

Minutes of
**ZONING BOARD OF APPEALS
REGULAR MEETING**

June 15, 2022

SPRINGFIELD
CHARTER TOWNSHIP



Sean R. Miller, Clerk

Call to Order: Chairperson Baker called the June 15, 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
Jim Carlton, Board Member
Ryland Rusch, 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 Rusch. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Motion approved.

Public Comment:

None

Approval of Minutes:

Board Member Whitley moved to approve the minutes of the May 18, 2022, Zoning Board of Appeals meeting as presented. Supported by Board Member Carlton. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Motion approved.

Old Business:

Tabled request from Dustin and Christi McElroy, 9670 Forest Ridge Dr., Clarkston, 48348, for a variance to construct an inground swimming pool with a rear setback of ten (10) feet instead of the thirty-five (35) feet required by Springfield Township Ordinances, Chapter 40, Section 40-572.

The property that is the subject of this request is located at 9670 Forest Ridge Dr., Clarkston, 48348, in Springfield Township and is zoned R-3 Single Family Residential, P.I. # 07-14-377-007.

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING

June 15, 2022

SPRINGFIELD
CHARTER TOWNSHIP



Sean R. Miller, Clerk

Dustin McElroy explained that their revised request is asking for a twenty-foot setback instead of a ten-foot setback. This includes changes to the hillside required to meet the twenty-foot setback. They explored the possibility of relocating their septic field, but this was not recommended by the contractor. The entire area of the lower backyard is part of the septic field. Because of the septic field placement, they cannot bring the hillside closer to their house. An engineer from Kieft Engineering determined that there would not be issues with the pool placement and adding the proposed retaining wall.

Christi McElroy stated that based on these consultations, they decided to hire Clarkston Landscape and Design to proceed with a plan for the pool. She commented that they have decreased the size of the pool to better accommodate the changes, although the shape of the pool has not been determined.

Mr. McElroy stated that the setback may end up being more than twenty feet in the end, but they are asking for at least twenty feet, so they have some leeway.

Board Member Rusch asked if the pool would be within the noted boundaries.

Mr. McElroy stated that the pool would be within these boundaries. The setbacks, location of the pool, and the retaining wall will all remain in place as the final plans are developed.

Chairperson Baker confirmed that when a variance is granted that allows something different from what the ordinance requires, the applicants would not be bound by the shape of the pool. They would just be bound by the twenty-foot rear setback.

Board Member Carlton asked if the item noted as pool equipment on the plans is a structure.

Mr. McElroy stated that it was just placed in the diagram by the designer. This was not an item they discussed with their designer.

Board Member Carlton stated that if it was a structure, it would have to meet the twenty-foot setback.

The applicants acknowledged that they understood this.

Board Member Carlton asked if the HOA requires approval.

Mrs. McElroy stated that for pools the HOA follows the requirements of the Township.

Board Member Carlton thanked the applicants for revising their plans.

Board Member Carlton moved to approve the request from Dustin and Christi McElroy, 9670 Forest Ridge Dr., Clarkston, 48348, for a variance to construct an inground swimming pool

Minutes of
**ZONING BOARD OF APPEALS
REGULAR MEETING**

June 15, 2022

SPRINGFIELD
CHARTER TOWNSHIP



Sean R. Miller, Clerk

with a rear setback of twenty (20) feet instead of the thirty-five (35) feet required by the Springfield Township Ordinances. This request meets all of the conditions required: 1) The special conditions and circumstances that exist are peculiar to the land; these being the slope of the yard and the existing location of the septic system. 2) Literal interpretation of the ordinance would deprive the applicants of rights commonly enjoyed by other properties in the zoning district. 3) The special conditions and circumstances do not result from the actions of the applicant. 4) The variance is the minimum variance that will make possible reasonable use of the land, noting that the pool size has been reduced and the setback increased since the last request. 5) The granting of the variance will be in harmony with the purpose of the ordinance and Master Plan. In addition, it is in harmony with other properties in the neighborhood that also have pools. Supported by Board Member Whitley. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Motion approved.

Public Comment:

Board Member Carlton commented that he might not be at the July meeting.

Adjournment: Board Member Whitley moved to adjourn the meeting at 7:43 p.m. Supported by Board Member Rusch. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Motion approved.

Joan Rusch, Recording Secretary