

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
November 20, 2013

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

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

Absent:

AGENDA:

Board member Whitley moved to approve the agenda as presented. 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 September 18, 2013 meeting.

Board member Vallad moved to approve the minutes of September 18, 2013 meeting as presented. Supported by Board member Baker. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Abstain: Wendt. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from Brian Miller, 1700 West Davison Lake Road, Oxford, 48371 for the following variances to construct a home: Resulting in a distance from the septic system to the ordinary high-water mark of Dixie Lake of sixty one (61) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639 and side yard setbacks of ten (10) and five (5) 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 on Sherwood Drive in Springfield Township and is zoned R-3, One Family Residential. P.I. #07-10-401-042.

This is a new request for property and variance previously approved by Zoning Board of Appeals on September 18, 2013.

Mr. Brian Miller introduced himself and Timothy Hart of Kieft Engineering to the Board.

Mr. Hart stated that he is the professional surveyor that put the plan together for this site plan. He stated that the plan that was presented to the ZBA at an earlier meeting was based on an aerial composite that Oakland County provides to project property lines down on the area topography and information that the Oakland County Health Department regarding surrounding wells. The septic design and placement at that time was based on the high water mark and mapping. After they received the variance, they went out in the field and did a survey and topography. They found out that the aerial photography was not accurate. They redid the site plan correctly based on field measurements and now the septic field will be 61 feet from the high water mark opposed to 78 feet that the ZBA had approved. They also found that some of the well and boring locations had changed. They made an adjustment in the septic field placement based on the measurements but the major change was the location of the edge of the water in relationship to the house and this is why they needed to come back and ask for a new variance.

Chairperson Wendt asked who generated the original aerial that they worked with.

Mr. Hart answered Oakland County. The Health Department and Kieft Engineering use these quite often and they are usually much more accurate. Sometimes the older subdivisions are only tied to one section corner and this affects the accuracy.

Chairperson Wendt stated that the deviation was significant.

Mr. Hart answered that they will now put the resources on the front end of a project instead of further down the line recognizing that the aerial photography can be far off.

Board member Whitley reiterated that this was an issue with the projection onto the aerial photograph instead of the actual shoreline changing significant.

Mr. Hart stated that there could have been a slight change in water levels but they feel the main difference was in the projection of the property lines on the aerial photography because the well locations and the GPS coordinates that were used by the Health Department also shifted.

Board member Whitley concurred.

Board member Baker asked if any changes were proposed to the type of septic system.

Mr. Hart responded that it was still an Elgen dual tank system. They had to change the configuration slightly to maintain the 50 foot isolation from the well.

Board member Fischbach asked the applicant to define pretreated.

Mr. Hart stated that in this system the effluent goes into a tank that has a biomat underneath and this is equivalent to a pretreated system. It is treated additionally within the system. The Elgen system can be used without a pretreatment pump and the treatment is much more efficient.

Board member Fischbach asked about the life of the system.

Mr. Hart responded that they don't know. They profess twenty years plus but it is a new technology.

Chairperson Wendt asked if the same deed restrictions were going to be placed to insure that the system is maintained on a regular basis.

Mr. Hart answered yes.

Board member Fischbach asked what the recommended maintenance was on the system.

Mr. Hart answered that he didn't know.

Mr. Miller stated that there are inspection ports comprised of PVC pipes and the maintenance is yearly. The mats are inspected yearly.

Board member Fischbach stated that she is uncomfortable with this because they received information as to why it should be 100 feet. It keeps getting closer and closer and she asked if there wasn't any way to put it on the other side.

Mr. Hart answered that they put down three soil borings and they got increasingly worse getting closer to the road and this is the only location that the sanitarian felt was viable.

Mr. Dan Gilford asked Mr. Hart if the septic was 12 feet deep, when they dig down 12 feet aren't they going to hit water.

Mr. Hart replied that they did hit water at the soil borings locations.

Board member Fischbach asked how deep they were digging.

Mr. Hart replied that the field would go in just above the 6 ½ feet where the sand was found at the most appropriate soil boring. The treatment in this case would take place before they get to the water level.

Board member Vallad moved to APPROVE the request from Brian Miller, 1700 West Davison Lake Road, Oxford, 48371 for variances to construct a home resulting in a distance from the septic system to the ordinary high-water mark of Dixie Lake of sixty one (61) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639 and side yard setbacks of ten (10) and five (5) feet rather than the fifteen (15) feet each required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572. This approval is based on the finding that the home design is situated properly on the lot and is not excessive in size requiring the side setbacks and that the septic field is appropriately located with respect to the setback to the lake because soil borings were conducted indicating that this is the most appropriate location for that, the septic proposal is an Elgen, double tank engineered system and should provide adequate protection equivalent to what the ordinance requires. Additionally, the septic field maintenance agreement is recorded at the Register of Deeds as a deed restriction on the property as Mr. Miller has described at this meeting and previous meetings. Seconded by Board member Whitley. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

2. Request from MLC Building Company, L.L.C. to locate a temporary sales trailer and storage unit resulting in a ten (10) foot front yard setback rather than the fifty (50) feet required per Springfield Township code of Ordinances, Chapter 40, Section 40-643.

The property that is the subject of the request is located at 11810 Scenic Valley in Springfield Township and is zoned R1-A, Suburban Estates, P.I. #07-28-102-017.

Mr. Sam Moraco, owner of MLC Building Company, L.L.C. introduced himself to the Board. He is joined in this venture with Popolick Properties and they are proposing revitalizing this project and craftsmen style homes between 2500 and 3000 square feet carved into the woods. They would like to get a sales trailer in by the first of the year. They would like to not have to clear the lots of all the trees in order to have a sales trailer and they took a lot of time to determine which lot made sense to put the trailer on. They picked lot #5 because the curb ends at the peak of the hills and it would give the sales woman a vantage point to the cul-de-sac so she would have warning that people were coming into the subdivision. He stated that to get inside the building envelope, they would have to cut down a bunch of trees and put in a driveway, parking lot and run the utilities much further. The least intrusive way was to place the trailer right up against the tree line and just take down enough scrub landscaping to put in the storage trailer so during the foliage season, only the doors would be exposed to traffic on the road. The four parking places are located such that they only need to install a gravel parking pad right up against the curb. He provided a landscaping plan to the Board members and this was included in the packet.

Chairperson Wendt asked how long he anticipated he would need the trailer.

Mr. Moraco responded they are hoping less than a year and after this time they would be into one of the spec homes using the garage for storage if needed.

Chairperson Wendt asked what they were going to use to hold the trailer in place.

Mr. Moraco answered that the rental company comes out like a regular trailer company and they install it providing cinder blocks and skirting. All of the installation and removal is done professionally. They contracted through American Container Corporation. Mr. Moraco would be responsible for grading the grass up against the tree line. When they are done, they just need to revegetate and remove the gravel. There is a transformer very close to provide electricity for the trailer.

Chairperson Wendt asked what type of sanitary facilities there were.

Mr. Moraco responded that there was going to be a portajohn and its placement is shown on the drawing.

Board member Fischbach asked if the applicant already received the permit.

Mr. Moraco answered that this is what would happen if he was going to put the trailer in the building envelope but he isn't. His plan requires him to appear before the ZBA. He is not sure how the bond is issued for the removal. He is only here in front of the Board for the variance.

Board member Vallad asked what the storage trailer was for.

Mr. Moraco answered that this was for their equipment and anything else that they need to secure on the site. He restated that you would have to be well in the subdivision for it to be visible.

Board member Vallad reiterated that the variance would be valid for a year.

Mr. Moraco stated that they choose this lot because it is the smallest and least desirable.

Board member Baker moved to APPROVE the request to locate a temporary sales trailer and storage unit resulting in a ten (10) foot front yard setback rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-643. This variance granted due to the fact that the applicant wishes to retain as many trees on the site as possible. This will have the least impact on the existing vegetation and permits the applicant to conduct business without making those irrevocable changes to this property. This variance permitting the location of this trailer is valid for one year from its placement. Seconded by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

3. Request by Jonathan R. Crane, 1126 North Main Street, Rochester, 48307 on behalf of SBA Communications Corporations, to permit construction of a wireless tower with a seventy (70) foot setback from a residential district, rather than the minimum one hundred fifty seven (157) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-648.

The property that is the subject of the request is the I-75 rest stop located on the east side of I-75 and north of Davisburg Road. P.I. #07-09-426-002 and is zoned PS, Public Service.

Gary and Cynthia Hallett introduced themselves to the Board and stated that their property was adjacent to the property where the tower is proposed.

Mr. Crane introduced himself to the Board. He stated that he represents the SBA Corporation who has been building and managing towers for the Michigan Department of Transportation. The antenna is 150 feet tall and is a monopole. He provided a survey of the site and indicated where the pole would be placed. He pointed out adjoining properties. They are maintaining the woods behind the site. The nearest house is approximately 1000 feet away. They provided a letter from Sabre Industries saying that the pole will buckle under extreme loads. There has not been one failure of a Sabre monopole and there are approximately 70,000 poles located in the United States. One in Illinois took a direct hit from a tornado and the only part damaged were the antennas on the top. The ordinance allows the Planning Commission to give a waiver of 75 feet and although this was not specifically done, they did receive unanimous site plan approval on Monday, November 18, 2013. They are asking for a variance of 70 feet. The pole will not interfere with any frequency sensitive devices and the pole will be unlighted.

Mrs. Cynthia Hallett asked why the pole could not be moved farther away from their property.

Chairperson Wendt asked what their concern was in regards to the relationship of the tower to her property.

Ms. Hallett responded that the applicant said the nearest house is 1000 feet away and that is her house. She has out buildings out there and she has a plan to do a lot split and build another home in this area.

Chairperson Wendt asked if her concern was safety or aesthetic.

Ms. Hallett replied both.

Chairperson Wendt asked if the fact that none of the towers have failed affects how she thinks about this.

Ms. Hallett responded that there is a first time for everything.

Chairperson Wendt stated that they have zero failures in 70,000 towers.

Ms. Hallett stated that her plan is to do a lot split and this tower would be in her view.

Chairperson Wendt clarified that her major concern at this point was visual.

Ms. Hallett confirmed and also added it would affect the resale.

Mr. Gary Hallett introduced himself to the Board. He added that any person building would have to build a certain footage from the property line and the applicant is asking to build it 70 feet instead of 157 feet.

Chairperson Wendt stated that is why they have a Zoning Board of Appeals.

Mr. Gary Hallett reiterated that they were planning on splitting their property.

Ms. Hallett stated that they simply ask that the Board has the applicant look into the possibility of moving the tower further away.

Chairperson Wendt stated that they have the rest area with its boundaries and they have the applicant's plan. These are absolutes. Mr. and Mrs. Hallett have not provided any absolutes; they have said that they plan to split their lot and build another house but they do not have a drawing to offer the Board.

Board member Whitley asked what prevents placing the structure further to the west.

Mr. Crane showed the proposed placement of the tower to the Board and pointed out the neighboring parcels on the aerial map.

Board member Whitley again asked why they couldn't move it to the west.

Mr. Crane answered that this is an area of future expansion of the rest area.

Board member Whitley asked if the answer to his question was that MDOT would not let them.

Mr. Crane agreed. They have redesigned this tower site about 6 different times.

Board member Whitley stated that the further west that the tower is placed, the less of a variance that would be required. It is conceivable that they could get it far enough away that they would not need a variance at all.

Mr. Crane concurred. They could certainly move it 5 feet so that a variance would not be required.

Board member Whitley stated that his understanding is that the setback has to be equal to the height and that is 157 feet.

Mr. Crane clarified in the ordinance that the Planning Commission can grant a lesser setback provided that the applicant brings in a statement from an engineer saying that the collapse of the structure would not affect the area beyond the lesser setback. The minimum setback should be no less than $\frac{1}{2}$ of the height of the tower.

Board member Vallad stated that this went to the Planning Commission on Monday, November 18, 2013.

Board member Baker stated that it was approved conditioned upon getting a variance necessary from this Board, with the applicant working with the Township engineer administratively to clarify water runoff, to work administratively with the Township planner to clarify necessary opacity from neighboring properties and making sure that they were adhering to all of the landscaping features that were necessary at the site and with generally those being those provisions the site plan was approved.

Board member Whitley asked if they stipulated the setback.

Board member Baker reiterated that they said a variance had to be granted by this body but they did not say how many feet. They recognized where the applicant was placing the monopole tower but said that all of the necessary variances would have to come through this body.

Board member Whitley stated than the Planning Commission did not say it was okay at 75 feet.

Board member Baker answered they did not say it in those words, no.

Board member Whitley stated that they are charged with when approving a variance that they determine that it is the minimum variance possible and he asked what prevents what protects the structure being moved farther from the lot line.

Mr. Crane answered that they could move it five feet and he was told that they use the structure height of 150 feet. The height is 150 feet and there is 7 feet of antennae, this equals the 157 feet.

Board members discussed the exact amount of setback required in order for the applicant not to need a variance and whether or not the applicant could meet the setback requirements.

Board member Whitley stated that he doesn't see that the applicant needs a variance.

Mr. Crane stated that if they want it moved 8 feet, they can move it. It depends on the interpretation of the ordinance.

Board members discussed the current ordinance language regarding wireless communication.

Board member Whitley moved to deny the request by Jonathan R. Crane, 1126 North Main Street, Rochester, 48307 on behalf of SBA Communications Corporations, to permit construction of a wireless tower with a setback of seventy (70) feet from a residential district because the applicant has stated that the structure can be located within the setback as specified by the ordinance which appears to be 78.5 feet. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

4. Election of Officers

Board member Whitley moved to nominate Skip Wendt to be Chairperson for the Springfield Township Zoning Board of Appeals for 2014. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Board member Baker moved to nominate Bill Whitley to be Vice-Chairperson for the Springfield Township Zoning Board of Appeals for 2014. Seconded by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

5. Meeting Dates for 2014

Board member Whitley moved to establish the meeting dates for the 2014 Zoning Board of Appeals meetings to be the 3rd Wednesday of the month at 7:30 p.m. Seconded by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Board member Baker stated that the Planning Commission received information regarding septic setbacks from the water's edge after his recommendation that they look at this issue further. The Township Planner was in favor of maintaining that 100 foot setback requirement as set forth in the ordinance.

ADJOURNMENT:

Board member Whitley moved to ADJOURN the meeting at 8:41 PM. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary