

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of November 20, 2007**

Call to Order: Chairperson Wendt called the November 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
Bill Whitley
Jim Carlton

Board Members Absent

Staff Present

Approval of Agenda:

- ★ Board Member Whitley moved to approve the agenda as presented. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Whitley; No: none. The motion carried by a 5 to 0 vote.

Board Member Walls noted that the 2008 Schedule should be added as item #4. There were no objections.

Approval of Minutes: October 18, 2007

- ★ Board Member Walls moved to approve the minutes of October 18, 2007. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Whitley; No: none. The motion carried by a 5 to 0 vote.

Old Business: None

New Business:

1. Russell Clifton, 11925 Clark Rd., Davisburg. Parcel I.D. # 07-21-101-018

The applicant is requesting a 15 foot side setback rather than the minimum 25 feet required per Section 25 of Springfield Township Zoning Ordinance No. 26. The property is located at 11925 Clark Rd., and is approximately 1.21 acres in size and is zoned R-1A one family residential.

Mr. Clifton is present in regard to this request.

Chairperson Wendt asked if there was any additional information Mr. Clifton wished to present. Mr. Clifton said he located the proposed barn based on drainage and grade. Water drains from the rear of his property and he attempted to make sure it would not run on to the neighbors property after the barn is built.

Board Member Walls asked if the proposed barn is in the neighborhood of where the fire pit is. Mr. Clifton said, yes. Board Member Walls asked how he would access the barn. Mr. Clifton said he would have to bulldoze a road in. He said it is not something they would be in and out of all the time, it is just for storage. Board Member Walls asked if the utility pole in the area of the barn is on the property line. Mr. Clifton said it is 1 to 2 feet inside the property line. Board Member Walls asked what the distance is from the property line to the base of the hill. Mr. Clifton said it is less than 10 feet from the proposed barn to the base of the hill.

Board Member Walls noted that he pulled a copy of the construction plans for Jersey Ct. which shows the adjacent lot and you can see the drainage flow. It appears that water coming off the back of the property can flow both sides of the proposed barn.

- ★ **Board Member Baker moved to approve the requested variance for 11925 Clark Rd. for a 15 foot side setback as opposed to the 25 foot ordinance requirement due to the special conditions that exist with this property, particularly the width of the property is less than is typically found with this zoning, there are certain drainage issues that exist on this property that preclude the buildings placement in other areas, the square footage proposed does not exceed the accessory square footage that is permitted in this district and literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Whitley; No: none. The motion carried by a 5 to 0 vote.**

2. Chris J. Vaillancourt, 11330 Andersonville Rd., Parcel I.D. #07-21-201-031

The applicant is requesting 2 access strip parcels, one of which would be less than 5 acres in size as required per Section 16.20 of Springfield Township Zoning Ordinance No. 26.

The property is located at 11330 Andersonville Rd, is approximately 11 acres in size and is zoned R-1A one family residential.

Mr. Vaillancourt is present in regard to this request.

Board Member Walls said he discovered that we typically get a location map but we did not so he put one together himself. The Vaillancourt parcel is highlighted in yellow, the pink are the access strip parcels that meet the 2000 foot limit, the access strip on the extreme east is 4.34 acres and the other is really a pre-existing, non-conforming shared driveway that meets the 2000 foot limit.

Chairperson Wendt noted that a letter has been received from Mr. Claude Trim, 11390 Andersonville Rd. expressing his agreement to the requested variance. [A copy of the letter from Mr. Trim is on file at the Office of the Clerk, Springfield Township].

Board Member Carlton asked the applicant if he tried to get both parcels at the minimum of 5 acres. Mr. Vaillancourt said, yes. Because of the irregular shape, the slope of land and the location of the utility poles and pond, he would have to move the driveway or consider putting in a road. This would have created the need for further variances.

Board Member Whitley asked, what other variances would be necessary. Board Member Walls explained that in an early drawing he saw at least one of the two five acre parcels would have needed a width to depth variance.

Chairperson Wendt said he could not see anything cleaner than what is being proposed here when he walked the property.

Board Member Walls said it is clear that there are more than two access strips within 2000 feet. That combined with the wetlands and the irregular shape of the property meet the requirement in Section 16.20 for the access strip. He further explained that there is sufficient practical difficulty to warrant the request for less than five acres. The existing parcel has non-conforming width to depth, this split would eliminate or improve non-conformity

- * Board Member Walls moved approval both of the use of the access strips in accordance with Section 16.20 and a variance to allow one of those parcels served by an access strip to be less than five acres, approval would reduce and possibly eliminate an existing non-conformity, be consistent with both road frontage and size of parcels in the general neighborhood and preserve a right that might otherwise not be possible because of the wetland and configuration of the lot as it exists. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Whitley; No: none. The motion carried by a 5 to 0 vote.**

3. Antony and Amy Daros, 5921 Hillsboro Rd., Parcel I.D. # 07-28-280-002

The applicant is requesting determination whether two non-contiguous parcels that are physically separated by a public road can be combined and considered to be one parcel.

The properties that are the subject of the request are located at 5921 Hillsboro Rd., PI #07-28-280-002 (located on the northwest corner of Claypool and Hillsboro roads), and a portion of P.I. #07-28-426-002 (located on the southwest corner of Claypool and Hillsboro roads).

Mr. Daros is present in regard to this request.

Chairperson Wendt explained that there are several properties throughout the township that have a road that separates the house from another piece of property that is in common use with the house. The question is, do we have two parcel I.D. numbers with one tax statement. He asked if the township attorney made a determination as far as parcel I.D.'s being separate with one tax identification number.

Board Member Walls said, yes. He explained that he is not sure who owns the Claypool road right-of-way but if this were a road that was more typical in the area, ownership would go to the center line of the road. Claypool must, at some point, have been a platted road and that is why we end up with 16 feet that is road right-of-way but is not part of Mr. Daros' property, as compared to Hillsboro where his ownership goes to the center of Hillsboro. If ownership went to the center of Claypool we would not be here for this request. Board Member Walls further explained that in the zoning ordinance we have definitions for a lot of record, we also have a description for a zoning lot which, is defined as "a tract or parcel of land which is designated by its owner or developer as a tract to be used, developed or built as a unit under single ownership or control, a zoning lot may or may not coincide with a lot of record. A zoning lot may include a parcel of land described by meets and bound description, a lot or outlot in a subdivision, a unit in a condominium development or any other similar method to describe an individual parcel of real property." Board Member Walls said it is Greg Need's opinion that if the Board of Appeals determines it acceptable this can be classified as a zoning lot, even though it may be two lots of record. We can approve it with a strong recommendation that a document be recorded that ties these two parcels together in perpetuity, that would allow in the future an accessory building to be put on the piece he wants to acquire because his home would be the primary structure. It would be used as if Claypool was not there. The recording of the document insures that the owner cannot sell it as a separate building site and create two zoning lots.

Chairperson Wendt said he does not see any other alternative.

- ★ Board Member Walls moved that the Board of Appeals approve the request to consider what will be two lots of record as a single zoning lot that will be non-contiguous because they are separated by Claypool Road with the condition that the Township attorney draft necessary documents to place on public record that these two lots of record will be considered as one for purposes of zoning and use, that they cannot be further divided without approval of the township Board of Appeals or similar body and that the required surveys and legal descriptions of the parcel located in the southwest corner of Claypool and Hillsboro be submitted in accordance with the township's land division ordinance. Board Member Whitley supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Whitley; No: none. The motion carried by a 5 to 0 vote.

4. 2008 Schedule

The Board members agreed to hold the Zoning Board of Appeals meetings on the 3rd Thursday of each month with the exception of May, June, July and August, when it would be held on the 3rd Wednesday.

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:40 p.m.

Susan Weaver. Recording Secretary

