

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
March 18, 2015

Call to Order: Chairperson Wendt called the March 18, 2015 Zoning Board of Appeals meeting to order at 7:30pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Dean Baker
 Virginia Fischbach
 Skip Wendt
 Bill Whitley

Absent: Denny Vallad

PUBLIC COMMENT:

Chris Clarkson, 5618 Hillsboro Road, stated that he recently purchased a piece of vacant property on Shaffer Road on Big Lake by the dam. He stated that he met with Supervisor Walls in August 2014 and Supervisor Walls informed him that the only thing he could do on this vacant property was put a shed up. Supervisor Walls told him he did not need a permit to put up a shed. Mr. Clarkson stated that he is now concerned about what he can and can't do on his own vacant property in the Township because the shed that Mr. Hempel put up on a vacant piece of property is now a concern and the cause of this meeting.

Chairperson Wendt summarized Mr. Clarkson's comments. He stated that we are here tonight because of what is allowed in R2 and the setbacks and anything else that go along with the restrictions on R2 property.

Mr. Clarkson apologized and stated that he thought that this meeting was about the shed.

Board members confirmed that this point on the agenda was for Public Comment on topics other than agenda items.

AGENDA:

Board members agreed to proceed with the agenda as presented.

CONSENT: Minutes of the February 18, 2015 meeting.

Board member Whitley moved to APPROVE the minutes of February 18, 2015 meeting as presented. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.

OLD BUSINESS: None

NEW BUSINESS:

Chairperson Wendt asked the Board if he should recuse himself from the meeting because he is a lake front property owner on Big Lake and a member of the Big Lake Improvement Board. He stated that he does not want there to be any type of controversy with both situations that may affect this evening's result. He asked the Board members.

Board members agreed that they have no issue with conflict of interest.

Board member Whitley moved that the members of the Board in attendance, other than the Chairman, agreed and approve a motion of their opinion seeing no conflict of interest on the part of Chairman Wendt in chairing and participating in tonight's decision. Supported by Board member Baker. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.

1. Request from Thomas Hempel, 6131 Hillsboro Road, Davisburg, 48350 for the following variances to allow an accessory structure to remain on a parcel resulting in:
 - a. A parcel that does not contain a dwelling which requires a variance per Springfield Township Code of Ordinances, Chapter 40, Section 40-156 and Section 40-274.
 - b. Resulting in a front yard setback of forty six feet (46) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.
 - c. Resulting in a rear yard setback of five feet (5) rather than the thirty five (35) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located on Neilson in Springfield Township and is zoned R-2, One Family Residential. P.I. #07-28-227-036.

Lisa Jamieson, 6226 Neilson, introduced herself to the Board. She stated that she is opposed to the shed being on the vacant piece of property. The road looks cluttered with the shed on it and it will have a negative effect on the property values. She stated that before the shed, there were boats and jet skis stored on this vacant piece. She stated that their home is across the road from the property that has the shed and it takes away from the neighborhood and will make it look worse.

Chairperson Wendt clarified that she was saying that the presence of the shed detracts from the general characteristics of Neilson and Hillsboro.

Ms. Jamieson concurred.

Greg Jamieson, president of Colonial Acres Association stated that a number of neighbors called him because they are against having the shed there and so is he. He stated that this is not an accessory structure because an accessory structure is located on the same property as a dwelling. The ordinance states that it there has to be a dwelling there.

Board members confirmed that 200 square feet was the threshold for a building permit.

Board member Fischbach asked who the Colonial Acres Association represented.

Mr. Jamieson answered that it represents about 100 homeowners in that area. He does not think the shed should be allowed.

Board member Whitley asked if this was the majority opinion of these homeowners.

Mr. Jamieson answered yes.

Chairperson Wendt stated that this property has come by him twice during his tenure on the Board and it is a very difficult piece of property to do anything with and still conform to Township Ordinance.

Mr. Hempel introduced himself to the Board. He stated that there are not any other neighbors here to represent their opinion. He stated that he asked the neighbor directly behind the shed if he was opposed to it and the neighbor said no. He asked the neighbor directly across the street from the shed has told him that he has no problem with it and is thankful that the grass is being cut. He stated that other neighbors farther away didn't have a problem with it. One issue that has been resolved is the storage of personal boats on the property which have been removed after he was informed by the Ordinance Officer that it was against ordinance. He stated that the shed that is up is a vinyl sided shed and is in good condition and does not look out of place. The reason for purchasing the shed is that he lives on a small lot on the lake and it provides extra storage. He stated that he had no idea that he could not put the shed up because there is no clear ordinance that says it cannot be there.

Chairperson Wendt disagreed; there is language throughout the ordinance about the presence of an accessory building on property without a house on it. He asked Mr. Hempel if he investigated the limitations of the property before he purchased it because of the unique configuration of the property.

Mr. Hempel answered no, he did not fully investigate the options.

Chairperson Wendt stated that in reading Mr. Kazmierski's report, Mr. Hempel did not look into outdoor storage of boats either.

Mr. Hempel stated that the property has no value and has been up for numerous tax auctions. He stated that he would like to keep the shed.

Board members discussed if there was a location on the property where the shed could be moved and not need setback variances.

Mr. Hempel stated that if it comes down to moving it to a different location on the property he would be willing to do that but he needs a sufficient amount of time. He will need to remove some trees and level the ground. He personally feels that it fits there.

Chairperson Wendt stated that he cannot create nonconforming property if there is an option to do what he wants to do and fall within the ordinance.

Board member Baker stated that leaving the shed where it is is not possible because the setback variance requirements are not necessary if it is moved. He stated that he is evaluating whether the shed was placed in a conforming location and whether that is considered a reasonable use of property that otherwise could not be occupied by any structure. There is no way that this property could have a habitable structure.

Chairperson Wendt stated that his major concern isn't the shed it is the outdoor storage of boats seven months out of the year. This detracts from the neighboring properties.

Mr. Hempel replied that the boats will no longer be there.

Chairperson Wendt stated that having an accessory building on the property still does not grant the option to store boats, jet skis and snowmobiles there. It is not a storage property.

Board member Fischbach stated that nothing that they are ruling on tonight restricts the outdoor storage; this is a separate issue.

Chairperson Wendt asked if you allow the shed, how do you prevent outdoor storage?

Board member Fischbach answered that she doesn't believe you are more likely to store boats because of the presence of a shed.

Chairperson Wendt stated that if they allow the shed, Greg Kazmierski will possibly start receiving calls regarding outdoor storage of boats that will start to accumulate.

Board member Baker stated that the proper ordinance violation procedure would have to be followed if it was an ordinance violation just as in any other case.

Mr. Hempel stated that he already rented a space to store his boats.

Board member Whitley stated that his concern is the next owner 10, 15 or 20 years in the future because the variance is tied to the lot forever, it would become a storage area and attract more of that type of use. The good behavior of the applicant today does not insure that the owner in the future would do the same.

Board member Baker stated that there is ordinance language that exists today that prevents the storage of boats and it does not depend on the good nature of the property owner. The ordinance language is still there 20 years from now, then the future owner

cannot store things there. This is the enforcement procedure and it is based on the ordinance.

Board member Whitley asked if they should create the opportunity.

Board member Fischbach stated that the opportunity already existed, they can see this by the way that the applicant already stored boats on there before the shed and he was written a violation and then he moved them. The empty property creates the opportunity to put boats on it with or without a shed.

Chairperson Wendt stated that the ordinance says that if you have a recreational vehicle on a vacant piece of property, there is a time limit that it can stay there, approximately 12 weeks.

Mr. Clarkson stated that he was told you could not store a camper on a vacant piece of property.

Board members looked up the ordinance and confirmed that outdoor storage of recreational vehicles is not allowed on vacant property.

Board member Whitley stated that he would not be in favor of any setback variances. He stated that in this setting, he has concerns about creating a lot with no residence with an accessory building.

Chairperson Wendt concurred with Board member Whitley.

Board member Fischbach stated that she agreed with not allowing any setback variances. However, she does not have an issue with the shed because possible storage of boats will happen whether the shed is there or not and at least the taxes are being paid and will maintain the property.

Board member Baker concurred with Board member Fischbach and suggested that they need the presence of Board member Vallad to act on this request.

Chairperson Wendt suggested tabling the request.

Mr. Jamieson stated that he has not been able to get to Oakland County to get the Association documents but he is pretty sure that it is built into the Association's constitution that the shed cannot stay.

Board member Baker moved to TABLE the request of Thomas Hempel, 6131 Hillsboro Road, Davisburg requesting several setback variances and the ability to place an accessory structure on a lot that does not have a principal residence to allow applicant and other interested parties to collect any further research documents that are relevant to this request. This meeting to be reconvened on this topic when a full Board is present and they may investigate the potential for a

Special Meeting but no earlier than the April 15th, 2015 regularly scheduled meeting to allow all parties to gather their information. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.

Board members discussed the optional meeting time. They discussed the May meeting and Board member Baker stated that he would not be able to be at the May 20th meeting. They discussed the possibility of having a Special Meeting.

Mr. Clarkson asked what he should do because he still does not know what he can do on his vacant property. He asked if he was allowed to put a shed on his vacant property.

Chairperson Wendt responded that he could put a shed on it but the shed cannot exceed 200 square feet.

Board member Whitley stated that he has to have a house on it first.

Mr. Clarkson stated that he is upset because he specifically asked Supervisor Walls and Supervisor Walls told him that a shed was the only thing he could put on the property because it does not require a permit for an under 200 square foot shed.

Board member Baker clarified that a building permit is not required under 200 square feet.

Mr. Clarkson stated that he almost bought a shed because the Supervisor said it was okay.

Board members confirmed that they could not comment on a conversation that might have taken place, their business was to rule on the case that was on the agenda.

Chairperson Wendt urged Mr. Clarkson to call the Building Department and he gave Mr. Clarkson the phone number. The Board's job is to rule on the case that they are considering this evening.

ADJOURNMENT:

Board member Whitley moved to ADJOURN the meeting at 8:34 PM. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.

Erin Mattice, Recording Secretary