

SPECIAL MEETING ZONING BOARD OF APPEALS

**December 7, 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:**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**

a. Parcel # 07-22-251-007

Applicant: James R. VanHooser
10105 Clark Road
Davisburg, MI 48350

Location: Same

Request:

- a. To allow total accessory structure floor area of four thousand, one hundred sixty (4,160) square feet rather than the permitted three thousand one hundred seventy-eight (3,178) square feet to construct a pole barn on the property at the above location.

Section 16.14.1 of Ordinance 26

b. Parcel # 07-10-277-012

Applicant: Leonard Wasczenski
P. O. Box 300617
Waterford, MI 48330

Location: Vacant Land-north end of Loughheed Island in Dixie Lake

Request:

- a. To allow a structure twenty-two (22) feet from the lake ordinary high watermark rather than the required fifty (50) feet; and,
- b. To allow a septic thirty-four (34) feet from the lake ordinary high watermark rather than the required one hundred (100) feet; and,
- c. To allow the construction of a house on a pre-existing, non-conforming parcel of less than the required half acre in size on the property at the above location.

Section 16.17.1 & .2 of Ordinance 26

c. Parcel # 07-05-300-001

Applicant: Steven VanLeuven
12950 Rattalee Lake Road
Davisburg, MI 48350

Location: Same

Request:

- a. To allow two (2) access strips to access a thirty-acre parcel; and,
- b. To allow two (2) access strips of eight hundred eight (808) feet rather than the allowable maximum six hundred sixty (660) feet on property at the above location

Section 16.20.2 of Ordinance 26

6. Other Business: .

7. Next Meeting Date: January 19, 2006

8. Public Comment:

9. Adjournment:

Springfield Township
Zoning Board of Appeals Meeting
Minutes of December 7, 2005

Call to Order: Chairperson Wendt called the December 7, 2005 Special 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

Leon Genre

Approval of Minutes: **None**

Approval of Agenda:

Acting Chairperson Walls asked to add to the end of the meeting, 2006 Meeting Schedule. There were no objections.

Board Member Aiello moved to accept the agenda for December 7, 2005 as presented. Board Member Baker 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. James R. VanHooser, 10105 Clark Road, Davisburg, Parcel I.D. # 07-22-251-007
Property located at same address.

The applicant is requesting total accessory structure floor area of 4,160 square feet rather than the permitted 3,178 square feet to construct a pole barn on the property at the above location.

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

Mr. VanHooser said the stated allowed amount of 3,178 square feet should be greater than that because that was based on five acres and his property is 5.08 acres. Mr. VanHooser said this should allow him 3,221 square feet. Mr. VanHooser also said the structure size of 4,160 square feet is overstated because it includes a portion of his basement.

Board Member Carlton stated that the building was already constructed and asked the applicant if he has tried to acquire more property to accommodate his structure? Mr. VanHooser confirmed that the structure is already built and he attempted to purchase property off the back of his property but was unsuccessful. Mr. VanHooser said purchasing property off either side is not a viable option.

Acting Chairperson Walls asked what is peculiar about the property or the existing buildings that necessitate a variance? Mr. VanHooser said he has two temporary structures on the property that will both be demolished after the new barn is complete. Mr. VanHooser said he collects cars and in his insurance contract, the cars must be stored indoors.

Acting Chairperson Walls asked Mr. VanHooser why he did not rent a facility? Mr. VanHooser said that is expensive and it is a pain when he wants to drive one of his cars.

Board Member Carlton said he does not see how the variance could be granted as there is no hardship. Acting Chairperson Walls agreed that having to store vintage cars is not a practical difficulty as described in the ordinance.

Mrs. Kathy Martin, 10001 Clark Rd., commented that she is not certain the applicant is within the variance laws. The applicant bulldozed onto her property in order to build the structure and she believes he is very close to, if not on her property. Mr. VanHooser has destroyed a pathway through the woods and she is now facing a very large structure instead of woods.

- **Board Member Baker moved to deny the variance request for additional accessory square footage at 10105 Clark Rd. due to the fact that the property is not limited in its buildability, the reasons the applicant has expressed are due to personal choices not any hardship issues that the property or the buildability the site has created. 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. Leonard Wasczenski, P.O. Box 300617 Waterford. Parcel I.D. # 07-10-277-012. Property is on the north end of Loughheed Island in Dixie Lake.

The applicant is requesting: a) a structure 22 feet from the lake ordinary high watermark rather than the required 50 feet; b) a septic 34 feet from the lake ordinary high watermark rather than the required 100 feet; c) the construction of a house on a pre-existing, non-conforming parcel of less than the required half acre in size on the property at the above location.

Mr. Wasczenski and Mr. Grant Ward are present in regard to this request.

Mr. Ward explained that the proposed home would be serviced by a new septic system and well. There is plenty of room for proper isolation between the septic system and the well and plenty of separation between the proposed septic system and the adjoining property's wells and homes. Mr. Ward said they have met the setback requirements from the south property line to the home

and to the proposed dry well system. There is only a small strip of land available for the construction of a home in compliance with the ordinance. The lot is too narrow to allow for the 100 foot setback of the septic. Mr. Ward said the proposed home is modest in size, only 700 square feet and the applicant has walking problems and therefore has tried to concentrate his living area on one level and guest quarters on the upper level.

Acting Chairperson Walls asked the applicant if he applied for a permit to repair the existing structure or to demolish it? Mr. Wasczenski said no, he was waiting to see if the variance request was successful and has not started any repair or demolition. Acting Chairperson Walls said there was a variance granted in 1991 that was never utilized and Mr. Wasczenski purchased the property in 1988. He asked why that variance request was not implemented? Mr. Wasczenski said he could not remember the previous request. Acting Chairperson Walls asked the applicant if he is aware that the previous request was for a lesser variance than what is being sought this evening? Mr. Wasczenski said he did not know that.

Acting Chairperson Walls asked how many bedrooms are in the existing structure? Mr. Wasczenski said it is basically just a one-room structure and confirmed as asked by Acting Chairperson Walls that the proposed structure would be two bedrooms and a study. They have not explored this with the Health Department yet. Acting Chairperson Walls advised that the Health Department would consider this a three bedroom which might affect the septic size.

Mr. Ward said if the variance is successful, they would then go to the Health Department and get the proper tests and design a septic system.

Acting Chairperson Walls said the previous variance granted was to allow a septic system 40 feet from the water. He asked the applicant if he explored that option? Mr. Ward said he is not familiar with the previous variance request but he is proposing two dry wells, which would be required by the health department.

Acting Chairperson Walls said, under the Township ordinance and Article 16 dealing with non-conformity, it allows legal non-conforming structures and uses to be continued but does not encourage them. It prohibits expansion and in that ordinance it states that the structure may be continued as long as it remains lawful subject to certain provisions. He asked the applicant if they considered retaining the structure size that is existing? Mr. Wasczenski said there is no room in the current structure.

Board Member Carlton said there are special conditions that exist but he cannot get past the condition that granting a variance must be in harmony with the intent of the ordinance and Master Plan and would not be injurious to the neighborhood.

Acting Chairperson Walls noted that there are letters from neighbors objecting to the variance request. Two letters are from Mr. and Mrs. Cantu and Mr. and Mrs. Slieff and one letter from Mr. and Mrs. Laundroche. **[A copy of these letters are on file at the Office of the Clerk, Springfield Township].**

Ms. Lisa Hogan, 8949 Lougheed Island, noted that she is vehemently opposed to this variance and believes granting a variance that is 66% over what the Township allows is setting a bad precedence. She does not want another septic system on the island.

Mr. Paul Hensler, 10520 King Rd., said he believe 66% is exorbitant and is concerned with the quality of the lake if this variance is granted.

Mrs. Donna Pauly, 8929 Lougheed, commented that the lake quality is the main concern and cannot imagine how someone could put a septic system within 34 feet of the water.

Mrs. Rita Hawes, 9222 Sherwood, commented that the Board cannot allow something like this to happen on Dixie Lake. It is very shallow and the effects of having a septic that close to the lake would be detrimental.

Ms. Ann Rathsburg, 8630 Shore Dr., said she is opposed to the requested variance.

Board Member Aiello commented that it appears that because the applicant has abandoned the property for so long, he believes from a legal standpoint, he has given up his non-conforming rights.

Acting Chairperson Walls said his opinion is that, if the Board were asked to continue something that would allow us to vary the non-conforming rights and to allow the repair or reconstruction of the existing structure, he would have a major problem because after owning this property for nearly 17 years, it is in such a deplorable condition. The Board is being asked for a variance that is far greater than those that already exist with the existing structure. The applicant has failed to maintain the property and secure the property and make it safe. He cannot justify the request.

- **Board Member Carlton moved to deny the request at Parcel # 07-10-277-012 based on the fact that all conditions were not met that the Zoning Board looks at and in particular, the granting of the variance would not be in harmony with the intent of the ordinance and Master Plan and it could be injurious to the neighborhood and detrimental to public welfare, the structure is too large for this property and the likelihood of septic damage to the lake. Board Member Aiello supported the motion.**

Board Member Aiello commented that this is not the minimum variance that would be required to provide reasonable use of the land.

Acting Chairperson Walls commented that he would vote in favor of the motion but even though it says there is a likelihood of septic damage to the lake, we do not have any evidence of that.

- **Board Member Carlton amended his motion to include that this is not the minimal variance that would be required to provide reasonable use of the land. Board Member Aiello supported the amended motion. Vote on the amended motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt. The motion carried by a 4 to 0 vote.**

3. Steven VanLeuven, 12950 Rattalee Lake Rd., Davisburg. Parcel I.D. # 07-05-300-001. Property located at same address.

The applicant is requesting two access strips to access a 30 acre parcel and two access strips of 808 feet rather than the allowable maximum 660 feet on property at the above location.

Mr. VanLeuven is present in regard to this request.

Board Member Carlton asked the applicant why he needs two access points? Mr. VanLeuven said the one existing parcel is a one acre parcel with the house. He is attempting to recombine this one acre parcel with a four acre parcel to make a five acre parcel.

Acting Chairperson Walls said the balance of the property has a non-conforming width to depth ratio and enlarging the one acre decreases the non-conformity.

Acting Chairperson Walls asked what prompted the five acres, because if it were four acres, we would not be dealing with one of the variance requests? Mr. VanLeuven said, that is the way his dad was setting it up for the kids before he past away. Board Member Aiello asked, what is driving the divisions? Mr. VanLeuven said, to settle the estate equitably.

Acting Chairperson Walls confirmed that there is a barn on one property and asked if there are animals or plans for animals? Mr. VanLeuven said there are currently no animals but would like to get horses. Acting Chairperson Walls stated five acres would be necessary for two horses.

- **Acting Chairperson Walls moved that the applicants request for access strips to a parcel of approximately 30 acres be approved as there are more than two access strips within 2000 feet and the request is in conformance with that portion of Section 16.20. He also moved that we grant a variance from the 660 foot length of the access strip to allow the requested 808 foot because the property in question already contains non-conformities which would be less non-conforming with the proposed divisions, literal interpretation would deprive the applicant of rights enjoyed by others of comparable acreage parcels just down the street with 1600 and 1300 plus feet access strips and the granting of the variance generally meets the purpose of the intent of the ordinance and Master Plan. Board Member Baker 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.**

Other:

1. 2006 Meeting Schedule
 - **Board Member Aiello moved to approve the schedule of meetings as presented for 2006. 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.**

Adjournment:

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

Susan Weaver, Recording Secretary