

SPRINGFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
June 15, 2016

Call to Order: Chairperson Wendt called the June 15, 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:

PUBLIC COMMENT:       None

AGENDA:

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

CONSENT:               Minutes of the May 18, 2016 meeting

**Board member Whitley moved to APPROVE the minutes of May 18, 2016 meeting as presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.**

OLD BUSINESS:

1.       (Tabled from May 18, 2016) Request from Harold McGraw, 27836 Lenox Avenue, Madison Heights, 48071 to approve the following variances to construct a home:
  - a.       Resulting in a distance from the septic system to the ordinary high-water mark of Dixie Lake of sixty (60) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639.
  - b.       Resulting in a front yard setback of seven (7) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.
  - c.       Resulting in a side yard setback of ten (10) feet and seven (7) feet rather than the fifteen (15) feet each required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located at 8700 Shore Drive in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-402-047.

No one was present regarding this request.

Board member Baker asked if the applicant had asked for this to be put on the agenda.

Board member Whitley stated that they had moved to table the item at the last meeting due to conflicting and confusing data and the applicant was present at that meeting.

Board member Vallad stated that the motion was for the applicant to provide information and the applicant has not provided any information.

Supervisor Walls stated that it is typical, unless the tabling motion says otherwise that the item would appear on the next agenda.

Board members discussed tabling the motion again.

**Board member Whitley moved that the variance for Harold McGraw, 8700 Shore Drive, Davisburg, be denied as a result of inaccurate and confusing data presented at the last meeting and no further information presented at this meeting for the Board to consider. Supported by Chairperson Wendt.**

Board member Fischbach asked if the applicant was notified that they were on the agenda.

Erin Mattice, Supervisor's Office, stated that she emailed Mrs. McGraw a copy of the agenda for tonight's meeting.

Board member Whitley stated that this would be the third variance on the same property and the applicant has not acted on the previous variances and this time they have not acted on the request to come back with more information. It is not simply the Board's refusal to consider, the applicant has not done their part.

Chairperson Wendt concurred.

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

**NEW BUSINESS:**

1. Request from Daniel Hefner, 9101 Bridge Lake Road, Clarkston 48348 a variance to construct an addition forty (40) feet from the ordinary high-water mark of a body of water rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639.

The property that is the subject of the request is located at 9101 Bridge Lake Road in Springfield Township and is zoned R-1 One Family Residential. P.I.#07-12-151-002.

Mr. Hefner introduced himself to the Board. He stated that the main measurement in question is the 40 feet to the water's edge. The property has marshland so he hired a surveyor so he would know exactly where the property lines are. He is asking for a 10 foot variance and he stated that this is 10 foot that is elevated. He stated that he is recently married with a baby on the way and is looking to improve and expand his home. He stated that it will remain the same number of bedrooms. There is not a lot of buildable area on the property due to the topographical changes and the marshy area next to the water. He would not be encroaching on any neighbors.

Chairperson Wendt stated that when he visited the property, there is an area on the north side that Mr. Hefner maintains, but that doesn't belong to him.

Mr. Hefner agreed. He stated that he has maintained it even though it does not belong to him; it is the common area for Stonegate. It is deceiving because he only owns 9.5 feet off the north end of his home but this was preexisting. He stated that with the drop in elevation, he is close to the water's edge no matter what.

Chairperson Wendt stated that the property has elevation challenges and with where the existing buildings are, it does not appear like the applicant has a choice beyond what he is presenting.

Board member Whitley stated that the only alternative would require another front setback variance and he added that the variance requested is preferable.

Board member Baker agreed. He stated that this property meets the requirements for asking for a variance. There are natural features on the property that do not permit the applicant to enjoy the parcel as it is zoned without encumbrances.

Chairperson Wendt stated that this is the most acceptable place without moving closer to Bridge Lake Road.

Board member Vallad asked if there was a basement intended and the applicant told him no when he visited the property.

**Board member Whitley moved that the request for a 40 foot setback, or a variance of 10 feet, from the high water mark be approved given the peculiar conditions on the lot, change in elevation and the preference towards what has been proposed tonight versus a different front yard setback that would be required for any other alternative. Supported by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.**

2. Request from Mike Angona, 9158 Dixie Highway, Clarkston 48348 for two (2) variances to construct a building:
  - a. Resulting in a thirty seven (37) foot rear setback rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572

b. Resulting in a eighteen (18) foot front greenbelt buffer rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-721(b)(5).

The property that is the subject of the request is located at 9158 Dixie Highway in Springfield Township and is zoned OS Office Service P.I. #07-14-476-026.

Mr. Michael Angona introduced himself to the Board. He presented a picture board to the Board members which shows what the new building will look like. He stated that they are asking for the variances to improve the property. They are proposing an asphalt parking lot, curbing and full landscaping detail. He stated that they were able to purchase the parcel next to his parcel so they would have the entire corner area. He stated that the lots are smaller, prior to setback requirements. He stated that he worked with Kieft Engineering to come up with the plan that he is proposing tonight.

Chairperson Wendt stated that this building seems to fit along that section of Dixie Highway and it would appear that from a preexisting, nonconforming standpoint, the applicant is not asking for anything more than putting something in that is in aesthetic harmony with the area.

Board member Whitley stated that with the 50 foot greenbelt required and the 50 foot rear setback required, it leaves 23 feet depth for a building envelope.

Chairperson Wendt asked if the fencing around the property was the applicant's.

Mr. Angona replied yes. He stated that he has spoken to some of the neighbors and they responded favorably because they felt that the building would block the noise from Dixie Highway.

Mr. Tom Weiler, 9171 Hillcrest, stated that he is speaking for his brother, John Weiler and Jason DeBrees. He stated that the neighbor that Mr. Angona is referring to has moved out. He is asking for a stay on this item for the Planning Commission to review the setbacks. He would like to know what the applicant is going to do with the existing retaining wall on the property. The subdivision is accessed by Cobblestone Lane which is not 100 percent maintained by the County. Center Street is the only way out and is also a bus stop location for four buses. He says that the print says the landscape plan will be provided after all of these other things go through. He stated that there are mailboxes all up and down Dixie Highway and they can see over and under the mailboxes now but if the applicant puts anything in front of them, they are going to have a problem. The applicant has been there for a year and they have never ploughed Center Street or maintained Center Street. If a trailer or truck jackknifes on Center Street, they will be blocked in. There is a 5 foot drop and they need to get a running start to get out on Dixie Road and if the front variance is granted, they will not be able to see onto Dixie Highway.

Chairperson Wendt stated that listening to everything that Mr. Weiler has said, he doesn't see how it is different than what currently exists.

Mr. Weiler stated that if they push the snow under or over the mailboxes, they will not be able to see. Mr. Weiler approached the Board to confirm the location of the mailboxes.

Chairperson Wendt stated that what the applicant is doing is not going to amplify or change what is there already.

Mr. Angona stated that they are not looking to block anyone's view. He confirmed where the snow would be plowed.

Chairperson Wendt asked who owns the private road.

Mr. Weiler confirmed the subdivision and they maintain the road.

Chairperson Wendt stated that the subdivision needs to pay for the upkeep of the road. He stated that if the subdivision maintains the road, the applicant does not have a problem.

Board members confirmed that the proposal will go to the Planning Commission for Conceptual Plan Review on Tuesday, June 21, 2016.

Board member Vallad stated that this whole stretch along Dixie Highway has been planned for mixed use. This office service application fits the plan and makes sense. The building is not overly large and has been positioned properly.

Board member Baker stated that he appreciates this proposal coming to the Zoning Board first.

**Board member Whitley moved to approve the request as presented given the limited depth of the lot in which to work with which constrains both the rear setback and the front greenbelt area and also given that it is consistent with the area and consistent with the planned land use in that area of Dixie Highway. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.**

ADJOURNMENT:

**Board member Baker moved to adjourn the meeting at 7:59 pm. Supported by Board member Whitley. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.**

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Erin Mattice, Recording Secretary