

SPRINGFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
March 20, 2013

Meeting is called to order at 7:30 pm by Chairman Wendt.

In attendance:           Dean Baker, Zoning Board Member  
                              Virginia Fischbach, Zoning Board Member  
                              Denny Vallad, Zoning Board Member  
                              Bill Whitley, Zoning Board Member  
                              Skip Wendt, Chairperson

Absent:                   None

AGENDA:

**Board member Whitley moved to approve the agenda as modified. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.**

PUBLIC COMMENT:           None

CONSENT MOTION:           Minutes of the December 19, 2012 meeting.

**Board member Whitley moved to approve the minutes of December 19, 2012 as presented. Supported by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.**

NEW BUSINESS:

1. *Request from Valdon Garrison, 230 Broadway, Davisburg, 48350 to allow the construction of a garage (accessory structure) on a parcel that does not contain a dwelling which requires a variance per Springfield Township Code of Ordinances, Chapter 40, Section 40-156 .*

*The property that is the subject of this request is located at 236 Hickey, Davisburg, zoned R2, one family residential having a P.I. #07-17-201-011 in Springfield Township.*

Mr. Valdon Garrison introduced himself to the Board. He added that the diagram that was provided by the pole barn company had a metal roof and did not have an overhang. They would prefer to use the same type, but will substitute a shingled roof and an overhang if that is what the Board wants.

Chairperson Wendt asked Mr. Garrison if he had been made aware by the Township that the Township has an ordinance that prohibits building an accessory structure on a parcel that does not have a residence on it.

Mr. Garrison stated that he is aware of that, but this did not come up in conversations that he had with the Supervisor.

Chairperson Wendt stated that a situation like this came before the Board in the 1970's twice and both were on Big Lake. One of the properties was owned by a family that had a home on Morning Drive which was lakefront property and the second piece was located across Morning Drive on a diagonal from the lakefront property. The other one was located further down the road. In both instances, these cases were denied due to Township ordinance. The ordinance is explicit and he doesn't see that anything has changed.

Board member Whitley asked Township Supervisor who owns the parcel that is unaccounted for.

Supervisor Walls stated that typically this would be the Oakland County Road Commission but he doesn't know because the plat goes back far enough. The plat predates 1936 which is when the Road Commission got jurisdiction over local roads.

Board member Whitley asked if joining the two parcels so they would be contiguous has been researched.

Supervisor Walls stated that Oakland County Equalization refuses to attach it.

Board member Whitley confirmed that they refuse to attach it because they cannot figure out who owns it.

Supervisor Walls concurred. It is road right of way.

Board member Whitley stated that if it was presumed to be owned by someone, it would be presumed to be owned by the Road Commission. The lot lines still go to the center of the road.

Supervisor Walls stated that the Supervisors Plat goes to the north line of the right of way. The southern lot, on which the Garrison's home is located, goes to the center of the road. This is what created the gap.

Board member Whitley stated that if they met at the center of the road, they would be able to be combined into a single parcel.

Supervisor Walls agreed.

Chairperson Wendt suggested abandonment as an option.

Supervisor Walls stated that the Road Commission would not likely abandon the road because it is a traveled road. If it were an undeveloped road, it would be a different story.

Board member Whitley stated that this was not an issue of it belonging to the wrong person; it is an issue of it not belonging to any body. If it belonged to any body, it could be combined with the other lot.

Mrs. Garrison stated that they applied to put a building across the road about five years ago and Supervisor Walls said that was no problem. However, after Supervisor Walls researched it, it was determined that they would have to go in front of the Zoning Board of Appeals. They did not go to the Board at that time.

Board member Vallad asked when the land division occurred.

Mr. Garrison answered 2004.

Board member Vallad asked who own the property prior to 2004.

Mr. Garrison answered that his parents owned six acres there.

Board member Vallad asked when his parents purchased the property.

Mr. Garrison responded over 40 years ago.

Board member Vallad asked about the other unincorporated roads where the parcels run to the center of the road and when this was done.

Supervisor Walls answered that Michael G. Hickey's was done in the 1800's. Supervisors plat was another plat that he thought got corrected in the late 1800's.

Board member Vallad asked why the address was 230 Broadway since there was no access to Broadway.

Mr. Garrison answered that Hickey was a two tracker until a few years ago. When they established lot numbers, they went with the street that the house faced.

Board member Vallad stated that his issue with the proposal is what could occur in future years. The use of an accessory structure for any use on a separated parcel would be difficult. The lots are not contiguous however the proposed location is in line with the accessory structure to the west. The proposal for the accessory structure would be appropriate. He stated that he wants to approve this, but he is having a difficult time figuring out how to do it. He would recommend asphalt shingles and the overhang to be part of the structure. He asked Supervisor Walls about his memo reference to 40-638 part 8.

Supervisor Walls referenced Section 40-649, 1.d. which speaks to Accessory Buildings.

Chairperson Wendt stated that these parcels are separate with separate parcel identification numbers and he doesn't see how they could be treated otherwise. There is an unknown but that isn't something that the Board has the power to determine who owns it in making this decision; this goes to a higher level.

Supervisor Walls stated that the provision of the Ordinance that prohibits accessory structures being present on a lot without a residence present contains an exemption at the end of the last sentence which reads, "except by appeal as herein described in this chapter." The Board does have the right to look at this appeal. The ordinance indicates that they do have the right to be here and be heard.

Chairperson Wendt answered that this is not disputed by him.

Supervisor Walls stated that Chairperson Wendt indicated that the ordinance does not allow them to act on this.

Chairperson Wendt stated that he meant to say that the ordinance that governs accessory structures in regards to a vacant piece of property requires that there be a residence on it prior to putting up the accessory building. They can change this based on special conditions.

Board member Whitley stated that he does not agree with allowing an accessory structure as the primary use on an otherwise vacant piece of property in a residential zoning. The lack of ownership regarding the piece of property needs to be corrected but not by creating an additional nonconformity.

**Board member Whitley moved to DENY the applicant's request because it does not present a problem unique to this property. Seconded by Chairperson Wendt. Voted yes: Fischbach, Wendt, Whitley. Voted no: Baker, Vallad. Absent: None. Motion approved.**

**ADJOURNMENT:**

**Chairperson Wendt adjourned the meeting at 7:59 pm.**

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Erin Mattice, Recording Secretary