

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
July 18, 2018

Call to Order: Chairperson Wendt called the July 18, 2018 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: Bill Whitley
 Dean Baker
 Skip Wendt
 Denny Vallad
 Matt Underwood

Absent: Ginny Fischbach

AGENDA:

Board members agreed to proceed with the agenda as presented.

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Board member Whitley moved to approve the minutes of the June 20, 2018 meeting as amended, changing “affluent” to “effluent” on page 2. Supported by Board member Vallad. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

NEW BUSINESS:

1. *Request from Daniel and Deanne Hefner, 9101 Bridge Lake Road, Clarkston, MI 48348 for a variance to construct an accessory building with a twenty-eight (28) foot front setback rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 9101 Bridge Lake Road in Springfield Township and is zoned R-1 One Family Residential. P.I.#07-12-151-002.

Mr. Dan Hefner introduced himself to the Board. He stated that he was before the Board two years ago and this accessory building was part of the Master Plan then. The reason for this is because there is not much buildable property. He has 2.5 acres on his taxes but not this much usable land with the septic area and the house. He has two full sized trucks and lots of tools and hobbies that he needs space to store items.

Chairperson Wendt stated the property does have obvious problems trying to meet conditions.

Board member Baker asked about the variance that was received last time he was in front of the Board.

Mr. Hefner replied that he received a variance for the placement of an addition and he has completed that addition as allowed.

Chairperson Wendt confirmed that the applicant did build the addition as planned.

Board member Vallad stated that the applicant did a great job with the addition. He added that there is landscaping at the edge of the road right of way that softens the effect of any front yard setback. Neighboring structures are not visible from the property. He thinks it is well placed and well thought out.

Board member Whitley asked why there is not a side setback variance request. The proposed building is 9.6 feet of the side boundary. This does not increase the nonconformance, but it would be new construction which is not compliant with the ordinance.

Mr. Hefner stated that he was told as long as he stays on the line of the existing structure, that this was allowed and that is why he did not put it in his request.

Chairperson Wendt stated that the Board has followed a preexisting nonconforming line as being used as long as it was not increased.

Board member Whitley confirmed that it is not increasing the nonconformance on the side. He added that the proposed garage seems to be very large for the lot and also for the size of the house that it is going to be attached to. Although a 32' X 40' structure meets the allowance for the lot area, it is very large. It does not seem to him that it is the minimum possible. The application states that there are other homes in the area that have similar setbacks, but he looked and did not see anything close to 28 feet all the way from Rattalee Lake Road to Davisburg Road. This is significantly different than other homes in the area.

Chairperson Wendt stated that the configuration of the property creates the hardship but there is validity to what Board member Whitley stated.

Board member Baker confirmed that the outline of the lot indicates a 2.5 acre parcel although only a fraction of that can be built on. The accessory structure that is proposed looks larger relatively speaking, but this is a lot that the ordinance allows to have 2,089 square foot of accessory square footage. The applicant is requesting 1,280 square feet. This is a challenged lot for the buildable location and he thinks that since they are only going to be approving something that is 1,280 square feet out of a calculated 2,089 square feet, he would be in support of this. Also, the neighboring areas are screened in an intense fashion.

Board member Whitley stated that the square footage is allowable. A forty-foot depth of a garage is excessive when it could be configured differently and result in less of a front setback variance. In the action taken two years ago, a variance in the back at water's edge was preferable to a variance of 10 feet in the front of the house and now they are talking about 30 feet. It seems incongruous to him.

Board member Whitley moved to deny the request looking at the five factors that the Board is to consider, Section 40-63,

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

There are some peculiarities but not to the extent of a 40 foot deep garage.

b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.

There are no other properties in the area that have similar setbacks.

c. The special conditions and circumstances referenced in subsection (d)(1)a of this section do not result from the actions of the applicant.

It is not necessarily this applicant, but anything that had been done to the land and where the house is situated resulting in the need for a variance resulted from the actions of the applicant or his predecessors.

d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The 40 foot depth of the proposed garage is not the minimum that would make possible the reasonable use of the land.

e. The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare

Comparable lots in the area do not have similar kinds of setback as being requested by this applicant.

Supported by Board member Underwood. Vote yes: Underwood, Whitley. Vote no: Baker, Vallad, Wendt. Absent: Fischbach. Motion failed.

Board member Baker moved to approve the request of the applicant at 9101 Bridge Lake Road, Clarkston to construct an accessory building on the parcel with a 28 foot front setback rather than the required 50 foot setback due to the abnormal conditions that exist on this property, the limited buildable space on a parcel that is recorded as 2.5 acres but has a much smaller buildable area than that, the literal interpretation of the ordinance would not permit the applicant to enjoy nearly the amount of accessory square footage that is permitted on a lot of this defined size and the applicant is not the one responsible for configuring this odd situation where a lot is recorded as such a size but only has a small buildable footprint. This variance permits the applicant adequate use of this property and yet does not nearly approach the limit that others are enjoying on their similarly sized lots and due to the screening and the situation that is relevant to this lot, it will not be out of harmony with neighboring properties. Supported by Board member Vallad. Vote yes: Baker, Underwood, Vallad, Wendt. Vote no: Whitley. Absent: Fischbach. Motion approved.

2. *Request from Barkley Thomson, 9633 Susin Lane, Clarkston, 48348 to install a septic system located at a distance of seventy-five (75) feet to the high water mark of Susin Lake instead of the one-hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639.*

The property that is the subject of the request is located at 9633 Susin Lane in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-11-377-006.

Mr. Thompson introduced himself to the Board. He has been dealing with Mike Morris at Oakland County Health Division to go through this process and Mr. Morris feels that this is the only spot that the field can go. The only other option is to repair but nothing has been uncovered yet because it is a dry well system installed long ago and he would like to bring everything up to date. He has recently redone the entire home and the septic is the last thing on the list. The current septic is not working correctly.

Board member Vallad asked how the applicant proposed to access the lake side to put this system in.

Mr. Thompson replied that his neighbor is allowing him access through his yard. In return, Mr. Thompson is going to do some landscape work for the neighbor on the lake side of the property.

Chairperson Wendt asked once the septic system is in and this neighbor has moved away, how will he access it.

Mr. Thompson replied that instead of using a concrete tank, he would get a plastic tank that would have to be craned over the house. He can access it with a skid steer right now.

Chairperson Wendt commented that the OCHD permit indicates that there should be two concrete tanks. So, the use of a plastic tank does not conform to the OCHD permit.

Mr. Thompson replied that there are plastic tanks that are the equivalent size, but they are made for better accessibility.

Chairperson Wendt stated that they must deal with what the County has mandated.

Mr. Thompson answered that down the road, if he has to have the septic field serviced, it could be craned over the house. Currently he is using an excavator that will take them down through the neighbor's yard. If anything has to be dug up in the future, he could use a smaller skid steer.

Board member Whitley asked if the system that he is putting in is a traditional system.

Mr. Thompson replied that the OCHD permit is for a bed system. It will be cut down to the soil that was approved and then a raised bed will be built with sand and stone around the pipe.

Board member Whitley asked if it was an aftertreatment system.
Mr. Thompson replied it was a traditional system.

Board member Whitley asked which neighbor is the one who is providing access.

Mr. Thompson answered that if you are looking at his house from the road, the neighbor on the left-hand side, Tom Bock.

Supervisor Walls stated that on page 2, Special Conditions of the Oakland County Health Division permit, 6th bullet, it lists an effluent filter, and this qualifies by the State as advanced technology. It keeps the sediments out of the drain field and promotes the life of the system.

Board member Whitley commented that it is the minimum of advanced. He commented that from past practice, when the Board has considered septic systems of less than 100 feet, they have always been for advanced technology treatment systems as opposed to passive traditional systems. He suggested the Board be consistent with the type of treatment systems allowed for less than the 100 foot setback. He is concerned about the septic on this side of the house with absolutely no way to access it on the owner's property. He can understand lifting solid objects over the house with a crane but there needs to be access to the field on the property. He asked about future service or future replacement if that neighbor goes away.

Mr. Thompson replied that it can be accessed by a skid steer along the right side of his house.

Board member Whitley stated that this would address his concern. He reiterated his concern regarding the consistency of the Board with septic systems under 100 feet from lakefront.

Board member Underwood asked what the distance is on the side of the house that can be accessed by a skid steer.

Mr. Thompson replied 6 feet.

Board member Whitley asked where the well is.

Mr. Thompson replied 20 feet from the front door of the house.

Board member Baker asked if the graphic that is attached to the Oakland County permit was supplied by them.

Mr. Thompson answered, yes, it was supplied by them.

Board member Baker read the minimum distances outlined in the permit. The field is outlined as a rectangle and asked if there was a possibility of rotating that field, so it would be farther away from the lakefront.

Mr. Thompson pointed out the number 2, next to it says 13.2, this is where the second perc hole was dug, and it did not perc right there. That is why the Health Division situated it where they did because the holes dug in this area was soil that does perc.

Board member Baker stated that he wonders if the sanitarian that reviewed this was as diligent as they might have been to maximize this separation.

Chairperson Wendt stated that it would be difficult for the applicant to answer this question because the Health Division probably placed the system where they thought it would go.

Board member Baker agreed.

Board member Whitley asked if the Health Department would approve a different location with a different shape if they knew the constraints trying to be met. It doesn't appear that there were perc holes done closer to the house that would allow the field to be rotated that would provide additional setback.

Mr. Thompson stated that right behind the house is where the tank must be, and this will eat up some area.

Board member Whitley replied that moving the tank is minor and so is moving the pipe going from the tank to the house. He asked if Mr. Thompson is putting in a new tank.

Mr. Thompson replied yes.

Board member Whitley reiterated that moving the pipe and tank would be minimal especially if it could increase the setback.

Board member Whitley moved to table the request with the request of the applicant to explore with the Oakland County Health Division whether there are alternative locations for the field that will increase the distance to water's edge and therefore decrease the variance request by relocating the field. Supported by Board member Baker. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

3. Request from James Ashley, 11655 Ely, Davisburg, 48350 to allow the split of a 12.63 acre parcel into one 4.67 acre parcel and one 7.96 acre parcel with access strip in accordance with Springfield Township Code of Ordinances, Chapter 40- Section 40-642.

The property that is the subject of the request is located at 11655 Ely in Springfield Township and is zoned R-1 One Family Residential. P.I. #07-09-376-008.

Mr. Jim Ashley introduced himself to the Board.

Chairperson Wendt stated that it should be a 5 acre minimum of property being accessed by an access strip.

Supervisor Walls clarified that the use of the access strip requires five acres, but the zoning of the area is 1.5 acres.

Board members and applicant discussed the proposed split and the options that the applicant has to create the split, meet the zoning and still meet the 5 acre minimum for both properties.

Board member Whitley moved that the request for the creation of a parcel requiring an access strip for access be approved subject to the boundaries of the lots created by the split result in lots both of which meet or exceed a minimum of 5 acres in area. Supported by Board member Underwood. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 8:27 pm. Supported by Board member Vallad. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

Erin Mattice, Recording Secretary