

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
June 16, 2010

Meeting is called to order at 8:00 pm.

In attendance: Skip Wendt, Chairperson
Denny Vallad, Zoning Board Member
Jim Carlton, Zoning Board Member
Dean Baker, Zoning Board Member
Mike Trout, Supervisor

Absent: Bill Whitley, Zoning Board Member

PUBLIC COMMENT: None.

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

CONSENT APPROVAL: Minutes of the May 19, 2010 meeting.
Board member Carlton made the motion to approve the minutes as presented, supported by Board member Vallad. Voted yes: all. Vote no: none. Absent: Whitley. Motion approved.

OLD 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. The property that is the subject of this request is located at 8709 Sherwood in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-10-401-040.

Chairperson Wendt stated that the Board asked Corey O’Kane to give additional information at last month’s meeting when this item was tabled. They also asked the Building Department for their interpretation of the site as to how it met, or did not meet, the required zoning ordinances from a building standpoint in order to allow the Board to make a judgment call one way or another in regards to the applicant’s request for a variance on this property. He stated that he assumes all the Board members have received the document from Code Enforcement Services, an operation of Carlisle/Wortman. He asked if there are any questions or comments in regards to the letter signed by Bill

Dinnan, Building Inspector. He asked the applicant if he has received a copy of the letter to which the applicant acknowledged affirmatively.

Chairperson Wendt stated that according to Code Enforcement Services, the tiki building has no structural value. He stated that all Board members received photos from the applicant, Corey O’Kane. He stated that he noticed the applicant has made efforts to correct some of the things that previously were not favorable to this piece of property namely the white fence has been moved, the pumphouse location has been modified and the applicant brought the chainlink fence within his own property line. The applicant provided exhibits showing the front of the structure as it exists with an outline showing what was built without permit. It also shows the tiki bar, the retaining wall, unfinished interior and the side entrance staircase. The view on page 15 is open to interpretation as far as the angle it was photographed relative to the building. Chairperson Wendt stated that when he looks at sheet 18, the same beam is visible and it appears as though it is a structural component, but not part of the tiki bar.

Corey O’Kane stated that his intention in providing the document and photos to the Board members was to show a goodwill attempt to address the issues. He has spoken to his neighbor Dan Gilford, and identified areas that they would like resolved and corrected that were built by the former owner. He stated that his intentions were to show the Board that since the last meeting, he has put a lot of effort into moving the white fence, cutting the sidewalk, hiring people to remove the cement, moving the fence back and also moving the pump house. He stated that he wanted to respond to the letter submitted at the previous meeting.

Chairperson Wendt stated that with the fence being moved, there is now a clump of evergreens that basically block the walkway up to the house, shown on page 6 of the document. He stated that in order to use the side staircase, he questioned the applicant if the trees had to come out.

Corey O’Kane stated that it is possible to get around them, and if they were trimmed, it would be possible to keep them. He stated that he did not have time to move them yet.

Chairperson Wendt stated that if you were a 6 or 8 inch wide person, you could get by them.

Corey O’Kane agreed that it is tough to get through this area. He stated that his intentions are to remove the south evergreen, and he has not determined what to do about the other two evergreens. He stated that if needed, he will remove those as well.

Chairperson Wendt stated that after he had viewed the property, he determined that there was no structural value in the tiki bar/storage area and it does not affect the structural integrity of the non-conforming, non-permitted area that was a deck at one time. He stated that he does not have any change of opinion and the Building Department said the same thing in their report.

Corey O’Kane stated that the only real structural value that it provides, as seen on page 15 and 18, is a beam that is shown supporting the side stairwell.

Board member Carlton asked for clarification on his drawing from the applicant about the beam in question.

Chairperson Wendt stated that it is his opinion that the applicant is not responsible for all of the non-conformity that has taken place on his property. The applicant has made a real attempt to satisfy the side yard problems as indicated from the document and photographs presented. He stated that the storage area has to go; the applicant may have to do something to structurally make the staircase functional. This would be the greatest hardship imposed on him by the Board, if the Board members concur. He stated that he does not see any value in taking anything else apart. It would be counterproductive.

Board member Carlton stated that he agrees with Chairperson Wendt regarding the storage shed.

Board member Baker stated that the Building Inspector’s review indicated that the retaining wall is supporting part of the tiki structure and it is not built below the frost line. He stated that even if there was value in keeping it, it is not constructed in a way that would support the integrity of the structure. He stated that he is in agreement with Chairperson Wendt.

Chairperson Wendt stated that in the second to the last paragraph in the Building Inspector’s letter it states what needs to be done to the building in order to reach a happy medium. He stated that the side doorway provides, to a certain extent, additional access if a safety or medical situation should occur. He stated that it would be the wrong to remove the stairway.

Board member Carlton stated that there is a Building Code violation and the removal of the tiki/storage would resolve the issues.

Board member Baker stated that the support beam that was pointed out would have to be supported by a vertical support in order to be code compliant.

Chairperson Wendt stated that there would have to be a vertical post with a footing. He stated that the beam would have to be supported because it is an integral part of the structure for the staircase and landing.

Board member Carlton stated that the retaining wall was not the issue; they are not using the retaining wall as a support.

Chairperson Wendt stated that there would have to be a 6 x 6 or something put in front of that retaining wall with a footing to save the staircase as part of the structure. He stated that the motion language would require it.

Corey O’Kane stated that he wanted clarification on what was being removed.

Chairperson Wendt stated that the tiki bar/storage area has got to go, but in order to retain the stairway and the landing for it, the applicant will have to put at least one vertical column to support one corner of the landing. The column will have to meet code as far as having to be 42 inches below grade, or frost line. He stated that the beam will probably end up being right along the face of the retaining wall.

Corey O’Kane stated that he definitely wanted to keep the retaining wall. He questioned if the removal of the tiki bar would approve the variance for the addition.

Chairperson Wendt stated that it is dependent on the motion’s language.

Supervisor Trout stated that if the variance is approved, the applicant will still have to go through the process of getting the structure permitted.

Board member Carlton made a motion to approve the request from Corey O’Kane, 8709 Sherwood, for the following variance, to allow the applicant to retain an existing addition; resulting in a south side yard setback of eighteen (18) inches and a north side yard setback of nine feet, two inches (9’2”) for a total of ten feet two inches (10’2”), rather than the required thirty (30) feet combined side yard setback with at least one side being fifteen (15) feet, with the following conditions: the storage shed which is under the southeast corner of the deck is to be removed along with removal of the fence, walk and other items that encroach toward the southeast side of the adjacent property. Applicant is required to bring all structures into compliance and to get all permits and approvals. Supported by Board member Vallad. Voted yes: all. Voted no: none. Absent: Whitley. Motion approved.

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 forty (40) feet [Amended from thirty-seven feet, six inches (37’6”)] rather than the required fifty (50) feet, and side yard setbacks of seven (7) feet and nine (9) feet [Amended from 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.

Chairperson Wendt stated that he and the rest of the Board have received additional information regarding the applicant’s request. He stated that Jeff Stuk has provided a letter, there is a letter from a DTE planner, and a letter from James Layman well drilling. He asked the Board if they have any questions regarding the supplemental information that they received.

Supervisor Trout stated that Mr. Powers made adjustments to the front yard setback and he shifted the structure over slightly.

Board member Baker stated the size of the garage was reduced from 37 feet, 6 inches to 36 feet, 6 inches, so one foot back from the distance to the road and then relocating the entire structure 2 feet closer to the house. He stated that he was originally requesting 37 feet, 6 inches, and now the applicant is requesting 40 feet. He asked for clarification on this change.

Supervisor Trout stated that Mr. Stuk's drawing is off. He stated that it is showing everything shifted 3 feet.

Mr. Stuk stated that there is a flaw in the dimensions; he made a mistake. He stated that he moved it back 2 feet to ultimately achieve a 40 feet setback; this is the result.

Board member Carlton stated that this is the 5 feet that they talked about at the last meeting and it would line it up with the neighbor's garage.

Chairperson Wendt asked the applicant if the power lines would clear the pitch line of the roof of the building.

Mr. Stuk stated that he met with the DTE planner and they discussed the location of the lines. He stated they talked about the original recommendation and where the structure was going to be, the new dimensions and the tree on the lot. He stated that moving the line 32 feet over, it will be well above the code and will have height over the garage. He stated the tree will have to be trimmed a little bit, but minimally.

Supervisor Trout stated that the shifting of the garage was to accommodate the well issues.

Chairperson Wendt stated that this is a pre-existing, non-conforming property and there is only so much that you can ask an applicant to do before you interfere with his rights to use his property. He stated that the applicant has made a good-faith effort to satisfy the requests that were made by the Board at the last meeting.

Board member Vallad stated that the structure is consistent with other structures in the neighborhood consisting of non-conforming lots regarding setback from the road. He stated that all issues brought up last month have been addressed by the applicant. He stated that the applicant shortened the structure and showed how the utility issues were going to be addressed. He stated that he is satisfied.

Board member Vallad moved that the request from applicant, Mark Powers, at 9653 Norman Road be granted for a variance to allow the construction of a garage with a front yard setback of forty (40) feet rather than the required fifty (50) feet. Side yard setbacks of seven (7) feet and nine (9) 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 the Springfield Township Zoning Ordinance 26, as applicant has demonstrated the need for the variance and the changes to an original request as an alternate design, meets all requirements. Supported by Board member Baker.

Chairperson Wendt stated that he would add that this is a pre-existing, non-conforming lot of record.

Board member Vallad stated that he would add to the motion, so noted, that this is a pre-existing, non-conforming property of record. Supported by Board member Baker. Voted yes: all. Voted no: none. Absent: Whitley. Motion approved.

Chairperson Wendt adjourned the meeting at 8:31 pm.

Erin A. Mattice, Recording Secretary