

ZONING BOARD OF APPEALS
September 15, 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 August 17, 2005

4. OLD BUSINESS

5. NEW 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 the above property

Section 25.00 of Ordinance 26

6. Other Business: .

7. Next Meeting Date: Thursday, October 20, 2005

8. Public Comment:

9. Adjournment:

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of September 15, 2005**

Call to Order: Chairperson Wendt called the September 15, 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

Approval of Agenda:

- **Board Member Walls 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.**

Approval of Minutes: August 17, 2005

- **Board Member Carlton moved to approve the minutes of August 17, 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.**

Old Business: None

New 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; a three foot side yard setback and a six foot side yard setback rather than the required 15 feet to construct a garage, a great room and a deck on the above referenced property.

Mr. Orlando is present in regard to this request.

Mr. Orlando explained that the existing house is not in the setbacks currently and he is proposing to remodel up and out on each side and add a garage.

Chairperson Wendt asked the applicant what practical difficulty exists with staying within the metes and bounds of the existing structure and still create a building that will not need a variance and if he has explored every alternative? Mr. Orlando said there is no way to add a garage to this property without encroaching on the septic. He attempted to get the septic field record from Oakland County but was unsuccessful, so he decided to go by the previous homeowner's word as to where the septic is located.

Chairperson Wendt asked why he needed such a large garage? Mr. Orlando said he is on Big Lake and being on a lake, he has more stuff to conceal. Board Member Walls asked about the request for a variance on the other side? Mr. Orlando said he could pull back a couple of feet. Board Member Walls asked, with a six foot side yard setback, how would the applicant get to the well for service? Mr. Orlando said that is a good point, he didn't know.

Mr. Eugene Gorski, 11984 Rusty Lane, said he has no concerns with the requested variance.

Chairperson Wendt explained that the applicant may have personal needs but there are properties that limit what can take place and that is a major consideration in how requests are evaluated. The Board must be cognizant of the fact that we must help the individual, but cannot ignore the ordinance.

Board Member Walls asked the applicant to confirm that he indicated special conditions that warrant this variance were created by him? Mr. Orlando said, yes. Board Member Walls confirmed that the applicant indicated that the alternatives explored were to shrink both additions? Mr. Orlando said, yes.

Board Member Carlton said he does not see harm in a small garage being added. Chairperson Wendt said he does not disagree but there are options available.

- **Board Member Carlton moved to table the request for William Orlando at 11976 Rusty Lane per the discussion tonight which includes more septic research, speaking with the Building Department, some additional information on neighboring property setbacks and some alternative plans which would include meeting the existing five foot setback on the east side and increasing the setback on the west side to possibly include twelve feet but at least access to the well, until the November meeting. Board Member Aiello supported the motion. Vote on the motion. Yes: Carlton and Aiello; No: Wendt and Walls; Absent: Baker. The motion failed with a 2 to 2 vote.**
- **Board Member Walls moved to deny the variance request for the side yard setback on the west of six foot; on the east of three foot and from the road, seven foot for the following reasons: 1) the applicant did not supply the plot plan or floor**

plans and elevations to scale with dimensions and other information required in the application instructions; 2) the existing structure already has non-conforming setbacks on both sides and the front and no justification for increase of the non-conformity has been provided; 3) granting the variances could render the well inaccessible and the expansion or improvement of the septic limited; 4) the request does not meet the requirements the Board of Appeals must find in accordance with Section 19.01.4. Chairperson Wendt supported the motion. Vote on the motion. Yes: Wendt and Walls; No: Carlton and Aiello; Absent: Baker. The motion failed with a 2 to 2 vote.

- **Board Member Walls moved to table the application until there is a full Board at next month's meeting. 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.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:25 p.m.

Susan Weaver, Recording Secretary