

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
September 16, 2020

Call to Order: Chairman Whitley called the September 16, 2020 Zoning Board of Appeals meeting to order at 7:30 pm VIA Video/Phone Conference.

In attendance: Bill Whitley
Denny Vallad
Jim Carlton

Absent: Dean Baker
Skip Wendt
Matt Underwood

PUBLIC COMMENT:
None

AGENDA:

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

APPROVAL OF MINUTES:

Board member Carlton moved to approve the minutes of the August 19, 2020 meeting as amended, changing page 2, 2nd paragraph, change to “depth to width ratio” and page 3, under Public Comment, change to “this evening”. Supported by Board member Vallad. Roll Call Vote: Vote yes: Carlton, Vallad. Vote no: None. Abstain: Whitley. Absent: Baker, Underwood. Motion denied.

Board member Carlton moved to table the approval of the minutes of the August 19, 2020 meeting as amended until the next meeting. Supported by Board member Vallad. Roll Call Vote: Vote yes: Carlton, Vallad, Whitley. Vote no: None. Absent: Baker, Underwood. Motion approved.

NEW BUSINESS:

1. *Request from Craig Reynolds, 12901 Shaffer Road, Davisburg 48350 to retain an existing fence in the front yard of eight (8) feet rather than the three (3) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-781 and a determination that the south side of the house is the front rather than the north (road) side.*

The property that is the subject of the request is located at 12901 Shaffer Road in Springfield Township and is zoned R1A One family residential. P.I. #07-32-101-006.

Mr. Reynolds introduced himself to the Board. He summarized his variance request. He stated that he has a fence in his front yard that is eight feet tall, but he is willing to reduce the fence to six feet if required by the Board. He stated that the small side of the fence is 16 feet long and the longer side is 56 feet long. The fence was put up for safety and privacy. There is a patio that is shielded by the fence. He explained that the door does not face the road, it is on the opposite side. There is also a pond on the south side of the house. He talked to his nearest neighbors and they are both fine with the fence.

Chairperson Whitley asked about the portion of the request declaring the roadside as the backyard.

Mr. Reynolds stated that the ordinance says if you have a fence in the backyard shielding a patio, it can be 8 feet tall, but it does say it has to be adjacent to your house. He is willing to go to six feet.

Chairperson Whitley asked what are the hardships that are encountered by the roadside being determined to be the front of the house as opposed to the rear of the house.

Mr. Reynolds replied safety. They are less than 75 feet from the road so the backyard area cannot be used well because you have to worry about cars driving fast along the road and are a danger to children. The fence helps to block the road from the dog.

Chairperson Whitley asked how is the petitioner's situation any different than any other home or piece of property along Shafer Road where the other houses would have the front of the house determined to be on the roadside.

Mr. Reynolds stated that most houses are further back, and they also have their front door opening to the roadside. His house is closer than most houses along the road and the front door opens towards the other side of the house. There is also a house at the end of Shaffer Road that has a 5-foot chain link fence in the front yard, so it is similar to his.

Board member Vallad stated that the pond in the back is good sized. The lake side of a home is generally considered the front yard. He asked Supervisor Walls if the barn/garage that is on the property received a variance to be too close to the water.

Supervisor Walls stated that due to the length of time that the barn has been there, there might not have been a pond there when it was built.

Board member Vallad stated that the petitioner indicated he would be okay with a six-foot fence that that would be his preference. It would be more aesthetically pleasing and would be more appropriate. He indicated that when you pull out of the drive, it doesn't matter where the fence is, you cannot see down the road unless you are right at the edge of the gravel. He doesn't see an issue with the request, and he would agree with the water side being called the front yard.

Board member Carlton stated that the fence is not a vision blocker and the fence at 8 feet is pretty high. He had not thought about it being a lake front lot. He stated that it is peculiar that the only door faces the pond and away from the street.

Chairman Whitley asked how it came to be that the door got put on the side of the house that is away from the road.

Mr. Reynolds replied that he bought the house three years ago and at that time, the only two doors were on the south side of the house. He doesn't know why.

Chairman Whitley concluded that this was an architectural decision to put the doors there and not a decision of the applicant. He has trouble describing this lot as lakefront property. Even where they have lakefront property and people may think of the front of their house facing the lake, the zoning requirements for setback describe the roadside as the front. The setbacks from the road are considered a front setback. To describe the back of the house on the roadside is counter to what is done on lakefront property when the zoning ordinance is applied. The ordinance is very clear in saying that the front lot line is determined by the line that separates the roadway from the lot and he doesn't see how you can just declare that the front is the back. He pointed out that in the applicant's own words, he talked about the side near the road as his front yard. He doesn't see how you can define this area between the front and the road as the back yard. He doesn't see a sight distance with the location of the fence so the height or the location of the fence present an issue with sight distance. He thinks that the visual observation of that 8-foot fence is startling and very inconsistent with the neighborhood and any other place in the Township.

Mr. Reynolds pointed out that it was a unique situation where they are close to the road and it is dangerous. He doesn't consider this area as my front yard because they are never there and they always come out of the house at the south side. This is what the Township considers the front based on the road.

Board member Carlton stated that he is trying to find the lakefront lot reference to the front yard in the ordinance and could not find it. Everything goes back to the roadside being the front yard.

Chairman Whitley stated that front yard setbacks on lake lots are determined from the road and there are different setback requirements from the water.

Board member Carlton moved to deny the variance request at 12901 Shaffer Road, Davisburg to have an eight-foot front yard fence rather than the three foot and also to consider the front yard lot line to be away from the road, not on the road. It is clearly stated in Section 40-781 that fencing and other structure shall be three feet in height in the front yard and the front lot line is defined as what separates the lot from the street. Supported by Chairperson Whitley. Roll Call Vote: Vote yes: Carlton, Whitley. Vote no: Vallad. Absent: Baker, Underwood. Motion fails.

Board member Carlton moved to table the request until the next Zoning Board of Appeals meeting. Supported by Board member Vallad. Roll Call Vote: Vote yes: Carlton, Vallad, Whitley. Vote no: None. Absent: Baker, Underwood. Motion approved.

2. *Request from Robert Eddy, 11681 Old Oaks, Davisburg, 48350 for a variance to construct an accessory building with a side setback of fifteen (15) feet instead of the twenty-five (25) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 11681 Old Oaks in Springfield Township and is zoned R-1A One Family Residential. P.I. #07-28-102-012.

Mr. Robert Eddy introduced himself to the Board. He summarized his variance request to build an accessory building in the back corner of the lot with a 15-foot side setback.

Chairperson Whitley commented that the applicant is looking to avoid the septic area and asked about the topography of the lot.

Mr. Eddy stated that he needs the 15-foot side setback to avoid the septic and to observe the 10-foot recommended. In the front, there is a large elevation change from the road up to the house so if he was going to do an addition to the existing garage, there would be a 2 foot drop from the front right corner of the new garage down to the existing drive. He has a lot of elevation change and accommodations to make. It would change the slope of the driveway and it would not be usable.

Chairperson Whitley asked Mr. Eddy how he plans to access the new structure.

Mr. Eddy replied that he would use the existing driveway and go off of the parking pad next to the garage. He added that he has the approval signatures from all of the residents in the neighborhood. He stated that the house across the street was approved for a similar variance for similar reasons.

Chairperson Whitley confirmed that it is a site condo development. He asked if the approval got into the association meeting minutes.

Mr. Eddy replied yes; it was the association meeting in the neighborhood driveway.

Board member Carlton asked if he could turn the garage ninety degrees.

Mr. Eddy replied that the entrance will be on the eighteen-foot side.

Board member Carlton asked if the applicant could move it ninety degrees and move it to the left to increase the 15 feet.

Mr. Eddy replied that there are play structures there and the existing pine trees would also get in the way. He believes that the pine trees are intentional screening when they did the development.

Board member Carlton asked about the required grading.

Mr. Eddy replied that following the driveway will cause him to do a little bit of grading.

Chairperson Whitley asked about locating a boat and trailer in the new structure if it was rotated.

Mr. Eddy concurred. He considered a lot of different locations and he explained why those will not work. He stated that he does want to put the boat and trailer inside but that is not the reason for the location.

Board member Vallad asked where the structure was going to go.

Mr. Eddy pointed out a small shed in the back that will be removed and about 50% of that shed area will be taken up by the new garage. The structure will be located ten to fifteen feet from the wood line.

Board member Vallad asked about the height of the garage.

Mr. Eddy answered 18 feet. The ordinance is 25 feet high is allowable.

Board member Vallad asked if the neighbor was aware it was going to be 18 feet.

Mr. Eddy replied yes.

Board member Carlton suggested making the structure smaller.

Mr. Eddy replied that he would like to make the structure match his house and it is better for the neighborhood to do it this way instead of a pole barn structure.

Chairperson Whitley commented that the architecture will match the house, and this is not a temporary building.

Mr. Eddy pointed out that he provided building materials in his application.

Todd Hamilton, Mr. Eddy's neighbor, stated that he is aware of the plans and he consulted with Mr. Eddy regards different options for the location of the new building. Everybody at the association meeting was okay with the location.

Board member Carlton stated that maybe the lot is just not made for this structure.

Chairperson Whitley replied that if it is within the square footage for the lot size, this goes a significant way in the question of is the lot made for this or not.

Mr. Eddy replied that it is within the square footage allowed.

Board member Vallad asked Mr. Hamilton what the side setback is for his property line.

Mr. Hamilton replied that he does not know.

Chairperson Whitley guessed it to be 18 feet off of the property line.

Board member Vallad suggested that the side setbacks would still allow access to the back yard. He understands the location and he thinks it is the best spot for it.

Supervisor Walls stated that the cluster development ordinance allows reduced lot sizes, the zoning remains so under the zoning, it is still 25 feet side setback.

Board member Carlton moved to approve the request at 11681 Old Oaks, Davisburg, 48350 to have a 15 foot rather than a 25 foot required side setback in R-1A zoning with reasons being: the property is only .74 acres which is below the 2.5 acres minimum lot size in R-1A and due to the existing septic field location and topography, this is the best alternative and it is in keeping with the aesthetics in the neighborhood and surrounding area. It would not be detrimental to the neighborhood. Supported by Board member Vallad. Roll Call Vote: Vote yes: Carlton, Vallad, Whitley. Vote no: None. Absent: Baker, Underwood. Motion approved.

PUBLIC COMMENT:

None

ADJOURNMENT:

Board member Carlton moved to adjourn the meeting at 8:29 pm. Supported by Board member Vallad. Roll Call Vote: Vote yes: Carlton, Vallad, Whitley. Vote no: None. Absent: Baker, Underwood. Motion approved.

Erin Mattice, Recording Secretary