

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
MAY 19, 2010

Meeting is called to order at 8:00 pm.

In attendance: Skip Wendt, Chairperson
Bill Whitley, Board member
Denny Vallad, Board member
Jim Carlton, Board member
Dean Baker, Board member
Mike Trout, Supervisor

CONSENT MOTION: Agenda: **Board member Baker made the motion to approve the agenda as presented, supported by Board member Carlton. Voted yes: all. Vote no: none. Motion approved.**

PUBLIC COMMENT: None.

CONSENT APPROVAL: Minutes of the March 17, 2010 meeting.
Board member Baker made the motion to approve the minutes as presented, supported by Board member Carlton. Voted yes: all. Vote no: none. Motion approved.

OLD BUSINESS: None.

NEW BUSINESS:

1. Request from Corey O’Kane, 8709 Sherwood, Davisburg, MI 48350 for the following variance: To allow the applicant to retain an existing addition resulting in a south side yard setback of eighteen inches (18”) and a north side yard setback of nine feet, two inches (9’2”) for a total of ten feet, eight inches (10’8”) rather than the required thirty (30) feet combined side yard setback, with at least one side being fifteen (15) feet, per Section 25 of Springfield Township Zoning Ordinance No. 26. This addition was built by the previous homeowner without any approved permits.

Chairperson Wendt asked Mr. O’Kane if there was anything in addition that he had to present besides the boundary print provided to the Board.

Mr. O’Kane stated that the previous owner (John Katich) built the addition without any building permits. He stated that he provided the neighbor’s septic information on the boundary plan. He stated that he drew in the additional lines from structure to structure on the boundary plan.

Chairperson Wendt stated that each Board member received a copy of a memo. It is a letter from Dan and Linda Gilford who reside at 8701 Sherwood. He indicated that they have received it, and it is a matter of record.

Sue Weaver of Code Enforcement Services stated that John Katich was the previous owner of the property. He did the work without any permits. She stated that in the middle of working on this project, he died and his brother took over the home. She stated that the brother lost the house and stripped everything out of it.

Chairperson Wendt stated that there is a remnant of a “not approved” stamp on the front door. He asked when that was placed on the door.

Sue Weaver stated that it has been a couple of months and it was placed by the building inspector. She stated that there were several people interested in buying the home before Mr. O’Kane, at least five potential buyers. She stated that every one of them was advised that the structure was not approved. She stated that as soon as they knew of the structure going up, she sent the building inspector out there and it was tagged.

Board member Carlton asked how long ago this was.

Sue Weaver stated that it has been at least 3 months since the building inspector was sent to the home, maybe more. She stated that there was a fence on the property that was over the property line and the neighbor kept leaving notes on the door. She stated that the neighbor kept calling and Sue finally convinced her to stop trespassing. She stated she was under the impression that the fence in question has been removed.

Mr. O’Kane stated that the fence has not been removed.

Sue Weaver stated that when she had a conversation with Mr. O’Kane about taking the fence down; he agreed that it is over the property line and should come down.

Mr. O’Kane stated that he spoke to Dan Gilford about the fence and they have a handshake agreement that it will be moved back off of Mr. Gilford’s property.

Sue Weaver stated that this is between him and his neighbor.

Board member Carlton stated that he has some questions about the drawings provided. He questioned if the area west of the hash marks is the part in question.

Mr. O’Kane approached Board member Carlton to provide further clarification about the drawing. Mr. O’Kane explained and gave further explanation regarding the drawings and plans provided to give the Board members a clearer understanding of the structures.

Board member Carlton stated that he went out and viewed the property. He stated that it is not just the deck in question, it is a substantial addition. He stated that he wanted this to be clear.

Mr. O’Kane stated that his builder theorized that from the existing deck, supports were placed and then they built up from this. He stated that the roof line was built up a couple of feet; the addition actually closed in the deck. He stated that they built right into the existing framing and roof line of the house.

Board member Carlton questioned if the area that is right up to the house is the pump house. He referred to the drawing. He questioned Mr. O’Kane what the structure is used for.

Mr. O’Kane stated that this is the covered stairway of the porch. The below ground structure is a retaining wall.

Chairperson Wendt stated that there is a retaining wall and then there is a covered shed.

Board member Carlton questioned how integral the shed is to the house, structurally.

Mr. O’Kane stated that he did not know. He stated that there are some support beams to the exterior part of the deck coming up from the shed wall. He stated that the property is much higher on Mr. Gilford’s side of the wall.

Board member Whitley asked what the impact was if the shed was removed.

Mr. O’Kane stated that he believed it would be substantial. He stated then they would have to figure out how to support that exterior wall of the addition deck area. He stated that they would also have to figure out how to retain the ground without impacting the neighbor’s property.

Chairperson Wendt stated that he did not know how removing it would affect the structural integrity of that room above because the roof slopes away from the existing home with the upper level. He stated that he would assume that there was some type of combined beam, meaning a double 2x12 with plates between it, because there is nothing more than a roof on the outside.

Mr. O’Kane referred to the drawing and approached the Board members for further clarification.

Chairperson Wendt stated that he believes that there is something structurally so that if the shed were removed, it would not affect the residence.

Board member Whitley explained that they were speaking about the northerly side of the shed; the southern side was non-load bearing.

The Board members discussed the structural walls as depicted on the drawing.

Mr. O’Kane pointed out the load-bearing wall, and the non-load bearing walls.

Board member Whitley stated that there appears to be a pier underneath the southerly wall. He stated that one alternative could be to remove the shed and then there would not be an increase in the amount of non-conformance. He questioned whether that could be done structurally without affecting the integrity of the structure itself. He questioned if the southerly wall provides structure for the second story. He stated that there appears to be a post and a pier.

Chairperson Wendt questioned the Board members if they felt like there was something significant along the wall line that would impact on the main housing structure.

Mr. O’Kane stated that he did not know.

Board members discussed the appearance of the structural footings when looking at the drawing.

Mr. O’Kane stated that they have a walk-out basement so the wall is used as a retaining wall as well. He stated that he believes that his neighbor’s property would also be affected if it was removed.

Board member Whitley questioned Mr. O’Kane if he had talked with his builder about the alternative of removing the shed.

Mr. O’Kane said no. He stated that he believes that significant cost would be involved; he did not pursue it.

Chairperson Wendt stated that if the shed was not there, both side boundary lines would be pre-existing.

Board member Whitley stated that if a variance request was coming to the Zoning Board, and they would try to not increase the level of non-conformity. He stated that the shed removal would be considered. He stated that this addition has added to the non-conformity, almost to the property line. He questioned if it would be worth the time to go back and determine the structural impact of removing the shed.

Board member Carlton stated that he agreed. He stated if this were just coming to the Zoning Board, the shed would be an issue. He stated that they would have to have someone take a look at it.

Sue Weaver stated that she could arrange for an in-depth inspection to be done on Friday and it could come back to the Board next month. The inspection that the building inspector did previously was on the interior.

Board member Whitley questioned Mr. O’Kane if he was willing to consider this option as an alternative.

Mr. O’Kane stated that he would have to discuss it, and figure out what the ramifications would be.

Chairperson Wendt stated that the Board would make a motion tonight. He stated that it would be up to Mr. O’Kane if he wanted to follow through with this request the way it stands, or to table it for a month and make a determination as to whether or not the shed has any structural integrity and has to stay there, or whether it can be removed.

Mr. O’Kane stated that if that is a deciding factor, he would like to pursue the option of having it investigated.

Judy Hensler, 10520 King Road, approached the podium for comment. She stated that she lives about 400 feet across the water from Mr. O’Kane. She stated that she has been looking at the house for 10 years from across the lake. She stated that it has been an eyesore to the neighborhood. She stated that the shed has been there for 10 years; as well as the decks. Approximately 3 years ago, Mr. Katich enclosed the decks on either side of the door, he died and the house was empty. She stated that things disappeared out of the house during the day. She stated that the shed has always been there. The shed is not obtrusive; lots of people have sheds attached to their house down by the lake. She stated that she has no objections. She stated that her next door neighbor, Mr. Jernigan, and she have talked about it. She stated that she is delighted that Mr. O’Kane is fixing up this house and so are the neighbors. She stated that the violations that the Board is speaking of are not objectionable aesthetically in any way. The house looks fine; it looks no different from any other house in the cove. It is not bigger, smaller, uglier, taller or wider. She stated that she and her husband totally support Mr. O’Kane’s variance request.

Chairperson Wendt stated that he appreciated Ms. Hensler’s comments. He stated that the Board is charged with not creating greater non-conformity as part of the job that they have. He stated that right now, they are trying to clear it up. He stated that if the shed is removable, it would be an easier or a better way for the Board to move forward.

Judy Hensler restated that the shed has been there for at least 10 years and she doesn’t want to see Mr. O’Kane punished for the sins of the previous owner.

Paul Hensler, 10520 King Road, provided a letter from Mike Gregory, 8709 Sherwood. Mr. Gregory lives 3 houses to the northwest of Mr. O’Kane’s property. The letter stated that, “I do not oppose the variance that he is seeking. The work involved to remove the structure over the rear of the house would be costly and have no aesthetic value.” He stated that it is signed and he presented it to the Board to be included in the record. He stated that he concurred with Judy Hensler’s comments about the matter.

Board member Whitley stated that understanding the architectural difficulty might speak to the practical difficulty that is one of the requirements, certainly one of the considerations, that the Board is charged with. He stated that it would seem to be a reasonable thing to do to give us one more piece of data that would speak to the practical difficulty, and whether or not it is even feasible.

Board member Baker questioned if there was any specific guidance that the Board needs to give to the inspector.

Chairperson Wendt stated that the Board is asking if the shed is a structural necessity and would it affect the integrity of the house if removed.

Board member Baker stated that the Board was not asking for any estimates of what type of economic investment it would take if it is not structural.

Chairperson Wendt stated that economics does not guide the Zoning Board of Appeals.

Supervisor Trout questioned if it included the entire shed, or is a partial removal of the shed a possibility.

Chairperson Wendt stated that it is not clear what good it would do to take out part of it, what aesthetic good it would do. He stated that he feels a partial removal might be a detriment.

Board member Whitley stated that he is not sure about partial removal. He stated that it could be that only a beam needs to be left.

Supervisor Trout questioned whether part of the retaining wall might be required to anchor the upper structure.

Chairperson Wendt stated that the drawing shows that the shed abuts the wood retaining wall. He stated that he does not know what is there; he will make an assumption that if the roof and the easterly wall and westerly wall were taken out, the drawing shows that the retaining wall will still be there. The shed appears to have been built up against the retaining wall. If you take it out, you would have open space on the underside, just like what is present on the other side of the house.

Mr. O'Kane stated that the retaining wall is actually the exterior wall on the slope; essentially, it is a 2-story shed. The walk-out basement level of the shed, the exterior wall is the retaining wall. The retaining wall is there holding the dirt back.

Board member Whitley stated that all he can tell from the drawing is that there is a pier and a post underneath the southerly wall of what the Board is referring to as the shed. He stated that what is unclear is whether or not this is part of the foundation, part of the retaining wall, or is it a structural support element for the house. He stated that this is what he would like to understand from the building inspector. Then, if he can make a reasonable suggestion as to how the shed could be removed without negatively impacting the structural integrity of the home. He stated once they know this, they will understand the practical difficulty. He stated that we do not want to remove the shed and have the retaining wall go away and have the house fall down.

Board member Whitley made the motion that this request be tabled for one month. In the interim, the Building Inspector will review the structure of the house, the shed that is along the southerly wall of the house, and the structure of the retaining wall and review it for feasibility to remove the shed and what the removal of that shed might impact in terms of the structural integrity of the existing retaining wall and the structural integrity of the existing addition to the home that is out towards the lake. Support by Board member Vallad. Voted yes: all. Vote no: none. Motion approved.

Mr. O’Kane questioned if the shed removal above ground and below ground includes the removal of the retaining wall itself, or just the piece between the retaining wall and the deck below.

Supervisor Trout stated that you would still need the support system. He asked Mr. O’Kane to call the Supervisor’s office and we will make the inspection appointment.

Chairperson Wendt stated that they are not considering taking the retaining wall out.

2. Request from Mark Powers, 9653 Norman Road, Clarkston, MI, 48348 for the following variance: Allow the construction of a garage with a front yard setback of thirty-seven feet, six inches (37’6”) rather than the required fifty (50) feet, and side yard setbacks of five (5) feet and eleven (11) feet rather than the required thirty (30) feet combined side yard setback, with at least one side being fifteen (15) feet, per Section 25 of Springfield Township Zoning Ordinance No. 26. The property that is the subject of this request is located at 9653 Norman Road in Springfield Township and is zoned R-3 One Family residential. P.I. #07-11-327-027.

Mark Powers stated that he brought photos of neighboring houses showing the location of their garages which is what he is asking to do as well.

Chairperson Wendt stated that he will pass the photos around to all of the Board members. He questioned Mr. Powers as to why he wanted to have the design of his garage project past the neighbor’s on either side of him instead of having the garage stay in line with the others.

Mr. Powers stated that the proposed garage would probably come right in line with the garage on the south end. He stated that it would not protrude past this garage.

Chairperson Wendt stated that this is because it has a slope.

Mr. Powers stated that he wanted to have a bigger garage to store a fishing boat as well as 2 cars.

Chairperson Wendt questioned Mr. Powers on the aesthetic value that would be impacted based on where the face of the building would be. He also questioned Mr. Powers as to

how he was going to service the well if he does not have some type of contract, or permission from the neighbor.

Mr. Powers stated that the well was installed in 2004. He stated that he thinks that it is a relatively new well and will not have to be serviced for some time. He stated that he spoke to a well person that claimed they could do a lot of work through digging, and not have to get a truck back there. He stated that this was a main concern of his. He stated that this well person said they can do a lot of the work by hand.

Board member Whitley questioned Mr. Powers on how deep the well was.

Mr. Powers stated that he thought it was 160 feet.

Board member Whitley stated it was 168 feet.

Mr. Powers concurred. He stated that if service does require a truck, he has permission from the neighbor on that side. He stated that he has a document signed by his neighbor. He presented the document to the Board. He stated that the neighbors on the other side of the fence are currently renting the property, so he did not bother to get a renter's signature.

Board member Whitley stated that although this neighbor doesn't have problem with servicing the well, the next neighbor might. He stated that unless there is an easement for well servicing, this continues to be a concern.

Board member Carlton stated that he agreed with Chairperson Wendt. He visited the property and when he paced it off and stood where both sides of the neighbor's garages line up, Mr. Power's proposed garage will be about 5 feet further out. He questioned if it was possible to line up the garages.

Mr. Powers stated that no, he had not planned on it. He would like to go with the proposed design. He stated that on Norman Road, five houses down and then eight houses down, there is the same issue with the well.

Board member Carlton stated that many garages that are close to the street are lakefront property. He stated that there is 30 feet from the edge of the road to where the proposed garage would be; there would be more than enough room to park one car side by side, maybe even 2 cars deep. He stated that if this garage passed, it is not an issue of having someone park in front of your garage and being halfway into the street. He stated that the proposed garage is not the closest one in the neighborhood.

Board member Vallad questioned Mr. Powers on what he was going to do with the big maple tree.

Mr. Powers stated that they were going to try to trim it back because he would really like to save it, if it is not possible, he will take it down and replace it at his cost.

Supervisor Trout asked Mr. Powers if there could be a utility issue with the utility leads that are going to the neighbor's house.

Mr. Powers stated that he does not believe so. The utility lines are overhead and he does not think that they need to have any of the utilities moved, with the exception of the cable line. He stated that he already contacted the cable company and they would take care of it.

Board member Baker stated that it appeared that the electric service to the neighbor's property would suspend over the structure.

Mr. Powers stated that the line on the bottom is cable, the one above is electric. He stated that it would be over the structure.

Board member Baker stated that this is typically frowned on by the utilities. It does not matter how much clearance that you have, the fact that it is over the structure is the issue. He stated that it would have to be relocated.

Mr. Powers stated that he had DTE come out and he figured he would find out here whether or not it needed to be moved. He stated that they recommended that the tree either comes out, or be trimmed back severely and then relocate the neighbor's electrical service right on the corner of their garage, which would not interfere with the proposed structure.

Board member Whitley stated that there has not been a study on utility right-of-way and how it impacts this potential project.

Supervisor Trout questioned how the permit issue would be addressed.

Sue Weaver stated that 10 feet is the clearance required.

Chairperson Wendt questioned if it would be possible to get some type of agreement signed to allow for well service.

Mr. Powers stated that he could attempt to get this from his neighbor.

Chairperson Wendt stated that along with the front face of the garage, there is a utility concern in regards to this request. The first being the electric utility, the next being the well. He stated that this is a pre-existing, non-conforming piece which is making practical use of the property difficult.

Mr. Powers asked that in regards to the electric service that runs through his yard to get to his neighbor, what is the rule? Can it not go above a new structure? He questioned if there was a height determination.

Board member Baker stated that he is not an expert, but he believes the rule at Consumers Energy is that you cannot have an electric line suspended over a structure that is attached to an occupied dwelling.

Mr. Powers stated that when DTE came out to the property, the representative said it could go over, but if needed, they could raise it up higher. The other alternative was to find out what the Board decided, and then the worst case scenario would be to move it to the front of the neighbor's garage.

Board member Baker stated that he could not speak in regards to DTE standards; he is more familiar with Consumer's Energy.

Chairperson Wendt stated that he just went through this situation about 4 years ago and it was not possible to put a power line over any type of residential structure.

Board member Vallad questioned moving the whole structure over towards the other property line. He stated that this would provide more access for the well. He stated that he agrees with the comments on the depth of the garage, it is too much. He stated that he does not know if it exceeds the limits within the Ordinance.

Board member Carlton questioned if it was possible to move the garage closer to the house.

Mr. Powers stated that the front master bedroom sits right at the front of the house, so he wanted to put a breezeway between the house and the garage.

Board member Baker stated that he has had his well pulled before at his home and it is not located near the residence. He stated that he saw the 5 lengths of 20 foot rod come out of the ground. It is not flexible rod. He stated that he is trying to envision getting these lengths of rod out the small area even if there was an easement from the neighbor. He stated that the soffit is 8 or 9 feet overhead and if this pipe has to come out of the ground straight, is it possible to pull a 20 foot rod in this space?

Chairperson Wendt stated that it comes out in segments. He stated that as you pull it out, it gets progressively easier. He stated that he would not expect it to be a labor manual job; you would have to bring in a boom truck.

Board member Baker questioned if you could bring the pipe far enough away from this proposed structure.

Chairperson Wendt stated as long as you do not have any interference from the truck. He stated that he has had his well pulled twice. He stated that they came out with an extended boom and outriggers to stabilize and they bring the pipe up twenty feet at a time, unscrew it, and then bring up another 20 feet and continue the process.

Board member Baker stated that he realizes that, however he is picturing the pipe coming out of the ground and having to tip it away from the structure to clear the soffit it is under.

Board member Whitley stated that there is an inch and a half of pipe inside of a four inch casing.

Chairperson Wendt stated that the pipe has the ability to flex on its own.

Sue Weaver stated that current construction code requires that well access must be located 3 feet away from the structure.

Board member Whitley stated that current construction codes would govern the proximity of this structure to the well.

Supervisor Trout questioned how much overhang was proposed.

Mr. Powers stated a foot. Mr. Powers stated that the well was a big concern. He stated that he had a well person come out and look at it. He stated that the pipe comes out in 20 foot sections and is flexible.

Chairperson Wendt stated that the building code says that he can't build the structure as represented in the drawing.

Sue Weaver stated that there are actually some well access points in the Township that are under the house. She stated that they do not like to do this, but they will with the understanding that the well can never be serviced and if something goes wrong with it, it must be replaced.

Board member Whitley stated that if the clearance required is 3 feet from the overhang, and the overhang is 1 foot, now the clearance is 4 feet. This would be the centerline of the well to the edge of the building. He stated that the garage might have to be moved the other way as Board member Vallad had suggested.

Board member Baker stated that they could also move one wall which would result in a narrower garage in that section.

Chairperson Wendt stated that this would require tabling and republishing the entire thing because the variance would change.

Board member Carlton questioned if it mattered which side was 5 feet and which was 11 feet. He stated that he does not have an issue with the width of the garage.

Board member Whitley stated that it might be possible to slide it away from the well side and then you would have appropriate clearance from the well and it would be possible to get a service truck in there.

Supervisor Trout stated that this would be moving it 4 feet.

Board member Vallad stated that 10 feet would still not be an adequate amount of space for a well truck to gain access.

Board member Whitley stated that the only way to come in would be on an angle from the neighbor's property.

Supervisor Trout stated that the neighbor next door, 9645 Norman, only has about 6 or 8 feet to the lot line.

Board member Whitley stated that he does not have a problem with what is being proposed, however, he does have an issue with the fact the Board does not understand the utility clearance both from the underground utilities and where the underground right-of-way is, and from the overhead utility standpoint and how to get overhead service to the several structures that are involved. He stated that running electrical service over an inhabited structure is not going to be allowed. He stated that he also has concern over the well access. He stated that he thinks the solution to the well access is to move the garage towards 9645, away from the well. He would suggest more than 2 feet.

Supervisor Trout stated that you need 3 feet clearance from the edge of the overhang. So, that is 4 feet from the side of the structure.

The Board had a discussion regarding the presence of existing utility lines and possible movement of the proposed garage.

Board member Whitley stated that the Board would like something in writing from Edison about the aerial lines and to have some more concrete information about the underground utilities. He stated that the garage structure needs to be moved in the easterly direction toward 9645 to allow significantly increased clearance to the well from both a building code standpoint and serviceability standpoint.

Board member Vallad stated that there are several alternatives that should be looked at here. He stated that he doesn't know if he would be in favor of the structure as it sits right now, but he is willing to collect more information over the next month on possible alternatives. One alternative that should be looked at is shortening the building up.

Board member Carlton asked if Board member Vallad was saying to shorten the 37 and ½ feet shorter, further from the street.

Mr. Powers stated that the well was a huge concern of his as well. He questioned if he should do a punch-out. He referred to the drawing.

Supervisor Trout stated that it wasn't so much the location, but the access to it as well.

Chairperson Wendt stated that even if they did that, they would still have to get some type of easement in writing from the neighbor to allow it. He stated that there will not be enough room between the structure and the neighbor's property line to service the well. He stated that they would come into conformity by doing the described punch-out; however the other hurdle is ingress and egress to the location.

Mr. Powers stated that the other alternative was to move it over 4 feet toward the neighbor's fence.

Supervisor Trout stated that this would only give the homeowner 9 feet; he is not sure what the Board would be looking for in terms of an easement. They might want 9 feet on the other side. He stated that he does not know what it takes to service the well. There was another case, on Claypool, that required a similar easement.

Chairperson Wendt stated that Mr. Underwood's full 15 feet was used in addition to the side yard setback of the property in question. He stated that this was well over 20 feet.

Mr. Powers stated that he would like to keep the square footage if at all possible. He stated that he understood that it is a large garage.

Chairperson Wendt stated that the Board would work with the homeowner as much as possible, but what the homeowner considers optimal may not be practical as far as how it is viewed by the Board in order to take a position that will make it pass. He stated that the homeowner is teetering on barn space on what would be considered a much larger parcel.

Mr. Powers stated that there are plenty of 3 car garages on Norman Road.

Mr. Jeffery Stuk, the hired general contractor, stated that when they worked on designing the garage, they spoke to the Township and conformed to the square footage requirement according to lot size. He stated that based on where the house is located on the lot that is why they are closer to the road than the other garages. He stated that he understands the concern about the road side variance and also where the well is. He questioned how to make it happen tonight without tabling it.

Chairperson Wendt stated that he did not know how they were going to make it happen tonight without a written document from the neighbor granting an ingress/egress easement.

Mr. Stuk questioned the implication if the garage was moved over another 2 feet so that a 3 feet clearance was available.

Chairperson Wendt stated that there was not enough room on the property.

Mr. Stuk stated that if they move it, they are changing the variances and it would be a different variance on the other side of the garage.

Board member Carlton stated that this was the only way to not have to republish, to have the 11 feet on the other side.

Board members have a discussion about changing the variance and the need to republish.

Mr. Stuk stated that he is not trying to be difficult. He is trying to understand what they need to do.

Chairperson Wendt stated that it is not going to happen tonight.

Mr. Stuk questioned if the neighbor's permission was mandatory to get the variance.

Chairperson Wendt stated that it depends on who makes the motion.

Mr. Stuk questioned that if the 3 feet is required from the overhang, and the garage was moved over, the variances would be changed and they would have to come before the Board again.

Board member Whitley stated that if it does not move 6 feet, it would take a reapplication or an amendment to the application and a republication, because the variances are different than what has been published. If it moves 6 feet, the total is still the same, but if it is moved something other than 6 feet than both side yard setbacks are different.

Mr. Stuk stated that he understands that the garage only has to be moved 2 feet. He stated that he is more concerned about the roadside setback. He stated that they tried to stay consistent with the neighborhood houses. He stated that they did not want to tie it directly to the original house, because it would cover up the bedroom windows. He questioned if there was some room, they could shorten up the breezeway. He stated that there are several garages that are close to the road in the area.

Board member Vallad stated that he does not have a problem if it is truly 37 feet, 6 inches. He stated that the location of the house at 9661 Norman on the drawing is not right. He stated that he visited the property and it does not line up at all. He questioned if it was truly 37 feet, 6 inches.

Mr. Stuk stated that this drawing was specifically used to locate the well and septic, it was not to scale to the house. This was only used for well and septic location.

Board member Vallad stated that he does not have a problem with the 37 feet, 6 inches setback. He stated that the Ordinance is written with the minimum R-3 which is ½ acre. He stated that this is not ½ acre; this is a pre-existing, non-conforming lot.

Mr. Stuk stated that he based the size of the garage on what the Springfield Township Building Department told them they had to have for the lot size.

Chairperson Wendt stated that they were told the maximum, and the drawings were done with the maximum allowable, but the piece of property is preexisting, nonconforming.

Mr. Powers stated with regards to the well, that is why he had his neighbor sign the document because the neighbor was fine with Mr. Powers encroaching on his property.

Supervisor Trout stated that the Board could condition the variance with approval from Edison and the neighbor.

Mr. Stuk stated that he anticipated moving the electrical. He stated that he will comply with all codes.

Board member Vallad stated that if it not moved 6 feet, it will have to be republished anyway.

Supervisor Trout stated that it might be more than a month, because our publishing deadline has passed.

Board members have a discussion on the length of time required to notice as required by the Clerk's office.

Supervisor Trout stated that he will share with the Board members the schedule that was provided by the Clerk's office. He stated if there was any way to get this notice through the Clerk's office earlier, we would try to do so.

Mr. Stuk questioned if they could move it more than 6 feet and then reapply for another variance.

Chairperson Wendt stated that this was always an option, but it would require another \$300.00 fee.

Supervisor Trout stated that if the notice had to be republished for different sizes, there would be no additional fee. He stated that if we could get the publication done earlier, we would try to get the case heard next month, if not, it would be July.

Board member Baker stated that some additional work can be done in the interim to contact Detroit Edison.

Chairperson Wendt stated that they would also still need permission from the neighbor. This would be a simple easement.

Supervisor Trout stated that he could help the applicant with this.

Board member Vallad made a motion to table the request from Mark Powers regarding the property located at 9653 Norman Road to allow the applicant to amend his application to address the concerns of the Board expressed this evening

and waive additional fees as required just for the amending of the application, such tabling to allow the applicant to examine alternatives as discussed by the Board this evening and to set the next hearing for this particular appeal as soon as possible. Supported by Board member Carlton.

The above motion is amended to encourage the applicant to examine alternatives to the current design submitted in relation to current construction codes which are believed to require clearance to the well, which is a particular concern to the Board and that the applicant be encouraged to address an easement for service to that same well.

Board member Whitley questioned if this would be a recorded easement. Chairperson Wendt stated that this would be a recorded easement that will carry with the property. The motion above includes the tabling with all of the above conditions. Voted yes: all. Vote no: none. Motion approved.

Supervisor Trout explained to Mr. Powers that the easement would be a legal document recorded at the County and it would grant Mr. Powers the right to access the well at any time.

Chairperson Wendt asked for a motion to adjourn. Board member Vallad moves to adjourn at 9:21 PM.

Erin A. Mattice, Recording Secretary