

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
April 15, 2015

Call to Order: Chairperson Wendt called the April 15, 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
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent: Virginia Fischbach

PUBLIC COMMENT: None

AGENDA:

Board members agreed to proceed with the agenda as presented.

CONSENT: Minutes of the March 18, 2015 meeting.

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

OLD BUSINESS: None

NEW BUSINESS:

1. Request from Jeff Sugamosto, 2200 Crooks Road, #6, Troy, 48084 for the following variances to demolish the current structures and construct a new house and accessory building resulting in:
 - a.) Side setbacks of six (6) feet and five (5) feet instead of the fifteen (15) feet required as per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.
 - b.) Front setback of twenty five (25) feet instead of the fifty (50) feet required as per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.
 - c.) Allow the new structure to be placed in the same nonconforming footprint as the old structure as required per Springfield Township Code of Ordinances, Chapter 40-931.

The property that is the subject of the request is located at 5917 Claypool in Springfield Township and is zoned R-2 One Family Residential. P.I.#07-28-279-006.

Greg Stafford, Architect, introduced himself to the Board and explained that he was presenting the information on behalf of his client, Jeff Sugamosto. He stated that there is an existing cottage on the property that is summer-only cottage and cannot be lived in year round. Mr. Sugamosto has decided to build a new home in exactly the same footprint. He would tear down the current structure, put in a crawl space and put the new house in the same spot. He stated that if the variances were denied, what would be allowed would be a trailer- like building 15 feet wide by 58 feet long. They are not asking for any additional variances, they are asking for exactly the same footprint. Mr. Stafford approached the Board and explained the drawing that was submitted. The existing foundation will not support the new home by today's standards so they want to start over.

Chairperson Wendt asked if there was anything in the existing structure that was salvageable to use.

Mr. Stafford replied no after consulting with a couple of builders and an engineer.

Board member Baker asked what the year of construction was for the house.

Mr. Sugamosto replied 1933.

Board member Baker asked if there has been any change to the shoreline since the home was originally sited.

John Ubbes, 5911 Claypool, answered that there is a concrete break wall constructed next to Big Lake in 1953 according to the scribe in the cement which goes the length of Claypool Drive.

Mr. Stafford stated that there is also an engineered septic system on the property that they had to work around. The house that is present is really the best place for the house structure.

Board member Vallad asked how many bedrooms there were in the present home.

Mr. Sugamosto replied 2 bedrooms and 1 and ½ baths.

Mr. Stafford continued with the variance being requested for the accessory structure. He stated that he wanted an attached structure but it wouldn't work. He stated that there is an existing shed by the street and they plan on demolishing the shed and building a one car garage with no further encroachments than what exists now. They will build it deeper than the existing shed, so it will go further towards the home, not towards the street.

Chairperson Wendt confirmed that they are still going to use the 5 foot side lot setback which is the current nonconformity. He stated that he doesn't see that the applicant has requested anything that is going to be detrimental and this actually helps the use of the property. It is a difficult piece as is this whole section of the lake.

Board member Whitley stated that the ordinance for this area requires a larger lot. The lot and the building as it exists is nonconforming. The ordinance is clear that when the structure goes away, it cannot be replaced. At some point, one begins to question do we want to follow ordinance or do we want to perpetuate nonconformance. If the variance is granted and a brand new home is built on a 43 foot lot then this is perpetuating 43 foot lots forever. At that point, what purpose is there in having an ordinance that stipulates a larger lot.

Board member Baker stated that this is a circumstance where a piece of property has been platted according to circumstances that existed in 1933 or earlier. There is an existing structure there that is in harmony with the surrounding properties. If they were going to plat a new area today, yes, they would abide by the ordinance. The purpose of this Board is to weigh the circumstances and decide with the situation as given such as the applicant did not create the lots lines, the applicant has abided by the requirements to put an approved septic in which has encumbered a certain percentage of their lot and they are not asking for any additional dimensions that would bring structures closer to the lot lines. By granting this variances, it does not perpetuate the circumstance because the lots exist throughout the community. He concurred with Chairperson Wendt and agreed that it is a suitable use to upgrade the property.

Chairperson Wendt stated that Big Lake is a unique community as to how it was divided and platted 70+ years ago. There are several properties on 50 foot lots. They are dealing with a vacation property community in today's age.

Board member Whitley asked why the ordinance says a structure cannot be replaced.

Board member Vallad stated that if structure is nonconforming and needs to be replaced and you can address some of the nonconformance issues, they you should. He does not believe you should deny someone reasonable use of the property. There are many of these lots and they have to deal with those. He asked how they service the well, but noted that problem exists whether they do it or not.

Chairperson Wendt stated that the ZBA should ask the Township when they review the ordinances to introduce language for special conditions such as this. He suggested language that would allow the property owner to rebuild in the same footprint. He suggested if one wall was up, it would be able to be rebuilt.

Supervisor Walls answered that this is not correct. The ordinance indicates that if it is destroyed to 50% or more of its size or value, it cannot be rebuilt. If the Board approves this, this does not make it any more nonconforming than it already is. Once they grant a variance, then it is allowed. It is an exception to the rule of the ordinance itself. It is a decision up to the Board of Appeals like any other non-use variance.

Chairperson Wendt read a letter from the resident at 5917 Claypool who is opposed to the variances requested. Supervisor Walls read a letter from the resident at 5893 Claypool which is not opposed to the variances requested.

Board member Whitley asked what the setback is for the proposed structure from the water line.

Petitioner answered 50 feet.

Board member Vallad stated that he does not see the difference between what is proposed for the garage structure and what exists all along Claypool. He stated that the privacy issue outlined in the letter he believes is because there is now going to be a second story on the home and is not an issue in his mind.

Board members discussed the presence of privacy and noise issues apparent with this property and with other lake residents.

Mr. John Ubbes stated that the petitioner has done an excellent job of cleaning up and improving the property in the five years since he has owned it and the proposed structures would only improve the quality of the neighborhood further. He stated that the house to the south of him, which is now condemned, was approved to go outside the footprint about six years ago by the Board. He stated that what the petitioner is asking for is reasonable and he is in favor of granting the request.

Board member Vallad moved to grant the applicant's request for a variance as presented this evening including a side setback of 6 feet and 5 feet instead of the 15 feet required per Springfield Township Code of Ordinances Chapter 40, Section 40-572, a front setback of 25 feet instead of the 50 feet required per Springfield Township Code of Ordinances Chapter 40, Section 40-572 and condition this that the new structure allowed the residence to be placed in the same nonconforming footprint as the old structure currently resides. The single car garage that has been proposed is acceptable as well. Property in question identified as Parcel ID #07-28-279-006 commonly known as 5917 Claypool. The proposal of the new home would not be injurious to the neighborhood and would allow a more modern use of the property than is currently existing. Seconded by Board member Baker. Voted yes: Baker, Vallad, Wendt. Voted no: Whitley. Absent: Fischbach. Motion approved.

2. Request from Jeffrey and Patricia Valenzuela, 6177 Wertz, Davisburg 48350 to allow the construction of an attached garage resulting in a total accessory area of 1821 square feet instead of the 983 square feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-649.

The property that is the subject of the request is located at 6177 Wertz in Springfield Township and is zoned R-2 One Family Residential. P.I. # 07-28-204-022.

Mr. and Mrs. Valenzuela introduced themselves to the Board. He stated that they wanted to put an attached garage on their home because of the convenience of unloading groceries. He stated that other homes in the area have attached garages. The garage will include the addition above it.

Chairperson Wendt asked if there was a hardship in taking down the detached garage that currently exists.

Mr. Valenzuela replied that they do not want to take it down because of the value of the garage.

Chairperson Wendt asked if a bedroom could be done at a different level and still fit into the architectural layout of the house.

Mr. Valenzuela stated that they are trying to increase the value of their home and yet still fit into the area.

Chairperson Wendt asked if they could achieve the addition using a split-level and have the same living area and not increase the accessory area.

Mr. Valenzuela replied that it probably could be done. However, their first wish was to have an attached garage due to the hardships in the winter. The priority was the garage and when they found out they could have living space above, they decided to move forward.

Chairperson Wendt stated that the Board is charged with not creating nonconforming property when there are alternatives.

Mrs. Valenzuela stated that the reason they started the project to put an attached garage; if they cannot do the garage, they will not do the addition.

Board member Vallad asked about the current square footage of the top level.

Petitioner confirmed that it is 1200 square feet.

Richard Park, 6161 Wertz, introduced himself to the Board. He stated that the Valenzuela's are the perfect neighbors and he is in favor of this variance. All of the other residents in the area have an attached garage. The family is active in the community and they are the kind of neighbors that the community does not want to lose.

Board member Baker stated that when the ZBA is approached to consider a variance he looks to see if there is something unique to their property that doesn't allow them to have something that other people can have in the same zoning. He suggested possibly a swamp or an extended wetland, irregular shaped lot that prevents them from building on their property. The petitioner's lot does not have this. They do have to avoid the septic, but this is not a unique property characteristic. The petitioner has the ability to build the attached structure if they take the detached structure down. To have both the detached and attached buildings moves the petitioner into a place where other people do not have this right by the same zoning. He asks if the ordinance limits the petitioner in some way that they do not limit others and he does not see that it does in this case. He would not be in

support in having a total accessory structure square footage that exceeds the ordinance standard by over 800 square feet.

Board member Vallad asked if part of the proposal is to park the motor home in the garage.

Petitioner replied no.

Board member Vallad asked what the plan was for the exterior.

Petitioner replied that they are wrapping stone around it and removing all of the block.

Board member Vallad stated that if they call it a basement instead of a garage, it would not need a variance. He does not think it takes away from the property but it is a significant amount over the ordinance maximum.

Board member Baker stated that he is looking at it to determine what is unique about the lot that would make the variance suitable and he is not seeing it. He sees a desire to add space for more stuff storage.

Petitioner confirmed that the property came with the detached garage. The garage is worth a lot of money and tearing it down would be a waste of money.

Board member Whitley stated that tearing down the detached garage gives them an alternative.

Board member Vallad asked how much of the lower level would be dedicated to the two cars.

Petitioner suggested 24' X 16'.

Board members discussed the use of the rest of the square footage of the proposed lower level and the designation of accessory usage versus storage or other use. Board members agreed that the petitioners need to go back and look at the numbers more carefully to determine exactly how much is being used for just accessory and to do this, they asked the petitioner to provide an updated plan showing what area in the lower level is for accessory use and what area is used for all other uses.

Chairperson Wendt suggested that the petitioner relabel the drawing to clearly distinguish car storage from any other use for the other area because right now it is all labeled storage which is accessory. He asked the petitioner to come back with a new drawing.

Board members concurred.

Board member Whitley stated that it would be to the petitioner's benefit to table the request and come back with a clear drawing.

Board members concurred.

Board member Vallad stated that the ZBA has advertised for the maximum to be approved, but they can approve it for a lower amount not to exceed “X square feet.”

Board member Vallad moved to TABLE this request until the meeting to be held on May 20, 2015 to allow applicant to provide additional information related to the request. Seconded by Board member Whitley. Voted yes: Baker, Vallad, Wendt, Whitley. Voted no: None. Absent: Fischbach. Motion approved.

ADJOURNMENT:

Board member Whitley moved to ADJOURN the meeting at 8:40 PM. Seconded by Board member Vallad. Voted yes: Baker, Vallad, Wendt, Whitley. Voted no: None. Absent: Fischbach. Motion approved.

Erin Mattice, Recording Secretary