

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
September 16, 2015

Call to Order: Chairperson Wendt called the September 16, 2015 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: Dean Baker
 Virginia Fischbach
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent: None

PUBLIC COMMENT: None

AGENDA:

Board members agreed to proceed with the agenda as presented.

CONSENT: Minutes of the June 17, 2015 meeting

Board member Whitley moved to APPROVE the minutes of June 17, 2015 meeting as presented. Supported by Board member Vallad. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from Jacqueline Kopp, 12451 White Tail, Davisburg, 48350 for a variance to construct a pool resulting in a ten (10) foot rear setback 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 at 12451 White Tail in Springfield Township and is zoned R-1 One Family Residential. P.I.#07-20-451-001.

Ms. Kopp introduced herself to the Board.

Chairperson Wendt asked why she would start construction on a pool without getting a permit.

Ms. Kopp answered that she had applied for the permit two weeks before they even started. It was a miscommunication on her part with the person that was digging and she will take the blame for that. She apologized for this and she did not want to do it the wrong way at all. As soon as she called Monday morning for the permit and she knew there was an issue, she stopped. She admitted that it was her mistake and since she does not do this every day, she didn't know.

Chairperson Wendt asked who prepared the drawings that were presented to the Board.

Ms. Kopp indicated that she did through a website called "My Site Plan." She added the proposed pool and used the specs from the pool kit that she purchased.

Chairperson Wendt stated that the location of the well and septic field are shown on the drawing but there are no specific locations indicated. The Board would be looking for specific measurements to be outlined and they aren't.

Ms. Kopp stated that she had Mr. Strutz, pool contractor, dig the pool but the actual pool is a kit that friends and family are going to help her put together to try to save money.

Chairperson Wendt stated that he wondered if the contractor asked about the permit.

Ms. Kopp replied that there was an issue with the permit and it wasn't issued and she didn't have a conversation about it on the morning that they started digging.

Mr. Vallad indicated that he is acquainted with Mr. Strutz through a casual, social friendship.

Chairperson Wendt stated that this should not disqualify him from actively participating in this decision.

Mr. Vallad concurred.

Board member Baker asked if the applicant had considered a smaller pool which would require less of an encroachment into the established setback requirement.

Ms. Kopp replied that she didn't look at a different pool; this was the pool that she got.

Mr. Strutz, pool contractor, stated that Ms. Kopp wanted a diving pool which is a minimum of 16 feet by 32 feet. He sold her the pool kit.

Board member Baker stated that the pool is 24 feet wide.

Ms. Kopp stated that she doesn't know that she would want to bring it any closer to the home because she wants to have a picnic table and things that she could enjoy right before the pool.

Board member Baker stated that the Board is trying to create the minimum necessary encroachment into the setback. If there is a way to put the pool on this property and not encroach, she could put it where she wanted, get the appropriate permits and install the pool and she wouldn't have to come to the Board. They need to minimize the variance needed. He asked how small of a pool that she could live with and the answer was 16 feet by 32 feet.

Ms. Kopp concurred. The pool kit has already been paid for so she would have to sell that pool first if she was going to get another one.

Board member Baker asked if she had a 16 foot by 32 foot pool and why she is hesitant to move it closer to the house.

Ms. Kopp answered yes. She would like to put out a picnic table and a grill but that is all that is going to fit even now.

Board member Baker asked if there was another place on the property that she has explored.

Ms. Kopp stated that as you look at the house, everything to the right is septic so it cannot go on that side. She didn't think that for pool rules you could have it in the front yard. She indicated that to the right of the house, there are a couple of big pine trees so it would be hard for her to watch the pool. She added that if she put it to the left, it would be in everyone else's front yard because her lot is a corner lot on Tamcyn Drive. The house is not placed favorably for a backyard.

Board member Vallad asked if she was the original owner.

Ms. Kopp answered that she has owned the home for three years.

Chairperson Wendt suggested putting the pool at the end of the driveway in the southeast corner of the property.

Ms. Kopp stated that she now has a playset located there. She eventually wanted to put a doorwall from her living room out to the pool area and she wanted to do that in a year or so.

Chairperson Wendt stated that the Board is charged with allowing variances based on hardships that the owner did not create. Something that had been pre-existing or naturally occurring that would prevent the normal use of the property. He does not find any justification for the pool based on any hardship tied to the irregularity of the property or anything else that would allow them to say yes there is a hardship involved.

Ms. Kopp stated that she intended to put a second garage at the end of the driveway in the spot that Chairperson Wendt suggested.

Chairperson Wendt stated that what she is going to do in the future is not what they have to deal with tonight.

Ms. Kopp stated that she is planning the property that she lives on.

Chairperson Wendt stated that there needs to be a hardship that creates the need for the variance and right now he cannot justify any type of hardship because there are alternatives.

Board member Vallad stated that there is an alternative location but he does not believe it is in the applicant's best interest for it to be located there. He stated that you cannot see out that side of the home. If you are watching the pool from the home, the most logical position for the pool would be behind the home.

Chairperson Wendt asked what was driving the hardship.

Board member Vallad answered nothing; it is a better alternative.

Board member Fischbach asked if there were windows on that side.

Ms. Kopp answered one. She looked where the playscape is as an alternate location but she is planning to build a second garage there. She wanted the pool in the backyard. She can't put the garage in front of the house.

Board member Baker stated that if she wanted to put additional accessory structure on her property, as long as that accessory structure is within the allowance for the property and that it is within the building envelope and honoring the setbacks, she can place it where she wants on the property. There is no rule that the garage has to be in a certain location relative to the house.

Ms. Kopp stated that it could have been the association rules too.

Board member Baker stated that if the subdivision has association rules, she has to honor those.

Board member Vallad stated that the closest home is behind the home in question and is 60 feet from the property line to the house. He stated that whether the variance is to a 10 foot or an 18 foot setback, he doesn't think this is material. There is one window on the side of that neighboring home and in order for the neighbor to use his side yard effectively between his home and the pool is going to require terracing and everything else. The variance of 10 feet is more than 18 feet, he doesn't believe it is a critical dimension.

Chairperson Wendt stated that he understands the applicant has made a serious request but he asked the Board members to identify the hardship which allows them to legally determine that this variance is reasonable. This is an acre and a half lot.

Board member Baker admitted that he is struggling with the same thing. Typically when they look at setback variances, there is some type of naturally occurring feature on the site, like a marsh, that you cannot build on. This gives the Board the opportunity to grant the variance based on the hardship associated with the property. The other thing that they have looked at are old cottage lots that are on lakes where everybody has built a house within 5 feet of the neighboring property and a new person comes in and wants to build a house within 5 feet of the neighboring property, everyone else already has one. These are considered property hardships and he doesn't see it in this case.

Board member Whitley moved to DENY the request from Jacqueline Kopp, 12451 White Tail, Davisburg, 48350 for a variance to construct a pool resulting in a ten (10) foot rear setback rather than the thirty five (35) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572 for the following reasons:

- 1. The application sites no hardship or special conditions that are peculiar to the property.**
- 2. There are possible alternatives that have not been explored**
- 3. The site plans with dimensions were not provided for the Board's consideration and it appears that there are alternatives that may be available that would reduce or eliminate the requirement for a variance to construct the pool**

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

Supervisor Walls urged the applicant to call the office and make an appointment to discuss the pool, property and alternate locations.

ADJOURNMENT:

Board member Whitley moved to ADJOURN the meeting at 8:04 pm. Seconded by Board member Fischbach. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary