

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
August 17, 2016

Call to Order: Chairperson Wendt called the August 17, 2016 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: Dean Baker
 Virginia Fischbach
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent:

AGENDA:

Board members agree to proceed with agenda as presented.

PUBLIC COMMENT: None

CONSENT: Minutes of the July 20, 2016 meeting

Board member Whitley indicated there is a typo on page 3, change "indicted" to "indicated". Also, the McGraw motion on page 2 should read, "60 feet from the high water mark on the south side and 90 feet from the high water mark on the east side" instead of "90 feet from the high water mark".

Board member Whitley moved to APPROVE the minutes of July 20, 2016 meeting as amended. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from Simon Neale, 5940 Claypool, Davisburg, 48350 to approve a variance to construct an addition resulting in a distance from a structure to high water mark of Big Lake of thirty (30) feet instead of the fifty (50) feet required per Springfield Township Code of Ordinance, Chapter 40, Section 40-639. The property that is the subject of the request is located at 5940 Claypool in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-28-280-005.

Chairperson Wendt stated that he lives on Big Lake and is on the Big Lake Board. He asked the Board members if they felt it was necessary, he would recuse himself from the first two cases.

Board members concluded that they did not feel that there is a conflict of interest and they have no concerns.

Mr. Neale introduced himself to the Board. He stated that his personal situation has changed somewhat since purchasing and he is now faced with moving his elderly parents into his home permanently. The addition is a living room and office and would allow his parents to have access to a first floor bathroom.

Chairperson Wendt stated that the property has history of being marshy. He asked the applicant if he has taken these land conditions into consideration.

Mr. Neale responded yes. He added that this is why he hired an engineers for the plans and drawings.

Board member Baker asked if the existing sunroom would be removed.

Mr. Neale answered yes.

Board member Fischbach asked what the side setback of this sunroom is now.

Board members concluded that the current setback is 39'2".

Board member Vallad and Board member Whitley asked about the water level of Big Lake.

Chairperson Wendt stated that the water level is established by court order and there is a dam that controls it. The dam has a transmitter on it to advise the Water Resource Commission about the water levels so that they can make adjustments if needed.

Board member Whitley moved to approve the request to build an addition at 5940 Claypool, Parcel ID # 07-28-280-005 with the setback from water's edge of 30 feet rather than the required 50 feet given the restrictions with the placement of the well and septic that preclude adding in the other directions and it is consistent with other residences in the neighborhood. Supported by Board member Baker. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

2. Request from Kevin Sullivan, 5821 Morning Drive, Davisburg, 48350 to approve a variance to construct a deck resulting in a distance from a structure to high water mark of Big Lake of ten (10) feet instead of the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section

40-639. The property that is the subject of the request is located at 5821 Morning Drive in Springfield Township and is zoned R-2 One Family Residential. P.I. #07-28-326-010.

Mr. Kevin Sullivan introduced himself to the Board.

Chairperson Wendt stated that the property in question is small and would be difficult to find another area on the property for recreational use.

Mr. Sullivan concurred.

Board member Fischbach questioned that the two lots are both not owned by Mr. Sullivan.

Mr. Sullivan that that he only owns the one lot.

Board member Baker stated that the existing house has a setback that is less than 50 feet.

Mr. Sullivan answered yes. The lot is irregularly shaped and nonconforming lot. This is what it was when he bought it.

Board member Vallad asked about the deck of the home next door.

Chairperson Wendt stated that all of the homes along this stretch have decks and he does not think one of them meets the current ordinance standards.

Board member Vallad asked about the depth of the proposed deck and how this aligns with neighboring properties and their decks.

Mr. Sullivan answered that when you look at the 2 decks to the south, one is to the water and the next one is over the water. He stated that no one could have a deck with the setback that exists.

Board member Vallad asked if his deck was going to line up with the deck next door, what would be the distance to the lake?

Mr. Sullivan stated that he didn't know he was required to provide the setbacks for his neighbor's deck.

Board member Vallad answered that he isn't. He asked about the petitioner's drawing showing a top deck.

Mr. Sullivan stated that there will be a step transition between the first deck and the next section of deck.

Board member Whitley asked if the applicant had thought about a deck that wasn't quite so big.

Mr. Sullivan stated that at one point, the lake edge is 14 feet so the lake is irregular and so is the lot, it is not a square. He is not that much past the neighbor's deck.

Board member Whitley asked about covering the septic field with decking.

Mr. Sullivan stated that as an alternative, he looked at covering the area with cement but was told by a septic inspector that he shouldn't do that, it was important to allow the field to breathe.

Board member Whitley stated that if the septic field ever needs to be serviced, it would require the removal of the deck.

Mr. Sullivan concurred.

Board member Whitley asked about the placement of posts.

Mr. Sullivan stated that the posts would be placed appropriately.

Chairperson Wendt clarified that there is a wide variation in deck location along this area of Big Lake. It is limited because of the depth of the lots and what was done historically.

Board member Whitley asked if there was a steel sea wall.

Mr. Sullivan answered that there is stone; there may be steel behind the stone.

Chairperson Wendt stated that the shore along this area was a combination of sea wall and stone.

Board member Vallad reiterated his request to keep the decks in uniformity but he understands the issues with the lot.

Board member Whitley stated that he is troubled by the size of the deck and if this is the minimum required.

Chairperson Wendt explained that the request falls in between of other properties in the area.

Mr. Sullivan stated that the proposed deck is the width of his house and is in the middle range of size because it is not to the water's edge and some in the area are.

Board member Vallad stated that the size would put the structure away from septic line 3 and that is a good thing.

Board member Whitley moved that the request to build a deck with a 10 foot setback from water's edge instead of the required 50 feet be approved given the small size of the lot, nowhere else on the lot to construct a deck and the fact that it is consistent with decks on neighboring properties. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

3. Request from Julie and Russ LeBourdais, 9885 Dixie Highway, Clarkston, 48348 to approve a variance to construct a replacement septic system sixty (60) feet from the edge of water of Dixie Lake instead of the one hundred (100) feet required per Springfield Township Code of Ordinance, Chapter 40, Section 40-639. The property that is the subject of the request is located at 9885 Dixie Highway in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-11-301-024.

Board member Fischbach explained that she lives on Dixie Lake and is part of the Lake Board and will recuse herself if Board members feel it is necessary.

Board members agreed that it is not necessary for Board member Fischbach to recuse herself.

Julie Turner, Powell Engineering, provided an overview of the Elgen system. She explained that this is the only space available and is replacing where the current field is located.

Board member Baker asked if the proposed system has the same footprint as the existing system.

Ms. Turner pointed out the existing field and the proposed field on the drawing.

Board member Baker pointed out that the distance of the existing septic field is the same as the proposed.

Ms. Turner concurred.

Board member Fischbach asked for an explanation of the Elgen system.

Ms. Turner provided a summary of the functioning of the Elgen system. She confirmed that a new tank is proposed and the existing tanks will be filled and abandoned properly.

Board member Whitley asked if this was a monitored system.

Ms. Turner stated that one of the benefits of this system is that there are no mechanical parts so there is no maintenance and upkeep required. There will be observation ports to monitor the functioning. It is a completely passive system. She confirmed that Oakland

County requires all pre-treatment to have deed restrictions and they will comply with this requirement.

Board member Whitley asked if the observation ports are to the field itself.

Ms. Turner replied yes. In addition, there are filters to be cleaned about twice a year. The Health Department does not have enforcement ability but if the system fails, it will back up into the home rather than in the field.

Board member Vallad asked if the current septic system that is failing is 60 feet from the water's edge and the proposed system is the same distance, why are they required to get a variance?

Chairperson Wendt offered because it is a new system.

Board members discussed the need for a new variance.

Supervisor Walls replied that this is a requirement of Health Department and is because Springfield Township has the requirement of 100 foot. The Health Department is doing the same for repairs as is done for new systems. Board members and applicant discuss the need for the variance.

Board member Whitley moved to approve the request to install a septic system with a 60 foot setback from the high water mark of Dixie Lake rather than the required 100 feet given that it is no closer to the water than the existing system, it is a high level of technology for treatment and it is a completely passive system. Supported by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Supervisor Walls suggested that the Planning Commission take a look at the engineered septic system and how those systems are represented in the ordinance. This suggestion was made several months ago and he suggested that the Planning Commission look at it again because there is a resurgence of engineered septic systems requested that appear to offer a reduction in the size requirements in the system and provides better treatment versus the traditional mechanical systems. If passive systems are to be preferred by the Zoning Board of Appeals, it would be much easier if this language was in the ordinance.

Board members discussed engineered systems versus mechanical systems and the need to explore this language further.

Ms. Turner stated that the Elgen system only offers a reduction in the size of the system in certain soil condition types. Often times, a Norweco system is preferable based on soil conditions.

Board member Baker concluded that as Planning Commission representative, he concurred and he will follow up with the Planning Commission.

Ms. LeBourdais stated that she would like the Board and Commission to take into account the high cost of these systems.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 8:13 pm. Supported by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary

