

Collin Walls
Nancy Strole

Approval of Agenda:

- **Board Member Wendt moved to approve the agenda as presented. Board Member Vallad supported with the discussion point of adding the approval of minutes from August 20, 2008 to be added. Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Approval of Minutes: August 20, 2008

Board Member Wendt asked if there were any changes to these minutes, Collin Walls pointed out the applicant's name was misspelled on page 2. It should be Murrell.

- **Board Member Baker moved to approve the minutes as corrected. Board Member Vallad supported the motion. Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Public Comment: None

Old Business: None

New Business:

1. Charles Underwood, 7058 Ridgewood, Clarkston, MI 48346
 - a) To allow a two-year extension of a previously approved variance allowing construction of a house with a twenty (20) foot front setback from Claypool rather than the minimum fifty (50) feet required per Section 25 of Zoning Ordinance No. 26. The property that is the subject of the variance request is zoned R-2 (one-family residential, on acre minimum) and is located at 5893 Claypool. P.I. #07-28-426-003.

Chairperson Wendt asked Collin Walls, Supervisor, to give a synopsis of the applicant's request.

Collin Walls stated that if this two year extension is granted, the previous order of the Board of Appeals will stay in effect until November 2010. There are special conditions and circumstances, in addition to the fact that the well and septic are already constructed on the property. The primary special circumstance in this case is the economy and the bleak real estate market. This makes it very difficult to sell a spec house, or his house to be able to move into this one. Obviously, those did not result from the actions of the applicant.

Alternatives have been explored and discussed with Supervisor Collin Walls, such as pulling building permits and starting the house; but, as indicated, Mr. Underwood was encouraged to apply to the Board of Appeals to see if an extension was possible before he did something of that nature.

He has made some improvements to the property, so at least in part he is in compliance with the provisions of Article 19, Section 19.03.11. If his request and extension are not approved, and the variance is lost or he is unable to get it again in the future, then it is entirely possible that the improvements already made to the property might need to be relocated, namely well and septic, and if he is unable to find an alternate location for the septic, clearly that is a significant practical difficulty.

Regarding the question of whether the variance is the minimum required for reasonable use of the property? Collin Walls stated that he did not go into that because it was already determined with the original variance request that it was the minimum required for reasonable use of the property and that any changes that have been made to the Zoning Ordinance have not had any impact on this request.

Chairperson Wendt stated that he thought Mr. Underwood has made a good faith effort to meet and stay within the requirements that are needed in order to improve the property and take it to the finish. Unfortunately, he, like a lot of other people that develop property, has become a victim of circumstance.

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Chairperson Wendt went on to say that he has seen the property by water and by walking it and thinks that Mr. Underwood has done a very good job of addressing and trying to meet the initial stipulations that were placed on him when the variances were allowed. Chairperson Wendt agreed with Collin Walls synopsis about being caught in a catch 22 that couldn't be any more applicable in this situation.

Board Member Vallad asked Collin Walls to explain the second related variance request in November 2007. Collin Walls explained that there was a request from Mr. Daros, who is an adjacent property owner, to acquire a portion of the Underwood property at the corner of Hillsboro and Claypool. Some of the work that Mr. Underwood might have done was dependent on what happens with that variance, and Mr. Daros didn't process that as quickly as some of the initial discussion. Mr. Daros acquired the corner portion and attached it to his property.

Board Member Vallad asked if there were any changes in the proposed Master Plan that would impact any decisions to change the Zoning Ordinance as it relates to this particular parcel. Collin Walls stated no.

Mr. Underwood stated that he was naïve when he first acquired the property. He thought that the variance went with the property and did not realize that the variance expired after a year. He did everything that he could without pulling a building permit, by putting in a new well and septic and clearing of the land. But he didn't want to get caught with the house just barely roughed in and then just sit because he didn't have the funds to go any further.

- **Board Member Baker, moved that the Zoning Board of Appeals approve the applicant's request for a two year extension on the previous requested variance. Based on the fact that there are no pertinent changes to the Zoning Ordinance which have any relevance to this request. Improvements have already been made to the property by the applicant and run a risk of going for naught were this variance to be denied and another use of that property were to come to pass, and that the previously determined request was considered to be the minimum variance necessary and was considered in harmony with the Master Plan and the Zoning Ordinance. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker Vallad, Wendt; No: None; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Chairperson Wendt commented on his conversation with Collin Walls about this type of request by applicants that start reaching the deadline as far as being able to proceed or finish a project that has been granted by the Zoning Board of Appeals. This one in particular is glaring in that, both on the Township's part and the applicant's part he thinks that time and money could be spent on other things than these evenings here. Decisions such as this one could be made and executed at the Township level or the building department rather than coming back to the Zoning Board of Appeals. If nothing has

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changed, and the applicant still meets the minimum requirements that took place when the variance was allowed, the building department could extend the variance for a certain amount of time. How could we ask the Planning Commission and Township Board to address it?

Board Member Vallad stated that he thought that it would have to be done through an amendment to the Zoning Ordinance and taken up by the Planning Commission and the Township Board.

Collin Walls stated that the Zoning Board of Appeals would need to make a request to the Planning Commission to explore it. There is some precedence for them to take a look at it, because very recently Planning Commission and Township Board has explored changes allowing administrative review and extensions of site plans. However, based on the fact that the building department is outsourced, it should be an in-house administrative function, but that could be a decision of the Planning Commission. ZBA members agreed that this would be something that would have merit to look into

Adjournment:

- **Board Member Baker moved to adjourn the meeting at 8:20 p.m. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt: No: none: Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Michelle Cox, Recording Secretary