

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
December 21, 2016

Call to Order: Chairperson Wendt called the December 21, 2016 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Dean Baker
Virginia Fischbach
Denny Vallad
Skip Wendt
Bill Whitley

Absent:

AGENDA:

Board members proceeded with the presented agenda.

PUBLIC COMMENT: None

CONSENT: Minutes of the November 16, 2016 meeting

Board member Vallad moved to approve the minutes November 16, 2016 meeting as presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Whitley. Vote no: None. Absent: None. Abstain: Wendt. Motion approved.

NEW BUSINESS:

1. Request from Matt and Cathi Slate, 9650 Gibbs Road, Clarkston, 48348 to build an addition resulting in a front setback of sixty-four (64) feet rather than the seventy-five (75) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572

The property that is the subject of the request is located at 9650 Gibbs Road in Springfield Township and is zoned R1A One-family residential. P.I. #07-02-376-017.

Board members confirmed that they received a memo indicating that this case will be heard in January 2017 after correct noticing.

Board member Whitley moved to remove this item from the December 21, 2016. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

2. Request from Karen Hoke, 8356 High Meadow Trail, Clarkston, 48348 to build a home resulting in the following three (3) variances:

a. *Distance from a structure to the high water mark of Big Lake of twenty-one (21) feet rather than the 50 feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639*

b. *Distance from a septic system to the high water mark of Big Lake of seventy-two (72) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639*

c. *Front setback of thirty-five (35) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572*

The property that is the subject of the request is located at 6160 Wertz in Springfield Township and is zoned R2 One-family residential. P.I. #07-28-204-047.

Chairperson Wendt confirmed that the Zoning Board of Appeals members received a document from Pat and Patricia Turner of 6164 Wertz in regards to the applicant's request.

Mr. Neil Wallace introduced himself to the Board members as the attorney for Ms. Hoke. He asked if there was a copy of the submitted document that they could review. He was presented with a copy of the document. Mr. Wallace stated that in reviewing the meeting minutes in which Ms. Hoke had went before the Board last time, it seemed that there was a lot of discussion regarding the size, look and feel of the proposed home. He advised Ms. Hoke to make it smaller and change the feel. The house is now smaller in height, smaller footprint and it now has a cottage feel. The applicant also eliminated the garage. The new plan has the fireplace on the other side of the home because that was also brought up at the last meeting. There are currently three variances requested. Another concern from the last meeting was the setback to the septic system. The new proposed plan has the tank moved back further from the lake and it is 72.8 feet back. He stated that the Eljen system is a passive pre-treatment system and he provided details about the system. The Oakland County Health Department recognizes that this system is better for use around the lake. The distance of the home from the lake is further than the home that burned down. The lot is buildable and will only be unbuildable if they cannot get the variances. He introduced the Engineer and the Architect for the project.

Chairperson Wendt asked why there are not any dimensions showing either lake front or road front views of the building.

Mr. Stafford, Architect, stated that he did add a midpoint calculation on the last sheet which encompasses all of the dimensions. The average of the midpoint is 24 feet. This house is within the ordinance height restrictions.

Mr. Wallace indicated that he had the prior drawings if any of the Board members wanted to see them.

Mr. Stafford commented that the first presentation was too much for the lake front and he worked with the Hokes to revise the drawing which is very restrained and a cottage look.

Board member Whitley stated that the document provided talked about the average elevation. He asked what was the statutory elevation for this structure.

Mr. Stafford stated that he did a calculation for all four sides to make sure it is conforming and the average for this structure is 25 feet.

Chairperson Wendt asked what is the highest point of the building from road grade.

Mr. Stafford replied 18 feet.

Supervisor Walls confirmed that the ordinance requirements look at the midpoint between the ridge and the eave and the average grade.

Board member Whitley confirmed that this is what the applicant represented as 25 feet.

Applicant confirmed yes.

Board member Vallad asked if there has been application to the Health Department for the septic and if it was approved.

Applicant replied that it is approved conceptually but is on hold to see what the Township says.

Board member Vallad asked if there were any restrictions put on the system with the preliminary approval by the Health Department.

Mr. Dave Wardin, Kieft Engineering, stated that it is sized for a two-bedroom house.

Mr. Stafford stated that the first design that was submitted was looked at regarding the possibility of including more bedrooms. The proposed design tonight does not have any space to add any more bedroom space.

Board member Baker asked how many bathrooms were proposed.

Mr. Stafford replied two with the possibility of a third on the lower level.

Chairperson Wendt asked Dave Wardin about the proposed sanitary system.

Mr. Wardin replied that it is an Eljen system but since the house is smaller, the tanks can be smaller and further away from the lake. They are double compartment tanks with an effluent filter going into a 500-gallon pump chamber which will be pumped to the septic field.

Board member Vallad asked if they were going to put in pilings.

Mr. Stafford replied that they do now need them according to the engineer. When they get structural drawings, this will be addressed with the structural engineer.

Mr. Richard Parke, 6161 Wertz, commented that his property is adjacent to the proposed building site and he is a Park Commissioner. He stated that he and his wife fully support Mr. and Mrs. Hoke and their request for variance.

Pat Turner, 6164 Wertz, commented that his property is located adjacent to the subject property. He stated that as he indicated in the submitted document, his concern is that the ordinances are met and the Board can make an informed decision on the requested variances. He commented on an encroachment matter regarding a cement pad that he would like removed from his property.

Mr. Wallace stated that any encroachment issues are not a matter for the Zoning Board of Appeals. This would be inappropriate to even consider at this meeting. The applicant plans to get along with the neighbors. The fact that a house did exist on the property is not irrelevant, it is a measure of the reasonableness of the granting of the variances that are being requested. Because there was a house there before demonstrates that the property is not unbuildable.

Chairperson Wendt agreed that there was a building on the property prior to this request. However, there are some properties in lots surrounding the lakes which have homes that were meant to be summer cottages and not meant to be occupied the entire year.

Mr. Wallace agreed. He reiterated that they have tried to amend their request to be more in keeping with the neighborhood regarding size and footprint.

Board member Whitley stated that each variance request stands on their own. In this case, there are no preexisting nonconforming conditions because it is vacant because the former house burned down. His concern is when is the ordinance, an ordinance and the current ordinance is supposed to guide development in the different zoning districts. In this case, they are presented with a significant number of variances to even be able to build on the lot.

Board member Vallad disagreed. The previous house was there and had variances when it existed. This design is more compliant than the old construction.

Board member Whitley stated that he hasn't seen data to support this.

Board member Vallad stated that it is further from the road and has the same footprint from the water's edge. It is also farther away from the neighboring side lot line of the Turners.

Board member Whitley asked why this was made R-2? It does not fit R-2.

Chairperson Wendt concurred with Board member Vallad. Many lakes in the Township are faced with this situation.

Board member Whitley commented that maybe the zoning should be changed to be more consistent with neighboring properties. This is a vacant property and the Zoning Board is

being asked to waive the zoning requirements and allow a structure there that meets few of the requirements.

Mr. Wallace stated that the zoning gives you a set of restrictions that you can apply and can vary from using discretion. Instead of asking the Planning Commission and Township Board to rezone thus wholesale changing everything around the lakes, with this zoning they have the opportunity to have someone come to the Board and exercise discretion. The situation is that the zoning ordinance is a guide and the applicant is there seeking permission rather than building something that is nonconforming and asking for forgiveness. The Board has been entrusted with the discretion and they are asking for the Board to exercise their discretion. The variances requested are not just one fewer; all of the variances requested have less impact than when the original submission was made.

Board member Whitley stated that he was not indicating that the Planning Commission should rezone the property. He asked a rhetorical question around if they don't mean what the zoning district means, why do they have it there?

Applicant offered that they are maintain the side ordinance setbacks.

Chairperson Wendt stated that if 40% of the homes on Big Lake were to have catastrophic fires for example, they would have each one of those with variances needed. He stated that this property falls into the 40% and is not one of the smaller properties. He stated based on the size of this property and the changes that have been made, he believes it fits more than the preexisting building that burned down.

Board member Fischbach stated that her concern is the septic and the protection of the lake. It has been said that this is sized for a two-bedroom house and when she looks at the size of the loft, she sees more than two bedrooms. She is uncomfortable with the size of the septic but this is within the jurisdiction of Oakland County.

Board member Vallad stated that Oakland County would regulate the size.

Board member Baker stated that the ordinance are the rules and it provides the abiding guidance. The Zoning Board is approach when the ordinance places limitations on the use of property that are beyond what is reasonable and currently accepted by the properties that are zoned in a similar way. He summarized the variances requested in September and the variances being requested tonight. He stated that with the changes that they have made and the challenges presented, he is in support of this request.

Board member Baker moved to approve the request for variances submitted by Karen Hoke, 8356 High Meadow Trail, Clarkston, 48348 to build a home resulting in the following three (3) variances: distance from a structure to the high water mark of Big Lake of twenty-one (21) feet rather than the 50 feet, distance from a septic system to the high water mark of Big Lake of seventy-two (72) feet and a front setback of thirty-five (35) feet rather than the required 50 feet on the basis that the lot size presents challenges due to its dimensions, similar properties located nearby also have variances that are relevant to their side yard setbacks as well as distance from Big Lake and the proposed construction is keeping with the harmony

of community. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt. Vote no: Whitley. Absent: None. Motion approved.

PUBLIC COMMENT:

Mr. Parke commented that the original home plan submitted in September was in keeping with the surrounding neighborhood and he encouraged the Board to reconsider the initial request.

2. 2017 Meeting Dates

Board member Baker moved to approve the 2017 dates for the Zoning Board of Appeals meetings to be the third Wednesday of each calendar month at 7:30 pm. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Vallad moved to nominate Skip Wendt as the Chairperson and Bill Whitley as Vice-Chairperson for 2017. Supported by Board member Whitley. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Baker stated that Erin Mattice has offered to set up a working group to discuss septic setbacks from a body of water and work with the new consultant to develop possible ordinance language. He stated that they hoped that two members of the Board of Appeals would join this committee.

Board member Wendt and Board member Whitley agreed to serve on this committee.

ADJOURNMENT:

Chairperson Wendt adjourned the meeting at 8:31 pm.

Erin Mattice, Recording Secretary