

**NOTICE
REQUEST FOR VARIANCES
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 Wednesday, June 20, 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: none

NEW BUSINESS:

1. Donald and Katherine Hammond, 10038 King Rd., Davisburg, MI 48350, to allow construction of a thirty-six inch deep (36") roof overhang over an existing thirty-six inch deep (36") concrete porch, resulting in a five-foot (5') side yard setback rather than the minimum fifteen feet (15') required per Section 25 or the minimum thirteen feet (13') required per Section 16.11 of Zoning Ordinance 26.

The property that is the subject of the variance request is zoned R-3 (one-family residential, one-half acre minimum). P.I. #07-10-427-028.

2. Malvich Construction, Inc., 10060 Lakeside Dr., White Lake, MI 48386, to allow construction of a proposed building (H&S Propeller Shop): with a fifteen-foot (15') rear yard setback rather than the minimum fifty feet required; or, alternatively, with a fifteen-foot (15') front yard setback rather than the minimum fifty feet required, per Section 25 of Zoning Ordinance 26.

The property that is the subject of the variance request is zoned M-1 (Light Industrial) and fronts on Old White Lake Rd. P.I. #07-36-451-030.

NOTICE IS FURTHER GIVEN, that the maps and variance requests 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 Clerk's Office 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 June 20, 2007**

Call to Order: Chairperson Wendt called the June 20, 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

Board Members Absent

Jim Carlton
Bill Whitley

Staff Present

Approval of Minutes: NONE

Board Members did not receive minutes of the prior meeting.

Approval of Agenda:

- ★ Board Member Baker moved to accept the agenda as presented. Board Member Walls supported the motion. Vote on the motion. Yes: Wendt, Walls and Baker; No: none; Absent: Carlton and Whitley. The motion carried by a 3 to 0 vote.
- ★ Board Member Walls moved to review the minutes from the last Zoning Board of Appeals meeting at the next regularly scheduled Zoning Board of Appeals meeting. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls and Baker; No: none; Absent: Carlton and Whitley. The motion carried by a 3 to 0 vote.

Old Business: NONE

New Business:

1. Donald and Katherine Hammond, 10038 King Rd., Davisburg, MI. Parcel I.D. # 07-10-427-028.

The applicant is requesting to allow construction of a thirty-six inch deep (36") roof overhang over an existing thirty-six inch (36") concrete porch, resulting in a five foot side yard setback

rather than the minimum fifteen feet required per Section 25 or the minimum thirteen feet required per Section 16.11 of Zoning Ordinance 26.

Mr. and Mrs. Hammond are present in regard to this request. Mr. Hammond presented one copy of a revised plan.

Mr. Hammond said they are doing extensive renovations to the house. The existing overhang is 26 inches wide and they want to replace it with an overhang that is as wide as the porch. They will also be putting posts and a railing along the porch. Board Member Walls asked the applicant what is the difference between the plan presented tonight with a date of 5-8-07 and the plan that was presented to the Board of Appeals dated 3-15-07? Mr. Hammond said the drawing dated 3-15-07 is the site plan and preliminary drawings. The plans he provided this evening are the actual construction drawings.

Board Member Walls asked the applicant how he proposes to maintain the septic system if the variance is approved? Mr. Hammond said he didn't think there would be an effect on the septic system. He has an access between Mr. Barnes on his west. The fencing can come down easily on the east. Board Member Walls said if the variance is approved, according to the drawing, the applicant would have 4 ½ foot on one side of the house to get to the back to the septic and 5 feet on the other side. He asked how equipment would get back there. Mr. Hammond said there is 4 ½ feet between Mr. Barnes house and the property line, not between the house and the house. Chairperson Wendt asked if Mr. Barnes has provided any type of right-of-way easement to trespass on his property to access the sanitary system. Mr. Hammond said, yes but not in writing.

Board Member Walls asked if there is a reason why the applicant was not changing the entry to utilize the new grade door (indicated on the plans). Mr. Hammond said they are not renovating the main floor of the house. That door enters the garage.

Board Member Walls said there appear to be obvious alternatives which the ZBA does not have any information that the applicant has explored. Board Member Walls said the structure proposed exceeds the height limit of the ordinance and the maximum number of stories. He asked if there is a reason Mr. Hammond did not include that in his variance request. Mr. Hammond said they were working with the architect who was working with the Building Inspector. She believed that this did not exceed the height requirement. The Building Inspector told him that it is really close.

- ★ **Board Member Baker moved to approve the request for variance on a five foot setback rather than the minimum fifteen required based on the fact that a literal interpretation of ordinance provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; it does not create any undo additional infringement upon neighboring properties and it does not in any way limit the ability for this owner or future owners to maintain the infrastructure and necessary amenities on their site. Board Member Walls supported the motion.**

- ★ **Board Member Walls asked to amend the motion to encourage the applicant to obtain a written and recorded ingress and egress easement from the neighbor for access to the septic. Board Member Baker supported the amendment. Vote on the amended motion. Yes: Wendt, Walls and Baker; No: none; Absent: Carlton and Whitley. The motion carried by a 3 to 0 vote.**

2. Malvich Construction, Inc., 10060 Lakeside Dr., White Lake, MI. Property located on Old White Lake Rd., Parcel I.D. # 07-36-451-030.

The applicant is requesting to allow construction of a proposed building (H&S Propeller Shop): with a fifteen foot rear yard setback rather than the minimum fifty feet required; or, alternatively, with a fifteen foot front yard setback rather than the minimum fifty feet required, per Section 25 of Zoning Ordinance 26.

Mr. Mark Malvich is present in regard to this request.

Chairperson Wendt commented that there appears to be alternatives that can be used that would allow the building or land to be used in compliance with the ordinance. The request is driven by the applicant not by anything peculiar to the property.

Mr. Malvich said he would like to have the setback in the rear if possible, due to the elevation in front at the road and the existing grade. He has to cut the existing grade down from where it's at now almost 18 inches to get to the original site plan that was approved by the Township years ago. Chairperson Wendt asked if a building could be put on this property that will house H&S Propeller Shop and not require a variance. Mr. Malvich said, no. He explained that the Road Commission would not allow more than a 5% driveway coming up into it. Chairperson Wendt asked then excavation and some type of retaining wall is not something that would make the property usable and fit the township ordinance? Mr. Malvich said, no.

Board Member Walls asked what the applicant is asking for. He explained that the application states a front or in the alternative, a rear 15 foot setback; the plan shows that the front setback meets the ordinance and the applicant needs a 14 foot rear variance? Mr. Malvich said correct. When he applied for the variance, he did not have his information back from the Road Commission yet. When he did get the information back, he had to get the building further back to eliminate the problem with the rise going into the property. Board Member Walls clarified that he is asking the applicant if he is asking for a fifteen foot variance or a fifteen foot setback as they are considerably different. Mr. Malvich said he is asking for a variance in the rear.

Board Member Walls said the application asks about special existing conditions and Mr. Malvich indicated there are none. That makes it difficult to grant the request. Mr. Malvich said at the time the application was filled out there wasn't anything peculiar. He was waiting on the Road Commission. The entry way is his only issue and if the Road Commission would approve the entrance, he would not need a variance. He explained that he cannot make this building smaller due to the crane system that this company utilizes.

Ms. Leona Miller, 8251 Old White Lake Rd., commented that she has tons of dust now and does not want a new driveway there. There is no room for another driveway and more vehicles.

Mr. Terry Minton, 8205 Old White Lake Rd., commented that with a 15 foot variance in the front, that puts his loading dock right on the street. He does not know how any truck could get in the loading dock that way.

Ms. Shannon Johns, 8143 Old White Lake Rd., commented that she doesn't understand how the applicant would get a semi back to there. There is not enough room for a turning radius. She has enough traffic and noise as it is and does not need more.

Ms. Cassie Hemingson, 8075 Old White Lake Rd., submitted a petition with neighbor's signatures stating that they are in strong opposition of the 15 foot front yard setback. However, they would prefer that a 15 foot rear yard setback be granted if a variance is to be granted. **[A copy of the petition is on file at the Office of the Clerk, Springfield Township].**

Mr. Howard Sheridan, 8095 White Lake Rd., commented that his understanding is that part of the ordinance calls for berms and greenbelts be provided. With a 15 foot frontage there would be virtually no place for that berm to be provided. He would need to see something there to block the view. Chairperson Wendt explained that that would be handled in a site plan, not at the ZBA.

Ms. Judy Sharet, (no address provided) requested that this variance not be granted. This particular business does not work on this site.

Mr. Gerald Reckinger, (no address provided) said he is concerned with the noise and the lighting.

Board Member Baker commented that he feels this site has the potential to be developed. However, the building proposed is being proposed for a specific use and the use is driving the request for a variance. He does not see the building and its use as the driving course behind granting a variance. He believes there are other options that could be explored. Board Member Walls said he does not disagree.

- ★ Board Member Baker moved to deny the request for a variance based on the fact that the applicant has not met the requirements necessary to point out how the is in someway limited to development, the proposed use and its driving of a variance is artificially creating the request. This property can be developed and it needs a smaller building or the building needs a larger piece of property. Board Member Walls supported the motion. Vote on the motion. Yes: Wendt, Walls and Baker; No: none; Absent: Carlton and Whitley. The motion carried by a 3 to 0 vote.**

Adjournment:

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

Susan Weaver, Recording Secretary