

**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, July 18, 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.     Lombardo Companies, 6303 26 Mile, Suite 200, Washington, MI 48094:
  - a) to allow construction of residential structures within an RM - Multiple Family Residential District that have a side/side distance of seven (7) feet between certain buildings, as depicted on the applicant's submitted site plan, rather than a minimum side/side distance of forty (40) feet required per Section 7.05.2.c of Springfield Township Zoning Ordinance No. 26.
  - b) to allow construction of residential structures within an RM - Multiple Family Residential District that have a setback from internal drive/street of a minimum of twenty-five (25) feet for certain buildings, as depicted on the applicant's submitted site plan, rather than a minimum forty (40) feet required per Section 7.05.2.c of Springfield Township Zoning Ordinance No. 26.
  - c) to seek an interpretation from the ZBA regarding the standards and site plan review process of Section 18.07 of Springfield Township Zoning Ordinance No. 26 as it applies to the ability to approve amendments to or variances from a previously-approved site plan; and to consider variances from Section 18.07 processing provisions as might be indicated by the interpretation given.

The variance or variances are requested for eighteen (18) units within Kingston Pointe Condominiums, Condominium Plan No. 1541, as follows: P.I. #07-14-303-007 through #07-14-303-024, located at 9546, 9552, 9558, 9566, 9572, 9578, 9586, 9592, 9598, 9597, 9589, 9581, 9573, 9565, 9557, 9549, 9541 and 9533 Kingsway Circle.

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 July 18, 2007**

**Call to Order:** Chairperson Wendt called the July 18, 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  
Jim Carlton

**Board Members Absent**

**Staff Present**

Leon Genre

**Approval of Minutes:** April 19, 2007 & June 20, 2007

- ★ **Board Member Whitley moved to approve the minutes of April 19, 2007 as presented. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**
- ★ **Board Member Walls moved to approve the minutes of June 20, 2007 as presented. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**

**Approval of Agenda:**

- ★ **Board Member Walls moved to revise the agenda and deal with item C of the Lombardo request as the first order of business. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**

**New Business:**

1. Lombardo Companies, 6303 26 Mile, Suite 200, Washington, MI 48094.

The variance or variances are requested for 18 units within Kingston Pointe Condominiums, Condominium Plan No. 1541. Parcel I.D. #'s 07-14-303-007 through 07-14-303-024, located at 9546, 9552, 9558, 9566, 9572, 9578, 9586, 9592, 9598, 9597, 9589, 9581, 9573, 9565, 9557, 9549, 9541 and 9533 Kingsway Circle.

The applicant is requesting: a) to allow construction of residential structures within an RM – Multiple Family Residential District that have a side/side distance of 7 feet between certain buildings, as depicted on the applicant's submitted site plan, rather than a minimum side/side distance of 40 feet required per Section 7.05.2.c of Springfield Township Zoning Ordinance No. 26; b) to allow construction of residential structures within an RM – Multiple Family Residential District that have a setback from internal drive/street of a minimum of 25 feet for certain buildings, as depicted on the applicant's submitted site plan, rather than a minimum 40 feet required per Section 7.05.2.c of Springfield Township Zoning Ordinance No. 26; c) to seek an interpretation from the ZBA regarding the standards and site plan review process of Section 18.07 of Springfield Township Zoning Ordinance No. 26 as it applies to the ability to approve amendments to or variances from a previously approved site plan; and to consider variances from Section 18.07 processing provisions as might be indicated by the interpretation given.

Mr. Mark Roebuck of Lombardo Companies is present in regard to this request.

Chairperson Wendt noted that the ZBA has received a letter expressing opposition from Mr. Dave Dickens, 9861 Kings Valley. **[A copy of the letter is on file at the Office of the Clerk, Springfield Township].**

Mr. Roebuck commented that they are requesting this because their sales and marketing team has located some interest in the separation of the buildings. Chairperson Wendt asked if there is anything that creates any type of hardship from constructing as approved versus what is now proposed? Mr. Roebuck said he believed when this plan was approved the ordinance had a 25 foot setback and in the interim was changed to 40 foot. The hardship that would be created based on the 40 foot distance would be that they could lose density within the site. Chairperson Wendt asked if that is the only hardship? Mr. Roebuck said, as far as he sees it, yes.

Board Member Walls asked what the relationship is between the size of the existing units that were approved and what the applicant is proposing? Mr. Roebuck said he doesn't know the exact differences or the specific change in square footage but he believes the original envelopes are on the plan. He doesn't know what the previous plan showed. The square footage of the units he is proposing are 1945 sq. ft., 1946 sq. ft., and 2023 sq. ft. The square footages could be smaller depending on options purchased by the purchaser.

Board Member Walls said the applicant indicated that the sales team located an interest in separating the units. He asked if that is the only reason why they are not proposing to leave them attached? Mr. Roebuck said it is visual and they believe this is a better chance for them to sell the units if they are separated. Board Member Walls asked if the applicant has looked at the Township ordinances and definitions and standard differences between one-family and multiple family residential? Mr. Roebuck said he cannot answer that because he has not been involved. He assumes his company has.

Mr. James Riny, 9904 Kingston Ridge, asked what type of information do they have as a basis that led their sales and marketing department to believe this is a more saleable situation? Mr. Roebuck said he presumes there is information but he doesn't have it.

Chairperson Wendt explained that the ZBA can make simple modifications but this is not a simple modification. 75% of these units will be changed from what the Township approved. He can't see how that follows the ordinances that this Board has to operate under. Board Member Walls explained that there is a significant difference between the limitations and the regulations for action by the Board of Appeals and the planning process, this is not the planning process. From an interpretation standpoint, there is absolutely nothing in Section 18.07 dealing with site plans that has anything but one set of criteria and standards for process. If we want to vary from 18.07, the only guidance he could find is in the PUD which is a much more restrictive process and standards but does have provisions for minor changes. Board Member Walls said that section indicates that a committee can approve revisions that do not alter the basic design or conditions of the plan and or the size of residential structures do not change by more than up to 5%. Board Member Walls said he thinks we have a change in the basic design and if the smaller of the plan options are utilized, we will have a change of more than 5%. The detaching of units creates in his mind, one family dwellings instead of multiple family dwellings and are subject to the standards of the R-3 single family zoning district.

Mr. Roebuck said the only way for a company to survive is to have the ability to constantly change and adapt to market conditions.

Item C

- ★ **Board Member Whitley moved that the request for a variance from Section 18.07 be denied for the following reasons: there has been no practical difficulty other than financial stated as a hardship; given that the zoning ordinance has no provision to allow minor amendments with less than the information required in Section 18.07 and given that it is the opinion of this Board that this proposed change is not minor in scope. Board Member Walls supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**

Item A

- ★ **Board Member Carlton moved to deny the requested 7 foot side to side setback due to the fact that there are no special conditions or circumstances which are peculiar and literal interpretation does not deprive the applicant from using this property and conditions are a result of the actions of the applicant. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**

Item B

- ★ **Board Member Walls moved that the 25 foot setback from the internal drive/street variance is not necessary for the existing recorded plan because the recording of the condominium documents and the construction of the existing units within that meet the standards of the ordinance and the one year time frame does not apply. He further moved that no action be taken on the current plan in reference to this variance because previous actions of the Township Board of Appeals this evening have determined that the current plan before us cannot be built. Board Member**

**Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Whitley; No: none. The motion carried by a 5 to 0 vote.**

**Adjournment:**

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

---

Susan Weaver, Recording Secretary