

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
October 19, 2017

Call to Order: At the request of Chairperson Wendt, Vice-Chairperson Whitley called the October 19, 2017 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Matt Underwood
 Denny Vallad
 Skip Wendt
 Bill Whitley
 Ginny Fischbach

Absent: Dean Baker

Also Present: Collin Walls, Supervisor

PUBLIC COMMENT: None

AGENDA:

Mark Wiley, 10123 Graham Drive, appeared before the Board and asked that his variance request that was tabled at the September 2017 be added to the agenda under Old Business.

Board member Wendt moved to proceed with the agenda as amended, adding Old Business, #2, Mark Wiley, 10123 Graham Drive. Supported by Board member Vallad. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

APPROVAL OF MINUTES:

Board member Vallad moved to approve the minutes of the September 20, 2017 meeting as presented. Supported by Board member Underwood. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

OLD BUSINESS:

1. *Review and Acceptance of Legal Documents addressing Conditional Approval, 6032 Long Point Drive, Davisburg 48350 to install a septic system thirty-one (31) feet from Big Lake. Conditional variance granted on May 17, 2017.*

Ms. Kelly Katnik introduced herself to the board.

Board member Fischbach stated that she did not see the provision which says that it runs with the land forever.

Supervisor Walls indicated the language, “the assigned”, means everyone that comes later at that address meaning the new purchaser.

Board member Vallad asked Supervisor Walls about the minor issues that still need to be taken care of that are listed in the memo.

Supervisor Walls confirmed that these issues could be handled administratively. He stated that he discussed some of Mr. Stevens, of SCS Systems, concerns and Supervisor Walls is certain that they will be able to work it out including Certificate of Insurance and the fact that the operator cannot just leave and must continue to operate the system for 90 days by contacting the Township and using the escrow that is held to make payments.

Board member Vallad agreed that these could be done administratively.

Supervisor Walls indicated that another minor issue is that the certification letter from Milan Supply to Ewers Septic needs to be signed.

Board member Vallad moved to grant variances requested by Kelly Katnik, 6032 Long Point Drive, Davisburg, to install a septic system 31 feet from Big Lake with the acceptance of the legal documents this evening as presented to the Zoning Board of Appeals subject to final approval of legal documents and other items between the Township and the attorneys involved. Supported by Board member Fischbach. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

2. Request from Mark Wiley, 10123 Graham Drive, Clarkston, 48348 for a variance to construct a garage resulting in a twenty (20) foot front setback rather than the fifty (50) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located at 10123 Graham Drive in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-278-022.

Mr. Wiley introduced himself to the Board. He provided a new drawing to the Township this afternoon and copies were provided to the Board members.

Board member Whitley reviewed the published Notice and original request was for a 20 foot front setback instead of the required 50 feet.

Board member Fischbach stated that the drawing now shows the garage at 37 feet from the road.

Board member Whitley asked if the 37 feet was to the center of the road or to the edge of the road.

Mr. Wiley stated that finding exactly where the road is located is difficult. He stated that it is to the edge of the road.

Board member Whitley asked if Graham Drive was a private drive.

Supervisor Walls answered yes, it is a platted private road.

Board member Whitley stated that the result of what is presented tonight is that they have less of a variance than what the applicant had originally requested.

Mr. Wiley answered that this is the request and it is accurate based on measurements that he physically did.

Board member Fischbach asked if the total number of accessory square footage that is allowed will be met. She thought by retaining the shed, there would be too much. The applicant had said at some point that he was going to get rid of the shed and the Board has to make sure that happens.

Mr. Wiley confirmed that the existing shed is falling apart and once the new structure is built, he wants to have it removed and he is willing to put this in writing and put up earnest money if required. He just wants time to complete the garage and move everything from the shed into the garage.

Board member Wendt asked if the applicant agreed that if the garage was approved at 37 feet and he gets final approval from the Building Department that within a given period of time, Mr. Wiley would demolish the barn.

Mr. Wiley answered yes.

Board members discussed the time limit that should be in the motion.

Board member Wendt moved to approve the applicant's request for a front yard setback of 37 feet to the traveled portion of the road versus the statute requirement of a 50 foot front yard setback be granted based on the hardship that is created with the private road and the applicant has made an effort to bring information to the Board that is what is required to use as accurate information in a drawing compared to what they considered at prior meetings and in granting the garage variance from the road, the existing barn be removed no longer than two weeks after final Building Department approval. Supported by Board member Underwood.

Board member Whitley stated that this request meets the five criteria in Section 40-63 of the Springfield Township Code of Ordinances.

Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

NEW BUSINESS:

1. *Request from Progressive Irrigation, 4280 Matthew Lane, White Lake, 48383 for a variance to allow gravel parking instead of hard surface parking as required per Springfield Township Code of Ordinances, Chapter 40, Section 40-681.*

The property that is the subject of the request is located at 4584 Clawson Tank Drive in Springfield Township and is zoned M-1 Light Industrial. P.I.#07-36-401-010.

Mr. Paul Boomer, 105 Crescent Hill Drive, Ortonville, introduced himself to the Board as representing Paul Simpkins, business owner of Progressive Irrigation. He stated that the business consists of lawn maintenance sprinklers and landscaping. The owner has storage on site of about 20 vehicles which are used by the employees. There are three office employees and twelve seasonal employees. He stated that when he spoke to Supervisor Walls and looked in the ordinance, one of the goals of the ordinance is to eliminate as much hard surface as possible and create enough parking for the employees in the building. The seasonal employees exchange their personal vehicles for trucks to take out in the field so they would arrive in the storage area in the morning, park their cars in a secure area and perform their work. The storage area will be about 200 feet by 210 feet so there is enough maneuverability to park their cars. The property now is covered with second and third growth woodlands and the goal is to clear that completely and put up a screen fence. He pointed out the landscaping and fencing along Andersonville Road. There is parking for the three office employees in the front. There is not much customer traffic requiring parking because most of the job set up is done over the phone. The goal is to eliminate as much paved parking as possible and the applicant will seed and mulch the back half of the property. The applicant will only impact about ½ of the property, two acres out of the four acres. There will be a retention pond in the back that will be landscaped and seeded and mulch.

Board member Whitley asked what is the reason for requesting the variance for paved parking for employees.

Mr. Boomer replied that the applicant wants the storage area in the back to be gravel. The vehicles will be secure behind the fence. They wanted to reduce the amount of impervious surface on the property.

Board member Whitley stated that one of the ordinance requirements is that the parking is paved for employees. He is looking for a hardship for the request besides “want to.”

Mr. Boomer stated that they are trying to eliminate as much pavement as they can.

Board member Vallad asked how many employees.

Mr. Boomer answered three office employees and twelve seasonal.

Board member Whitley stated that when he applies the five criteria of ordinance Section 40-63 to this variance request to determine if it meets them in order to grant a variance, he does not see that this application meets any of the criteria. Board member Whitley reviewed all five criteria in reference to this request and explained how each is not met.

Board member Wendt agreed. The surface area that would be needed to park 20 cars or trucks isn't going to interfere with the truck traffic in fact it would add to the safety for the employees by having their vehicles on a paved surface especially with weather conditions. He stated that the truck drivers will have to stop by the office to have communication with the management as to their work for the day.

Board member Vallad stated that the area shown for employee parking is flat and it will not be difficult to pave this area. He does not see a hardship.

Mr. Boomer stated that he will pave the five banked parking spots in the front on the end.

Board member Wendt moved to deny the applicant's request to allow gravel parking for employees because the applicant has not demonstrated any practical difficulty. Supported by Board member Fischbach. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

2. *Request from Rob and Denise Cote, 8470 Deerwood Road, Clarkston, 48348 for a variance to construct a garage addition resulting in:*
 - a. *A twelve (12) foot front setback from the road, rather than the fifty (50) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572 AND*
 - b. *A seven (7) foot side setback rather than the fifteen (15) feet side setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 8575 Waumegah Court in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-12-251-009.

Mr. Rob Cote introduced himself and Denise Cote to the Board. He stated that they are requesting the ability to add a two-car garage to the existing structure to accommodate three family drivers. He stated that they paid for a septic survey and it is shown on the scaled plan. He stated that all the references are to the lot line. The current distance from the current structure to the road edge is sixty-five feet so the new garage will still be 38 feet from the edge of the road but 12 feet from the edge of the lot line. The current garage is nonconforming. They have plans to convert the current one-car garage into a first floor laundry room and additional bedroom.

Board member Vallad asked about the square footage of the proposed garage.

Mr. Cote confirmed it is 27 feet by 27 feet; this is the garage addition.

Board member Fischbach asked if the shed that she saw to the left of the property was the neighbor's.

Mr. Cote answered yes.

Board member Whitley stated that this does not create any more of a burden in servicing the well on the lake side than current conditions.

Board member Whitley stated that to service the well, it would take driving a well truck over the septic.

Mr. Cote answered that it currently exists. They couldn't use the other side because currently there is a tree in the way.

Board member Whitley confirmed that the new structure would not create any more of a restriction.

Mr. Cote agreed.

Board member Vallad asked if Mr. Cote was going to save the two pine trees in the front.

Mr. Cote answered no. These pine trees are currently interwoven with the power lines and need to come down.

Board member Vallad commented that it is a big two car garage but reducing it will not impact the setback appreciably. This is not an unreasonable request and is acceptable as proposed.

Board member Whitley agreed.

Board member Whitley moved to approve the request to construct a garage with a twelve (12) foot front setback from the road right-of-way rather than the fifty (50) feet required and a seven (7) foot side setback rather than the fifteen (15) feet required given that the request does meet the five criteria in Springfield Township Code of Ordinances Section 40-63. Supported by Board member Wendt. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

ADJOURNMENT:

Board member Vallad moved to adjourn the meeting at 9:06 pm. Supported by Board member Wendt. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.