

**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 Thursday, September 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 receive a variance from the requirements of Sections 16.20 and 25 of Zoning Ordinance 26, to split the existing property by creating an access strip twenty (20) feet wide and approximately six hundred (600) feet long, in order to access the proposed rear lot from Edgar Rd. P.I. #07-25-301-012.

NEW BUSINESS:

1. Springfield Township Fire Department, 12000 Davisburg Rd., Davisburg, MI 48350, to receive a variance from the requirements of Section 16.01.2.a of Zoning Ordinance 26, to allow the current nonconforming use of property as a fire station to be extended to occupy a greater area of land than was occupied at the effective date of adoption of the current zoning. The property is located at 10280 Rattalee Lake Rd. P.I. #07-03-452-004.
2. Gene R. Smith, 10805 E. Holly Rd., Davisburg, MI 48350, to receive a variance from the requirements of Section 16.20 of Zoning Ordinance 26, to allow for construction of a private road that is not part of a condominium development. P.I. #07-03-300-033.

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 September 21, 2006**

Call to Order: Acting Chairperson Baker called the September 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

Dean Baker
Collin Walls
Jim Carlton (arrived 8:07 pm)
Frank Aiello

Board Members Absent

Skip Wendt

Staff Present

Leon Genre

Approval of Minutes: June 21, 2006

- * Board Member Walls moved to approve the minutes of June 21, 2006 as presented. Board Member Aiello supported the motion. Vote on the motion. Yes: Baker, Walls and Aiello; No: none; Absent: Wendt and Carlton. The motion carried by a 3 to 0 vote.**

Approval of Agenda:

Board Member Walls asked to rearrange New Business items hearing #2 first and then #1. There were no objections.

[Board Member Carlton arrived 8:07 p.m.]

Old Business:

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

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

Mr. Solheim is present in regard to this request.

Board Member Walls asked if the utility line is totally on this property? Mr. Solheim said, yes. Board Member Walls asked what is unique about this property that creates a practical difficulty and required this division? Mr. Solheim said if he was to come down the other side, it would

prevent him from ever splitting the balance of the property with the 1 to 4 ratio required by the Township; he would have to tear down his garage.

Acting Chairperson Baker said 20 feet is the minimum requirement and asked if there is a possibility to extend the size of the easement to about 37 feet at the north? Mr. Solheim said the trees would obstruct the power line.

Board Member Walls asked how much grade change will be contemplated? Mr. Solheim said the property is almost flat, so very little.

Board Member Carlton asked the applicant if he thought about putting the access on the south side? Mr. Solheim said he originally planned for that but after talking with the Township he found out he could not do what he originally wanted to do.

Board Member Walls asked if the Board showed the applicant where he could split with the access strip on the south side and not lose the garage, would it be acceptable? Mr. Solheim said, yes. Board Member Walls explained to the applicant how this could be accomplished.

Mr. Daniel Vanicelli, 5657 Edgar Rd., commented that he has no problem with the access strip on the south side.

- * Board Member Carlton moved to approve a 20 foot wide access strip along the south property line at 5607 Edgar Rd. because it meets the requirements of a five acre lot, there are more than two lots within the 2000 feet with a similar shape, it has a 20 foot access strip, the width to depth is 4 to 1 and the access strip is 660 feet or less, with the requirement that the access strip be on the south side of the property and this also meets the requirements of Section 19 including the minimum variance and it will be in harmony with the intent of the ordinance. Board Member Aiello supported the motion. Vote on the motion. Yes: Baker, Carlton and Aiello; No: Walls; Absent: Wendt. The motion carried by a 3 to 1 vote.**

Board Member Walls noted that in his opinion, the applicant had not met Section 19 standards.

New Business:

1. Gene R. Smith, 10805 E. Holly Rd., Davisburg, MI. Parcel I.D. # 07-03-300-033.

The applicant is requesting a variance from the requirements of Section 16.20 of Zoning Ordinance 26 to allow for the construction of a private road that is not part of a condominium development.

Mr. Smith is present in regard to this request.

Mr. Smith explained that he would like to construct a private road that would have a total easement of 30 feet wide versus a public road that would have an easement that would be 60 feet

wide. The private road has been designed to conform to the existing driveway as much as possible. A private road will lessen damage to vegetation and preserve trees in comparison to constructing a public road. A private road will impact 16 trees while a public road would impact 56 trees.

Board Member Walls asked the applicant if he was counting all the trees within the 30 feet for the private and all the trees within the 60 feet for a public road? Mr. Smith said, yes. Board Member Walls asked if he counted any additional trees outside the road right-of-way? Mr. Smith said, no. He is trying to protect the environment.

Board Member Walls said the application filed by the applicant indicates that Oakland County Health Department rejected a condominium development due to unacceptable soils. It is his understanding that those same soils and soil borings would be acceptable for acreage divisions; he asked the applicant if this is correct? Mr. Smith said, yes that is correct. Board Member Walls asked if the lots had been 1.5 acres for the site condominium, would the health department have approved the perk? Mr. Smith said, no. Board Member Walls stated the Health Department standards pose a practical difficulty.

Board Member Walls commented to the Board of Appeals that there is no Planning Commission review required on this. He asked if they had an objection to creating a committee to review this plan made up of the Building Director, Township engineer, Planning Commission representative to the Board of Appeals and the Township Board's representative? There were no objections but the Board of Appeals also thought sending it to the Planning Commission as a condition of approval is an option. Board Member Walls said it must be clear that we are sending the road to the Planning Commission and not the splits. Board Member Walls suggested the applicant use AASHTO guidelines for the road.

- * Board Member Walls moved that the approval for a variance to allow a private road on the Gene Smith property generally in accordance with the drawings submitted to the Board of Appeals and received on September 8, 2006 and is dated September 7th prepared by Tri-County Surveying be approved because if it is not approved it would create a practical difficulty on the applicant and force the development with a public road resulting in detriment to the environment that would not be in harmony with the intent and purpose of the Township ordinance or Master Plan, the special circumstances that exist were not created by the applicant but rather are created by inflexible bureaucratic standards of agencies beyond the Township's jurisdiction and it would provide substantial justice with the following conditions: the road width paved portion be no wider than 18 foot or less in some areas on a limited basis if it will help preserve existing trees; that utilities will be placed within the road easement to reduce tree removal; that the road layout will be generally in accordance with private roadway plan listed except for the T-turnaround or Y-turnaround area which may be reduced in length to minimize disruption with the condition that driveways to parcel 4 and 6 use that T or Y and not additional drives; that the construction plans and the designs be prepared in accordance with the standards in Section 18.07 of Ordinance 26 and AASHTO standards for very low volume roads; that those construction plans for**

the road be submitted to the Planning Commission in accordance with the site plan review process and that the Planning Commission review as a recommendation even though they do not have authority to approve restricted building envelopes and tree preservation provisions and compliance with schedule of regulations; a private road maintenance provision that ensures perpetual maintenance and a mechanism by which that can be paid for and if the property owners do not, the township can and assess the cost plus an administration fee of 25% be developed and approved by the Township attorney. Board Member Aiello supported the motion.

Board Member Aiello asked if it is clear that the Planning Commission advises us of consistency? Board Member Walls said the intent of the advice is to the applicant. Board Member Walls said he does not have a problem if the provisions have to be approved by the Planning Commission. Mr. Smith said he does not have a problem with that. Board Member Aiello said he would be more comfortable if the Planning Commission provided the advice to the Board of Appeals.

- * Board Member Walls amended his motion that the Planning Commission make a recommendation back to the Board of Appeals on the road construction standards and the schedule of regulations and preservation provisions. Board Member Aiello supported the amended motion. Vote on the amended motion. Yes: Walls, Baker, Aiello and Carlton; No: none; Absent: Wendt. The motion carried by a 4 to 0 vote.**

2. Springfield Township Fire Department, 12000 Davisburg Rd., Davisburg, MI. Property located at 10280 Rattalee Lake Rd., Parcel I.D. #07-03-452-004.

The applicant is requesting a variance from the requirements of Section 16.01.2.a of Zoning Ordinance 26 to allow the current nonconforming use of property as a fire station to be extended to occupy a greater area of land than was occupied at the effective date of adoption of the current zoning.

Springfield Township Supervisor Walls is present in regard to this request.

Supervisor Walls explained that when the existing fire station was built the property was zoned light industrial. Since that time the zoning has changed to the existing Public Lands designation and numerous changes have taken place in the zoning ordinance. Currently the Planning Commission has already made a determination to do away with Public Lands as a zoning district. The ordinance change has been through public hearing but has not been referred to the Township Board yet. This particular property will change to a new designation called Public Service. The adjacent property is still zoned industrial. There are no zoning districts in the current ordinance that allow fire stations.

- * Board Member Aiello moved to approve the variance request by the Springfield Township Fire Department to allow the current non-conforming use of property, a fire station to be extended to occupy a greater area of land than was occupied**

previously because it meets the variance standard under 9.01.4 being that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land structures or buildings in the same zoning district, those being that this is a public service building that was constructed prior to the zoning ordinance and to accommodate current emergency service vehicles must be expanded; that standard 19.01.4.2 that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district is irrelevant for this applicant, that the special conditions and circumstances referenced in sub paragraph 1 are not the result of the actions of the applicant, this variance is the minimum variance that will make possible the reasonable use of the land, building or structure and that granting this variance will be in harmony with the general purpose and intent of this ordinance and Master Plan. Board Member Carlton supported the motion.

- ★ Board Member Aiello amended his motion to include that this was prior to the Public Lands provision not prior to the zoning ordinance. Board Member Carlton supported the amended motion. Vote on the amended motion. Yes: Aiello, Carlton and Baker; No: none; Absent: Wendt; Abstain: Walls. The motion carried by a 3 to 0 vote.

Adjournment:

Hearing no other Business, Acting Chairperson Baker adjourned the meeting at 9:16 p.m.

Susan Weaver, Recording Secretary