

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
March 15, 2017

Call to Order: Vice Chairperson Whitley will act as Chairperson due to Chairperson Wendt's absence. Vice-Chairperson Whitley called the March 15, 2017 Zoning Board of Appeals Special meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Dean Baker
 Skip Wendt
 Bill Whitley

Absent: Ginny Fischbach
 Denny Vallad

PUBLIC COMMENT: None

AGENDA:

Board members proceeded with the agenda presented.

CONSENT: Special Meeting February 8, 2017
 Regular Meeting February 15, 2017

Board member Baker stated that reference is made in the Special Meeting minutes to minutes dated January 17, 2017 which should be January 18, 2017.

Board member Whitley stated that on page 3, 3rd paragraph, 1st sentence states that "Mr. Biskner replied that the water level at that point is 16.5 feet." He stated that it makes it sound like the water table depth was at 16.5 feet and he does not think this is correct. He asked if this could be clarified before these minutes are approved.

Board members agreed.

Board member Whitley moved to table the Special Meeting Minutes of the February 8, 2017 for clarification on page 3, 3rd paragraph, 1st sentence. Supported by Board member Wendt. Vote yes: Baker, Wendt, Whitley. Vote no: None. Absent: Fischbach, Vallad. Motion approved.

Board member Whitley moved to approved the Regular Meeting Minutes of the February 15, 2017 as presented. Supported by Board member Baker. Vote yes: Baker, Wendt, Whitley. Vote no: None. Absent: Fischbach, Vallad. Motion approved.

OLD BUSINESS: None

NEW BUSINESS:

1. *Request from Jeffrey Potvin, 11457 Ember Road, Davisburg, 48350 for a variance to construct a garage resulting in a nine (9) foot front setback rather than the fifty (50) feet front setback required and a four (4) foot side setback rather than the fifteen (15) foot required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 11457 Ember Road in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-28-203-013.

Mr. Jeffrey Potvin introduced himself to the Board.

Chairperson Wendt asked Mr. Potvin why he did not act on this request when it was originally approved.

Mr. Potvin replied that he received approval in May 2015 and he was not financially secure enough to build the garage at that time. He stated that he is ready now.

Chairperson Wendt stated that there are no significant changes from the original request.

Board member Whitley agreed that this request looks to be consistent with what was approved on the original request.

Board member Baker stated that the evaluation done the last time Mr. Potvin appeared was judicious and he is in support of his request.

Mr. James Bogdanski, 11447 Ember, introduced himself to the Board and stated that he is a neighbor of Mr. Potvin. He stated that he never received a copy of the notice in February 2015 and this is the first time that he received the notice. He commented that the setback from the road is fine and is consistent with this area. The 4-foot setback from his property line is way too close and it will block all the vision that they have from their property.

Chairperson Wendt asked how different it was from the homogenous neighborhood of Ember Road. He stated everything is in close proximity.

Mr. Bogdanski stated that 15 foot would probably move it in to encroachment on the other side of the property. Four foot from the property line is too close and he would be willing to split the difference so he has a little more visibility.

Chairperson Wendt stated that this would diminish the parking area for the applicant and asked if Mr. Bogdanski is aware of that.

Mr. Bogdanski replied yes.

Chairperson Wendt asked what detriment to Mr. Bogdanski would be created. He asked what other hardship is created for Mr. Bogdanski if the applicant's request for 4 feet off the side yard property line is approved.

Mr. Bogdanski replied that they have already had issues regarding drainage but this is not the Board's problem. The more room there is between that property line, the less water drainage he is going to get on his property from Mr. Potvin's property. He stated that everything coming down Ember Road, which is a lot when there is a big rain and anything coming to Mr. Potvin's driveway will end up in Mr. Bogdanski's driveway.

Chairperson Wendt replied that he cannot accept this because this it is pure speculation.

Mr. Bogdanski stated that he has a picture showing this.

Mr. Potvin stated that he went house to house to ask if anyone had a problem with the garage and neighbors responded no, they did not have an issue with it. Mr. Bogdanski does not live in this home, he rents it out. He has not seen Mr. Bogdanski at this property in two years. The reason that Mr. Bogdanski is here is because they have a water drain issue which has been a constant problem and Mr. Bogdanski is mad at him because there is going to be future litigation.

Mr. Preston Burkhart, Mr. Bogdanski's son-in-law, introduced himself to the Board. He stated that whenever you are going to apply for a variance, you must notify all the neighbors around and in this situation, Mr. Bogdanski did not get notified. This is peril to Mr. Bogdanski's property and had he received this information, he would have reacted to it in 2015. They have gone to great lengths to repair the water issues that have happened because it is a constant slope toward the lake from the road and the water does come down as a torrent. If they take an area away that can be absorbed, you increase the amount of water that is going to go around and be diverted. They have installed a drain to try to accommodate the overflow of water but in this situation, this is the first time that Mr. Bogdanski has had to speak on this matter.

Board member Whitley asked if Mr. Bogdanski was notified about this meeting and Mr. Bogdanski answered yes. If he wasn't notified two years ago, that is a separate issue but since it wasn't acted on, it is expired. For tonight's issue, the fact that he was notified about tonight's meeting is the important thing. What happened two years ago is not relevant.

Mr. Bogdanski confirmed that he received a notice for tonight's meeting.

Chairperson Wendt stated that he visited the property two years ago and he visited again for this request and there have been no major variations made to any of the property or the road. The garage could improve drainage depending on where the driveway is placed. Mr. Bogdanski has said that Mr. Potvin is going to create a drainage problem for him but he has nothing to substantiate that claim.

Mr. Bogdanski replied that this is why he said it wasn't relevant.

Chairperson Wendt stated that it is relevant because he brought it up and it is something that the Board has to take into consideration when they make a decision. He stated that “what ifs” and “personal prejudice” are irrelevant. He spoke to several neighbors on Ember Road two years ago but did not speak to anyone for this request. There was only a lady across the road that was concerned about what she would see across the road.

Mr. Bogdanski stated that he has an \$1100 bill that he paid in order to try and drain the property so that he would not have problems.

Mr. Burkhart stated that this was approved two years ago without their knowledge.

Mr. Potvin assured the Board that this building will have proper drainage with gutters. There will not be any further water issues on any lot and the driveway will taper for proper drainage.

Ms. Ellen Bogdanski thanked Mr. Potvin for being responsible and for making sure that the grade will be correct.

Board member Whitley moved that the variance request from Jeff Potvin, 11457 Ember Road, Davisburg for a variance to construct a garage resulting in a nine-foot front setback rather than the required fifty feet front setback and a side setback of four feet rather than the required fifteen per Springfield Code of Ordinance Chapter 40, Section 572 be approved. This is subject to the Building design being compatible with the surrounding neighborhood as determined by the Building Official and it is approved given that the request is in keeping with other residences in the neighborhood. Supported by Board member Baker. Vote yes: Baker, Wendt, Whitley. Vote no: None. Absent: Fischbach, Vallad. Motion approved.

2. *Request from Robert and Suzanne Keller, 4785 Ormond Road, Davisburg, 48350 to allow a lot split to be approved resulting in one parcel being 2.483 acres instead of the 2.5 acres required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572 and Springfield Township Code of Ordinances, Section 40-156.*

The property that is the subject of the request is located at 4785 Ormond Road in Springfield Township and is zoned R1A One Family Residential. P.I. #U-07-31-401-005.

Mr. Robert Keller introduced himself to the Board. He stated that they have just under ten acres and they are breaking it up into four parcels. They meet all codes and requirements except for the acreage. They contacted the neighbors to the west but they could not sell six inches along the common property line to meet ordinance, neighbor on the north end drive is on the line and the neighbor on the east. There are three parcels on the east side of the road which are under a half acre. He stated that following the intent of the Zoning Board, they are close enough to the correct acreage so that they should be able to get a variance.

Chairperson Wendt stated that he does not see the number as being a significant deviation from what is required by ordinance.

Board member Baker stated that he believes it was surveyed many years ago and questioned the accuracy of that survey. He stated that the difference is small enough that he would not object to proceeding with this request.

Board member Whitley concurred. He stated that it appears to be a measurement difference of about six inches and is an insignificant deviation.

Ms. Cynthia Balkwell, 4540 Ormond Road, agreed that this is a negligible difference. But as a resident of the community, since it is not necessary to split this into four parcels, she does have concern that every time something like this is approved and it is not necessary and is not due to a hardship situation, it erodes the ordinances and the stipulations for the community. One lot is an odd shape and may require additional variances in the future.

Ms. Diane Barker, 13339 Neal Road, stated that she does not have an objection to the variance but Ms. Balkwell brought up a good point regarding the possibility of variances needed in the future.

Chairperson Wendt stated that they cannot predict what will happen with the property after it becomes divided.

Ms. Balkwell asked why the applicant couldn't split request into three parcels instead of four.

Chairperson Wendt stated that this is not up to the Board and he summarized the responsibilities of the Board.

Ms. Balkwell asked at what point does the measurement number become significant and why are they deviating from the Township ordinances when it is not necessary.

Chairperson Wendt stated that there would have to be something that is substantial and harmful to the overall concerns of the neighborhood and the Township and he does not see that in this request.

Board member Whitley stated that this is one of the balances that comes with sitting at the Board table. He stated in observing several ten acre parcels over many years with the Township, there are very few that end up being exactly 435,600 square feet. He stated that this is due to the survey methodology when these lots were laid out and this lot is within experimental error.

Ms. Balkwell restated her objections.

Board member Whitley agreed that one of the resulting lots is an odd shaped parcel but the surveyor also laid out the buildable area of each lot to make sure that it would be within the required setbacks. Lot A, which is the lot of concern, has buildable area and is at least 75 feet wide.

Board member Baker added that when Lot A is proposed for construction, it will have to go through all of the site plan ordinances that are required by the Township and if it doesn't meet ordinance standards, they will have the option for appeal in front of the ZBA.

Chairperson Wendt reiterated that all four parcels have a building envelope that meet zoning ordinance standards.

Board member Baker moved to grant request of Robert and Suzanne Keller, 4785 Ormond Road, Davisburg to allow a lot split to be approved resulted in one parcel being 2.483 acres instead of the 2.5 acres required by Springfield Township Code of Ordinance due to survey anomalies that were not the making of the applicant and were in place when the parcel was originally surveyed. Supported by Board member Whitley. Vote yes: Baker, Wendt, Whitley. Vote no: None. Absent: Fischbach, Vallad. Motion approved.

Supervisor Walls suggested that the Township Attorney present a program for the Zoning Board of Appeals members regarding procedure, language of motions, etc. at the April 19th meeting at 6:00 pm which would be prior to the meeting. He also stated that he is considering an alternate for the Zoning Board of Appeals in case of absence and asked the Board members to forward suggested members to him if they had any.

Board members agreed.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 8:18 pm. Supported by Board member Baker. Vote yes: Baker, Wendt, Whitley. Vote no: None. Absent: Fischbach, Vallad. Motion approved.

Erin Mattice, Recording Secretary