

**NOTICE
REQUEST FOR VARIANCES
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Charter Township of Springfield will hold a meeting on Wednesday, May 17, 2006, beginning at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, Michigan to hear the following appeals:

PUBLIC COMMENT:

APPROVAL OF MINUTES

OLD BUSINESS:

1. John Steckling 8006 Caribou Lake Lane, Clarkston, MI 48346, owner of Holly Greens Storage, to allow steel instead of the required masonry walls for a self storage building, per Sections 12.01 and 18.07 of Zoning Ordinance 26. Subject parcel is located at 10475 Dixie Highway. P.I. #07-03-451-006.
2. Martin and Paula Rathsburg, 9663 Westwood Circle, Clarkston, MI 48350, to allow a five (5) foot rear setback rather than the required twenty-five (25) feet; and to allow a combined total of fifty-three (53) feet for front and rear setbacks rather than the required seventy-five (75) feet, per Section 18.11 of Zoning Ordinance 26. P.I. #07-03-426-015

NEW BUSINESS:

1. Carl J. Solheim, 5607 Edgar Rd., Clarkston, MI 48346, to split the existing property by creating an access strip twenty (20) feet wide and approximately six hundred (600) feet long, per Sections 16.20 and 25 of Zoning Ordinance 26, in order to access the proposed rear lot from Edgar Rd. P.I. #07-25-301-012.
2. Dale E. Elkins, 8693 Crosby Lake Rd., Clarkston, MI 48346, to allow a fifteen (15) foot side yard setback rather than the required thirty (30) feet, to construct a building sixty (60) feet wide by eighty (80) feet long. P.I. #07-36-376-012.

NOTICE IS FURTHER GIVEN, that the maps and variance requests may be examined at the Springfield Township Clerk's Office, 12000 Davisburg Rd., Davisburg, MI 48350 during regular office hours Monday through Friday. Written comments may be submitted to the Clerk's Office until the date of the meeting. Anyone needing a special accommodation at the meeting should contact the Township Clerk at least two (2) business days in advance. 248-846-6510.

NANCY STROLE, Clerk

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of May 17, 2006**

Call to Order: Chairperson Wendt called the May 17, 2006 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

Attendance:

Board Members Present

Skip Wendt
Collin Walls
Jim Carlton
Dean Baker
Frank Aiello (arrived 8:05 p.m.)

Board Members Absent

Staff Present

Leon Genre

Approval of Agenda:

- * Board Member Carlton moved to approve the agenda as published. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Baker; No: none; Absent: Aiello. The motion carried by a 4 to 0 vote.**

Approval of Minutes: April 20, 2006

- * Board Member Walls moved to approve the minutes of April 20, 2006 as presented. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton and Baker; No: none; Absent: Aiello. The motion carried by a 4 to 0 vote.**

[Board Member Aiello arrived 8:05 p.m.]

Old Business:

1. John Steckling, 8006 Caribou Lake Lane, Clarkston, MI 48346 owner of Holly Greens Storage. Parcel I.D. # 07-03-451-006.

The applicant is requesting steel instead of the required masonry walls for a self-storage building, per Sections 12.01 and 18.07 of Zoning Ordinance 26.

Mr. Steckling is present in regard to this request.

Mr. Steckling commented that he would like to use steel because he is having trouble with water with the masonry building. The building will not be visible from Dixie Highway or Enterprise

Dr. He intends to make it in conformance with the existing buildings so that it does not stand out. In regard to the water problem, Mr. Steckling explained that the masonry block seems to shrink and develop hairline cracks due to our environment. The inside of the wall gets wet and in the storage unit industry that is not a good thing.

Chairperson Wendt said he has buildings that are masonry with steel roofs and does not see the difficulty or the advantage to one versus the other. If the building is not heated it will sweat whether it is block or steel. Mr. Steckling said the inside of the walls are insulated as well as the roof.

Board Member Walls asked if stucco would be over the steel? Mr. Steckling said he is planning to paint the steel the same color and the appearance will appear to be stucco as the other buildings.

Building Director Leon Genre, noted that he does not know why the ordinance requires masonry walls. He believes it goes back to the 1987 building code that did not separate self-storage units from high hazard uses. It is now separated from high hazard so the requirements for the rating of walls has decreased and masonry no longer required.

Board Member Walls recommended that the Planning Commission review this ordinance because it is the only use of any kind that dictates construction materials in any zoning district.

*** Board Member Walls moved that the applicants request be granted due to the use involved and the ordinance requirements are unique to this particular use, that literal interpretation of the ordinance does deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, the conditions were not created by the applicant and granting the variance would be in harmony with the purpose of the ordinance and Master Plan. Board Member Aiello supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

2. Martin and Paul Rathsburg, 9663 Westwood Circle, Clarkston, MI 48350. Parcel I.D. # 07-03-426-015.

The applicant is requesting a five foot rear setback rather than the required 25 feet; and to allow a combined total of 53 feet for front and rear setbacks rather than the required 75 feet per Section 18.11 of Zoning Ordinance 26.

Mr. and Mrs. Rathsburg are present in regard to this request.

Mr. Rathsburg provided the information that the Board members requested at the last meeting. Mr. Rathsburg said the builder did a final grade which changed the backyard considerably and he and his wife have now decided to go with the 20 foot pool rather than the 24 foot pool and they would need a setback of 9.84 feet instead of the 5.84 feet previously asked for. The fence line is now 5.84 feet away from the back property line instead of the 1.84 feet.

Chairperson Wendt asked if the pool was a consideration when the house was built and planned on the parcel? Mr. Rathsburg said, yes, that is why they picked that lot. They thought it would fit the best knowing they would have to come for a variance. The builder promised them he would get them a flat spot for a pool.

Chairperson Wendt asked why the applicant did not present the whole concept to the ZBA, house and pool at one time? Mr. Rathsburg said the builder said it could be taken care of later.

Board Member Carlton asked if the 4 feet is where the structure ends? Mr. Rathsburg said the 4 feet is where the edge of the concrete is and the fence line will be at the edge of the concrete.

Board Member Walls said one picture presented appears that there are two rows of silt fence. Mr. Rathsburg said one is at the top and one is at the bottom. Board Member Walls asked if, in the process of regrading the lot, did the applicant or the builder do what the Zoning Board of Appeals told them not to do last month and fill part of the common area? Mr. Rathsburg said he left that up to the builder and the builder did it.

Board Member Walls asked when the site was re-graded? Mr. Rathsburg said a week and a half ago. Board Member Walls asked when the pictures were taken? Mr. Rathsburg said, yesterday. Board Member Walls asked when the topo drawing was done? Mr. Rathsburg said, right after they did the grade. Board Member Walls asked why it was not submitted before tonight? Mr. Rathsburg said he was trying but he had personal issues going on.

Board Member Walls asked if it would make more sense to put the fence on the rear property line? Building Director said that is what he would do if it were his but because of the slope, the applicant may not want to.

*** Board Member Baker moved to approve a five foot rear setback at 9663 Westwood Circle rather than the required 25 foot setback and to allow a combined total of 53 feet for front and rear setbacks rather than the required 75 feet, this due to the irregular shape of the property, due to the common area located behind the house creating separation from neighboring properties, due to the support of the condominium association and with the provision that the applicant restore the common area to its original condition as part of this project. Board Member Carlton supported the motion.**

Board Member Walls said the motion was as published, but rather than a 5 foot setback it is 9 foot.

Board Member Baker amended his motion to include a 9 foot rear setback changing the combination to 57 feet. Board Member Carlton supported the amended motion.

Mr. Genre asked if the 9 foot is to the waters edge? Board Member Walls said it is to the edge of the pool.

- ★ **Vote on the amended motion. Yes: Baker and Carlton; No: Wendt, Walls and Aiello. The motion failed by a 3 to 2 vote.**

Mrs. Rathsburg said she doesn't understand what the Board wants. Chairperson Wendt said the hardship must be something that is not self-inflicted and there should be and could be normal and ordinary use of the property. He noted that the applicant is able to enjoy the benefits of a home but there is nothing that says a pool is necessarily part of that environment. The applicant has not been deprived the use of the property.

Board Member Aiello added that it is the law, and the law does not allow the Board to grant a variance for a self-imposed condition. With knowledge, the applicants purchased the property and knew they would need a variance and the law does not allow the granting of a variance in that case.

New Business:

1. Carl J. Solheim, 5607 Edgar Rd., Clarkston, MI. Parcel I.D. # 07-25-301-012.

The applicant is requesting to split the existing property by creating an access strip 20 feet wide and approximately 600 feet long, per Sections 16.20 and 25 of Zoning Ordinance 26, in order to access the proposed rear lot from Edgar Rd.

Mr. Solheim is present in regard to this request.

Mr. Solheim said there are four properties within 1000 feet of his residence that are flag-shaped. He would like to do the same and build a new home on the rear lot.

Board Member Walls asked if the utility line is on this property or the neighbors property? Mr. Solheim said it is on his property. Board Member Walls asked where the 20 foot access will be in relation to the utility line and the spruce along the north side of the house? Mr. Solheim said his property line is a foot toward the neighbors and he would be moving the spruce trees for privacy. Board Member Walls asked if he was going to relocate the trees because he has to do grading to get in the driveway. There is a significant grade difference between the utility line and where the house is? Mr. Solheim said he would be clearing out apple trees and sumac. Board Member Walls asked why not put the access strip on the south side of the property to get it further away from the existing house and he wouldn't have to relocate trees? Mr. Solheim said he would like to split 2.5 acres in the future and the other side would limit him.

Mr. Daniel Vanicelli, 5657 Edgar Rd., said he would prefer the easement on the other side because he is on the north side of Mr. Solheim. He does not think multiple splits in the future should be allowed.

- ★ **Board Member Carlton moved to approve the lot split at 5607 Edgar Rd., and approve the flag lot and creating an access strip of 20 feet wide and approximately 600 feet long due to the requirements of Section 16.20 are met which include a five acre lot, there are land divisions within 2000 feet of more than 2 that have similar**

configuration, it is a 20 foot access lot and the length did not exceed 660 feet. Board Member Baker supported the motion.

Board Member Walls said he believes it conforms with Section 16.20 but does not conform with the standards contained in Article 19 which we're supposed to check for compliance. He believes that it would be far more in conformance with the intent of the ordinance and the Master Plan and the applicant can still get his split if he put his access strip on the south side. He would not have to disrupt the plantings and topography.

*** Board Member Carlton amended his motion to place the access on the south side. Board Member Baker supported the amended motion.**

Mr. Solheim commented that if he runs it down the south side, in the future he would be unable to split the property and it would financially hinder him. Board Member Walls suggested tabling to allow the applicant to provide more specific information on the location of the trees and topography and to verify there will be no disruption.

Board Member Carlton withdrew his motion to approve.

*** Board Member Walls moved to table Mr. Solheim's request and allow him to stake his property line and 20 foot south of the line to clearly show where the driveway will be, mark trees that will be relocated, and present any topographical information to verify that there will not have to be any grade changes in order to construct a driveway on the north side. Board Member Baker supported the motion. Vote on the motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

2. Dale Elkins, 8693 Crosby Lake Rd., Clarkston, MI. Parcel I.D. #07-36-376-012.

The applicant is requesting a 15 foot side yard setback rather than the required 30 feet to construct a building 60 feet wide by 80 feet long.

Mr. Elkins is present in regard to this request.

Mr. Elkins explained that he has high tension wires running through the property and he could not set the building longway instead of crossway, there is also a buried gas line that he wanted to stay away from.

Board Member Walls said if this request is granted there will be a 45 foot requirement on the east side next to the residential zoning. He asked the applicant if it is his intention that directly across from the proposed building it would just stay in its natural state? Mr. Elkins said that topsoil pile would be removed to provide access in front of the building.

Board Member Carlton asked if he could turn the building 90 degrees? Mr. Solheim said he can not put the building underneath the wires.

Board Member Walls said he thinks one practical difficulty in this case is, why do we need 60 foot of side setback from an industrial piece of property to another industrial property? In his mind, the required 30 foot setback is a significant practical difficulty. We allow parking within 10 foot and all kinds of things. If in trade for the 15 foot, we can maximize the buffer on the other side that is adjacent to already existing residential development, it would be worthwhile. Board Members concurred.

- ★ **Board Member Walls moved that a 15 foot side yard setback on the east side of the applicants property be granted as literal interpretation of the ordinance would deprive the applicant of rights enjoyed by adjacent property owners and the variance would allow reasonable maneuvering and access room on the industrial portion of the property with the condition that in the plan presented to and approved by the Planning Commission for the site plan maintain a minimum 30 foot buffer in accordance with ordinance standards on the westerly side of the property between the residential zoning line and an area approximately 40 foot north of the existing building. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls and Carlton; No: Baker and Aiello. The motion carried by a 3 to 2 vote.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 9:20 p.m.

Susan Weaver, Recording Secretary