

**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 Tuesday, November 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:** none

**NEW BUSINESS:**

1. Barbara W. MacDonald, 12021 Big Lake Rd., Davisburg, MI 48350, to allow a four (4) 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. #07-28-301-004.
2. Michael Wesley, 9870 Dixie Highway, Clarkston, MI 48348, to allow a thirteen (13) foot front setback rather than the required fifty (50) feet, per Section 25 of Zoning Ordinance 26, to construct a shed. P.I. #07-11-376-005.
3. Creative Wood Products, on behalf of Michael and Cynthia O'Hearn, 11779 Big Lake Rd., Davisburg, MI 48350, to allow a four (4) 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. #07-28-176-008.
4. Dixie Baptist Church, 8665 Dixie Hwy., Clarkston, MI 48348, and John Davey, 201 W. 13 Mile Rd., Madison Heights, MI 48021, to allow the following variances on a 44.69 acre parcel located on the south side of East Holly Rd., west of I-75. P.I. #07-05-176-001:
  - a) Construction of a church, elementary school, middle school, high school and day care center on 44.69 acres rather than the 75.5 acres required per Section 6.02 of Zoning Ordinance 26.
  - b) Construction of a church steeple forty-two (42) feet high rather than the fifteen (15) feet allowed per Section 16.10 of Zoning Ordinance 26.
  - c) Installation of three (3) ground signs rather than the one (1) allowed, the height of one sign to be twelve (12) feet rather than the maximum six (6) feet allowed, and a cumulative total square foot signage of two hundred twenty-eight (228) square feet rather than the maximum sixty-four (64) square feet allowed, per Section 16.07 of Zoning Ordinance 26.

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 November 21, 2006**

**Call to Order:** Chairperson Wendt called the November 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**

Skip Wendt  
Collin Walls  
Jim Carlton  
Dean Baker  
Frank Aiello

**Board Members Absent**

**Staff Present**

Leon Genre

**Approval of Agenda:**

Board Member Walls noted that the Minutes of September 21, 2006 and the 2007 meeting schedule should be added for approval.

- \* Board Member Aiello moved to approve the Agenda as amended. Board Member Carlton 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.**

**Approval of Minutes:                      September 21, 2006**

- \* Board Member Walls moved to approve the Minutes of September 21, 2006. 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.**

**Old Business:                                      None**

**New Business:**

1.     Barbara W. MacDonald, 12021 Big Lake Rd., Davisburg, MI. Parcel I.D. # 07-28-301-004.

The applicant is requesting a four 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.

Mrs. MacDonald is present in regard to this request.

Chairperson Wendt noted that he lives on Big Lake and asked if Board members had a problem with him participating in this discussion. There were no objections.

Mr. Genre said he has a set of the construction plans that a building permit was issued for but the footprint is no different than submitted to the ZBA.

Board Member Walls asked the applicant why she needs a deck? Ms. MacDonald said she would like to enjoy the lake just as other neighbors around her. Board Member Walls asked how she would access the deck? Ms. MacDonald said that French doors would replace the existing windows. Mr. Genre showed the building plans to the Board.

Chairperson Wendt asked how many access points the upper level has? Ms. MacDonald said the front entrance would be at street level. Board Member Walls asked why the deck must be 12 feet wide? Ms. MacDonald explained that ease of movement required 12 feet, anything less would not provide any flexibility.

**\* Board Member Baker moved to approve the requested 4 foot setback from the water at 12021 Big Lake Rd. due to the current existing conditions with the location of the house relevant to the water, the fact that literal interpretation of the ordinance would deprive the applicant of having a deck, granting the variance is in harmony with the surrounding neighborhood and a pre-existing non-conformance, it also affords the occupant another exit from the house on that level to which there is only one at this time. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Baker, Carlton and Aiello; No: Walls. The motion carried by a 4 to 1 vote.**

2. Michael Wesley, 9870 Dixie Highway, Clarkston, MI. Parcel I.D. # 07-11-376-005.

The applicant is requesting a 13 foot front setback rather than the required 50 feet per Section 25 of Zoning Ordinance 26 to construct a shed.

Mr. Michael Wesley is present in regard to this request.

Chairperson Wendt said he doesn't know why the Board should go any further than to say this doesn't comply with what we asked for. The applicant did not fill out the application in full. Mr. Wesley said he filled it out the best he could and didn't know what ordinance he broke and he was told he didn't need a permit for a shed under 200 square feet but since he attached it to the garage he now knows it became a garage extension. He read the application but did not know what the questions meant or if they applied to this request. Chairperson Wendt asked the applicant if he asked for help from the Building Department? Mr. Wesley said he spoke with Leon Genre but did not ask for help with the application.

Board Member Carlton asked if the shed could go on the other side of the garage? Mr. Wesley said it's not possible because his septic is on the other side.

- \* Board Member Walls moved to deny the request for a front yard setback of 13 feet rather than the required 50 feet as no practical difficulty has been shown, according to the drawings submitted alternatives exist which do not require a variance and the application was not even attempted to be completed in the form that would allow the Board to properly review this request. Board Member Carlton 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.**

3. Creative Wood Products, on behalf of Michael and Cynthia O’Hearn, 11779 Big Lake Rd., Davisburg, MI. Parcel I.D. # 07-28-176-008.

The applicant is requesting a four 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. Dennis Schaefer of Creative Wood Products is present in regard to this request.

Mr. Schaefer said there is only one access point on the main level and they will be taking a window out and replacing it with a door wall to create another access point.

Board Member Walls said on the drawing the location of the deck appears to indicate that they will be removing a 10 foot living area and asked if this is correct? Mr. Schaefer said no, they are not changing anything on the home other than removing a window. He apologized as the homeowner must have provided him with an old survey but he assured the Board the home will stay exactly as is.

Board Member Aiello asked if he would be able to build the size of deck requested with this variance? Mr. Schaefer explained that he would. Board Member Walls asked if the seawall is parallel to the house? Mr. Schaefer said yes, in the area that they are building. Board Member Walls asked what is the reason for a 12 foot deck? Mr. Schaefer explained that anything less does not allow for a normal size table and chairs with any movement around them if the deck is less than 12 feet.

- \* Board Member Carlton moved to approve the request at 11779 Big Lake Rd. for a four foot setback from the ordinary high water mark rather than the 50 feet required due to the pre-existing non-conformance, it is not an action as a result of the applicant, this is the minimum variance that will make the reasonable use of the land and it will be in harmony with the surrounding properties and neighborhood. Board Member Aiello supported the motion.**

Board Member Walls commented that this is the result of actions by the applicant. Board Member Carlton explained that he meant the house placement is not a result of the applicant.

- \* Vote on the motion. Yes: Wendt, Carlton, Baker and Aiello; No: Walls. The motion carried by a 4 to 1 vote.**

4. Dixie Baptist Church, 8665 Dixie Highway, Clarkston, MI and John Davey, 201 W. 13 Mile Rd., Madison Heights. Property located on the south side of East Holly Rd. west of I-75. Parcel I.D. # 07-05-176-001.

The applicant is requesting the following variances on a 44.69 acre parcel located on the south side of East Holly Rd., west of I-75:

- a) Construction of a church, elementary school, middle school, high school and day care center on 44.69 acres rather than the 75.5 acres required per Section 6.02 of Zoning Ordinance 26.
- b) Construction of a church steeple forty two feet high rather than the 15 feet allowed per Section 16.10 of Zoning Ordinance 26.
- c) Installation of three ground signs rather than the one allowed, the height of one sign to be 12 feet rather than the maximum six feet allowed, and a cumulative total square foot signage of 228 square feet rather than the maximum 64 square feet allowed, per Section 16.07 of Zoning Ordinance 26.

Mr. Jeff Ferweda is present in regard to this request.

Chairperson Wendt noted that there are two letters expressing opposition to the requested variances. One from Mr. and Mrs. McCoy of 8119 East Holly Rd., Holly, Michigan. One from Mr. Alan Parington of Clarkston Michigan. **[Copies of this correspondence are on file at the Office of the Clerk, Springfield Township].**

- a) Construction of a church, elementary school, middle school, high school and day care center on 44.69 acres rather than the 75.5 acres required.

Chairperson Wendt asked what the square footage of the existing buildings is? Mr. Ferweda said, approximately 60,000 square feet on one level. This proposal has a footprint of approximately 68,000 square feet but because of the walk-out there will be a total of approximately 125,000 square feet. Chairperson Wendt noted that question D of the application should have been “yes” and the applicant marked “no.”

Board Member Aiello asked the applicant what other options the applicant explored? Mr. Ferweda explained that they tried to buy other parcels within Springfield Township but the owners were not willing to sell or parcels were not within their budget. Board Member Aiello asked what the projected enrollment for the church would be? Mr. Ferweda said they currently project 300 people in the sanctuary; the school proposed would hold 250 students; the daycare proposed would hold 250.

Board Member Walls said the application indicated maximum 250 students but the applicant is now talking about 500 students. He asked if the applicant is asking us to approve a K-12 school, daycare and a church or asking us to approve a K-12 school and a daycare with a maximum capacity of 500 plus a church? Mr. Ferweda said their main interest is the church. They are a church requesting a daycare and school be allowed on the same site. Mr. Ferweda said they would accept limitations set by the Township.

Board Member Baker quoted student enrollment numbers of other schools in the area. He said he would be willing to entertain the idea of offering a variance to the cumulative property because he sees certain student populations currently existing at a number of locations in our Township where it is not perceived to be an overburden on the acreage provided which is less than this request.

Mr. Lemaux, 12564 Rattalee Lake Rd., commented that the applicant is not encroaching on the woods and it is not an oversized facility. He has concerns about growth but as currently proposed he has no objection to item A of the request.

Mr. John Davey, owner of the property in question, said this proposal is an asset to Springfield Township. This is the first potential purchaser of his land that has agreed not to use the woodlands and use them as a natural feature. Mr. Davey said he agrees that the requested variances are appropriate.

Mr. Alan Partington, 9448 Softwater Woods Dr., said he does not live near the proposed property at all but his main opposition is that granting these variances will be bad for future issues. Chairperson Wendt explained that each variance is determined on its own merit and one request has nothing to do with another request.

Board Member Walls commented that he sees some merit of approving this portion relating to sizes. There is approximately 20 acres of open area which would allow a middle school. Board Member Walls said he hasn't heard of any middle school that would be only 250 students. It seems to him that the ordinance was designed for something much greater than this. It is ok if we can agree to proper restrictions. He suggested that K-12 be restricted to 250 students and the daycare be restricted to 250 rather than a 500 which would allow numbers to switch a lot. The Board concurred.

- \* Board Member Baker moved to approve the acreage variance requested by Dixie Baptist Church based on the inclusion of a daycare center, elementary school, middle school and high school with a suggestion that the 44.69 acres provided will be enough to manage this provided the total enrollment of the K-12 program does not exceed 250 students and that the daycare portion does not exceed 250 children. Board Member Aiello supported the motion.**

Board Member Aiello said he believes there is a special condition that exists here and this is a unique school. In reading the ordinance he does not believe it was contemplated in the drafting of the ordinance and believes the ordinance contemplates a public school or large private school.

- \* Board Member Baker amended his motion to include the church building and there exists public school buildings and private schools in this Township already that effectively manage their student population based on property restrictions that are much less restrictive than we were intending to impose upon this facility.**

**\* Vote on the amended motion. Yes: Wendt, Walls, Carlton, Baker and Aiello; No: none. The motion carried by a 5 to 0 vote.**

- b) Construction of a church steeple 42 feet high rather than the 15 feet allowed per Section 16.10 of Zoning Ordinance 26.

Board Member Walls said it appears that the height proposed is 85'8." Mr. Ferweda said that is correct. The allowed building height is 30 feet and explained how that is measured. There is a lower level on the back of the building with a walk out. There is 12 feet floor to floor so their building height is actually six feet below the finished floor. The median of the slope of the building is 30 feet which conforms to allowance. From the main level to the peak of the sanctuary is 36 feet, the actual road at the east end of the site is 5 feet higher than the main level. The proposed steeple height is actually be 42 feet high and he believes he is allowed to have a 48 foot tall steeple. Mr. Ferweda said the ordinance allows for height increases the further back the building is set off the road. Board Member Walls asked where in the ordinance does it state that increased height for increased setback does not allow anything to be constructed in the setback? Mr. Ferweda said the ordinance says you cannot park in the front yard setback and if you increase the setback you would get additional height. Therefore his understanding is if he increases the setback one cannot park in it. Board Member Walls said that is not his understanding.

Board Member Walls said the applicant is using two separate provisions. One allows additional height of the building. The additional height for the steeple says 15 feet over that which is allowed in the zoning district, which in this case is 30 feet. Therefore it would be 45 feet. Board Member Walls said he is concerned that the applicant indicated they are allowed a 48 foot steeple height but they are asking for 74 feet but the application says the steeple will be 42 foot tall in lieu of the 15. He asked if we are dealing with 42 feet or 74 feet for the steeple? The steeple can go 15 foot above the 30. Mr. Ferweda said the building goes 12 feet above the 30 so he would be allowed a 3 foot steeple. If that is the case, then they are asking for a 39 foot variance.

Mr. Lemaux said he is opposed to the variance on the height of the steeple.

Board Member Aiello asked how it would be illuminated? Mr. Ferweda said illumination of the steeple would be from the ground. Mr. Lemaux said he is opposed to illumination of the steeple. Mr. Ferweda said the steeple would not be lit all night.

**\* Board Member Walls moved that the height variance for a steeple be denied as no practical difficulty has been shown, the problem is self-created, there is a demonstrated viable use of the land by the approved site plan in the previous variance granted and it is a major concern that the advertising for this variance did not adequately represent that which really would be needed. 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.**

- c) Installation of 3 ground signs rather than the one allowed, the height of one sign to be 12 feet rather than the maximum 6 feet allowed and a cumulative total square foot signage of 228 square feet rather than the maximum 64 square feet allowed, per Section 16.07 of Zoning Ordinance 26.

Chairperson Wendt asked why one sign is not good enough as allowed by ordinance? Mr. Ferweda said they have two entrances and would like a sign by each entrance. They have designed the site to keep the school and church as separate as possible. They will be recreating the existing highway sign and he is calculating the square footage as the wording in the middle, not the entire structure. Board Member Aiello said he doesn't know if he agrees that the highway sign square footage is just the flat space in the middle.

Chairperson Wendt said the church itself is a sign. Three more ground signs other than one indicating the name of the church or the religious affiliation, in his mind is adequate. Board Member Aiello said he thinks the applicant is being greedy with this request and could not support multiple signs.

Board Member Carlton said the church and school is "repeat customers" and the drive is routine to them. Therefore, they wouldn't need all those signs.

Board Member Walls asked if the existing portrait is intended to be continued? Mr. Ferweda said on this particular sign, probably not. Board Member Walls said the Special Land Use by the Township Board was for a single entry, not a dual entry so part of the reasoning for three signs is irrelevant.

Mr. Lemaux said he is opposed to multiple signs.

Mr. Ferweda said if there can only be one sign could it be the larger sign? Chairperson Wendt said as it stands, it does not meet the ordinance

- \* Board Member Walls moved that the request for three rather than one ground signs be denied. 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.**
- \* Board Member Walls moved to table any action on the height and area or size of the sign until the final site plan is presented and we get recommendation and input from the Planning Commission on the sign. Board Member Carlton 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.**



**Other:**

1. 2007 Meeting Schedule

The Board of Appeals agreed to change the November 15<sup>th</sup> meeting to November 20<sup>th</sup>. All meetings will be held on the 3<sup>rd</sup> Thursday of the month with the exception of May, June, July, August and November which would be held on the 3<sup>rd</sup> Wednesday of the month.

- \* Board Member Walls moved to accept the 2007 schedule for the Zoning Board of Appeals as amended. Board Member Carlton supported the motion. Vote on the motion. Yes: Wendt, Walls, Baker, Carlton and Aiello; No: none. The motion carried by a 5 to 0 vote.**

**Adjournment:**

Hearing no other Business, Chairperson Wendt adjourned the meeting at 9:25 p.m.

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Susan Weaver, Recording Secretary