

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
June 20, 2018

Call to Order: Chairperson Wendt called the June 21, 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: Bill Whitley
 Ginny Fischbach
 Skip Wendt
 Denny Vallad
 Matt Underwood

Absent: Dean Baker

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 May 16, 2018 meeting as presented. Supported by Board member Vallad. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

NEW BUSINESS:

1. Request from Zela and Royce Griffith, 8631 Foster Road, Clarkston, MI 48346 for a variance to construct a house with a four (4) foot side setback on the easterly side and a ten (10) foot side setback on the westerly side rather than the fifteen (15) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located on Semindale in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-26-279-015

Ms. Zela Griffith introduced herself to the Board. She stated that they had a variance years ago to build on this lot and then the plans fell through. It is a small lot and is currently an eyesore and she thinks a house would be beneficial. They would like to sell it and they have a buyer that is interested. There is a 20 foot easement on the east side of the property and she thinks it was created to get to the utilities in the back but has never been maintained. This easement is full of trees and does not have a track through it.

Chairperson Wendt asked why they did not build on the property when the variance was granted in the 90's.

Ms. Griffith replied that their folks became ill and one thing led to another and they never did build. She introduced Curt Cumming to the Board as the person interested in buying the property.

Board member Vallad asked if the alley was improved at all.

Ms. Griffith replied no; you can't drive down it.

Chairperson Wendt asked the applicant if she has considered how the topography would affect building a home relative to the sanitary system that would be on it.

Ms. Griffith replied that she has talked to people at Oakland County that have said the property is gravel and sand and shouldn't be a problem although it might have to be a smaller house because of the limited capability of a sanitary system.

Chairperson Wendt stated that he is sure the property would perc but he is talking about the changes in elevation and the gravitational effects of how the water would run underground. This makes him wonder how effective the sanitary system will be without coming back towards the well.

Board member Whitley stated that he shares the concern with Chairperson Wendt with respect to where the proposed septic is shown on the drawing and looking at the topography. It seems like the effluent from the septic would run downhill towards the location of the proposed house and this is a concern.

Ms. Griffith replied that most of the houses in the area are the same with the septic in the front and wells in the back.

Chairperson Wendt stated looking at the size of the lot and looking where a proposed sanitary system would go, the well would have to go someplace 180 degrees away from it with a 50 foot barrier and everything would run downhill toward the well.

Board member Whitley stated that other lots in the area do not have the topography of this lot where it is significantly higher in the front than the building site. Gravitational effects of the septic affluent would steer it towards the house.

Mr. Cumming introduced himself to the Board. The septic is by County code and he plans to raise the house up in the back. He is planning 12 foot walls in the back and getting it in the air so it is not way downhill to the house. He has built quite a few houses and feels confident that he can do it. It is a platted lot so someone has to build on it. He thinks as long as the septic is put in to County standards and he is a licensed installer for septic and he would follow those standards.

Chairperson Wendt asked if he has had the County Health Department review the plan proposed.

Mr. Cumming replied they have not had this property perked this time, it was perked last time.

Chairperson Wendt asked if he had the County look at the drawing proposed with the elevations that exist and had the County give them an okay to do what they are proposing in regard to building the house.

Mr. Cumming replied that this is considered the perc. When you perc a lot, the sanitarian will tell you what you can do and what you can't do. This will be told when they order a perc on it. He knows that they will need a level spot because the septic needs to be level. The well is going in the back. If you raise the house up, they will not have a problem getting a level area for the septic for a small house which would be a 1200 square foot bed.

Chairperson Wendt asked if the County has seen the plan and it will meet their standards.

Mr. Cumming replied no, not currently. This would be their first step.

Chairperson Wendt asked if whatever applied back in 1992, whatever existed in terms of County standards would that apply today?

Mr. Cumming replied no, not exactly. There are some changes but it is basically the same thing as long as you have good sand and gravel.

Chairperson Wendt stated that if there is a 25 foot elevation change from the front to the back of the house and the septic field is going to have sewage from the home discharged into it, is it just going to stay at that higher elevation or is it going to flow by way of gravity down towards the well?

Mr. Cumming replied that 60% of the fluids evaporate anyway, they do not flow down they go up that is why you can only have 25 inches of cover. You also must be 50 feet from the well to the septic and this will be more than 50 feet. If the County and the State say that this is far enough, he doesn't know why they are talking about it.

Board member Fischbach asked if the Board considers the septic when they decide on the setback variances. Or are they assuming that they can get their septic and well, after they get their side setback variance, then they go to the County to get it approved. The issues may be very valid but the County should bring that up and stop them from building if they can't make it work. They are not asking for a variance for the septic, they think they can do the septic and well without a variance so that is not a question in front of the Board. The applicant still may have an issue, she doesn't know, but the question in front of the Board is the side yard setbacks. After the variance is given, they will have to go to the County and if that doesn't work, they may have to come back for different variances.

Chairperson Wendt stated that he agrees, but they would be remiss in not asking the question at this point.

Board member Fischbach replied that his point is well taken and valid but this isn't the point in question.

Board member Whitley replied that if they look at the 5 points that they are obliged to consider in any variance, item E. addresses that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This is the area under which the question or concern regarding the location of the septic and the topography of the lot falls in. He agrees that the question about septic is not being asked but it is worth discussing.

Board member Fischbach replied it is worth discussing but the question at hand is only whether or not giving them a side setback variance would be injurious to the neighborhood. They are not deciding here where the septic and well go.

Board member Vallad stated that this is up to the County Health Department.

Board member Fischbach concurred.

Board member Fischbach moved to approve the request for a variance for a side yard setbacks for the property having parcel #07-26-279-015 to be four (4) foot on the easterly side and ten (10) foot on the westerly side rather than the required 15 feet. The five criteria for a variance are met as follows:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. This property is much smaller than other R-3 properties. It is a nonconforming lot currently consisting of .15 acres and R-3 zoning requires .5 acres. The road frontage is 50 foot and R-3 zoning requires 110 feet.

b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter. The same answer for (a) above applies to this property being a small property.

c. The special conditions and circumstances referenced in subsection (d)(1)a of this section do not result from the actions of the applicant. This lot size was approved by the Township prior to the current owner's buying it.

d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Township ordinance requires a house at a minimum of 1000 square foot and the applicant is only asking for 1008 square foot. If the house was turned any other way, there would be front or rear setback variances required. There is no way to put a house on this property without a variance.

e. The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. Other lots in the neighborhood are smaller and any of the smaller lots that have houses on them have similar side setbacks. She does not believe that this would negatively affect the neighborhood.

Supported by Board member Vallad.

Board member Whitley stated that with respect to item b. above, the thing that is unique is that this is a lot where the lot itself is nonconforming but there are no other non-conformances in existence so approving the request creates nonconformance where none exists today other than the lot size. The Board's obligation is to not create non-conformances. In reference to d., the Board has not seen any other alternatives presented including possibly not putting a garage up. This could reduce the variance request and might eliminate it altogether.

Vote yes: Fischbach, Underwood, Vallad. Vote no: Wendt, Whitley. Absent: Baker. Motion approved.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 7:55 pm. Supported by Board member Vallad. Vote yes: Fischbach, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker. Motion approved.

Erin Mattice, Recording Secretary