

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
September 15, 2010

Meeting is called to order at 8:00 pm.

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

CONSENT MOTION: Agenda.

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

PUBLIC COMMENT: Mr. Roger Heacock stated that he and Ms. MacDonald both wear hearing aides and he asked the Board to speak into the microphones so that they could be heard. Chairperson Wendt stated that they would try to do that and he thanked Mr. Heacock for bringing it to the Board's attention.

CONSENT MOTION: Minutes of the August 18, 2010 meeting.

Board member Carlton moved to approve the minutes as presented, supported by Board member Baker. Voted yes: all. Vote no: none. Abstained: Wendt, Whitley, Vallad-due to the fact that they were not present at the August 18, 2010 meeting. Motion approved.

Minutes of the July 21, 2010 meeting.

Board member Vallad moved to approve the minutes as presented, supported by Board member Carlton. Voted yes: all. Vote no: none. Absent: none. Motion approved.

OLD BUSINESS:

- 1. Tabled from July 21 meeting: Request by Dr. Scott VanDerveen, 7558 ME Cad Boulevard, Clarkston, MI 48348 to relocate an existing ground sign at the above address to another location on the same property resulting in a zero*

(0) foot setback from the road right-of-way, rather than the required fifteen (15) feet per Section 16.07.3.a(5) of the Zoning Ordinance.

The property is located at 7558 ME Cad Boulevard in Springfield Township and is zoned OS-Office Service. P.I. #U 07-14-478-032.

Chairperson Wendt stated that all Board members had received information from the Supervisor including information from the Road Commission. He stated that this information states that the right-of-way is such that Dr. VanDerveen does not need a variance because the existing road right-of-way is wide enough to not require a variance. He stated that the applicant asked that they be removed from the agenda.

Board member Carlton stated that no action is required. There is no need for a variance.

Chairperson Wendt stated that they still need a motion that this item has been administratively taken care of and that the Board need not act on it.

Board member Whitley moved to accept the request of the applicant to withdraw the application for the variance request. Supported by Board member Baker. Voted yes: all. Vote no: none. Absent: none. Motion approved.

NEW BUSINESS:

1. *Request from Roger Heacock and Roberta MacDonald, 11415 Big Lake Road, Davisburg, 48350 for the following variance: Allow the applicant to build an addition resulting in a rear yard setback of twenty-two (22) feet rather than the thirty-five (35) feet required per Section 25 of Springfield Township Zoning Ordinance No. 26.*

The property that is the subject of this request is located at 11415 Big Lake Road in Springfield Township and is zoned R-2 One Family Residential. P.I. #07-28-202-064.

Roger Heacock and Roberta MacDonald stated that they were present.

Chairperson Wendt asked the applicants if they had any information besides what has been provided to give to the Board.

Board member Vallad asked if the pool that was formerly up required a variance.

Roberta MacDonald answered yes. The company that put in the pool got the variance.

Chairperson Wendt stated that this was a unique situation because now three properties make up one property identification number. However, it is still a preexisting, nonconforming piece of property. He stated that it is not out of harmony with anything in the neighborhood based on his visit.

Board member Vallad stated that he wondered if there was an existing variance that would put it closer to the rear setback; and if there would be another variance that would be required.

Chairperson Wendt stated that he has been on the Board for over 30 years, but he cannot recall the variance being granted for the pool.

Board member Baker verified that the pool was an above-ground pool.

Board member Vallad stated that an above-ground pool would still require a variance.

Board member Whitley questioned if the pool variance would be applicable to a permanent structure.

Board members had a discussion about a possible existing setback already in place and how it would apply to this case.

Mr. Heacock stated that before the pool was taken down, there was twelve feet to the fence line, but that is as much as he knows. He stated that if Ms. MacDonald says there is a variance, there probably is.

Board member Carlton stated that when he looked at the lot, he could see no other place to put the addition. It was not possible to go on either side, or the front. He stated that it looked like it would be in harmony with the neighborhood.

Board member Baker concurred.

Board member Carlton moved to approve the request from Roger Heacock and Roberta MacDonald, 11415 Big Lake Road, Davisburg, 48350 for the following variance: Allow the applicant to build an addition resulting in a rear yard setback of twenty-two (22) feet rather than the thirty-five (35) feet required per Section 25 of Springfield Township Zoning Ordinance No. 26. This is based on special conditions due to the lack of room on either side yards or not being able to expand into the front yard because of the septic. The only direction to go would be the rear. Special conditions are not the fault of the applicant and granting the variance will be in harmony with the neighboring properties as many of the neighboring properties have similar structures. Supported by Board member Vallad. Voted yes: all. Vote no: none. Absent: None. Motion approved.

2. *Request from Dave Parker, 7603 Stonevalley Bluff, Clarkston, 48348 for the following variance: Allow the applicant to construct a pool at the above address resulting in a rear yard setback of five (5) feet rather than the thirty-five (35) feet required per Article IIV, Schedule of Regulations of Springfield Township Zoning Ordinance No. 26.*

The property that is the subject of this request is located at 7603 Stonevalley Bluff in Springfield Township and is zoned R-1 One Family Residential. P.I. #07-13-453-005.

Mr. Parker stated that he was present in regard to this request.

Chairperson Wendt stated that in visiting the site and looking at the drawing, he questioned the fencing that would be required for the pool and any type of perimeter paving or hard surface that would be around the pool. He questioned the applicant if this would fall within the perimeter of what the applicant proposed on the drawing. He questioned if the pool was going to be smaller than shown on the diagram.

Mr. Parker stated that the proposal was to go with the size and dimension of the pool shown on the diagram, and the hard surface would go around the pool.

Chairperson Wendt questioned if the applicant was going to alter the patio in order to install a hard surface and fence around the pool.

Mr. Parker stated that the pool would be located about a foot off the patio.

Chairperson Wendt questioned if the applicant meant he was going to have a one foot hard surface that would border around the pool and take a foot away from the existing patio. He stated that right now, the pool is shown adjacent to the patio.

Mr. Parker stated that he did not want to spend the money for an architectural plan depending on the Board's decision. He approached the Board and referenced the map to show them the existing patio and the pool's proposed location.

Board member Carlton questioned if the outside line shown was the edge of the pool, or the concrete surface.

Mr. Parker stated that the fence would be on the lot line and the five foot would be the hard scape going to the water's edge.

Board member Carlton questioned the pool's location.

Mr. Parker stated that currently the plan was to locate the pool according to the diagram, but this was contingent on the architectural diagram. He stated that that he has a letter from the Association stating that they do not have a problem with the pool.

Board member Carlton asked the applicant if he had looked at any other locations for the pool where it would not need a variance.

Mr. Parker stated that the current proposal was the most appropriate. The Association did not want it on the side because it could be seen from the driveway.

Board member Carlton suggested other locations referencing the diagram provided.

Mr. Parker stated that they had looked at many other locations and the other locations were in line of sight.

Chairperson Wendt stated that he felt that his original question had not been answered. He questioned if the applicant was going to have 1 foot of hard surface and then the 20 foot pool.

Mr. Parker stated yes.

Chairperson Wendt stated that the variance is different than what the applicant is asking for.

Board member Carlton stated that he believed the scaled distance was 10 feet and the applicant was asking for only 5 feet.

Board member Whitley questioned if the Association owns the property directly behind the lot and if they have voiced no objection to the variance which would place the pool adjacent to the Association's property.

Mr. Parker stated that he had a letter addressing that.

Chairperson Wendt stated that the topography of the property was unique. He asked Mr. Parker to approach the Board table. He suggested another location for the pool behind the garage.

Mr. Parker stated that his well was in this area. Mr. Parker stated that when he originally built the home, the Association made him move the entire house back 27 feet in order to save a pine tree in the front yard. He stated that there is also a slope in the back yard that interferes.

Board member Carlton clarified where the Conservancy property was. He stated directly behind the applicant's property was common property, and then the Conservancy's property was beyond that.

Board member Baker questioned if the applicant's lot line existed at the very back ridge.

Mr. Parker demonstrated where his property line was in the back in reference to the back ridge.

Chairperson Wendt stated the letter provided says they are not taking exception to the pool but they are not saying that they would oppose moving the pool over to the right side of the house.

Board member Whitley stated that they are only addressing the rear setback in the letter.

Chairperson Wendt stated that the reason he brings it up is because Mr. Parker suggested that the Association did not want the visual impact of the pool on the side.

Mr. Parker stated that he has not petitioned for the side location, but he knows that the Association does not want to see a side pool. He stated that he wants to keep it behind the house as much as he can.

Board member Carlton stated that because of the slope, it would need to be ground level.

Chairperson Wendt stated that this would take excavation and retaining walls.

Mr. Parker stated that he had a version drawn up last year which called for a retention wall in the back and he apologized for not bringing it.

Chairperson Wendt questioned if the applicant felt like this spot was the best and most suitable.

Mr. Parker stated yes.

Chairperson Wendt questioned if the applicant would consider having the drawing made so that there is no ambiguity and everything is laid out relative to the house and the lot lines. He would ask that the property get surveyed and presented to the Board so they know exactly where the pool is going to be.

Mr. Parker stated that he could do that but he would like some feedback. He stated that if the Board felt like this could happen, he would not mind paying for an engineered survey.

Chairperson Wendt stated that he is looking at the situation with an open mind, but the information that has been supplied is sketchy and without detail. He would like to see more detail in reference to what is going to be the hard surfacing, where the fencing is going to be, and a lot more data showing lot lines to the pool and to the house. He would also like to see the well location.

Mr. Parker asked if he could have contingent approval from the Board.

Chairperson Wendt stated no. He stated that he could potentially see alternatives to the proposed location, but if the applicant provided an engineered survey, it could affect his opinion. He also stated he would like to know the topography, or how much land is going to be disturbed, or moved versus just looking at the sketchy drawing provided. He stated that the information provided does not give him what he needs in order to make a determination.

Board member Carlton stated that he also does not want the applicant to try 3 or 4 different versions if this is the one that he wants.

Chairperson Wendt stated that he needs serious clarification of the pool at this proposed location, not at other locations. He stated that logically, it makes sense to put the pool at the proposed location relative to the existing patio and the house; it would be camouflaged in the back of the house. He stated that the drawings need to be much more detailed than what the Board members have been given.

Board member Baker stated that he scaled off some of the dimensions that are presented on the drawings and it seems as if the dimensions are off.

Board member Carlton concurred.

Board member Whitley stated that there is a danger in scaling a drawing. He stated that there are dimensions given, however all of the dimensions are not drawn to the same scale.

Chairperson Wendt stated that he would like to see the item tabled to give the applicant time to provide an engineered and accurate drawing for the Board to consider.

Board member Vallad stated that this information request is part of the first page of the application. He stated that he believes that this is the proper location for the pool and he is not opposed to it being within 5 feet of the lot line given the semi-approval of the architectural board of the Association. He stated that it hides the pool gracefully and he thinks it is appropriate. He stated that he would like to see it all drawn to scale.

Board member Carlton questioned if the fencing could be on the property line and if this required a variance.

The Board members concur that it can be on the property line without a variance.

Board member Vallad moved to table the request from Dave Parker for one month to allow the applicant time to present the Board with additional information that will impact the decision of the Board.

Discussion: Chairperson Wendt stated that the applicant probably needs to hire a civil engineer (architect). He also stated that the Board would consider a simple aerial view. This would be a plot plan dimensioned accurately. All structures should be considered including pool decking and fencing.

Supported by Board member Baker. Voted yes: all. Vote no: none. Absent: None. Motion approved.

ADJOURNMENT:

Board member Vallad moved to adjourn the meeting at 8:40 pm, supported by Board member Carlton. Voted yes: all. Vote no: none. Absent: none. Motion approved.

Erin Mattice, Recording Secretary