

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
May 15, 2019

Call to Order: Chairperson Whitley called the May 15, 2019 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Jim Carlton
 Matt Underwood
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent: Dean Baker

PUBLIC COMMENT:
None

AGENDA:

Board member Carlton moved to proceed with the agenda as presented. Supported by Board member Vallad. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

APPROVAL OF MINUTES:

Board member Wendt moved to approve the minutes of the April 17, 2019 meeting as presented. Supported by Board member Underwood. Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Abstain: Carlton. Absent: None. Motion approved.

OLD BUSINESS:
None

NEW BUSINESS:

1. Request from Michael and Stacey Wilson, 9356 Cherrywood Drive, Clarkston, 48348 to construct a garage resulting in a side setback of five (5) feet rather than the eight point two five (8.25) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots. The property that is the subject of the request is located at 9356 Cherrywood in Springfield Township and is zoned R2 One Family Residential. P.I. #07-11-401-010.

Applicant is not present.

Board member Wendt moved to move Item #1, New Business to #3, New Business to give the applicant a chance to attend the meeting later. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

1. Request from Mark's Homes, Inc., 7492 Ormond Road, Davisburg, 48350 to construct a garage resulting in a front setback of thirty (30) feet from Crosby Lake Road and forty (40) feet from Andersonville Road rather than the thirty nine point three two (39.32) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots. The property that is the subject of the request is located at 8835 Andersonville Road in Springfield Township and is zoned R2 One Family Residential. P.I. #07-36-327-018.

Mr. Mark Yovich introduced himself to the Board members. He is staying within the 40 foot setback line along Andersonville Road. The variance request is for 30 feet front setback from Crosby Lake Road.

Chairperson Whitley confirmed that only one variance request is needed which is the 30 feet from Crosby Lake Road because there is no increase in nonconformance in reference to the setback from Andersonville Road.

Board member Wendt stated that it is a preexisting, nonconforming lot which is further encumbered by two front yards. What is proposed is a good resolution for the property.

Board member Carlton added that the size of the garage is not extraordinary. He doesn't see making the garage smaller as a viable option.

Board member Vallad asked if the property had any previous variances granted.

Ms. Mattice answered that no other variances were found for the property.

Board member Vallad stated that the proposed is an acceptable request.

Chairperson Whitley stated that it is a corner lot subject to two sets of setbacks and appears to be the best solution.

Board member Carlton moved to approve the request for Parcel #07-36-327-018 for the variance of a front setback of 30 feet from Crosby Lake Road because this is a preexisting nonconforming lot with two front setbacks and what is proposed is the least variance required to satisfy placement of the garage. Supported by Board member Wendt. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

2. Request from Kirk Obrien, 7187 Saratoga, Flint, 48532, to allow the creation of an access strip for a land division as per Springfield Township Code of Ordinances, Chapter 40, Section 40-642. The property that is the subject of the request is located at 9941 Rattalee Lake Road in Springfield Township and is zoned R-1, One Family Residential. P.I. #07-11-101-001

Mr. Kirk Obrien introduced himself to the Board. He stated that the owners of the lot want to take the lot, divide it into two approximate 5-acre parcels so that they can build themselves a home on the back lot and build another for the daughter and son-in-law on the front five.

Chairperson Whitley stated that the dimensions of the drawing show one parcel being 2.8 acres and another parcel of about 7 acres. He asked why both lots would be accessed by the access strip?

Mr. Obrien replied no. The zoning department told him that he could do this, and it is less expensive.

Board member Vallad asked the length of the access strip.

Board members and Mr. Obrien determined the length of the access strip is 440 feet.

Chairperson Whitley stated that the Board members wanted to determine if it exceeded the 660 feet that it can be. For an access strip, there is a requirement for a special condition. He asked what the special condition of this lot that leads to the need for a variance.

Mr. Obrien stated that the owner wants to split their 10-acre piece to build two houses.

Chairperson Whitley stated that the area is populated to a large degree with other 10-acre parcels, he does not see a special condition that warrants a variance.

Mr. Obrien stated that when he met with Supervisor Walls, he went through the request with him and they reviewed other properties in the area that had access strips.

Board member Wendt stated that in looking at the aerial, he doesn't see the proposed as being in conformity with the properties along Rattalee Lake Road.

Chairperson Whitley stated that the ordinance also requires them to look at other properties that may have access strips within 2000 feet on either side of the subject property. When they look in either direction, there are three parcels that have access strips and only one of them is similar in nature to this request. The others are significantly different. He concurred with Board member Wendt in looking at other lots along Rattalee Lake Road, this request is inconsistent, and he has not heard the special condition that exists with this property that prompts the need for a variance.

Mr. Obrien asked if it would make a difference if the front parcel had their own driveway.

Chairperson Whitley stated that it still doesn't provide a special condition. He stated that Section 40-642 (b) 4 states all the conditions that must exist says that the minimum parcel size will be five acres, and this is creating a parcel of about 2.8 acres.

Board member Wendt stated that in the application, under if alternatives have been explored, the applicant responded that he could use the entire 10-acre parcel for one house and based on the properties in the area, he doesn't see the hardship.

Board member Wendt moved to deny the applicant's request because he has not explored an alternative and his application and proposal is not in conformity with surrounding properties. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

3. Request from Michael and Stacey Wilson, 9356 Cherrywood Drive, Clarkston, 48348 to construct a garage resulting in a side setback of five (5) feet rather than the eight point two five (8.25) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots. The property that is the subject of the request is located at 9356 Cherrywood in Springfield Township and is zoned R2 One Family Residential. P.I. #07-11-401-010.

Mr. Michael Wilson introduced himself and Stacey Wilson to the Board. When he applied, he was told about the 8.25 feet for nonconforming lots and when he went ahead with this, he was told this does not apply to him because he doesn't have the special circumstances involved. His neighbor's garage is 5 feet off the property line and he would like to use as much of his property as he can for turning vehicles.

Chairperson Whitley stated that it sounds like the applicant wants five feet because his neighbor has five feet.

Mr. Wilson stated that once the buildings are placed on a narrow lot, you end up having only 15 feet to turn. He went with this because it is a minimum that he could go with.

Board member Underwood asked about how tight a turning radius it is from the front of the garage to the right lot line.

Mr. Wilson stated that it would be six feet because he would have a one-foot overhang, so he would have 36 feet to turn in and out of.

Board member Vallad stated that there is a minimum of 30 feet required.

Chairperson Whitley stated that if they were at 8 feet of setback, he would determine it to be 32 to 34 feet and the requirement is 30 feet.

Mr. Wilson stated that he was told of the 8.25 feet setback according to the nonconforming ordinance, but he was not given that because he was told he had plenty of room to work with.

Chairperson Whitley reiterated that the ordinance requires at least 30 feet for a side load garage. Even at the 8.25 feet setback, it would be right about 33 or 34 feet. There is a way

to do this and be in compliance for the side entry garage and not require a variance for the location.

Board member Vallad asked how he was denied the nonconforming setback.

Mr. Wilson stated that Collin Walls said he had enough room to work with so he does not get 8.25 feet.

Ms. Mattice directed the Board members to Section 40-932 (2) where the ordinance says the zoning official may grant a variance and allow the reduced setbacks if he/she finds all of the following and she directed their attention to the three following conditions.

Supervisor Walls was looking for the application to conform to these conditions and he didn't feel that it did. She presented a copy of a letter that was sent to the applicant from Collin Walls which outlined his denial for the nonconforming setback request. She confirmed that Supervisor Walls did not administratively grant the 8.25 feet side setback.

Chairperson Whitley read aloud the letter from Collin Walls to Mike Wilson dated March 25, 2019. He surmised that Supervisor Walls saw the ability to place a front load garage and still follow the ordinance.

Board member Vallad stated that an alternative would be to place a front-loading garage and turn it.

Mr. Wilson expressed a difficulty with backing up with this design.

Board members and Mr. and Mrs. Wilson discussed this front load garage that would be rotated.

Mr. and Mrs. Wilson offered that their septic field and trees were a deterrent to putting the garage in this orientation.

Chairperson Whitley stated that it is difficult to determine final measurements because the drawings that were submitted were not to scale and were missing key elements like parts of the septic field and trees that were in the way.

Board member Wendt moved to table the applicant's request until June 19, 2019 in order to allow he and his wife the ability to present the Board with an absolute dimensional drawing that will give them the information required in order to make a decision on the request. Supported by Board member Carlton. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

PUBLIC COMMENT:

None

ADJOURNMENT:

Board member Wendt moved to adjourn the meeting at 8:16 pm. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker: None. Motion approved.

Erin Mattice, Recording Secretary