

Springfield Township
Zoning Board of Appeals Meeting
Minutes of February 17, 2005

Call to Order: Chairperson Wendt called the February 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

Skip Wendt
Collin Walls
Jim Carlton
Frank Aiello

Board Member(s) Absent

Dean Baker

Staff Present

Leon Genre
Mary Blundy

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: January 20, 2005

Board Member Walls noted on page 4, there should be a period (.) after "...just a park" on page 4, second paragraph. He noted that on paragraph 3, the word "proposed" should be "proposal."

- **Board Member Aiello moved to approve the minutes as corrected. 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.**

Old Business:

1. Frederick Vigelius, Jr., 5969 North Bay, Clarkston, MI Parcel # 07-26-251-045.

The applicant is requesting a front setback of twenty-four feet, six inches (24.6) rather than the required fifty (50) feet and a side yard setback of four (4) feet rather than the required fifteen (15) feet to construct an attached garage.

This request was tabled at last month's meeting to allow the applicant time to prepare drawings that were to scale and would give the Board more detail in order to review and determine the practicability of this request. Mr. Vigelius is not present at this time.

Board Member Walls asked Mr. Genre if he spoke with the applicant when he submitted his drawings? Mr. Genre said, no he did not. He did speak with him on the phone prior to his submittal of these drawings, and he has increased the side setback on the park side to 8 feet instead of the requested 4 feet. The applicant has maintained the front setback of 24 feet, six inches as previously requested. The floor plan has been cut down on one area that the applicant wanted for an office but it has not caused major problems with the rest of the house.

Board Member Walls asked if the septic drain field changed in size and location? Mr. Genre said he does not know. However, the prior submittal had the drain field in approximately the same location but he doesn't know if the applicant has investigated further to find out exactly where it is.

Mr. Vigelius arrived at 8:05 p.m. Board Member Walls asked the applicant about the drain field? Mr. Vigelius said it is six feet from where the garage would be if added onto and from where the house would be. Therefore, the drawing submitted for this meeting is a more accurate representation.

- **Board Member Carlton moved to approve the front setback of 24 feet, six inches rather than the fifty feet at 5969 North Bay because this is a pre-existing, non-conformance and would be in harmony with the neighborhood as other lots have similar setbacks and also the applicant has eliminated the need for a side variance from the previous meeting. 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. Matthew C. Underwood, 9067 Lakeshore Drive, Clarkston, MI
Parcel # 07-23-176-013. Property located at 7058 Ridgewood Rd., Clarkston

The applicant is requesting an access strip of 64 feet to a five plus acre parcel per Section 16.20 of Ordinance 26 next to the above parcel. Mr. Underwood is the petitioner, his parents are the land owners.

Mr. Underwood is present in regard to this request.

Mr. Underwood commented that there are many access strips in the area. Three are within 2200 feet; two within 2000 feet and nine within 3000 feet.

Board Member Walls said the application was so complete that if we literally go by Section 16.20, he gave the Board all the information to confirm that the application does not comply. Board Member Walls told the applicant that he did himself great harm by referencing the fact that there are access strips over 2000 feet away because that has nothing to do with our ordinance requirements. Board Member Walls said he does believe there are three within 2000 feet. One parcel on the corner of Ridgewood and one parcel has 140 foot of width and is zoned R-1A. Personally, he does not see a condition where he would want to grant a variance from a special condition for the 2000 feet. However, in looking at the request the applicant did clearly mention that the parcel in question is unusual in configuration due to the minimum frontage and the fact that there are other parcels in the area of comparable size or smaller and it seems to him that if this is compatible and consistent, he personally does not see a problem with it. Board Member Walls said it is his opinion, on an 8- acre parcel zoned for a minimum of one acre, two parcels is a reasonable use of the land and does not appear to be an unusual request.

- **Board Member Walls moved that the request for the Underwood property be approved based upon the showing that there are more than two access strips within 2000 feet, that they meet the conditions of Section 16.20, that the variance requested is the minimum to make possible reasonable use of the property and the proposed divisions are consistent with land sizes in the area. 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. Stephen L. Ausum, 13030 Woodland Trail, Davisburg, MI
Parcel # 07-31-276-005. Property located at same.

The applicant is requesting an access strip of forty (40) feet to a five (5) plus acre parcel per Section 16.20 of Ordinance 26 next to the above property.

Mr. Stephen Ausum, the owner and Mr. Grant Ward, the surveyor are present in regard to this request.

Mr. Ausum said he always wanted to build a home or two. So he wanted to build one and then inevitably one day build on the back five acre parcel for his retirement home. This would divide the 6.6 acres into two buildable lots.

Mr. Ward explained that there are nearly 11 acres on the total property. They would like to divide the property in a fashion that it would not meet the minimum width of frontage along Woodland Trail. They looked at a couple of different ways to divide this property and still meet the width to depth ratio and minimum road frontage but could

not find a way that would allow access to the back parcel or else an unbuildable parcel in the southwest corner of the property. Mr. Ward said the plans show the current lot lines on the property. The proposed lot lines would be a 2.5 acre parcel, 2.51 acres and 5.88 in the rear. There may be some slight shifting of the lot lines once they know precisely where the existing driveway is. Mr. Ward indicated on the plans where there is an existing home with a driveway that is u-shaped. This driveway would continue through and an area would be obliterated and not allowed access but in one spot into Woodland Trail. He has not shown any proposed buildings, but he indicated on the plans where there is a large buildable area which would be the 5.88 acres in the back and there would be plenty of room for septic and tile field. In regard to the 2.51 acre parcel proposed, the septic system would have to be close to a corner of the property and the house would be built in another area. Mr. Ward said all the conditions under Section 19.01.4 have been met. Special conditions that affect this piece of property are a pond area, a wetland area, some substantial slopes in many areas. However, the area where the driveway is proposed is fairly sloped and a culvert may be necessary for drainage. The proposed parcels are similar in nature to other parcels in the community and that area. The zoning in this area is R-1A and they can meet the setback requirements with no variances required. The conditions on the site are not caused by the applicant and the requested variance is the minimum variance required to accomplish developing a total of three parcels. Mr. Ward said there are two portions where an access strip is allowed with the granting of a variance and the one they are looking at is under Item A. Both wetlands and topography of this parcel are such that a normal parcel division could not be reasonably achieved. If he were to divide this into three simple parcels, they would not be able to meet the width to depth ration.

Chairperson Wendt asked how much of the surface area of the parcel would be considered wetland? Mr. Ward said probably 35% as an estimate.

Board Member Walls asked the applicant to confirm his indication that his reason for this division is so Mr. Ausum could build on the back part? Mr. Ausum said, yes. Board Member Walls said it is already two parcels. The applicant has two tax descriptions now and the ability to reach that and asked what the driving force is behind the need for three rather than the existing two parcels? Mr. Ward said, “good land use.” There are three nice buildable areas, and to throw one away would be a shame. Mr. Ward said in the interest of proper land use, we need to develop land to its best use and stem the continuing urban sprawl.

- **Board Member Walls moved to deny the requested division as Section 16.20 indicates that the location of wetlands and topography where the parcel is such that a normal parcel division meeting the minimum lot widths requirements and accommodating a building site could not be reasonably achieved and there is already a vacant parcel building site there. The applicant has already achieved reasonable use of the property, and he does not see the practical difficulty requiring the third parcel. 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.

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

Susan Weaver, Recording Secretary