

SPRINGFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
September 18, 2013

Meeting is called to order at 7:30 pm by Board member Whitley, who acted as Chairperson in Skip Wendt's absence.

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

Absent:                 Skip Wendt, Chairperson

AGENDA:

**Board member Vallad moved to approve the agenda as presented. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Absent: Wendt. Motion approved.**

PUBLIC COMMENT:        None

CONSENT MOTION:       Minutes of the August 21, 2013 meeting.

Board member Whitley suggested adding the words, "which is inadvisable and unreliable" after the word "drawing" on page 2, paragraph 12.

**Board member Fischbach moved to approve the minutes of August 21, 2013 meeting as amended. Supported by Board member Baker. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Absent: Wendt. Motion approved.**

OLD BUSINESS:

1. (TABLED from August 21, 2013 meeting) 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 seventy eight (78) 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.

Mr. Brian Miller introduced himself to the Board. He stated that at the last meeting, the Board members had asked him about the opportunity to rotate the system to provide more distance between the lake and the septic. He asked Oakland County Health Department to come out and re-perk the site and this is shown on the updated site plan presented to the Board. They did this and found the two new sites were all clay. He also provided an attached letter from OCHD saying that these holes were not acceptable for the septic system. Kieft Engineering also updated the soil boring information with site #3 which was not there on the last site plan. This site was sand and water and was also unacceptable to OCHD. The only way that they can get a perk is through the two original sites #1 and #2. The letter from OCHD states that it is not approved yet, they would like a letter submitted by this Board to confirm the acceptable placement. He stated that they didn't talk last month about the side setbacks, only the septic placement.

Board Whitley asked if the septic system being proposed is an Elgen system.

Mr. Miller responded yes; this system has the innovations that include an engineered system without stone because it uses a large plastic mattress instead of stone. The system has more filtration and the tanks have filters on them which requires them to be maintained and pumped more frequently.

Board member Baker asked if this system would require an affidavit recorded at the Register of Deeds.

Mr. Miller responded yes; the County requires the deed restriction and Kieft Engineering creates the wording that will be used.

Board member Vallad asked if Mr. Miller still intended a 1500 gallon two compartment tank.

Mr. Miller responded that he doesn't know if the County has gotten to that point of recommendation yet. He stated that for the Elgen system that he recently installed on King Road, the tank was installed before the house construction.

Board member Fischbach asked what the purpose was of the dual tanks.

Mr. Miller answered that the dual chambers provide more filtration so that the liquid waste that is discharge into the field is only liquid. He further added that water softened discharge puts a salt coating around the stones in a regular field and sometimes cause the field to fail. This does not happen with an Elgen field because there is no stone used.

**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 seventy eight (78) 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 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. Seconded by Board member Baker. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Absent: Wendt. Motion approved.**

**NEW BUSINESS:**

1. Request from Sally Welch, 8500 Tindall Road, Davisburg, 48350 for a variance to construct a garage resulting in a two (2) foot side setback rather than the fifteen (15) 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 8500 Tindall Road, Davisburg in Springfield Township and is zoned R-1 One Family Residential. P.I.#07-09-351-007.

Ms. Sally Welch introduced herself and her son, Doug Dible, to the Board members. She indicated that Mr. Dible would be providing information to the Board.

Mr. Dible stated that he is looking to build an attached garage to the house. He was in an accident and has had numerous spine surgeries and since he is disabled, he would like to be able to pull into the garage in inclement weather to eliminate the dangers when walking outside. He stated that he would like to install a ramp to the house in the garage to make it easier. He cannot locate the garage in the back because of existing power lines. He cannot locate the garage in the south side because the septic is located there. He stated that if he puts it in the front of the house, there will be a variance required to the road. He stated that he has done extensive clean up to the property. He stated that he uses the area now for parking and his request leaves room on the other side of the house for utility service.

Board member Whitley asked about the existing accessory structures on the property.

Mr. Dible responded that he intends to remove the structure that is the closest to the house. He intends to keep the other structure that is further away.

Board member Baker clarified that the accessory structure that is further away from the home will remain.

Mr. Dible responded yes; he still will not be at his accessory storage square footage allowed even if he retains the old one and builds the new garage.

Board member Vallad asked if Mr. Dible was conducting business out of the home.

Mr. Dible answered that he does small home repair work and he snowplows in the winter.

Board member Vallad stated that 35 feet deep for a garage is large.

Mr. Dible answered that he has a classic car that he would like to house in the new garage with his work truck and his girlfriend's car.

Board member Vallad asked about the garage door height being 10 feet high.

Mr. Dible responded that this height would accommodate the ladder racks on his truck.

Board member Vallad asked about the fence on the property.

Mr. Dible responded that this is the neighbor's fence.

**Board member Baker moved to approve the request from Sally Welch, 8500 Tindall Road, Davisburg, 48350 for a variance to construct a garage resulting in a two (2) foot side setback rather than the fifteen (15) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572 based on the lot limitations that exist with the current length to width ratio being a longer, and thus narrower, parcel than the Township would plat today and because of the sighting of the house relative to the placement of the well, septic location and the other potential locations of the garage will not provide appropriate access to the home were they to be selected and because the area to be used for the garage is currently and has been used as a driveway and storage area. Seconded by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Absent: Wendt. Motion approved.**

2. Request from William Sash and Mary Lanesky, 10086 King Road, Davisburg, 48350 for the following variance to construct a septic system seventy (70) feet to the ordinary high-water mark of Dixie Lake rather than the one hundred (100) 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 9877 Dixie Highway in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-11-301-027.

Mr. Sash introduced himself to the Board. He stated that this is a 125 foot wide lot which is surrounded on two sides by water. This property would require a variance no matter

what. He proposed the best system that has the maximum distance from the water. It meets the standards of Oakland County for the boring and soil samples that are present.

Board member Whitley asked if it was a standard or engineered septic system that he is proposing.

Mr. Sash replied a standard system; OCHD has approved the system with a 1140 square foot field which is comprised of sand.

Board member Fischbach asked Mr. Sash if he considered an engineered system.

Mr. Sash replied that he considered them, but there would not be any advantage. Oakland County sets the standard on the field; there would not be an advantage and there would be no difference in distance. They approved it at that location and it would not be advantageous to dig up 12 feet of sand to put in 12 feet of sand. The conditions are there and ripe for a proper bed system.

Board member Fischbach answered that the advantage would be they would possibly be able to meet the Township standards.

Mr. Sash stated that based on all calculations, this is the best option.

Board member Fischbach asked if he looked at making it 30' by 40' instead of 40' by 30'.

Mr. Sash stated that if he made it 30' by 40', he would start getting close to the well isolation distance of the neighbor. He still has to put in the tank and this location would be difficult. There is no advantage to turning the field.

Board member Fischbach stated that the well looks like it is very far from the proposed septic location when you look at the aerial provided by Oakland County.

Mr. Sash stated that when they use GPS locaters, it can be off by 5 feet.

Board member Fischbach stated that the well appears to be about 70 feet away from the septic location.

Mr. Sash stated that the isolation distance is right against the septic location. He stated that he provided two surveys done by Kieft Engineering.

Board member Whitley asked if either of the surveys show the location of the neighbor's well.

Mr. Sash answered no; it is on the Oakland County aerial.

Supervisor Walls stated that it is located on Mr. Sash's drawing.

Board member Fischbach stated that they don't match.

Board member Whitley stated that this was the problem at the last meeting.

Mr. Sash stated that none of the drawings are conflicting, since the way he presented them was different. The original drawing was 75 feet plus or minus. The scale drawn was the best that he could do.

Board member Whitley stated that Board member Fischbach was asking about the well distance because it appears as if there is distance to rotate the field and it could potentially reduce the variance request.

Mr. Sash stated that there is no advantage to turning it.

Board member Whitley answered that from the information presented, he can't see that.

Mr. Sash stated that he thought Board member Whitley is wrong; he has the dimensions in front of him.

Board member Whitley asked if he had a certified survey that shows the well.

Mr. Sash indicated that they have two surveys. The Oakland County aerial shows the well.

Board member Whitley answered that it appears from this aerial that there is room to rotate the field.

Mr. Sash stated that he believes that there is not. If he rotates the field, he will be right at the 50 foot mark.

Board member Whitley stated that he appreciates the fact that Mr. Sash believes it, but he has to be able to demonstrate it to the Board members.

Mr. Sash stated that he has reviewed the information from the Township Supervisor. He stated that he would not want to push right up against someone's well.

Board member Fischbach stated that she struggles with the standard system. The engineered system provides a less polluted affluent and does a better job of cleaning. She is much more comfortable with an engineered system when dealing with variances from the lake.

Board member Whitley concurred. There ought to be something that offsets those variances to the 100 foot setback.

Mr. Sash asked what type of system. It makes no sense to dig out 12 feet of sand and replace it with 12 feet of sand. Oakland County has recommended this system and why would he want to vary from what Oakland County recommends.

Board member Whitley replied because he is dealing with the Springfield Township ordinance which is a different standard.

Mr. Sash stated that to deprive him of a septic system would be denying him of things that other property owners have.

Board member Fischbach stated that they didn't say no septic system; they are suggesting an engineered system to provide cleaner effluents which would be safer for the lake.

Mr. Sash stated that he believes that the information presented before them is accurate. The double tank is almost as good as an Elgen system. He stated that he will do the double tank system for this reason.

Board member Vallad asked Mr. Sash if he would go with the County's recommendation of a dual tank system and 1500 gallons.

Mr. Sash answered yes.

Board member Whitley stated that he is troubled by the lack of data that has been presented to the Board again. There is not a single drawing that shows the position of the neighbor's well, the position of the field and the position of the tank and field relative to the shore line all in one drawing. The one drawing of the well is handwritten; it is an annotation. He stated that they were specific at the last meeting. It is Mr. Sash's burden to present data to the Board on which they can base a decision and they do not have it.

Mr. Sash reiterated that the information is accurate.

Board member Whitley reiterated that he does not see on one drawing all of the dimensions and information that he needs to make a decision.

**Board member Whitley moved to DENY the request for a variance because there is insufficient data presented to the Board. Seconded by Board member Fischbach.**

Board member Baker stated that he wants the same accurate information. He does not want penciled notations on top of surveys. He stated that he would be willing to support a tabling motion to give the applicant a chance to complete this without resubmitting.

Board member Whitley recalled that the application is clear in what the applicant is required to provide. The applicant did not provide the required information and this is two times in a row.

Supervisor Walls stated that a scaled drawing is required; we have never required a surveyed drawing. He did not realize that they were requiring a survey as prepared by a surveyor.

Board member Fischbach stated that the drawings do not agree.

Board member Whitley read from the document titled, "Instructions for Completing a Zoning Board of Appeals Application". He reiterated that it requested various items which Mr. Sash did not provide.

**Board member Whitley WITHDREW his motion.**

Board member Fischbach stated that she is uncomfortable with a non-technology driven system.

Board member Whitley concurred.

Board member Baker stated that Mr. Sash has provided a document from OCHD which identifies the fact that the site is governed by Springfield Township local Ordinance. He stated that Mr. Sash has repeatedly indicated that since OCHD approved it, Springfield Township has no authority.

**Board member Baker moved to TABLE the request to give the applicant an opportunity to review the minutes from this meeting and to define the information that this Board needs to rule on this request to make sure that any variances granted is the minimum variance required to permit use of this lot. Seconded by Board member Vallad. Voted yes: Baker, Fischbach, Vallad. Voted no: Whitley. Absent: Wendt. Motion approved.**

#### **PUBLIC COMMENT:**

Board member Fischbach stated that she would like to send a request to the Planning Commission to have them look at engineered systems and provide some guidance regarding these types of requests. She thinks that they will get more of these requests.

Board member Vallad asked when the 100 foot was added to the ordinance.

Board member Vallad and Supervisor Walls discussed the possible date of this review.

Board member Vallad stated that they made this change before a lot of the technology was available.

Board member Fischbach suggested that they need some guidance on this because they are not experts in this field. They could possibly give them some examples of the right type of systems and what they should look for.



Board member Whitley stated that there was some standard that changed it from 50 feet to 100 feet but if there is technology that affects this, they should be informed. There should be consistency with various appeals of this type.

Board member Vallad stated that many of the fields in Harbor Town are on the lake side at varying distances.

Board members discussed the 50 foot standard and how new technology would affect this.

Supervisor Walls stated that they will not get a clear cut answer of what technology is best; it would be dependent on too many variables.

Board member Baker suggested that the Planning Commission can look at varying technologies and make some recommendations with help from the Township Planner.

ADJOURNMENT:

**Board member Baker moved to ADJOURN the meeting at 8:47 PM. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Whitley. Voted no: None. Absent: Wendt. Motion approved.**

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Erin Mattice, Recording Secretary