

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
May 16, 2018

Call to Order: Chairperson Wendt called the May 16, 2018 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Dean Baker
 Bill Whitley
 Ginny Fischbach
 Skip Wendt
 Denny Vallad

Absent: None

Also Present: Collin Walls, Supervisor

AGENDA:

Board members agreed to proceed with the agenda as presented.

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Board member Whitley moved to approve the minutes of the February 21, 2018 meeting as presented. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Whitley. Vote no: None. Abstain: Vallad, Wendt. Motion approved.

NEW BUSINESS:

1. Request from R.L. Slade Custom Homes, 10399 Lakeshore Drive, Goodrich, MI 48438 for a variance to continue construction of a house with a forty seven (47) feet front setback rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-594.

The property that is the subject of the request is located at 11114 Chyna Run in Springfield Township and is zoned R-1 One Family Residential. P.I.#07-21-476-028.

Jim Scharl, Kieft Engineering, appeared on behalf of the applicant. Mr. Scharl stated that this is a clear case of a builder making a mistake. The lot is on a curve. The builder measured back on the side property lines and drew a straight line across from the sides, brought the house back three feet figuring that this was enough but it wasn't. The house is sited into the front setback by 2.7 feet. The mortgage report that was done showed the encroachment and they verified that through the drawing presented. The house is almost

complete and it would be impossible to cut off three feet of the garage because it would make the garage too short. The applicant is asking for a three foot variance. The Township ordinance requires a 100 foot total front and rear setback and this lot has 47 feet in the front and well over 120 feet toward the back so it exceeds the 100 foot requirement. They have prepared an amendment to the condominium documents which was conditionally approved by the Township Board on May 10, 2018 subject to a vote of approval by the Zoning Board of Appeals.

Chairperson Wendt stated that he visited the site and it visually doesn't appear abnormal relative to the homes on either side or relative to any other homes in the neighborhood.

Board member Whitley commented that this is a clear case of human error and has already happened. There would be nothing gained by the house being located three feet further and there was no intent to deceive. He commented that they should accept it as human error and it makes no sense to not approve and require reconstruction of the structure. It is not apparent when you visit the site.

Board member Fischbach agreed.

Board member Vallad commented that the house is in line with the other homes in the neighborhood.

Chairperson Wendt agreed that there is not an obvious difference.

Ms. Tiffany Mouch asked if there would be any problems when they go to sell the property in the future.

Chairperson Wendt replied no; the condominium documents will be amended and the variance will be granted.

Mr. Scharl commented that since the condominium documents are going to be changed, the property will be in complete conformance with the approved condominium documents and if the variance is granted, the Township will recognize it as well. The drawings will be changed and recorded.

Board member Whitley replied that if the variance is approved, the front setback becomes 47 feet rather than 50 feet as a permanent change.

Chairperson Wendt added that there should not be any obstacles to the resale of the property.

Board member Whitley moved to approve the request for a variance for the front setback for the property located at 11114 Chynna Run to be 47 feet rather than the required 50 feet. The special conditions being that the house was already constructed, it appears that the location of the structure was human error, there is no apparent intent to deceive or any other approach of build first and ask for forgiveness later. From a consequence standpoint, it makes no sense to require major reconstruction of the house to make it conform to the 50 feet. The structure is

still in harmony with the surrounding structures that are already constructed. Supported by Board member Baker. The Township Board has approved the change to the condominium documents conditioned on this variance being granted. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 7:41 pm. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary