

**NOTICE
REQUEST FOR VARIANCE
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Charter Township of Springfield will hold a meeting on Thursday, March 15, 2007, beginning at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, Michigan to hear the following appeal.

PUBLIC COMMENT:

OLD BUSINESS:

Request by Big Lake Preserve, LLC, 121 W. Long Lake, #310, Bloomfield Hills, MI 48304, to allow an additional two-year extension (to March 6, 2009) beyond the one-year extension of final site plan approval for Huron Creek residential development previously granted by the Springfield Township Board of Trustees per subsection 18.07.4.b(6) of Springfield Township Zoning Ordinance 26. The property is located north of Shaffer Rd., south of Haylock, east of Rusty Lane and west of Hillsboro. P.I. #s 07-28-378-001 through 07-28-378-022.

NEW BUSINESS:

1. Cathy Ricksgers, 8480 Englewood Dr., Clarkston, MI 48346, to allow a thirty-eight (38) foot front setback rather than the required fifty (50) feet, per Section 25 of Zoning Ordinance 26, to construct an in-ground pool. P.I. 07-24-479-021.

NOTICE IS FURTHER GIVEN, that the map and variance request may be examined at the Springfield Township Clerk's Office, 12000 Davisburg Rd., Davisburg, MI 48350 during regular office hours Monday through Friday. Written comments may be submitted to the Clerk's Office until the date of the meeting. Anyone needing a special accommodation at the meeting should contact the Township Clerk at least two (2) business days in advance. 248-846-6510.

NANCY STROLE, Clerk
Charter Township of Springfield

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of March 15, 2007**

Call to Order: Chairperson Wendt called the March 15, 2007 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
Dean Baker
Bill Whitley

Board Members Absent

Jim Carlton

Staff Present

Leon Genre

Approval of Minutes: February 15, 2007

- **Board Member Whitley moved to approve the minutes of February 15, 2007 as presented. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker and Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.**

Approval of Agenda:

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

Old Business:

1. Request by Big Lake Preserve, LLC, 121 W. Long Lake, #310, Bloomfield Hills, MI 48304, to allow an additional two-year extension (to March 6, 2009) beyond the one-year extension of final site plan approval for Huron Creek residential development previously granted by the Springfield Township Board of Trustees per subsection 18.07.4.b(6) of Springfield Township Zoning Ordinance 26. The property is located north of Shaffer Rd., south of Haylock, east of Rusty Lane and west of Hillsboro. P.I. # 07-28-378-001 through 07-28-378-022.

Mr. Scott Kaufman is present in regard to this request.

Chairperson Wendt asked the applicant why he needs an additional two-year extension beyond what has been previously granted? Mr. Kaufman explained that they purchased the property from the Weine family. One brother passed away which resulted in them not being able to proceed. By the time they went through their due diligence and then hired consultants the previous extension expired. They would like to extend it because they do not see the market turning any time soon. Economically, it is a wash whether they start now or not. His understanding is that Huron Creek is the only approved condominium development in this township that has not commenced construction so he doesn't think it would affect other developments. Chairperson Wendt asked the applicant if he knew that the clock was ticking when he got into this? Mr. Kaufman said, yes. Mr. Kaufman said they signed the land contract a little less than a year ago, as asked by Chairperson Wendt. Chairperson Wendt said the conditions involving home sales were in place beyond that. Chairperson Wendt asked the applicant if they will be able to start within the next two years? Mr. Kaufman said yes, he could commit to not asking for another extension.

Board Member Walls asked the applicant to provide some information on the Big Lake Preserve and it's experience. Mr. Kaufman explained that they have done numerous projects like this and some much larger in all areas of Michigan.

Board Member Walls asked the applicant if it would be possible to do this development in phases? Mr. Kaufman said it is a small development and they would want to do it all at once.

- **Board Member Walls moved that the two year extension be granted, that the granting of the variance to allow an additional two year extension would be in harmony with the intent and purpose of the zoning ordinance and the Master Plan, and that conditions are unique to this property and because literal interpretation of the ordinance would demand them to proceed with construction that could be a long term detriment to the environment of the area. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls and Whitley; No: Baker; Absent: Carlton. The motion carried by a 3 to 1 vote.**

New Business:

1. Cathy Ricksgers, 8480 Englewood Dr., Clarkston, MI 48346, to allow a thirty eight foot front setback rather than the required fifty feet, per section 25 of Zoning Ordinance 26, to construct an inground pool. P.I. #07-24-479-021.

Ms. Ricksgers is present in regard to this request.

Chairperson Wendt noted that the township is in receipt of a letter from Mr. Mark Richards, 8510 Englewood, stating that he is opposed to the requested variance. **[A copy of the letter is on file at the Office of the Clerk, Springfield Township].**

Chairperson Wendt asked the applicant if, when she originally bought the property, did she know there were deed restrictions and Township zoning ordinances that were applicable to the

property? Ms. Ricksgers said, yes. Chairperson Wendt said, yet the applicant did it anyway. She never got a building permit and she never applied to the ZBA and asked why. Ms. Ricksgers said she did not know she needed all that. She explained that she first put up an above ground pool in 2004 and no one ever complained until the spring of 2006. Paul Aska, the Ordinance Officer, then came out. She asked him then if she could sink it into the ground two or three feet, add a fence and a deck around the pool. Mr. Aska said he would have to check with the Building Department. The next day he called her and told her he needed a permit for the deck.

Board Member Walls asked the applicant if she contacted Mr. Aska and asked him to be present tonight? Ms. Ricksgers said, no. Board Member Walls asked the applicant where she measured from for a 38 foot setback determination when she put the drawing for the ZBA together? Mrs. Ricksgers said Leon Genre helped her with the measurements. Board Member Walls asked what she used for the roadside property? Ms. Ricksgers said she measured from the edge of the curb. Mr. Kevin VanKirk (with the applicant) said they started twelve feet from the edge of the curb and measured to the edge of the pool which left thirty eight feet. Board Member Walls said the ZBA application indicated that the applicant considered other options; he asked what those were? Ms. Ricksgers said the septic field is on one side, the deck is on the back of her house and then a septic tank at the back and she only has 18.2 feet between the edges of the deck to the property line. Therefore there was no place else to put it. Board Member Walls asked if she could have moved it closer to the house? Ms. Ricksgers said, yes, she could have. If she would have known she needed a variance she would have put it there.

Chairperson Wendt asked if the pool is movable? Ms. Ricksgers said yes, but not without a lot of expense.

Mr. Michael Prunte, 8360 Englewood, commented that this is a disaster for the ZBA not to have done something about this sooner. It directly affects his property and decreases the value of his property. Chairperson Wendt said he does not believe this directly affects Mr. Prunte's property.

Ms. Robin Eastman, 8294 Ashwood Way, commented that this cannot be done on a corner lot and it should be stopped.

Mr. Mark Richards, 8510 Englewood, said this is a safety concern and for a long time the applicant did not have a fence. She would leave her ladder down all winter and there are setback issues.

- **Board Member Whitley moved to deny the request for a variance for the front yard setback for the following reasons: there is no hardship that is peculiar to the property; granting the variance would not be consistent with the intent of the Master Plan and Zoning Ordinance to allow a pool within the front yard setback; the existing conditions were caused by the property owner by proceeding on the work without obtaining a building permit; literal interpretation of the zoning ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district and because there are other options available for locating the pool that were not explored. Board Member Baker supported the motion.**

Vote on the motion. Yes: Wendt, Walls, Baker and Whitley; No: none; Absent: Carlton. The motion carried by a 4 to 0 vote.

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:55 p.m.

Susan Weaver, Recording Secretary