

ZONING BOARD OF APPEALS
April 21, 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 of March 17, 2005

4. OLD BUSINESS

5. NEW BUSINESS

a. Parcel # 07-11-301-031

Applicant: Lawrence G. Wolosiewicz
9907 Dixie Highway
Clarkston, MI 48348

Location: Same

Request:

- a. To allow total accessory structure floor area of one thousand, four hundred two (1,402) square feet rather than the permitted one thousand, sixty-two (1062) square feet; and
- b. To allow a side yard setback of three and one-half (3 ½) feet rather than the required fifteen (15) feet; and
- c. To allow a front (road) side setback of thirty-eight (38) feet rather than the required fifty (50) feet.

Applicant wants to build a detached garage at the above address

Section 16.14 of Ordinance 26

b. Parcel # 07-10-376-019

Applicant: Kurt and Kim Boose
10770 Davisburg Road
Davisburg, MI 48350

Location: Same

Request:

- a. To allow an access strip of six hundred (600) feet to a six (6) acre parcel at the above address.

Section 16.20 of Ordinance 26

6. Other Business:

7. Next Meeting Date: Thursday, May 18, 2005

8. Public Comment:

9. Adjournment:

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of April 21, 2005**

Call to Order: Chairperson Wendt called the April 21, 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
Dean Baker
Frank Aiello

Board Members Absent

Staff Present

Leon Genre

Approval of Agenda:

- **Board Member Carlton moved to approve the agenda as submitted. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

Approval of Minutes: March 17, 2005

- **Board Member Baker moved to approve the Minutes of March 17, 2005 as submitted. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

Old Business: None

New Business:

1. Lawrence G. Wolosiewicz, 9907 Dixie Highway, Clarkston, MI. Parcel I.D. # 07-11-301-031. Property located at same.

The applicant is requesting a) a total accessory structure floor area of one thousand, four hundred two (1,402) square feet rather than the permitted one thousand, sixty-two (1,062) square feet; b) a side yard setback of three and one-half (3 ½) feet rather than the required fifteen (15) feet; and c) a front (road) side setback of thirty-eight (38) feet rather than the required fifty (50) feet to build a detached garage at the above address.

Mr. Wolosiewicz is present in regard to this request.

Mr. Wolosiewicz said, after checking his site plan, the proposed shed does not affect item C of his request. He does meet the 50 foot setback in the front but requests a and b still remain the same. Mr. Wolosiewicz said he has approximately 10 to 11 feet between the shed and the existing structure if he needs to go back further to meet the 50 foot requirement.

Chairperson Wendt said he visited the property and while it is well maintained, he thinks the proposal would be a detriment to the property as far as the aesthetic value. Chairperson Wendt said he could not find any justification in allowing more accessory storage area than what is allowed by Township ordinance because it is a self-inflicted hardship rather than something that the land carries.

Board Member Carlton asked the applicant if he needs the 15' x 13' existing shed by the proposed garage? Mr. Wolosiewicz said he could get rid of it but it matches the house nicely and he could use the storage, therefore he would rather not remove it. Board Member Carlton asked the applicant if he considered making the proposed garage smaller? Mr. Wolosiewicz said he could make it smaller but he does not have a basement in his house and needs storage. The size of the garage was determined by looking at other structures on lots in the immediate area and he needs the depth for his boat. Board Member Carlton asked where the neighbor's garage to the south is? Mr. Wolosiewicz said it is about the same setback from the street as what he has.

Board Member Walls asked the applicant why he did not consider attaching the new building to the existing shed? Mr. Wolosiewicz said that shed is on a slab with no footings. Therefore, he did not think it would be a good idea to attach the garage with a 42 inch footing to a shed that may be floating.

Chairperson Wendt asked the applicant what his hardship is in regard to needing more accessory area than allowed by Township ordinance? Mr. Wolosiewicz said he needs a 24 foot deep garage to hold his boat and the extra storage would help since the home has no basement. Chairperson Wendt said if the applicant removes the swim platform from the boat, that would reduce the depth that would be required and therefore reduce the accessory floor area. Mr. Wolosiewicz said the swim platform is off the boat. It does have a short tongue on the trailer which is about 23 feet from the end of the boat to the tip of the tongue.

Board Member Aiello commented that, as the plan is presented, he would be compelled to oppose the variance request. He explained to the applicant that the Board must meet a standard to allow variances. One standard includes the condition that it not be self created and the existing sheds are self-created and are eating at the square footage allowance. The Board is also charged with finding the most minimum variance that will allow the applicant reasonable use of the land and he believes that the way the land is being used now is reasonable and does not see how the Board's failure to approve this particular plan would be unduly burdensome or unreasonable to the applicant.

Board Member Walls suggested that if the applicant attaches the proposed building to the existing shed, he would not need a side setback because the shed provides an established setback. Board Member Walls said he would not consider the building down by the beach part of the accessory structure square footage since it is not big enough to be accessory to much. Board Member Walls said if the applicant attaches the building to the shed, he could build 467 square feet without a variance at all. In light of the fact he will have to put a 42 inch footing under the new building, he would be willing to go with the side variance because it will not change anything; he suggested approving the 467 square feet. Mr. Wolosiewicz said he would be willing to attach the building to the shed.

Chairperson Wendt asked the Board members if they felt the building by the lake is insignificant? The Board members agreed and that it should not count toward accessory structure area.

Planning Director, Leon Genre, asked if the applicant decides he wants to remove the existing shed, could the existing setback be kept as an existing setback and construct the building using that square footage? Chairperson Wendt said, if the motion is worded that way, it is a pre-existing line.

- **Board Member Walls moved that the request at 9907 Dixie Highway, be handled as follows: request C – front setback – the applicant has shown is no longer necessary as he can provide 50 feet; request B for a 3 ½ foot side setback be granted as that is a pre-existing, non-conforming and whether the existing shed is moved or kept, the side setback could remain as a non-conformity; request A – total accessory structure floor area be denied as reasonable alternatives within the ordinance standards have been expressed this evening. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

2. Kurt and Kim Boose, 10770 Davisburg Rd., Davisburg, MI. Parcel I.D. # 07-10-376-019. Property located at same.

The applicant is requesting an access strip of six hundred (600) feet to a six (6) acre parcel at the above address.

Mr. Kurt Boose is present in regard to this request.

Chairperson Wendt noted a written letter signed by Mr. John Steinbach and Mr. Gib Luebke of 10849 Davisburg Rd., expressing their agreement to the requested variance. **[A copy of this letter is on file at the Office of the Clerk, Springfield Township].**

Mr. Boose provided an aerial photo showing several other access strips within the 2000 feet including two across the street. Chairperson Wendt asked if the two mentioned were two to the same parcel? Mr. Boose said yes, but lots are proposed on the parcel. Mr. Genre said they are not yet split at this time.

Mr. Boose indicated that there is no access to one lot but there is a driveway. He indicated Mr. Sawyer's access strip is 2,800 feet from his property. Board Member Walls explained that the ordinance is not written that the access strip be within 2000 feet of the property line; it must be within 2000 along the same road from the proposed access strip. Board Member Walls read the ordinance stating "access to the lot or parcels shall be provided by an access strip.....consistency shown by demonstrating the existence of two or more land divisions, similar configuration to the proposal within 2000 feet." Board Member Walls said he would interpret "proposal" as the six acres with the 20 foot access strip. Mr. Boose said there are some just beyond the 2000 feet. Board Member Walls clarified that the parcel being referred to is the southeast corner of Davisburg Rd., & I-75 as shown on the Oak Map 2002 aerials. Board Member Aiello said, how the ordinance is stated, where the lots should be measured from is ambiguous. Board Member Walls said we have two and one lot is subject to the Board's interpretation.

Mrs. Celia Murphy, 10685 Bigelow Rd., asked the applicant what his plans are for this split? Mr. Boose said he has no immediate plans but it would probably be a house someday.

Board Member Carlton moved to approve the access strip of 600 feet to a six acre parcel at 10770 Davisburg because the requirements of Section 16.20 have been met; in particular it is at least five acres, there are greater than two similar land divisions within 2000 feet, the access strip is at least 20 feet wide and it does not exceed 660 feet in length. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Carlton, Baker and Aiello; No: Walls. The motion carried by a 4 to 1 vote.

Adjournment:

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

Susan Weaver, Recording Secretary