

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
December 21, 2011

Meeting is called to order at 7:30 pm by Chairperson Skip Wendt.

In attendance: Dean Baker, Zoning Board Member
 Virginia Fischbach, Zoning Board Member
 Bill Whitley, Zoning Board Member
 Skip Wendt, Chairman

Absent: Denny Vallad, Zoning Board Member

AGENDA: Approved as presented.

Board member Whitley moved to approve the agenda as presented. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

PUBLIC COMMENT: None.

CONSENT MOTION: Minutes of the October 19, 2011 meeting.

Board member Baker moved to approve the minutes of October 19, 2011 as presented. Supported by Board member Whitley. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

NEW BUSINESS:

1. *Request from Chad and Kelly Russell, 11048 Andersonville Road, Davisburg, 48350 to allow the construction of a pole barn resulting in a total accessory area of 246 square feet greater than the total allowable amount of 1050 square feet per section 16.14 of the Zoning Ordinance No. 26.
The property that is the subject of this request is located at 11048 Andersonville Road, Davisburg in Springfield Township and is zoned R1, one family residential. P.I.#07-22-304-003.*

Mr. Chad Russell, 11048 Andersonville Road, Davisburg, MI 48350 appeared on behalf of the request.

Chairperson Wendt asked if Mr. Russell if he had any additional information for the Board.

Mr. Russell responded no.

Chairperson Wendt asked Mr. Russell if there were any conditions unique to the property that creates a hardship in maintaining his residence and following the Ordinance as it exists.

Mr. Russell responded that the garage space is limited and they wanted some additional space.

Chairperson Wendt asked Mr. Russell if he had made any inquiries at outdoor storage facilities.

Mr. Russell responded yes, but that he would rather not have this expense every year.

Board member Baker stated that the issue is to grant a variance is relevant to the property and what unique circumstances exist on the property which prevents the applicant from enjoying the ordinance related items that are available to other residents. Those circumstances might include having wetlands on the property that reduces the buildable area and this is not present on this property. He stated that the driving force behind this request is that the applicant has a lot of stuff that he needs to store. Board member Baker stated that the ordinance allows the applicant a certain number of square footage of accessory structure. He stated that the Mr. Russell could expand his current accessory storage and still be within what the ordinance permits. He stated that he is not supportive of this request.

Board member Baker moved to deny the request of Chad and Kelly Russell, 11048 Andersonville Road, Davisburg, 48350 for the permission of an additional 246 square feet of allowable accessory square footage beyond that which is permitted by Township Ordinance based on the fact that this request is not the result of special conditions or circumstances which are peculiar to the land and the literal interpretation of our ordinance does not prevent the applicant from enjoying the same types of amenities that are afforded other residents in similar conditions. Supported by Board member Whitley. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

- 1. Request from Robert Breen, 9990 Rattalee Lake Road, Clarkston, 48348 to allow the construction of an addition to a detached accessory structure resulting in a total accessory area of 583 square feet greater than the total allowable amount of 1497 square feet per section 16.14 of the Zoning Ordinance No. 26 and resulting in a rear setback of fifteen (15) feet rather than the thirty-five (35) feet required per Section 25 of Springfield Township Zoning Ordinance No. 26. The property that is the subject of this request is located at 9990 Rattalee Lake Road, Clarkston in Springfield Township and is zoned R-1A, one family residential. P.I. #07-02-351-007.*

Chairperson Wendt stated that a letter was written to the Board from Mike and Julie Kasily, 10000 Pony Lane, Clarkston, MI 48348-1526 dated December 21, 2011 which was received by the Clerk's office and a copy was distributed to all Zoning Board members. This letter states, "Dear Zoning Board, As residents in good standing, of the township of Springfield, we are opposed to the request for zoning variance for property of Robert Breen at 9990 Rattalee Lake Road, Clarkston. This township resident has demonstrated blatant disregard for statues and guidelines. He has already constructed the addition for which he is now requesting permission to build. Materials for this addition were delivered late in the week, we believe on a Friday afternoon. Construction was initiated and completed, to its current state, during a weekend. We believe that this was a strategy to get the addition up before the township could be informed. This action alone should constitute reason to deny the request. Current storage on this property is a massive two story barn. It is very large for a small partial of land and an average home. In fact, it appears to be large enough to support a commercial business. An addition to such a large building infringes on the country atmosphere. Building this addition so close to our property line detracts and devalues our rural partial of land. We believe that this will reduce the value of our property as well as promote storage very close to our property. It clearly infringes on our space. Mr. Breen came to our home, unannounced and uninvited, on a Sunday afternoon. He attempted to gain our support and requested a letter to that affect. We found his visit intimidating as we were unprepared for such action. We now fear retribution or reprisal should he find out we sent this letter. He has demonstrated that he is willing and able to break the law with his construction projects. Therefore, we believe that vandalism to our property is a distinct possibility. However, we must advocate in the interest of our living situation, property value and rights. All township residents should follow local and state laws and guidelines. Disregard of such must have consequences, financial and other. I can be reached at home phone number should you wish to discuss this matter." Chairperson Wendt stated that this letter was signed by Mike Kasily for Michael J. and Julie C. Kasily, 10000 Pony Lake, Clarkston, Michigan 48348-1526.

Mr. Robert Breen, 9990 Rattalee Lake Road, Clarkston, 48348 presented on behalf of the request.

Chairperson Wendt asked why Mr. Breen he built a garage several years ago that had more square footage than the original permit allowed.

Mr. Breen responded that he doesn't believe this to be a true statement. He stated that the garage is 28' by 30'.

Chairperson Wendt asked Mr. Breen why he would begin construction without applying for a permit and finding out what the zoning ordinance allowed.

Mr. Breen stated that this was due to his complete ignorance. He stated that he wanted to apologize to the Board and he is deeply hurt by the letter written by his neighbor. He stated that he should have gone to the Township and did things properly and he understands that now.

Chairperson Wendt asked Mr. Breen if he was the applicant when the original barn was built.

Mr. Breen responded yes.

Chairperson Wendt reiterated that Mr. Breen knew when he built the first building that he needed to get a permit and this is a blatant disregard for following the same procedure.

Mr. Breen admitted yes.

Board member Whitley stated that there are two issues. The first is the variance in regards to the rear setback and the other is the variance in regards to square footage. He stated there is no reason to consider the rear setback because there is plenty of opportunity for the addition to be made towards Rattalee Lake Road instead of behind the existing building. He stated that he is troubled that the applicant knew and followed the rules the first time, but it was then constructed in a size different than what was permitted and then he just neglected what was the right thing to do and created two nonconformances. He stated that he sees no excuse for this.

Mr. Breen stated that he went towards the rear because the well was located towards the front of the structure and he thought the original setback requirement was 15 feet. He stated that he has three children and his goal is to convert the current detached garage to living space.

Board member Whitley stated that in the drawing, the well is located 72 feet from the well. He questioned why the the applicant is more concerned about the structure being located 52 feet from the well, but not 15 feet from the rear property line.

Mr. Breen stated that he thought the rear set back was 15 feet.

Board member Whitley stated that he found it interesting that the original building was built right at the rear setback when the permit was applied for.

Board member Whitley made a motion that the request be denied for the following reasons: The applicant initiated construction prior to seeking a building permit and the request on the table would create two non conformances. The first being a rear setback issue which is clearly avoidable had another alternative been explored and secondly, the second variance exceeds the accessory building usage on the property also was not fully explored for other alternatives and that the buildings on this property already exceed the allowable accessory square footage according to ordinance standards. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

Mr. Breen stated that he removed a secondary shed.

Chairperson Wendt stated that this did not matter.

2. 2012 Meeting Dates

Board member Whitley moved to approve the Zoning Board of Appeals meeting schedule as the third Wednesday of each month at 7:30 PM through December 31, 2012. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

3. 2012 Election of Officers

Board member Whitley moved to appoint Skip Wendt as Chairperson of the Zoning Board of Appeals through December 31, 2012. Supported by Board member Baker. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

Board member Baker moved to appoint Bill Whitley as Vice Chairperson of the Zoning Board of Appeals through December 31, 2012. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

ADJOURNMENT:

Board member Baker moved to adjourn the meeting at 7:55 pm, supported by Board member Whitley. Voted yes: all. Voted no: none. Absent: Vallad. Motion approved.

Erin Mattice, Recording Secretary