

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
October 19, 2011

Meeting is called to order at 7:30 pm by Chairperson Skip Wendt.

In attendance: Dean Baker, Zoning Board Member
Jim Carlton, Zoning Board Member
Bill Whitley, Zoning Board Member
Denny Vallad, Zoning Board Member
Skip Wendt, Chairman

Absent: None

AGENDA: Approved as presented.

Board member Carlton moved to approve the agenda as presented. Supported by Board member Whitley. Voted yes: all. Voted no: none. Absent: none. Motion approved.

PUBLIC COMMENT: None.

CONSENT MOTION: Minutes of the August 17, 2011 meeting.

Board member Carlton moved to approve the minutes of August 17, 2011 as presented. Supported by Board member Baker. Voted yes: Baker, Carlton, Vallad. Voted no: none. Abstain: Wendt, Whitley. Absent: none. Motion approved.

Minutes of the September 21, 2011 meeting.

Board member Whitley moved to approve the minutes of September 21, 2011 as presented. Supported by Board member Carlton. Voted yes: Baker, Carlton, Wendt, Whitley. Voted no: none. Abstain: Vallad. Absent: none. Motion approved.

NEW BUSINESS:

- 1. Request from Malia and Donald Heroux, 3670 Georgetown Place, Dulles, VA 20189 and Caitlin and Aaron Aumann, 12445 Shaffer Road, Davisburg, MI 48350 to create a shared driveway originating at Bigelow Road and extending four hundred sixty-five (465) feet. This proposed shared driveway will provide access to both parcels #07-10-351-023 (10845 Bigelow Road, Davisburg, 48350) and #07-10-351-024 (10837 Bigelow Road, Davisburg, 48350) and is prohibited by section 16.20 of the Springfield Township Ordinance No. 26. Both properties are located in Springfield Township and both are zoned R-2.*

Chairperson Wendt stated that this case was presented to the Board in December 2010. He stated that there is a shared driveway agreement that was proposed that seems to have no legal bearing. This document needs to be reconstructed to contain language that is recordable.

Board member Vallad asked why the drive had to be 465 feet long. He stated that he agrees that the agreement is not in recordable format and does not include all of the provisions that it should for the sharing of a driveway.

Board member Whitley stated that the driveway agreement seems to present that the owners are willing to share a driveway. If the Board decides to approve the request, part of the motion should be that the agreement is in a recordable state and this should be a requirement.

Chairperson Wendt asked if he was suggesting that the language should be reviewed by the Township attorney.

Board member Whitley agreed. He stated that this should be part of the motion and that the Township attorney should agree with the language.

Board member Carlton concurred with Board member Whitley.

Aaron Aumann presented himself to the Board.

Chairperson Wendt asked Mr. Aumann if he had anything to add that was not already presented to the Board.

Mr. Aumann replied no.

Chairperson Wendt stated that in the memo that the Board received from the Supervisors office, there was an issue with the presence of the telephone pole and the difference between the two drawings received.

Board member Carlton stated that it was difficult to tell given the drawings received where the driveways started. He asked where the telephone pole was in relation to where the driveways split.

Ms. Mattice replied that the presence of the telephone pole was indicated on the Kieft survey received, but not on the site plan/sketch received from the applicant and this discrepancy was indicated in the memo she provided to the Board. She indicated that she did not walk the site, so she does not have first hand knowledge of where the utility pole was located.

Chairperson Wendt asked Mr. Aumann why the driveway had to be so long.

Mr. Aumann replied that the shared driveway would go back approximately 340 feet as shared. It would then separate and veer left to allow access to the smaller parcel and the other driveway would continue on to allow access to the larger parcel. He stated that he understands it to be 340 feet to the telephone pole.

Chairperson Wendt asked why they were asking for 465 feet.

Mr. Aumann stated that they were told to ask for the maximum, 465 feet, now so that they would not have to go back to the Board to increase it later.

Board members examined and discussed the two different documents that they were given: the survey from Kieft and the sketch provided by the applicant.

Board member Whitley asked why they wanted a shared driveway.

Mr. Aumann stated that there already exists a two-track type of driveway through the clearing area that is surrounded by trees. It is easier to use this already established track than to cut down trees and create something new.

Chairperson Carlton asked where the two track was on the survey. He stated that the approach at Bigelow should be at the property line, but the two track that Mr. Aumann referenced is west of this joining point.

Board member Whitley stated that if they follow the property boundary line which the Kieft engineering shows on the survey for 465 feet, then the shared driveway would end up to be 115 feet into the smaller parcel indicated as E. He asked if the suggested driveway would follow a straight line, or would it follow the actual property line.

Mr. Aumann stated that it was his understanding that it would follow the property line and approached the Board members for discussion on the discrepancies between the Kieft drawing and the drawing sketch provided by him. Upon further clarification, Mr. Aumann indicated that the driveway would follow the property line as shown on the Kieft engineering drawing and the sketch provided by him was incorrect in this regard.

Mr. Aumann stated that he is not entirely sure where the shared driveway will end and the access for the five acre parcel will be located but that the shared driveway will be located on the property line.

Board member Whitley concurred that the driveway will stay on the property line until it splits off.

Chairperson Wendt stated that he would rather see a definitive engineering drawing before a decision can be reached.

Board member Vallad stated that they need something more to be a recordable easement.

Board member Whitley stated that the best that could do would be to specify a shared driveway not to exceed 465 feet along the property line but he concurred with Board member Vallad that it will take a more precise description to be recordable.

Chairperson Wendt stated that acting on this proposal would not be an advantage to the applicant but that the Board should table it to allow them to provide clearer drawings and language to further clarify.

Board member Vallad stated that he does not have an issue going up to 465 feet and a shared driveway. However, it needs to be in recordable format and enforceable.

Board member Whitley stated that it should be in recordable language that will become part of the easement. This would become a legal description of the easement between the two properties.

Board members asked the applicant to verify that the driveway that exists right now is on the property line.

Board member Whitley moved to table the request for future consideration. The applicant is asked by the Board to present a more detailed description both in language, in terms of a legal description of the easement that would be shared to provide the requested driveway and drawings that indicate where that lays on the property so the Board is able to fully understand what they are being asked to consider. Supported by Board member Baker. Voted yes: all. Voted no: none. Absent: none. Motion approved.

Board member Carlton stated that this was his last meeting and he thanked the Board for allowing him to serve and stated that it was a great experience. Board members thanked Board member Carlton for his years of service.

Board member Vallad introduced Ginny Fischbach to the Board.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 7:56 pm, supported by Board member Vallad. Voted yes: all. Voted no: none. Absent: none. Motion approved.

Erin Mattice, Recording Secretary