

**ZONING BOARD OF APPEALS
October 20, 2005 at 8:00 p.m.
Springfield Township Civic Center
12000 Davisburg Rd.**

**Final
AGENDA**

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Minutes:** Zoning Board of Appeals Meeting September 15, 2005

4. OLD BUSINESS

a. Parcel # 07-28-351-004

Applicant: William Orlando
 11976 Rusty Lane
 Davisburg, MI 48350

Location: Same

Request:

- a) To allow a front yard setback of 7 (seven) feet rather than the required 50 (fifty); to allow a 3- (three-) foot side yard setback and a 6- (six-) foot side yard setback rather than the required 15 (fifteen) feet to construct a garage, a great room and a deck on property at the above location.

Section 25.00 of Ordinance 26

5. NEW BUSINESS

a. Parcel # 07-02-376-012

Applicant: Ken & Margaret Leach
 9752 Rattalee Lake Road
 Clarkston, MI 48348-1534

Location: Same

Request:

- a) To allow a front yard setback of 46.3 (forty-six point three) feet rather than the required 75 (seventy-five) feet to construct a porch on property at the above location.

Section 25.00 of Ordinance 26

b. Parcel # 07-13-151-009

Applicant: Janne Y. LaFoy
 8092 Bridge Lake Road
 Clarkston, MI 48348

Location: Same

Request:

- a) To allow a 51.52- (fifty-one point fifty-two-) foot wide road frontage rather than the required 150 (one hundred fifty) feet; and,

Continued.../

- b) To allow an access strip of 355 (three hundred fifty-five) feet to access 12 + (twelve plus) acres on property at the above location.

Section 16.20 of Ordinance 26

c. Parcel # 07-20-476-023

Applicant: Patrick Costello
11975 Scott Road
Davisburg, MI 48350

Location: Same

Request:

- a) To allow a side yard setback of 10 (ten) feet rather than the required 25 (twenty-five) feet to construct a pole barn on property at the above location.

Section 25.00 of Ordinance 26

d. Parcel # 07-10-201-001

Applicant: Mark Jackson
2856 Norton Lawn
Rochester Hills, MI 48307

Location: Corner of Sherwood Drive & Rattalee Lake Road; Davisburg, MI 48350

Request:

- a) To allow a front yard setback of 40 (forty) feet rather than the required 50 (fifty) feet; and,
- b) To allow a building setback from a body of water of 35 (thirty-five) feet rather than the required 50 (fifty) feet; and,
- c) To allow a septic system setback from a body of water of 75 (seventy-five) feet rather than the required 100 (one hundred) feet on property at the above location.

Section 25.00 of Ordinance 26

e. Parcel # 07-31-451-005

Applicant: Robert & Carrie Rich
40359 14 Mile Road
Novi, MI 48377

Location: 4613 Ormond Road; Davisburg, MI 48350

Request:

- a) To allow construction of a private road to access 3 (three) proposed parcels on property at the above location.

Section 16.20 of Ordinance 26

f. Parcel #07-13-453-008

Applicant: Steve Atchison
7501 Stonevalley Bluff
Clarkston, MI 48348

Location: Same

Request:

- a) To allow a building height of 35 (thirty-five) feet rather than the maximum allowable height of 30 (thirty) feet to construct a home on property at the above location.

Continued.../

6. Other Business: .

7. Next Meeting Date: November 17, 2005

8. Public Comment:

9. Adjournment:

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of October 20, 2005**

Call to Order: Chairperson Wendt called the October 20, 2005 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

Attendance:

Board Members Present

Skip Wendt
Collin Walls
Jim Carlton
Frank Aiello

Board Members Absent

Dean Baker

Staff Present

Leon Genre
Mary Blundy

Approval of Minutes: September 15, 2005

- **Board Member Walls moved to approve the Minutes of September 15, 2005 as presented. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

Approval of Agenda:

- **Board Member Aiello moved to approve the agenda as presented. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

Old Business:

1. William Orlando, 11976 Rusty Lane, Davisburg, MI. Parcel I.D. # 07-28-351-004.

The applicant is requesting a front yard setback of seven feet rather than the required 50 feet; to allow a 3 foot side yard setback and a 6-foot side yard setback rather than the required 15 feet to construct a garage, a great room and a deck on the property at 11976 Rusty Lane.

Mr. Orlando is present in regard to this request.

Mr. Orlando said that he no longer needed a side yard variance and is requesting an addition of seven feet instead of the original requested 27 feet in the front.

Board Member Walls asked what the new front setback would be? Mr. Orlando said it would be 29 feet. Board Member Walls asked the applicant why he could not eliminate three closet areas inside the garage? Mr. Orlando said that is part of the mechanical and plumbing for the house. Board Member Walls said his only concern is that a health department permit will be needed because the only place for the driveway is over the drain field. Mr. Orlando said he already had a perc and intended to install a new septic.

- **Board Member Carlton moved to approve a front yard setback of 29 feet rather than the required 50 feet at 11976 Rusty Lane due to special conditions due to a narrow lot, other alternatives were explored and this is the most acceptable alternative, and it will be in harmony with the adjacent neighborhood and is a pre-existing non-conforming property. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

New Business:

1. Ken and Margaret Leach, 9752 Rattalee Lake Rd., Clarkston, MI. Parcel I.D. #07-02-376-012.

The applicant is requesting a front yard setback of 46.3 feet rather than the required 75 feet to construct a porch on the above referenced property.

Mr. and Mrs. Leach are present in regard to this request.

Board Member Walls asked the applicant if the porch that was converted into living area was converted before he bought the home? Mr. Leach said, yes. Board Member Walls asked what the practical difficulty is to justify granting this variance? Mr. Leach said his home was built in the early 1900's and the average homes in the area are much newer, and he did not create the existing conditions.

Mr. Mark Taylor, 9710 Rattalee Lake Rd., commented that he has no objections to granting this variance.

- **Board Member Walls moved that, as a result of the age and obvious pre-existing, non-conforming location of the house and the fact that the proposed improvement will make the structure more aesthetically compatible with the neighboring property, that the request for a front yard setback of 46 feet rather than ~~50~~ [75] be granted. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

2. Janne Y. LaFoy, 8092 Bridge Lake Rd., Clarkston, MI. Parcel I.D. # 07-13-151-009.

The applicant is requesting a) a 51.52 foot wide access strip of 355 feet depth to access 12 + acres on the property at 8092 Bridge Lake Rd.

Mrs. LaFoy is present in regard to this request.

Board Member Walls commented that Section 16.20.2.a of the ordinance may have been written with this parcel in mind when it indicates that a variance for an access strip must have one or two conditions and the one he is referring to is “the amount and location of the wetlands or topography of the parcel is such that a normal parcel division meeting minimum lot width requirements would not be reasonably achieved.” Board Member Walls said there is approximately 30 foot of fall and a very steep grade between the rear and the pond, and the pond separates almost everything but the driveway from the road.

- **Board Member Walls moved that the request to grant an access strip to a 12.5 + acre parcel on Bridge Lake Rd., parcel # 07-13-151-009, be approved in conformance with the Kieft Engineering drawing received by the Township September 14, 2005 as the request conforms almost exactly to the requirement in Section 16.20 paragraph 2a, 2d and meets the tests and requirements in Section 19.01 paragraph 4. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

3. Patrick Costello, 11975 Scott Rd., Davisburg, MI. Parcel I.D. # 07-20-476-023.

The applicant is requesting a side yard setback of 10 feet rather than the required 25 feet to construct a pole barn on property at 11975 Scott Rd.

Mr. Costello is present in regard to this request.

Mr. Costello said he is requesting the setback because he cannot move the barn over to comply with the setback rules because of the hill in his yard.

Chairperson Wendt asked the applicant if the barn could be moved closer to the home? Mr. Costello said he would be getting very close to his well and too close to the house. He does not think that appearance would be attractive. Chairperson Wendt said the well is not specifically located from a dimensional standpoint on the drawing presented nor is the barn. He explained that the drawings are not accurate and not to scale as required in the ZBA application.

Board Member Walls asked the applicant if he looked at locating the building between the road and the house, similar to the neighbors? Mr. Costello said, no, he thinks that would be out of character aesthetically.

Chairperson Wendt said he believes there are alternatives that would be more in conformance with the Township ordinance and does not believe the applicant presented enough accurate data relative to the well or even some topography that would give the Board reason to grant the variance.

Mr. Keith Brotherton, 11999 Scott Rd., commented that he has no problems with the variance request because if the applicant puts the barn in the front yard, Mr. Brotherton does not have to look at it from his living room windows.

- **Board Member Carlton moved to deny the request at 11975 Scott Rd. to allow a side yard setback of 10 feet rather than the required 25 feet to construct a pole barn and denied on the reasons that there are other alternatives that exist that would make the variance less or even eliminate a variance at all. Chairperson Wendt supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

4. Mark Jackson, 2856 Norton Lawn, Rochester Hills, MI. Property located at the corner of Sherwood Drive and Rattalee Lake Rd., Davisburg, MI. Parcel I.D. # 07-10-201-001.

The applicant is requesting a) a front yard setback of 40 feet rather than the required 50 feet; and b) a building setback from a body of water of 35 feet rather than the required 50 feet; and c) a septic system setback from a body of water of 75 feet rather than the required 100 feet on property at the corner of Sherwood Drive and Rattalee Lake Rd.

Mr. Jackson is present in regard to this request.

Mr. Jackson said he would like to modify his request of the septic system setback to 61.3 feet based on preliminary tests today. The Board indicated that they could not act on the change because it had not been advertised. Board Member Walls asked the applicant why he is asking for a variance more than was granted to the previous owner two years ago? Mr. Jackson said the difference is that there is a porch on the house and to keep it at 40 feet they moved the back corner back. Board Member Walls noted that all Board members have a copy of the drawing that the previous owner submitted from which approval was granted two years ago.

- **Board Member Walls moved to table this request and readvertise the distance between the septic and the wetlands at 60 feet and allow the applicant time to recheck the measurements and provide a scaled drawing. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

5. Robert and Carrie Rich, 40359 14 Mile Rd., Novi, MI. Parcel I.D. # 07-31-451-005. Property located at 4613 Ormond Rd., Davisburg, MI.

The applicant is requesting approval of the construction of a private road to access three proposed parcels on property at 4613 Ormond Rd.

Mr. Rich and his family are present in regard to this request.

Mr. Rich said they would like to downsize the width of the road because there is not enough buffer between the wetland and the road so there is more land on the side of the road to the wetlands. There is a large hill along side making it impossible to widen the road as required by the Road Commission without destroying the woods and major grading.

Mrs. Cynthia Balkwell, 4490 Ormond Rd., commented that she finds it very disturbing that this work was done in such a way that it caused degradation of some of the wetlands and that the proposed plan does not allow for the appropriate buffer.

Chairperson Wendt asked the applicant if he knew there were Township ordinances in effect that would affect what he was doing with this drive? Mr. Rich said, not really. Chairperson Wendt said he does not have any past history with this that says to do anything with this request other than to deny. Supervisor Walls said he disagrees. Unfortunately, if the applicant applies for a public road, which is required by ordinance, we cannot deny him under the terms of our ordinance. Supervisor Walls said if a public road is permitted, we will end up with more degradation to the wetland and a much wider cut.

- **Supervisor Walls said based on the heavily wooded nature of the property, the steep topography and the wetlands and our need to protect those, he moved to approve a variance from the Section 16.20 Public Road requirement and allow a shared driveway to three land divisions with the following conditions:**
 - 1. Land divisions be in conformance with Powell & Associates Engineers General Plan, Job No. 05-2000 revision date 8-15-05.**
 - 2. Maintenance agreement for drive in a form acceptable to the Township be recorded prior to processing land divisions.**
 - 3. All other Land Division Ordinance provisions shall apply.**
 - 4. Drive surface to be crushed limestone or 21AA material over existing base. Depths and other specifications as approved by the Township Planning Director.**
 - 5. Shared drive will be approximately 950 feet in length with a “T” or similar end large enough to allow fire and other emergency vehicle turn around and/or staging area and a turn out area on the south side of the drive between stations 4.25 and 5.00 of the plan. Design of both “T” and turn out to be approved by the Planning Director.**
 - 6. Shared drive width to be 14 feet from Ormond to Station 5 tapering down to 12 feet at Station 6.50 and beyond.**
 - 7. Shared drive to be constructed as close to the south side of the existing cut as possible with shallow ditch along north side from Ormond to Station 5.5. with rip rap at the end of the ditch. Stone retaining walls to be constructed on the south side of the drive as needed to eliminate need for further cut into steep slopes.**

8. **From Station 5.5 to end of shared drive install and maintain wetland plants or other vegetation approved by the Planning Director between the shared drive and the wetlands to provide a buffer.**
9. **Deed restrictions for all three parcels to be recorded to preserve the wetlands, woods and slopes except for minimal areas needed for homesites, septs and individual drives.**
10. **Revise plans per ZBA conditions and receive Planning Director approval prior to any additional construction.**
11. **All disturbed areas will have vegetation installed in accordance with the Township ordinance as approved by the Planning Director.**
12. **In the absence of the Planning Director, the Township Supervisor can serve as an alternate to administer the project.**

Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.

6. Steve Atchison, 7501 Stonevalley Bluff, Clarkston, MI. Parcel I.D. # 07-13-453-008.

The applicant is requesting a building height of 35 feet rather than the maximum allowable height of 30 feet to construct a home on the property at 7501 Stonevalley Bluff.

Mr. Atchison is present in regard to this request.

Mr. Atchison was asked if he or his architect checked Township regulations before designing the house. He said, no. Chairperson Wendt asked the applicant why he would go through the effort of designing a house without knowing what the Township ordinance is? Mr. Atchison said he looked at homes in the area and wanted to be consistent with the architectural theme. Mr. Atchison said he did not believe the 30 foot restriction was anything that was close to be what would be built in this community. Chairperson Wendt said several of these requests have come before this Board because of the variation in Springfield and Independence Townships and they have all been denied. Chairperson Wendt said there is no justification in allowing this request and by law, the Board cannot create a non-conforming property.

Board Member Walls asked if there was anything unusual about the property that justified the request. Mr. Atchison said, no.

7. **Board Member Carlton moved to deny the request for 7501 Stonevalley Bluff to allow a building height of 35 feet rather than the maximum allowable height of 30 feet to construct a home, because there are no special conditions or circumstances existing which are peculiar to the land or structure. Literal interpretation of this provision would still allow the applicant to enjoy other properties in this zoning district. Board Member Walls supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Aiello; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 9:20 p.m.

Susan Weaver, Recording Secretary