

**ZONING BOARD OF APPEALS
November 17, 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:** October 20, 2005

4. OLD BUSINESS

a. 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 minimum front yard setback of 50 (fifty) feet to construct a home on property located above.

Section 25.00 of Ordinance 26

5. NEW BUSINESS

a. Parcel # 07-06-276-017

Applicant: Brian and Melissa Bolt
7364 East Holly Road
Holly, MI 48442

Location: Same

Request:

- a) To allow a side yard setback of 21 (twenty-one) feet and 22 (twenty-two) feet rather than the required minimum side yard setback of 25 (twenty-five) feet to construct an addition on property located above.

Section 25.00 of Ordinance 26

b. Parcel # 07-28-377-001

Applicant: Albert Weine & Sons, LLC
29260 Franklin - Suite 127
Southfield, MI 48034

Location: 11720 Haylock Rd.; Davisburg, MI 48350

Request:

- a) To determine that Haylock Road is a legal, pre-existing private road; and,
- b) To allow land division off private portion of Haylock Road rather than the requirement that lot(s)/parcel(s) shall front on a public road, for the property located above.

Section 16.20 (1) of Ordinance 26

6. Other Business: .

7. Next Meeting Date: December 15, 2005

8. Public Comment:

9. Adjournment:

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of November 17, 2005**

Call to Order: Acting Chairperson Walls called the November 17, 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

Collin Walls
Jim Carlton
Dean Baker
Frank Aiello

Board Members Absent

Skip Wendt

Staff Present

Approval of Agenda:

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

Approval of Minutes: October 20, 2005

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

Old Business:

1. Mark Jackson, 2856 Norton Lawn, Rochester Hills. Property located at corner of Sherwood Drive and Rattalee Lake Road, Davisburg. P.I. # 07-10-201-001

The applicant is requesting a front yard setback of 40 feet rather than the required minimum front yard setback of 50 feet to construct a home on the property at Sherwood Drive and Rattalee Lake Road.

Mr. Jackson is present in regard to this request.

Acting Chairperson Walls explained that the original request was for a 40-foot front yard setback and two setbacks for septic and building from a body of water. Mr. Jackson rechecked the property and no longer needs the additional variances for the septic and the building because

there is no standing water on the property. Acting Chairperson Walls said the Building Director did walk the property and verified this information to be correct.

- **Board Member Carlton moved to approve the front yard setback of 40 feet rather than the required 50 feet at the corner of Sherwood Drive and Rattalee Lake Rd. due to special conditions and circumstances, the location and amount of the wetlands and the odd shape of the lot. This is the minimum variance that would make possible the use of the land. Board Member Aiello supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt. The motion carried by a 4 to 0 vote.**

New Business:

1. Brian and Melissa Bolt, 7364 East Holly Road, Holly, MI. Property located at same address. P.I. # 07-06-276-017.

The applicant is requesting a side yard setback of 21 feet and 22 feet rather than the required minimum side yard setback of 25 feet to construct an addition on the above referenced property.

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

Board Member Carlton asked the applicant if they could expand to the east? Mr. Bolt said he would be too close to the septic tank and field if he does that and the future garage would be on the east side. When asked, Mr. Bolt confirmed that the septic tank was 36 feet from the house and the drain field east of the tank.

Acting Chairperson Walls asked the applicant why he could not still add a garage on the east side if he puts the addition there, there is 36 feet to the septic and 16 feet addition with room for a garage in front? Mr. Bolt said he would be building on the septic field if he does that. Acting Chairperson Walls asked the applicant if there is a particular reason why he chose a 16 foot addition when, by reducing it three feet, he would not need a variance? Mr. Bolt said in order to get his living room and master bedroom/bathroom bigger that is the minimum amount of space the architect suggested. Acting Chairperson Walls asked if he considered making the addition narrower but deeper to end up with the same square foot? Mr. Bolt said they considered everything and that is why he went four feet out from both north and south walls.

Acting Chairperson Walls noted a letter from Mr. Kerry Leach, 7380 E. Holly Rd., objecting to the requested variance. **[A copy of this letter is on file at the Office of the Clerk, Springfield Township].**

Board Member Carlton commented that he does not doubt the additional space is necessary but he believes there are alternatives available to lessen the variance or not have one at all. Acting Chairperson Walls agreed and gave a drawing to the applicant showing the possibilities available. He suggested to the applicant that this matter could be tabled to allow the applicant time to explore alternatives and come back to the Board of Appeals with no additional fee if a

variance proves to be necessary. Board Member Aiello and Baker concurred. Mr. Bolt did not agree and walked out of the meeting.

- **Board Member Carlton moved to deny the request for Brian and Melissa Bolt at 7364 E. Holly Rd. for a side yard setback because there are reasonable alternatives that could reduce the variance or possibly have no variance at all. Board Member Aiello supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt. The motion carried by a 4 to 0 vote.**

2. Albert Weine & Sons, LLC, 29260 Franklin Rd., Southfield, MI. Property located at 11720 Haylock Rd., Davisburg, MI. P.I. # 07-28-377-001

The applicant is requesting a determination that Haylock Road is a legal, pre-existing, private road and to allow a land division off private portion of Haylock Road rather than the requirement that lot(s)/parcel(s) shall front on a public road for the above referenced property.

Mr. Grant Ward of Grant Ward Surveyor's and Mr. Harold Weine are present in regard to this request.

Acting Chairperson Walls explained that Township ordinance states that all lots or parcels shall meet minimum lot width requirements at the required front setback and shall front on a public road which has been accepted for maintenance by the Road Commission. A copy of a 1920's plat, Hensell's Sub No. 2 was submitted which recorded various lots along the now-called Haylock and recorded the road right-of-way. We have also been given a copy of an easement document from 1932 which indicates that Hensell Sub No. 2 had been vacated prior to that and granted access to five or six lots that had previously been sold. The area the Board is being asked to approve has access off Haylock and the property around it uses Haylock for access. Acting Chairperson Walls noted that, in addition to Weine's cottage, there are four or five homes that are also accessing the private portion.

Acting Chairperson Walls asked if the County currently maintains the private portion of Haylock? Mr. Weine and a neighbor, Ron Livingston confirmed that they did.

Mr. Ron Livingston, 11660 Haylock, asked regarding the five parcels that were vacated, are they vacant lots or homes? Acting Chairperson Walls provided an aerial photo to Mr. Livingston showing homes that are on the non-public portion of Haylock. Haylock is partially a public road. Acting Chairperson Walls proposed parcel C will have the right to continue to use Haylock. The additional lots in the proposed new development would only have access off the new road. Mr. Livingston confirmed with Acting Chairperson Walls that the 22 lots for the condominiums will not have access to Haylock. Acting Chairperson Walls cautioned that if the proposed new development, Huron Creek, is not recorded parcels could be split with access to Haylock.

Board Member Aiello asked the applicant what he meant in his application when he stated "practical access to existing cottage would be denied?" Mr. Ward explained that the Weine's have always used the public piece of Haylock for access to their cottage.

- **Acting Chairperson Walls moved that the applicant's request be approved which would allow the division of a four-acre parcel and the existing cottage generally in conformance with what is shown as parcel C on the drawings submitted because based on information and documents submitted, it is clear that there is a long-standing history of the use of that portion of Haylock by the applicant and several others for access to their property, that it is actually maintained by the public through the Road Commission for Oakland County and therefore meets the intent of Section 16.20 if not the letter. Board Member Baker supported the motion. Vote on the motion. Yes: Walls, Baker, Carlton and Aiello; No: none; Absent: Wendt. The motion carried by a 4 to 0 vote.**

Adjournment:

Hearing no other Business, Acting Chairperson Walls adjourned the meeting at 8:45 p.m.

Susan Weaver, Recording Secretary