

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

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Charter Township of Springfield will hold a meeting on Wednesday, June 21, 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:

OLD 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. #7-25-301-012.

NEW BUSINESS:

1. Robin and Deanna McGowen, 12001 Big Lake Rd., Davisburg, MI 48350, to allow a five (5) foot setback from the ordinary high water mark of a lake, rather than the required fifty (50) feet, per Section 16.17 of Zoning Ordinance 26, to construct a deck. P.I. #07-28-301-006.
2. Tim Leahy, 12540 Blueberry Lane, Davisburg, MI 48350, to allow a forty-eight (48) foot front setback rather than the required fifty (50) feet, per Section 25 of Zoning Ordinance 26, to construct a garage extension. P.I. #07-20-327-003.
3. Robert A. Reiten, 10025 Melvin Dr., Davisburg, MI 48350, to allow a six (6) foot side setback, rather than the required fifteen (15) feet, and a total of twenty four (24) feet rather than thirty (30) feet both side setbacks, per Section 25 of Zoning Ordinance 26, to construct a dwelling fronting on Sherwood Dr. P.I. #07-10-201-005.
4. Charles E. Hand, Steelcor Corporation, 2413 Burdette, Ferndale, MI 48220, to allow a forty-three (43) foot rear setback rather than the required fifty (50) feet, per Section 25 of Zoning Ordinance 26, to construct an addition to the Michigan Webb Press building located at 10441 Enterprise Dr., Davisburg, MI 48350. P.I. #07-03-326-007.

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

Charter Township of Springfield

**Springfield Township
Zoning Board of Appeals Meeting
Minutes of June 21, 2006**

Call to Order: Acting Chairperson Wall called the June 21, 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

Collin Walls
Jim Carlton
Dean Baker
Frank Aiello

Board Members Absent

Skip Wendt

Staff Present

Leon Genre

Approval of Minutes: May 17, 2006

- * Board Member Aiello moved to approve the minutes of May 17, 2006. Board Member Baker supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt.**

Old Business:

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

Acting Chairperson Walls noted that we have received an email from Mr. Solheim requesting that this item be rescheduled to the July 19th meeting. However, due to the fact that we have no other applications for July, Acting Chairperson Walls suggest rescheduling this until the August ZBA meeting.

- * Board Member Carlton moved to table the Solheim request until the next available meeting. Board Member Baker supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt.**

New Business:

1. Robin and Deanna McGowen, 12001 Big Lake Rd., Davisburg, MI
Parcel I.D. 07-28-301-066.

The applicant is requesting a 5-foot setback from the ordinary high water mark of a lake rather than the required 50 feet per Section 16.17 of Zoning Ordinance 26, to construct a deck.

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

Acting Chairperson Walls noted that a letter from Michael Wozniak, 11938 Big Lake Rd, stating that the variance request is acceptable to him and non-conformance on Big Lake seems to be the norm. **[A copy of this letter is on file at the Office of the Clerk, Springfield Township].**

Mrs. Barb McDonald, 12021 Big Lake Rd., stated that she is in favor of the variance request.

- * Board Member Carlton moved to approve the variance for a deck with a five foot setback from the water at 12001 Big Lake Road due to special conditions and circumstances including the existing house location is close to the water, literal interpretations of the ordinance would deprive the applicant of having a deck, granting the variance is in harmony with the neighborhood and it is a pre-existing, non-conformance. Board Member Aiello supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt.**

2. Tim Leahy, 12540 Blueberry Lane, Davisburg, MI
Parcel I.D. # 07-20-327-003

The applicant is requesting a 48-foot front setback rather than the required 50 feet to construct a garage extension.

Mr. Leahy is present in regard to this request.

Mr. Leahy said the garage is 21' X 20' and is too small and he is requesting to add 11 feet to the garage.

Acting Chairperson Walls asked if the existing garage is 73 feet from the edge of the asphalt? Mr. Leahy said, yes.

Board Member Carlton asked the applicant if he explored expanding the detached garage? Mr. Leahy said he cannot because that garage is almost where the County made him put it due to drainage easements.

Board Member Aiello asked how the existing footprint interacts with the easements? Mr. Leahy said the builder didn't have a choice where the house was because of the drains in the yard.

- * Board Member Baker moved to approve the variance request of a 48 foot front setback rather than the required 50 foot front setback due to the property being restricted for a building addition due to existing, permanent private easements for storm water detention and surface drainage and does not afford other opportunities to create additional accessory structure on that site. Board Member Carlton supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt.**

3. Robert A. Reiten, 10025 Melvin Dr., Davisburg, MI
Property on Sherwood Dr., Parcel I.D. # 07-10-201-005

The applicant is requesting a 6 foot side setback rather than the required 15 feet and a total of 24 feet rather than 30 feet both side setbacks to construct a dwelling fronting on Sherwood Dr.

Mr. Reiten is present in regard to this request.

Mr. Reiten commented that the home he is proposing to place on this lot is 76 feet wide and the property is 100 feet wide and he would like to have a driveway on the south side to get to the back where the garage will eventually be.

Acting Chairperson Walls asked if there is a reason why he did not design a home that would fit the lot? Mr. Reiten said he owns the home currently, it is a manufactured home. He has been looking for a lot to place the home as it is currently in a mobile home park.

Acting Chairperson Walls asked what is unique about the property that makes it impractical to build a house on? Mr. Reiten said, he already owns the home.

Board Member Aiello asked the applicant if he understands that he may need another variance for a driveway or garage? Mr. Reiten said, yes he understands that and he understands that he may not get a variance for a garage or driveway even if this request is approved. Board Member Aiello asked where the car would be housed without a driveway? Mr. Reiten said he would park the cars on the left hand side in the front.

Acting Chairperson asked why a 15 foot area would not be sufficient for a driveway as the applicant could meet ordinance standards at 15 foot and allow a little more room on the other side? Mr. Reiten said it was his understanding that with 15 foot setbacks on each side, he was 6 foot short and he thought if he went to 15 feet on one side he would have to be 9 feet on the other and he didn't think 15 feet would give clearance to get around the house and to a garage in the rear.

Acting Chairperson Walls said, in his opinion, the applicant has done two things that says according to the ordinance the request cannot be granted. The applicant is not saying that he cannot have reasonable use of this lot, he is just saying he can't put the house he already owns on this lot. Also, the side yard variance looks like it's more than what might be necessary.

Board Member Aiello said he cannot see anyway to fit the proposed house onto this lot.

- * Board Member Aiello moved to deny the variance request of Robert Reiten for the property on Sherwood Dr., Parcel I.D. 07-10-201-005 for a 6 foot side setback rather than the required 15 foot and a total of 24 feet rather than the required 30 feet because special circumstances and conditions do not exist which are peculiar to the land, structure of building involved which are not applicable to other land, structures or buildings, literal interpretation of provisions of the ordinance would not deprive the applicant of rights commonly enjoyed by other properties in this**

same zoning district under the terms of this ordinance, the special circumstances and conditions throughout this appeal do result from the actions of the applicant and the variance is not the minimum variance that would make possible the reasonable use of the land or the building of other structures. Acting Chairperson Walls supported the motion. Vote on the motion. Yes: Walls, Carlton, Baker and Aiello; No: none; Absent: Wendt.

4. Charles E. Hand, Steelcor Corporation, 2413 Burdette, Ferndale, MI. Property located at 10441 Enterprise Dr., Davisburg, MI. Parcel I.D. # 07-03-326-007.

The applicant is requesting a 43 foot rear setback rather than the required 50 feet, per Section 25 of Zoning Ordinance No. 26 to construct an addition to the Michigan Webb Press building.

Mr. Hand is present in regard to this request.

Mr. Hand explained that Michigan Webb Press is buying a new press to put in the proposed building. The proposed building is the exact size that will fit the press. The press is 100 feet long by 20 feet wide and has supporting equipment that fits in the rest of the building.

Mr. Genre explained that if the applicant tries to alter the existing building, it would result in structural problems that could not be overcome. If they remove a wall and put a smaller addition on the back, then all of the suppression requirements would be ineffective.

Acting Chairperson Walls asked why he couldn't build this with a 50 foot setback? Mr. Hand said there is equipment that goes in that part of the building and part of it is to dispose of the paper scraps that comes off the press.

Acting Chairperson Walls said he did not see any real mitigation of the corner where the applicant will be grading. He asked how they intend to deal with the screening and the impact on existing vegetation? Mr. Hand said he has a ton of new trees on the berm and yes, there will be a lot of landscaping, as much as anyone wants.

Board Member Baker said it appears we are trying to bring a piece of equipment to a building that is challenging and right next to a residentially zoned area. Board Member Aiello said he does not discourage business, but it is not for the Board to approve this request.

Board Member Carlton asked if the building could be moved to the north? Mr. Hand said if he did that, he would be concerned with the adjacent residential area.

- ★ **Board Member Carlton moved to approve a 43 foot rear setback rather than the required 50 feet at Michigan Webb Press building at 10441 Enterprise Dr., Davisburg due to special conditions and circumstances because of the existing building location and the restrictions and size of the building that is required for the equipment that is going into the proposed addition. Also, other alternatives have been explored that did not allow to minimize the variance that is being**

requested and strongly encourage the Planning Commission to look at the aesthetics and impact of the R-2 Zoning adjacent property and granting of the variance would be in harmony with the area. The motion failed for lack of support.

- * Board Member Baker moved to deny the variance request based on the fact that this property presents no unusual circumstances that prevent it from being utilized by anyone who owns it, the request of the applicant is not in keeping with what this property can sustain as far as its geographic capabilities. Board Member Aiello supported the motion. Vote on the motion. Yes: Walls, Baker and Aiello; No: Carlton; Absent: Wendt. The motion carried by a 3 to 1 vote.**

Adjournment:

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:55 p.m.

Susan Weaver, Recording Secretary