

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
February 21, 2018

Call to Order: Acting Chairperson Whitley called the February 21, 2018 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
 Bill Whitley
 Ginny Fischbach
 Matt Underwood

Absent: Skip Wendt
 Denny Vallad

Also Present: Collin Walls, Supervisor

AGENDA:

Board member Baker moved to proceed with the agenda as presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Underwood, Whitley. Vote no: None. Absent: Vallad, Wendt. Motion approved.

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Board member Baker moved to approve the minutes of the December 20, 2017 meeting as presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Underwood, Whitley. Vote no: None. Absent: Vallad, Wendt. Motion approved.

NEW BUSINESS:

1. *Request from Thomas and Chelsea Carballo, 6171 North Shore Drive, West Bloomfield, MI 48324 for two (2) variances to construct a house:*
 - a. *A five (5) foot side setback rather than the fifteen (15) feet side required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*
 - b. *A fifteen (15) feet rear setback rather than the thirty-five (35) 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 6249 Hillsboro in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-28-204-048.

Neil Wallace appeared on behalf of the applicant.

Craig Stafford, Architect, introduced himself to the Board.

Mr. Wallace provided the Board members with a changed plan other than the one that was in the application received by the Board. The new plan shows a reduction of structure height of 2 feet so that it more closely fits into the neighborhood and side setback of 7 feet on lot #96 instead of the 5 feet that was originally requested with application. He understands that the height or elevation is not the subject of the variance request but knows through past experience, this is something that the Board considers. He stated that the main part of the building is being drawn farther away from the lake by 4 feet which will give a better peripheral view of the lake for the neighbors. An important aspect of the setbacks is servicing aspect the property for emergency vehicles. Both of these lots back up and side up to a small neighborhood park so there are no access issues. The 15 foot rear request is for the smaller of the two lots. This also backs up to a park and is quite a distance from the lake and the access would not be an issue.

Board member Whitley asked if the shortening of 4 feet is due to shortening the narrow element.

Mr. Wallace replied yes. The structure is getting smaller in addition to not being as high and as wide. The plan presented tonight is about 10% smaller.

Board member Underwood asked if the width would be 18 feet.

Mr. Stafford replied yes.

Board member Whitley reiterated that there are vertical dimensional changes which are not the subject of the request and the great room is 4 feet less in length and 2 feet less in width.

Mr. Stafford answered yes.

Board member Baker asked if there is a limitation to move equipment in the park area to allow access.

Mr. Wallace answered that he does not think that entering the park would be necessary to access the well.

Mr. Stafford replied the septic is in the front and well is in the back and can be serviced on the subject property.

Mr. Wallace stated that he was talking about using the park property for emergency vehicles access.

Board member Baker replied that he was asking about access for the well. He asked how a well truck could get back to the well in case of pump failure, etc.

Mr. Wallace replied that the architect indicated that it would not be necessary to transverse over the park property. If it did become necessary to use the park property, he has not looked into this issue. He would assume that they would need permission from the association.

Board member Baker asked if the 7-foot clearance would allow them to service the well.

Mr. Stafford replied that it would be tight, but yes.

Board member Baker asked if there was any legal limitation to the applicant accessing the unit through this common area.

Mr. Wallace replied he has not checked.

Board member Whitley stated that this is an important consideration because there are trees blocking the side of the home showing a 15-foot setback (southerly side). This area could not be used for access so they have to look at how they would get to the well for servicing.

Brian Scott, Association President, 11380 Ember Drive, replied that this park property is owned by the Association. The by-laws state that there should not be regular traffic on this park property, but for servicing lake front lots, it is okay as long as any damage that is caused is repaired.

Board member Whitley asked if this was documented in the Homeowners Association by-laws.

Mr. Scott answered yes.

Board member Underwood asked with the reduction in size of the footprint, does anything else change in the plan?

Mr. Wallace replied no.

Board member Whitley asked if there was anything that precludes the sale of the park property in the future to a private owner such that if that occurred, there would be an easement issue in the future.

Mr. Scott replied that if the property is sold, the property gets defaulted back to the estate of the family that donated it so there is no selling the property.

Mr. Wallace replied that there is a restriction on selling the property so they would not sell it.

Board member Whitley stated that it could go back into private ownership and there could be an issue of easement access. He thinks that there should be something documented and recorded that allows access through that property by easement for servicing the well.

Mr. Stafford stated that the well can be serviced using a bobcat in a space 7 feet wide.

Mr. Wallace stated that the deed restriction means that the Homeowners Association would never sell the property because they couldn't.

Mr. Scott replied that this is correct. This is the lake access for the property owners across the street.

Board member Baker moved to approve the request from Thomas and Chelsea Carballo relevant to the property at 6249 Hillsboro, Springfield Township, property ID #07-28-204-048, to permit a seven (7) foot side setback on Lot #96 rather than the required fifteen (15) feet side setback and to allow a fifteen (15) feet rear setback on Lot #95 rather than the required thirty five (35) feet setback due to the fact that the variance would not be detrimental to the public health, safety and welfare or injurious to any other property, there are unique conditions that underlie this property due to its unique shape and narrow building footprint were the Board not to grant this variance. The hardship associated with the parcel's shape is not the making of the property owner and the variance does not violate the requirements of Zoning Chapter or Master Plan or any other applicable law or regulation. Supported by Fischbach.

Board member Whitley reviewed the variance request referring to Section 40-63 to make sure that it satisfies all of the criteria. Board members agreed that it satisfies all five criteria of Section 40-63.

Vote yes: Baker, Fischbach, Underwood, Whitley. Vote no: None. Absent: Vallad, Wendt. Motion approved.

ADJOURNMENT:

Board member Baker moved to adjourn the meeting at 7:58 pm. Supported by Board member Underwood. Vote yes: Baker, Fischbach, Underwood, Whitley. Vote no: None. Absent: Vallad, Wendt. Motion approved.

Erin Mattice, Recording Secretary