

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING
January 19, 2022



Call to Order: Chairperson Baker called the January 19, 2022, Zoning Board of Appeals meeting to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, Michigan, 48350.

In attendance: Dean Baker, Chairperson
Skip Wendt, Vice Chair
Jim Carlton, Board Member
Bill Whitley, Board Member

Absent:
Matt Underwood, Board Member

Staff Members Present:
Laura Moreau, Supervisor
Joan Rusch, Planning Administrator

Approval of Agenda:
Board Member Whitley moved to approve the agenda as presented. Supported by Board Member Carlton. Vote: Yes: Baker, Carlton, Wendt, Whitley. Vote No: None. Motion approved.

Public Comment:
None

Approval of Minutes:
Board Member Whitley moved to approve the minutes of the December 15, 2021, meeting as presented. Supported by Board Member Wendt. Vote: Yes: Baker, Carlton, Wendt, Whitley. Vote No: None. Motion approved.

Old Business:

1. Request from Greg Nolan, 9381 Autumnglo Dr., Clarkston, 48348, for a variance to construct a garage with a front setback of sixty-two (62) feet, three (3) inches instead of seventy-five (75) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572.

The property that is the subject of this request is located at 9381 Autumnglo Dr. in Springfield Township and is zoned R-1-A One Family Residential, P.I. #07-02-253-001.

Mr. Nolan stated that he had modified the request that was presented at the December meeting. Instead of asking for a front setback variance of 62 ft., 3 in., he has adjusted the proposed garage on the lot and is now asking for a variance for a front setback of only 69 feet. Mr. Nolan is asking the ZBA to approve the new six-foot variance.

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Board Member Whitley stated that the applicant has done what was requested and relocated the garage to create the minimum variance possible.

Board Members Carlton and Baker agreed.

Board Member Whitley moved that the request for the variance of a front yard setback of 69 feet resulting in a variance of six feet for the property located at 9381 Autumnnglo Dr., Clarkston, 48348, be approved. The applicant has demonstrated that there are special conditions that exist which are peculiar to the land, specifically the corner lot setbacks. The literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District. The special conditions and circumstances that exist do not result from the actions of the applicant. The applicant has proposed a plan that results in the minimum variance possible to make reasonable use of the land. The granting of the variance will be in harmony with the general purpose of the ordinance. Supported by Board Member Wendt. Discussion: Board Member Baker stated that the setback is a front yard setback and not a side setback. Board Member Wendt agreed to change his motion. Vote: Yes: Baker, Carlton, Wendt, Whitley. Vote No: None. Motion approved.

New Business:

1. Request from Brian Stogsdill and Kyla Berden, 3819 S. Ortonville Rd., Clarkston, MI 48348, for a variance to construct a house and a garage with a front setback of thirty-six (36) ft., nine (9) inches (36.8 ft.) instead of seventy-five (75) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572.

The property that is the subject of this request is located at 8001 Knox Road, Clarkston, MI 48348, in Springfield Township and is zoned R-1-A One Family Residential, P.I. #07-01-400-037.

Brian Stogsdill and Kyla Berden explained that they purchased the property at 8001 Knox Road with the understanding that the front setback was 75 feet and that the side setback from Ellis Road was 25 feet. They realized that they needed a variance for the front setback on Ellis Road of 75 feet. There is a DTE powerline that runs through the property and any building would need to be ten feet from this powerline. They explored the option of moving the powerline, but this would cost \$20,000 to \$100,000 not including the costs that would be charged by Comcast and AT&T as those lines run with the powerline. This option would not be financially feasible.

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Board Member Carlton asked if the applicant had considered having their driveway come off Ellis Road and turn the house 90 degrees or changing the location of the garage. This would create a smaller variance.

Tony Bridgewater from DMB Building stated that they did explore relocating the garage, but it would still need a variance. This would also require the architect to redraw the plans.

Board Member Carlton commented that this would lessen the variance by 4 to 5 feet.

Ms. Berden stated that relocating the garage might interfere with the placement of the septic system which has already been determined by the perk test.

Chairperson Baker stated that to qualify for a variance there are five criteria that must be met. One criterion is if the applicant would be deprived of rights commonly enjoyed by other properties in the area. He stated that 46 feet of the house could be accommodated in the setback if the house were turned 90 degrees. The house can still be put on the lot despite the powerline. Entering the property from Ellis Road is an option. There would be the best chance of the smallest variance if the house were turned. The applicant is not being denied any rights if the house is oriented differently.

Board Member Whitley commented that the other houses with the powerline are on Ellis Road. This lot appears to be set up to front on Knox Road and the powerline makes it difficult to put anything on the lot that would face Knox. Any home fronting Knox Road would need a variance. He also commented that making Ellis Road the front of the lot might not meet the 4:1 width to depth ratio required for parcels.

Board Member Carlton stated that the front of the house can face Knox with the driveway off Ellis.

Board Member Whitley stated that this lot was designed with Knox as the front. The power line is like a creek running through the property and must be taken into consideration because the cost to remove it is prohibitive.

Chairperson Baker commented that with the literal interpretation of the ordinance, the layout of the house is a challenge, but putting a house on the property is possible.

Board Member Whitley commented that the garage is the part of the building that needs the variance. Even if there was no garage, the house would still need a variance. He explained that the location of the powerline influences the buildability of the parcel and accommodation must be made for this. Rotating the house would seem to conflict with how the lot was

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designed. It seems unacceptable to dictate that the house cannot front the address side of the road.

The board discussed that there could be another plan developed that would reduce the variance requested. The driveway could be on Ellis Road with the address still on Knox or the garage could be relocated.

Mr. Bridgewater stated that there are other buildings on Ellis Road that are closer than the variance being requested.

Chairperson Baker responded that he was provided with documentation indicating that one of these properties was built prior to the current zoning ordinance and that on the other property the barn is "very old."

The board discussed the possibility of a detached garage or decreasing the angle of the garage, the location of the septic system, and DTE requirements regarding setbacks from the powerline.

Board Member Whitley stated that this request is similar to the request from last month that was granted approval at this meeting. The board could table this request and the applicants could revise their plans to reduce the variance requested.

Chairperson Baker agreed that the board could table this request so the plans could be revised to reduce the variance. There would be no additional fee charged to the applicants for returning next month if the appeal is tabled. They could come back at the next meeting to present revised plans.

The board discussed this option and decided that this would be the best action to take at this time.

Mr. Bridgewater asked for guidance on what changes to make.

Chairperson Baker reviewed the suggestions offered tonight for consideration. The board would like to see a revised plan that reduces the amount of variance requested.

Supervisor Moreau stated that the 4:1 ratio for lot depth to width would not be a concern if the property fronted on Ellis Road. The depth of the lot does not exceed the width by four times with either frontage.

Chairperson Baker commented that even if the house was to face Ellis Road, that would not change the address. The address has already been set by the electric company and will not change.

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Ms. Berden asked if there was any way the variance could be approved tonight.

Chairperson Baker explained that the Board is doing what makes the most sense to the members. If a vote was taken tonight, this request may get denied. Then the applicants would have to start over with a different variance request. By tabling this request the Board is not telling the applicants to start over.

Mr. Bridgewater asked if there was a particular number for the amount of setback that would be acceptable.

Chairperson Baker stated that the Board has provided feedback and the applicants should strive to minimize the variance as much as possible to something smaller than what was offered here today.

Board Member Whitley moved that the request for variance for the property located at 8001 Knox Road be tabled until the next regular meeting, pending the presentation of revised plans to reduce the variance as presented tonight. Supported by Board Member Wendt. Vote: Yes: Baker, Carlton, Wendt, Whitley. No: None. Motion Approved.

Public Comment:

None

Adjournment:

- **Board Member Carlton moved to adjourn the meeting at 8:31 pm. Supported by Board Member Wendt. Vote: Yes: Baker, Carlton, Wendt, Whitley. No: None. Motion approved.**

Joan Rusch, Recording Secretary