

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of April 22, 2009**

Call to Order: Chairperson Wendt called the April 22, 2009 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
Jim Carlton
Dennis Vallad
Bill Whitley

Board Members Absent

Dean Baker

Staff Present

Mike Trout

Public Comment: None

Approval of Agenda:

- **Board Member Whitley moved to approve the agenda as published. Board Member Vallad supported the motion. Vote on the motion: Yes: Carlton, Vallad, Wendt, Whitley; No: none; Absent: Baker; The motion carried by a 4 to 0 vote.**

Approval of Minutes: February 18, 2009

- **Board Member Whitley moved to approve the February 18, 2009 minutes as presented. Board Member Vallad supported the motion. Vote on the motion: Yes: Carlton, Vallad, Wendt, Whitley; No: none; Absent: Baker; The motion carried by a 4 to 0 vote.**

Old Business:

1. Request by Pauline S. Tedder, 401 Englewood Dr., Roscommon, MI 48653 for a variance, as required by Section 16.20.2 of Zoning Ordinance 26, to create a 7.68 acre parcel comprised of an access strip sixty (60) feet wide and three hundred seventy (370) feet deep.

The property that is subject of the variance request is located on the south side of Davisburg Rd., west of Dixie Highway and east of Pine Lake Rd. P.I. #07-15-200-013.

Grant Ward (Grant Ward Surveyors, 655 Broadway, Davisburg, MI) was present in regard to this request.

Chairperson Wendt stated a letter was received from Grant Ward Surveyors regarding a triangular piece of property that abuts the parcels the Board will address tonight. In reviewing the documents related to this request, he does not know if this item can be addressed because the action taken would not meet the description of what was published. If the triangular piece of property is added to the access strip, the total length would be longer than the three hundred seventy (370) feet that was published.

Supervisor Trout clarified whether or not the property in question is in Mrs. Tedder's control. Grant Ward responded no, but the property owner has agreed to give Mrs. Tedder a quit claim deed for the land.

Chairperson Wendt stated if the triangular piece of property is added to parcel A, the access strip will be sixty to seventy feet longer. He asked if parcel A is virtually landlocked except for a tangent point at the northeast corner.

Grant Ward responded without the triangular piece, all of parcel A would be landlocked.

Board Member Whitley asked if parcel B would be landlocked unless part of the triangular piece was added.

Mr. Ward responded that parcel B has some frontage. Initially what was thought is that the right-of-way for Davisburg Road ran through the property. He asked the Road Commission to confirm this, and they said their right-of-way runs along the roadway.

Board Member Whitley clarified the right-of-way overlaps parcel B so there will be access, but misses parcel A. Mr. Ward confirmed that is correct.

Board Member Whitley stated the property being deeded over to parcel A is really a trapezoidal piece, not triangular. Mr. Ward responded that is correct; part of that piece of property will go to both parcels.

Board Member Whitley asked if the north lines of parcel A will be projected out to the road right of way, and whether the remnant slightly to the east of parcel A and directly north of parcel B will be attached to parcel B.

Mr. Ward responded yes, but the lines would be projected to the centerline of Davisburg Road, not the right-of-way line. The subdivision to the north was platted to the center line of the road.

Board Member Whitley asked what past practice has been when the publication did not meet the exact intent of what is proposed.

Trustee Vallad stated the Board can grant variances for something less than what was published.

Mr. Ward stated the variance is for the access strip, whether or not the Ordinance requirements are met. It is not for the depth or length of the access strip, rather the location. He asked if approval could be granted contingent upon revising the description, and acquiring the triangular piece of land.

Board Member Whitley stated he thinks it would be better to table this item and republish. He does not want any action taken tonight setting precedence, or being challenged, because it does not meet what was published.

Mr. Ward asked if it would be advisable to table this and republish with the corrected dimensions of the access strip length.

Board Member Vallad asked if there is any pending activity on the property that has to be done in the next thirty days. Mr. Ward responded no.

Supervisor Trout asked if the quit claim deed could be done by the next meeting, then there would be no conditions for approval. Mr. Ward responded yes.

Mr. Ward stated he will revise the descriptions and drawing and get the quit claim deed before the next meeting and asked that this item be tabled.

- **Board Member Whitley moved to table this request at the applicant's request pending clarification of dimensions, and quit claim deed. Board Member Carlton supported the motion. Vote on the motion: Yes: Carlton, Vallad, Wendt, Whitley; No: none; Absent: Baker; The motion carried by a 4 to 0 vote.**

2. Request from Michael and Amber Angona, 9524 Dolores Rd., Clarkston, MI 48348 to construct a garage with a front yard setback of nineteen (19) feet rather than the fifty (50) feet required per Section 25 of Springfield Township Zoning Ordinance No. 26.

The property that is the subject of the request is located at 9524 Dolores, P.I. #07-11-453-009.

Michael Angona was present in regard to this request.

Chairperson Wendt stated this was on the agenda last month however no action was taken due to a lack of a quorum.

Chairperson Wendt asked Mr. Angona if he had anything additional to present to the Board that would impact the decision this evening.

Mr. Angona responded no; just the revisions provided at a previous meeting that he thinks everyone has seen. He noted the length of the proposed garage changed from 28' to 24'.

Chairperson Wendt stated the Board has seen the irregular shape of the cul-de-sac and the pre-existing nonconformity of the existing property. He stated there were concerns about the self created driveway onto Davisburg Road. There is a concern that becomes a right-of-way, which does not specifically affect this request, but does affect the welfare of the neighborhood.

Board Member Carlton stated he thinks the scaling on the drawing may be incorrect. Mr. Angona stated a surveyor came out to the property and used the point marked on the drawing as 'FD MON.' to base the location of the proposed garage on the drawing. He clarified questions Board Members had on the drawing provided in the packet.

- **Board Member Whitley moved that the variance be approved as requested, acknowledging the revisions that were made result in the best possible plan and best use of the property. Also, it is consistent with other conditions in the existing neighborhood. Board Member Vallad supported the motion. Vote on the motion: Yes: Carlton, Vallad, Wendt, Whitley; No: none; Absent: Baker; The motion carried by a 4 to 0 vote.**

New Business: None

Adjournment:

- **Board Member Whitley moved to adjourn the meeting at 8:25 p.m. Board Member Carlton supported the motion. Vote on the motion: Yes: Carlton, Vallad, Wendt, Whitley; No: none; Absent: Baker. The motion carried by a 4 to 0 vote.**

Renee Wilson, Recording Secretary