

Charter Township of Oakland
Oakland Township Hall
4393 Collins Road Rochester, MI. 48306

ZONING BOARD OF APPEALS MEETING

March 21, 2023

7:00 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes – July 19, 2022
6. Citizen Comments – Items not on the agenda
7. New Business:
 - a. Election of Officers
8. Board Member Reports
9. Adjournment

Any interested person may comment upon a scheduled agenda item during the public hearing to be held at the date, time and location above. Written comments may be submitted to the Charter Township of Oakland at the address above prior to the scheduled Public Hearing date. Documents pertaining to any request on the agenda are available for review during normal business hours at the Oakland Township office. Necessary and reasonable aids to individuals with disabilities will be provided at the meeting with seven-day notice.

CHARTER TOWNSHIP OF OAKLAND ZONING BOARD OF APPEALS

DRAFT

July 19, 2022

The July 19, 2022, meeting of the Charter Township of Oakland Zoning Board of Appeals (hereinafter "ZBA") was called to order at 7:00 p.m. in the main conference room of the Township Hall.

PRESENT: John Boville, Chairperson
Kathy Thomas, Vice-Chairperson
William Jandeska, Secretary
Jeanne Langlois, Board Member
Judy Workings, Board Member

Don Mende, Planning Coordinator

ABSENT: None

A quorum was present.

PLEDGE OF ALLEGIANCE

Chairperson Boville led the Board, staff and those present in the Pledge of Allegiance to the flag of the United States of America.

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY WORKINGS, SECONDED BY JANDESKA, to approve this evening's agenda as presented.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

MOVED BY JANDESKA, SECONDED BY THOMAS, to approve the minutes of the June 21, 2022, meeting as presented.

MOTION CARRIED UNANIMOUSLY.

GENERAL PUBLIC COMMENT

There was no one present who wished to comment on an item not already on this evening's agenda.

APPEAL ZBA22-06: **Bret James Abraham requests the following variances:**
(1) A 20' front yard variance to permit a new home, and (2)
a 20' variance to the natural features setback.
Parcel no. 10-33-427-007

Planning Coordinator Don Mende explained that the applicant is requesting a 20' variance from the required 50' front yard setback requirement (the applicant is proposing a 30' front yard setback), and a 20' variance to the 25' natural features setback requirement (the applicant is proposing a 5' setback from the natural features) to allow him to build a house on this parcel. The property is zoned VLRD Single Family Residential, and all abutting properties are similarly zoned. Mr. Mende continued that the dimensions of this parcel are approximately 100' wide x 418' deep. The Paint Creek flows through the lot, and there are wetlands on the property. As such, only approximately one-third of the lot is buildable. The applicant is looking to purchase this parcel, has had the location of the proposed septic field approved by the Oakland County Health Department and is completing other due diligence items.

Mr. Abraham and his wife were present. Mr. Abraham said that Planning Coordinator Mende summarized his request well. He added that both he and his wife are aware of the sensitive nature of this parcel, the wetlands, and Paint Creek. He detailed some of their plans for the property, including removing the invasive vegetation and replanting with native species, and installing either a riprap wall caged in galvanized wire or a seawall to minimize potential impact on the wetlands. Additionally, the applicant's house plans minimize the footprint of the house, gaining additional square footage by cantilevering certain parts of the house.

Chairperson Boville then opened the floor to comments from the public. Dan Bowe of 5300 Orion Road was present. While he is not a noticed party relative to this appeal, he said his home is near the property at issue this evening. He explained that he has been a resident of Oakland Township for 12 years, moved here because of the natural beauty of the area, and appreciates Oakland Township's focus on trying to preserve these qualities. He thanked the members of the ZBA for their service to the community.

Alex Brown of 5830 N. Livernois was present, and is the owner of three lots south of the subject parcel. Mr. Brown had a number of concerns including potential impact on the wetlands, the septic system, the fact that there are natural springs in the area and the need to maintain the natural water flow on the property, management of site runoff and minimizing the impact on Paint Creek, and erosion of Livernois Road.

The ZBA inquired about the natural springs. Mr. Brown explained that there are numerous natural springs on his property.

Mr. Abraham thanked Mr. Brown for coming this evening, and responded to his concerns. He first discussed the water on the property, stating that he had an environmental assessment conducted. The applicant referenced a Google Earth view of the parcel and pointed out the

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location of Paint Creek, the wetlands, and the uplands identified during that study. Soil borings were done in conjunction with this study.

The applicant then discussed the question of septic for the home. Mr. Abraham shared information regarding the location of the test pits, and stated that a suitable location was found near the road on the south side. In fact, the Health Department has indicated that the property can accommodate a traditional septic field, and an engineered field is not necessary.

Next, Mr. Abraham addressed site drainage. He said that he met with neighboring property owner Dale Weber, who told him that someone has been cutting trenches from the road onto lot 8, the parcel Mr. Abraham is interested in purchasing. Water has consequently been running from the road onto this parcel. He added that Mr. Weber did not believe there were road drainage problems at this level of significance until the Road Commission brought in clay materials to raise the bed of the road. Mr. Abraham noted that there is a ditch on the east side of the road that desperately needs to be dug out, and his plan is to approach the Road Commission and inform them of the drainage and runoff problems before he begins construction.

With respect to runoff from the construction site, Mr. Abraham stated that his builder will be using a water filtration system as necessary to filter water removed from the ground as the basement is dug. The builder will be using helical piles, and water that is brought up will be filtered and then put back onto the property. He continued that Oakland County's Water Resource Commission requires installation of a silt fence, which will be maintained throughout the construction process.

Chairperson Boville next invited comments from the Zoning Board members. Vice-Chairperson Thomas asked the applicant about his building background. Mr. Abraham responded that he is a "frustrated builder/architect" who likes working on projects, and added that he designed and built an Arts and Crafts style house on Lake Orion. He grew up in this area and he and his wife are looking to return here and build a home.

Vice-Chairperson Thomas asked how the applicant will access his garage, and inquired about parking. Mr. Abraham responded that the two-car garage will be in the basement of the proposed house, and the driveway and garage access will mirror that of his neighbor Mr. Weber, immediately to the north. There will be a parking area between the septic field and the driveway, which will accommodate three or four vehicles. In response to a question from Commissioner Workings, Mr. Abraham said the front door of the house will face east.

The Zoning Board members had questions regarding the proposed house plans. Planning Coordinator Mende acknowledged that Oakland Township does allow cantilevered parts of the house and roof overhangs to encroach up to 2 feet into the required side yard setbacks. Commissioner Workings referenced the various architectural drawings and elevations, said that they do not reflect the same house design, and inquired as to what the applicant is in fact planning to build. Mr. Abraham responded that he has already spent \$7,000 on various due diligence matters, and opted to have the architect hold off on finalizing the plans until he

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learns whether or not the ZBA will grant the required variances to allow construction of the house on this parcel. The applicant assured the Zoning Board that he will build what is shown on the hand drawn plot plan and the images shown in the architectural renderings submitted this evening, but without the decks and without the post shown in the drawings.

Planning Coordinator Mende stated that the plot plan shows cantilevers and setbacks. If the ZBA grants the requested variances, the plans that the applicant submits to the Building Department must meet these dimensions exactly. Additionally, the applicant will need to submit sealed drawings to the Building Department for review and approval, and the main face of the home must remain as shown on the plans and presented to the ZBA this evening. Mr. Abraham again reassured the Zoning Board and Planning Coordinator Mende that this is the house that he plans to build and for which he will submit plans.

Chairperson Boville reviewed the plans and noted that the cantilevered part of the south side of the house appears to overhang the wetlands by 2 feet, and asked if this is necessary. Mr. Abraham responded that this is correct, and the extra square footage is necessary to make the floorplan of the house work. It is a two bedroom house.

Chairman Boville was concerned about heavy equipment on the property and the potential impact on Paint Creek. The applicant stated that he will install a seawall and backfill it with earth. Heavy equipment can then sit on this and it should not negatively impact the creek.

Secretary Jandeska inquired about aspects of the house plan. Mr. Abraham explained that there will not be a deck on the cantilevered aspect of the house. The lower floor will be preformed concrete. Further, the lower deck (shown on the south elevation drawing) will be an outdoor entertaining area; the post shown will not be installed.

Zoning Board member Workings verified that there are springs and wetlands on the property. In her review of the lot, she feels that this is the only potential building site on the property. She likes the use of a cantilevered house design to minimize the footprint of the house, and finds this architectural style a good fit for this lot. She asked if there is a second location for a septic field in the event that the first location should fail; Mr. Abraham said test pit number 3 is the backup location. He added that the Health Department is requiring that he have a 1,500 gallon tank, and two runs of 50 feet each.

MOVED BY LANGLOIS, SECONDED BY WORKINGS, in the case of ZBA22-06, submitted by applicant Bret James Abraham, to approve the requested variances with the following conditions:

1. The decision of this Board will remain valid and in force as long as the facts and information presented to the Board during the public hearing are found to be correct, and the conditions upon which the motion is based are forever maintained as presented to the Board;

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2. The petitioner shall complete and comply with the site plan as submitted and all applicable site plan and/or building plan review requirements, and agrees to abide by and comply with all pertinent codes, ordinances and standards of Oakland Township, Oakland County, and the State of Michigan.

The following findings of fact are noted as a part of this motion:

1. The property is zoned VLRD (Very Low Residential Density), parcel no. 10-33-427-007;
2. The petitioner is requesting a variance to the setback standards of the Zoning Ordinance;
3. The relevant sections of the Zoning Ordinance are Sections 16-402.02 and 16-348 G;
4. The petitioner has shown practical difficulty due to the unique natural features on the site (Paint Creek and associated floodplains) and the parcel is only one-third buildable.

Discussion on Motion:

Member Workings was concerned that the applicant has shown three different versions of this house. Her understanding of what the applicant will construct includes that the design of the house will include cantilevered portions, there will be no deck except the small deck at the back of the house, this will be a one story house with a lower level, and the house built will fit the footprint submitted on the site plan. Mr. Abraham again stated that he will build the house shown on the drawing submitted as a part of this application. Chairman Boville cautioned that if the applicant submits plans that are substantially different from those before the ZBA this evening, the ZBA's approval of the variances will no longer be valid.

Vote on Motion:

MOTION CARRIED UNANIMOUSLY.

Vice-Chairperson Thomas asked Mr. Abraham what the anticipated timeframe is for construction of this house. The applicant responded that he had planned to start the project in the spring, but has now decided to start immediately.

SECRETARY JANDESKA'S REPORT

Older Persons' Commission New Name

Secretary Jandeska reported that the Older Persons' Commission has a new DBA, which will be "VIVA 50+".

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CHAIRPERSON BOVILLE'S REPORT

Zoning Board of Appeals Tool Kit

Chairperson Boville said that he received a "ZBA Tool Kit" from the Michigan Planning Association. If members do not have a copy, Planning Coordinator will arrange for them to get them one. He continued that there is also very good training available through the Michigan Chapter of the American Planning Association. Planning Coordinator Mende added that the Michigan Association of Planning also offers training, though it is generally only offered in the spring, but he will inquire about training opportunities offered in the fall.

ADJOURNMENT

MOVED BY JANDESKA, SECONDED BY WORKINGS, there being no further business before the Zoning Board of Appeals, to adjourn the meeting at 8:10 p.m.

MOTION CARRIED.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

William Jandeska
Secretary

Memo

To: Zoning Board of Appeals
From: Donald Mende, AICP, Planning Coordinator
Date: March 1, 2023
Re: Election of Officers

Election of officers is held every year. Terms are for one-year and existing officers are eligible for re-election.

Procedurally, a member shall nominate another for the office of Chairperson. The nominee shall accept or decline the nomination. If there is only one nominee, they may be elected by motion and support. If there are multiple nominees, a vote shall be taken.

The above process is then done for the office of Vice- Chairperson, and finally for Secretary.

EXAMPLES

“I nominate Mr. Smith for the office of Chairperson.” Mr. Smith accepts the nomination. “Are there any other nominations? Hearing none, is there a motion and support to elect Mr. Smith Chairperson.”

-or-

“I nominate Mr. Smith for the office of Chairperson.” Mr. Smith accepts the nomination. “Are there any other nominations? Yes, I nominate Ms. Jones”. Ms. Jones accepts the nomination. “Are there any other nominations? Hearing none, we will vote for the office of Chairperson.”

If a vote is necessary, it may either be a voice vote or by written ballot.

Current Officers –
John Boville, Chairperson; Vacant, Vice-Chair; Bill Jandeska, Secretary