

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
February 15, 2012

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
Denny Vallad, Zoning Board Member
Bill Whitley, Zoning Board Member
Skip Wendt, Chairman

Absent: None

PUBLIC COMMENT:

Supervisor Walls provided the drawings and aerials that the Township received regarding the lot split that is relevant to both New Business #1 and New Business #2 to all Board members. He also stated that he brought the revised landscape plan from DTE to the meeting and has it available if any Board members want to look at it.

AGENDA: Approved as presented.

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

CONSENT MOTION: Minutes of the December 21, 2011 meeting.

Board member Whitley moved to approve the minutes of December 21, 2011 as presented. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Whitley, Wendt. Voted no: none. Abstain: Vallad. Motion approved.

NEW BUSINESS:

- 1. Request from Detroit Edison, One Energy Plaza, Detroit, Michigan 48226 to construct a six (6) foot high chain link fence with an additional one foot of six (6) strand barbed wire at the top. Fence will be seven (7) foot high rather than the six (6) foot allowed per Section 16.13 of the Zoning Ordinance
The property that is the subject of this request is located at 9405 Dixie Highway, Clarkston in Springfield Township and is zoned C-2, General Business. P.I.#07-14-402-004.*

Board member Whitley asked if the lot split had already been approved. Supervisor Walls stated yes; approval was conditioned on the resolution of the setback issue with the garage. Board member Whitley asked if they were looking at the fence around the combined portion of the rear of the lots to be split. Supervisor Walls concurred.

Mr. Michael Palchesko and Mr. Tim Phillips appeared on behalf of DTE and stated that they were there to answer any questions from the Board members. Mr. Palchesko stated that the purposed of the substation was to enhance and improve the reliability of the electrical system in Springfield Township.

Chairperson Wendt stated that he visited 3 DTE substations and the fence design at these facilities is exactly as is represented in this variance request.

Board member Baker asked if they had brought any information regarding the decibel volume of the substation. He asked if DTE could bring it to the Planning Commission meeting on 2/20/2012. Mr. Palchesko and Mr. Phillips stated that they would.

Chairperson Wendt stated that this was a situation where more is better to protect the health and safety of the community. He stated that the more that they can protect everyone, the better off they are.

Board member Baker stated that individuals use great ingenuity to gain access to a facility and make poor decisions to attain some grounding wire because of its value.

Board member Vallad stated that the Board had recently heard an appeal for exceeding fence height for a public utility station off of Woodland Trail and he does not see a lot of difference; this is higher voltage. He stated that it is a safety feature.

Chairperson Wendt stated that the population density is greater at this site.

Board member Vallad stated that this substation is long overdue and is much needed.

Board member Whitley moved that the variance request to construct a 6 foot high chain link fence with an additional 1 foot of 6 strand barbed wire for a total height of 7 feet be approved in the interest of public safety and supporting the duty to protect the public from this DTE equipment. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Motion approved.

- 2. Request from Robert Reis, 1685 Old Town Avenue, West Bloomfield, Michigan 48324 to maintain an existing garage that, due to a lot split, will result in a rear setback of twenty-two (22) 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 this request is located at 9419 and 9421 Dixie Highway, Clarkston in Springfield Township and is zoned C-2, General Business. P.I. #07-14-402-003.

Robert and Kevin Reis appeared on behalf of the request.

Chairperson Wendt asked about the difference in measurement, 22 feet or 24 feet. Supervisor Walls confirmed that it is all subject to a formal survey. He stated that the 22 feet was determined from the drawing that he handed out earlier this evening and the 24 feet was scaled from DTE's site plan. Chairperson Wendt stated that he remembered reading from the minutes that the question was asked by the Township Board how long it would take the garage to be demolished before the split was allowed.

Board member Vallad stated that he did not recall the exact words; the minutes are attached. He stated that it was required that the setback issue get resolved before the split was approved.

Chairperson Wendt asked if there was a specific directive to do the demolition before the split was approved.

Supervisor Walls stated that the discussion that the Township Board had was what the options were and demolishing the garage was one of the options. It was decided that the Zoning Board of Appeals could be consulted to resolve any setback variances required before the split was formally approved.

Robert Reis stated that this was brought about when DTE approached them about the property. He stated that they were hoping that they would be allowed to keep the garage. This house and garage are going to be rental property and they wanted to encourage storage of automobiles, outdoor furniture, etc. inside the garage. He stated if they have to tear it down, these items will need to be stored outside.

Chairperson Wendt stated that he hates creating non-conforming property and this is what they are asking for. He stated that he is looking at the Township Board discussion regarding this garage and its removal or non-removal.

Kevin Reis stated that he owns the property with his brother Robert Reis. He further explained that the property is already nonconforming; it is too close to the side lot line. He stated that it is a small house and small garage and if they don't have a garage, there are going to be a lot of items stored outside.

Board member Baker referred to the minutes of the October 13, 2011 Township Board meeting where he reads that the applicants said that they do not want to get a variance to keep the garage, but would like to wait until the sale of the property goes through before removing it. He asked if their intent now is to not remove it.

Mr. Robert Reis stated that if they have to remove it, they will, but they do not want to and are hoping that they can get a variance to keep it. Mr. Kevin Reis stated that they would take it down if they have to, but they wanted to keep it now.

Board member Whitley moved that the request to create a setback variance of not less than 22 feet be approved due to the peculiar condition being created by the acquisition of the rear portion of the lot by Detroit Edison to allow for installation of an electrical substation and given that the nature of the setback is aligning with commercial property. Supported by Board member Fischbach. Voted yes: Fischbach, Vallad, Whitley. Voted no: Baker, Wendt. Motion approved.

3. *Request from Charles Underwood, 7058 Ridgewood, Clarkston, Michigan 48346 to allow the construction of a house with a twenty (20) foot front setback from Claypool rather than the minimum fifty (50) feet required per Section 25 of zoning Ordinance No. 26.*

The property that is the subject of this request is located at 5893 Claypool, Davisburg in Springfield Township and is zoned R-2, One-family residential. P.I.#07-28-426-003.

Mr. Charles Underwood appeared on behalf of this request. Mr. Underwood stated that due to the difficult economic and construction climate in the area right now, he has been unable to start construction of the house. He stated that he has done everything that he could do to the property short of pulling the building permits. He stated that he is asking for a permanent variance, but he understands if the Board can only grant this for 2 years. He stated that he is anticipating starting in the Spring.

Chairperson Wendt asked Mr. Underwood what the drop dead date is to start construction.

Mr. Underwood stated that he really did not know. He further stated that he is going to try to at least get it roughed in before the winter and closed in. He stated he would then work on the inside of the home. He reiterated that this is the same request that he brought to the Board last time.

Board member Baker asked if the appeal that he is asking for is any different than the Appeal that was approved two years ago.

Mr. Underwood answered that it is the same.

Board member Whitley stated that the issue is the extension of the variance rather than revisiting the exact details of the request.

Chairperson Wendt stated that he does not think they should carry it beyond 2 years.

Board member Whitley moved that the request for 2 year extension for an existing variance that has previously been granted and previously been extended be approved for an additional 2 years from this date forward due to the extenuating circumstances of the housing and building market that exist in today's economy. Seconded by Board member Baker. Voted yes: all. Voted no: none. Motion approved.

ADJOURNMENT:

Board member Vallad moved to adjourn the meeting at 8:00 pm. Supported by Board member Fischbach. Voted yes: all. Voted no: none. Motion approved.

Erin Mattice, Recording Secretary