

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
August 16, 2017

Call to Order: Chairperson Wendt called the August 16, 2017 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
 Ginny Fischbach
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent: None

Also Present: Collin Walls, Supervisor

AGENDA:

Board members agreed to proceed with the agenda as presented.

PUBLIC COMMENT:

Charles McCabe, 9460 Rattalee Lake Road, stated that he had a variance request to be presented at the last meeting in July and he arrived fifteen minutes late. He stated that the meeting had already adjourned and he asked if the Board could reconsider his case at this meeting. He has made an adjustment to his plan and has a to-scale plot plan of the property with the existing and the proposed buildings on it.

Board members explained to Mr. McCabe that he would have to re-apply with a new application in order for them to hear his case.

Mr. McCabe indicated that he wanted feedback on whether his request was reasonable.

Supervisor Walls commented that Mr. McCabe could call the Supervisor's Office and make an appointment and he would be glad to go over Mr. McCabe's application and request with him.

APPROVAL OF MINUTES:

Board member Whitley moved to approve the minutes of the July 19, 2017 meeting as presented. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

NEW BUSINESS:

- 1. Request from Mark Wiley, 10123 Graham Drive, Clarkston, 48348 for a variance to construct a garage resulting in a twenty (20) foot front setback rather than the fifty (50) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 10123 Graham Drive in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-278-022.

Mr. Wiley introduced himself to the Board and summarized his variance request. There are two options for placement of the garage. The first is to put it where the current barn is but that would necessitate putting it over the top of a current water drain. If he was ever to have a problem with the drain tile collapsing, he would not be able to fully access it. He is proposing to put the garage on the same side as the house. There is a well between the house and the garage that is approximately 15 feet from the garage and that is why he cannot put the garage attached to the house. He lives on a lake and he would like the ability to store the boat in the garage with his two cars. He stated that he has presented the only economically feasible option.

Chairperson Wendt stated that he visited the property and he saw the water drain.

Mr. Wiley explained the presence of the water drain. There used to be a creek that ran through there and his father placed the drainage tile on the property.

Chairperson Wendt estimated the depth of the drain to be 2.5 to 3 feet below the surface. The request for the garage is close to the roadway in his opinion.

Board member Whitley confirmed that Mr. Wiley's father constructed the drain. He asked if he also installed the concrete abutment that is at the easterly end.

Mr. Wiley replied that he thinks his dad did but he doesn't know for sure.

Board member Whitley asked if there was an easement for that drain across the property.

Mr. Wiley replied he doesn't think so.

Board member Whitley asked if there was a survey that accurately shows the location of the drain.

Mr. Wiley replied he doesn't believe so.

Board member Fischbach explained several discrepancies in measurements in the drawings presented. She explained that the language says the side setback will be in line with the house, but is shown at 15 feet with the house being shown at 10 feet. She stated that if it is truly in line with the house, this would require a side setback variance but the Board cannot know for sure because the drawing is not accurate. She stated that the information sheet clearly addressed what needs to be provided and the drawings are not accurate. Lot dimensions are not shown and dimensions for the barn or the rectangular structure by the barn are not shown. The numbers on the drawing do not add up and even if the measurements are off by two feet, this is a lot when trying to determine the minimum variance necessary.

Mr. Wiley replied that the drawing may not be accurately drawn to scale.

Board member Fischbach stated that the front setback shows 20 at one point and 15 at another point; she asked if the road was at an angle to the lot.

Mr. Wiley replied not necessarily.

Board Fischbach reiterated the discrepancy in the side setback shown and then verbally described and the fact that they were different.

Mr. Wiley replied that he doesn't want to upset anyone and he wants to follow the guidelines as much as possible.

Board Fischbach replied that she cannot make a decision when she is trying to interpret numbers that don't add up and numbers that she is not sure are right or wrong.

Mr. Wiley replied that it is pretty close but could be two feet off. He stated that he will align the garage with the same side setback line as the house.

Chairperson Wendt stated that he now has a conflict between what he is saying and what the drawing says. If Mr. Wiley puts the garage the same distance from the lot line as the house is, he would need another variance.

Mr. Wiley replied that he has plenty of room on the side and he asked the Board to assume he goes 15 feet. He may come back and apply for another variance if necessary.

Chairperson Wendt replied that he doesn't like the word assume. The Board needs definite actions and measurements.

Mr. Wiley replied that he will go 15 feet.

Board member Whitley read the five conditions from Section 40-63 that the variance request is required to meet for the Board of Appeals to grant it. He added that the not-to-scale drawing makes it impossible to make a decision regarding the variance. He reviewed the five conditions about Mr. Wiley's request and said that he cannot determine

if it complies with the criteria because the information provided is not accurate. The ordinance requires that all five criteria are met before a variance can be granted.

Mr. Wiley stated that at one point there was a problem with the drain and he had to dig down and fix it so he has a good idea of where it is.

Board member Whitley replied that the drain could be moved and that is why he asked if there was an easement and that would eliminate the need for a variance.

Mr. Wiley asked if it was reasonable to ask him to spend \$20,000 to move a drain to put up a \$25,000 garage.

Chairperson Wendt stated that variances are not based on personal cost, they are based on hardships that are naturally created. He stated that there should be more accuracy and detail regarding the placement of the garage without any contradictions on the drawing relative to the verbage that goes along with it. He suggested tabling the item until a later date.

Board member Fischbach stated that they also need to know the size of the barn in reference to total accessory square footage.

Mr. Wiley stated that he is going to remove the barn 90 days after the garage is built.

Board member Vallad stated that there is 884 square feet for the proposed garage.

Mr. Wiley confirmed that it is 24 feet by 36 feet.

Board member Baker moved to table the request to allow the applicant to assemble the necessary dimensional information and to more adequately convey the circumstances relevant to the peculiarities of the lot to the Board so that they can make a more informed decision. Any verbal descriptions should be congruent with mathematics of the drawings presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

2. Request from Andrew Elrod, 11642 Haylock, Davisburg, 48350 for a variance to construct an addition to an existing garage resulting in a three (3) foot side setback rather than the fifteen (15) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located at 11642 Haylock in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-28-376-009.

Chairperson Wendt asked the Board members to determine if he should recuse himself since he lives on the lake and is Chairman of the Big Lake Improvement Board.

Board members discussed and concluded that Chairperson Wendt should participate.

Mr. Andrew Elrod introduced himself to the Board.

Chairperson Wendt asked the applicant what is the practical hardship that is something other than what the applicant created.

Mr. Elrod stated that he needs the variance to build a lean-to on the side of his garage.

Chairperson Wendt asked what hardship has the land created that has not permitted the applicant to use the land properly.

Mr. Elrod replied that he does not have enough land to provide storage. He has a pontoon boat that he wants to park on the side of the garage.

Chairperson Wendt asked if the applicant thought it was ok to make alternations to a building without finding out what the zoning and building code restrictions are in order to do construction.

Mr. Elrod replied no. When he first built the garage, he was told that there needed to be 15 feet between the side of the garage and the property.

Chairperson Wendt stated that he then went counter to that when he started the addition.

Mr. Elrod replied that there is still area on the side of the garage, he is not closing it in all of the way. There is only a roof that protects the boat from the weather. When he built his garage, he was told that he needed to allow for access of 15 feet so that if he ever needed any type of septic field repair, it could be done.

Chairperson Wendt stated that now he put a roof into that 15 feet and put a concrete pad down with posts that are contrary to the zoning ordinance.

Mr. Elrod replied that he did not know there was a zoning ordinance for that. There is still accessible space to get to the back.

Board member Whitley asked about the power lines running over the structure. If this variance were granted, it would be highly unlikely that the Building Department would issue a permit with those power lines running over it.

Mr. Elrod stated that Edison came out and moved the power lines.

Board member Whitley answered that they did not move them over an existing structure because they don't allow that.

Board member Fischbach stated that she also lives on a lake and very few lake front owners can store their boats indoors or under roofs. She does not see that as a requirement to use your property like everyone else. She referred to Ordinance Section 40-63(d).

Chairperson Wendt asked Mr. Elrod if he knew he needed a building permit before he started construction.

Mr. Elrod replied no. He thought if he left it open with access to the back yard, he was okay.

Board member Whitley stated that this variance request does not meet the five criteria of Section 40-63 and he reviewed those.

Board member Whitley moved that the variance request for 11642 Haylock be denied due to the fact that it does not meet any of the criteria of Springfield Township Code of Ordinances Section 40-63(d). Supported by Board member Baker. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

3. Request from Renny Abraham, 8092 Bridge Lake Road, Clarkston, 48348 for a variance to construct a new home with three (3) stories instead of the two (2) stories allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located at 8092 Bridge Lake Road in Springfield Township and is zoned R-1 One Family Residential. P.I. #07-13-151-030.

Brian Galley, Bella Homes, introduced himself, Mr. Abraham and the architects to the Board. He provided letters of support to the Board members from Mr. Abraham's contiguous neighbors. He stated that there is a lot of supporting evidence to allow Mr. Abraham to enjoy his property by the true spirit of enjoying his property. Technically, from a hardship point, you could say he has no hardship whatsoever. Mr. Galley stated that he had an issue with the language of the Notice because it is not a true third story, it could be labeled attic space, storage space or bonus room. He is not sure how it is written directly.

Paul Sambortino, architect, stated that the intent of the space is an attic and about 15% of the space is finished. There is a dormer on the rear of the home to allow an emergency egress if need be. It is not like a third floor that they are going to live in, it is a means to get up and use for storage.

Board member Whitley stated that he is confused because the request was for a three story building and now he is hearing that it is an attic but will be finished with ingress and egress. There is a dormer on this level which makes it a third inhabitable level of the home so it is a three story.

Mr. Sambortino replied correct.

Chairperson Wendt asked why this was not addressed to begin with and not show up after extensive excavating.

Mr. Sambortino stated that this home could be built with or without the third story and they have made provisions to start building without it. They were guided by the Building Department to come in and ask for the variance but they could still keep construction moving.

Mr. Galley replied that there was some debate about the home and how to measure the home and the blueprints sat with Mr. Craig Strong. He told them they were okay with the height and they could proceed with the footings but they needed to take the third story out because they would need a variance for it.

Board member Fischbach asked if the footings were the same whether or not the third story was on.

Mr. Galley confirmed that the footprint of the home remains the same regardless.

Board member Whitley asked what is the purpose of the third story.

Mr. Galley replied storage and overlook of the pond.

Chairperson Wendt asked what the total square footage of the home is without the garage.

Mr. Sambortino replied 7776 square feet without the garage. This is with the third story which has an interior square footage of 270 square feet. It also has a balcony.

Chairperson Wendt, Board member Baker and Board member Whitley discussed the variance request in reference to Section 40-63.

Board member Fischbach asked if the height stays within the 30 feet.

Mr. Sambortino replied yes.

Mr. Jim Robinson, Mr. Abraham's closest neighbor expressed his support of the variance request.

Board member Vallad asked if the house was sprinkled.

Mr. Galley replied no.

Board member Vallad stated that Springfield Township does not have a ladder truck and that is part of the reason why there are height restrictions. It might be difficult in the back where there are four windows and it looks like a four story home and fighting fire on this side of the house would be tough.

Mr. Galley stated that he would say that a large attic with no partitions through it would be more of a fire hazard.

Chairperson Wendt stated that the third floor is going to be used for storage but you would have to come up three flights of stairs to put items in storage.

Mr. Abraham provided a historical review of his presence in the community. He stated that he would like to have the third floor area as a quiet place to pray and to do his daily devotions. This is his intent and if there is an issue with that, he offered an apology. Board member Whitley stated that he recognizes an emotional lean towards, “what is the big deal it would be a good place for a look out”. Unfortunately, this request does not meet any of the criteria in Section 40-63 which is needed to grant the request.

Board member Whitley moved to deny the request by Renny Abraham, 8092 Bridge Lake Road, Clarkston, to allow a third story. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Whitley concurred with Board member Vallad regarding concerns about fire hazards and fire fighting.

ADJOURNMENT:

Board member Baker moved to adjourn the meeting at 8:31 pm. Supported by Board member Whitley. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary