

Minutes of  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**October 19, 2022**



**Call to Order:** Chairperson Baker called the October 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  
Ryland Rusch, Board Member  
Matt Underwood, Board Member  
Bill Whitley, Board Member

Absent: Jim Carlton, Board Member

**Staff Members Present:**

Joan Rusch, Planning Administrator  
Laura Moreau, Supervisor  
Brian Piper, Assessing and Zoning Assistant

**Approval of Agenda:**

**Board Member Whitley moved to approve the agenda as submitted. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**Public Comment:**

None

**Approval of Minutes:**

**Board Member Rusch moved to approve the minutes of the August 17, 2022, Zoning Board of Appeals meeting as presented. Supported by Board Member Whitley. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**New Business:**

1. Request from Irin Douglas, 12031 Andersonville Rd, Davisburg, MI 48350 for two variances to construct a pole barn with:

- A.) Front setback of thirty-one (31) feet instead of the fifty (50) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572 - Schedule of Regulations
- B.) Side setback of twenty-five (25) feet instead of the thirty (30) feet allowed for side entrance accessory structures per Springfield Township Ordinances, Chapter 40, Section 40-649(1)(c) - Accessory Building and Structures and Uses

The property that is the subject of this request is located at 12031 Andersonville Rd, Davisburg, MI 48350 and is zoned R-1: Single Family Residential with a Parcel ID of 07-21-151-015.

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP



Sean R. Miller, Clerk

Mr. Douglas explained that he was seeking a variance for the pole barn because his lot is pie shaped and his house is currently on the only flat spot on the lot. He tried to purchase property from his neighbor to the north, but that didn't work out. He would like to place the pole barn on the south side of his property. He asked for an access road from the Road Commission and had one put in. He is asking for a 31-foot variance from the road right of way. He will be 50 feet from the edge of the road. To push the pole barn back to meet the 50-foot front setback from the road right of way, he would encounter a hill with a drop off of 16 feet. Going back further on the property, the land becomes very marshy and wet.

Chairperson Baker asked if there was any garage at all on the property.

Mr. Douglas confirmed that there was none.

Chairperson Baker noted that a variance was granted in 1979 to place the house on the property with a side setback of less than 15 feet on the northerly property line. No accessory structure was part of this request. He asked if Mr. Douglas had received a second access to the property off Andersonville Road from the Road Commission.

Mr. Douglas confirmed that he had received a permit.

Board Member Rusch asked what the height of the structure would be.

Mr. Douglas stated that the pole barn would be 14 feet high to the side walls and to the peak would be 18 feet. Because the pole barn would sit so low on the property, only about a foot or a foot and a half would be above the road elevation.

Chairperson Baker stated that the opening faces the southerly direction and is to the side, which is why the request is also for 5 feet on the side.

Board Member Whitley asked how close the proposed building would be to the power lines.

Mr. Douglas stated that the power lines are just about at the road, and maybe within 4 feet of the road and run parallel to it. They would be within 26 or 27 feet of the proposed structure.

Chairperson Baker commented that this parcel is just under one acre in size. The ordinance allows this parcel to have almost 1200 square feet of accessory space, but that is an impossibility on this lot. To have no accessory structures is unusual. He also noted that the triangular shape of this lot is a challenge.

**Chairperson Baker moved to approve the request to construct a pole barn at 12031 Andersonville Road, with two variances: the first, to allow a front setback of thirty-one (31) feet instead of the fifty (50) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572, and the second, to allow a side setback of twenty-five (25) feet instead of the thirty (30) feet allowed for side entrance accessory structures per Springfield Township Ordinances, Chapter 40, Section 40-**

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP

Sean R. Miller, Clerk



**649(1)(c). Special circumstances and conditions exist which are peculiar to the land, including a severe grade, triangular shaped lot, and absence of buildable land on the parcel, most of which is already taken up by the house. Literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district, since this parcel has no accessory structure. The special conditions are not a result of the actions of the applicant. This is the minimum variance that will make possible the reasonable use of the land. The granting of the variance will be in harmony with the general purpose and intent of the Ordinance and Master Plan and will not be injurious to the neighborhood, particularly noting that the peak of the structure will only be 1-2 feet above the elevation of Andersonville Road. Supported by Board Member Whitley. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**2. Request from Angela Thon, 9096 Big Lake Rd, Clarkston, MI, 48346 for a variance to construct a swimming pool with:**

**A.) Rear setback of seventeen (17) feet instead of the thirty-five (35) allowed per Springfield Township Ordinances, Chapter 40, Section 40-572: Limiting Height, Bulk, Density, and Area by Land Use**

**The property that is the subject of this request is located at 9096 Big Lake Rd, Clarkston, MI, 48346 and is zoned R-2: Single Family Residential with a Parcel ID of 07-23-400-021.**

Ms. Thon explained that her home is located to the rear of her property, only 50 feet from the property line. The rear setback is only 10 feet from her deck in the backyard. There is no room on the south side to put a pool, and the north side contains the reserve septic field and has sloping topography. The pool would be visible from Big Lake Road if in the side yard. The only flat area is in the back yard.

Chairperson Baker asked if the reserve septic field could be moved closer to the primary septic field. This would give more room for the pool and the pool could be screened with shrubbery from the sight lines of Big Lake Road if needed.

Ms. Thon stated that the backyard is flat. The north side is sloping and level with the daylight basement. She doesn't want the pool too close to the house in case there was flooding, or if she had septic issues.

Board Member Whitley stated that there is a different location for the reserve septic field and asked the applicant if she had considered this.

Ms. Thon said that she had not.

Board Member Rusch stated that if the pool is rotated 90 degrees it could meet the setback. He asked if she was encountering any issues with this layout.

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP

Sean R. Miller, Clerk



Ms. Thon said that this area slopes and it would be close to her basement windows. The pool would then be visible from Big Lake Road.

Board Member Rusch commented that there would not be that much more exposure if the pool is rotated.

Ms. Thon stated that this location would be getting too close to the basement and septic field, and the well is in the way on the south side.

Chairperson Baker stated that there is ample property to place the pool that is not encumbered by a difficulty. There is a large available area even if the reserve septic field is not moved. The concern about the line of sight to Big Lake Road is an aesthetic element. The question the Board must answer is if there is a reason the property would not permit the applicant to have something that is commonly enjoyed by other residents within the same zoning district. There are compelling elements that indicate that this is not the case.

Board Member Whitley commented that the topography to the north is not that significant. It looks to be only 4 feet, according to the map. The reserve septic could be located towards the road, and the pool could be moved over to reduce the need for a rear setback variance.

Chairperson Baker stated that the pool could be rotated and moved parallel to the driveway against the setback line and not encroach on the reserve septic area. The reserve septic could also be placed towards the road.

Board Member Underwood commented that moving the reserve septic field towards the road frees up more space.

**Board Member Whitley moved that the variance request at 9096 Big Lake Rd for a rear setback of 17 feet instead of the 35 feet required be denied, for the specific reason that there are alternative locations available that do not require a variance. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**3. Request from Simon Neale, 5940 Claypool, Davisburg, MI, 48350 for a variance to construct a new storage shed with:**

**A.) Setback from the water of thirty-two feet and eleven and a quarter inches (32.94') instead of the fifty (50) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-639 – Lots Abutting Water Bodies**

**B.) Side setback of four (4) feet instead of fifteen (15) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572 - Limiting Height, Bulk, Density, and Area by Land Use**

**The property that is the subject of this request is located at 5940 Claypool, Davisburg, MI, 48350 and is zoned R-2: Single Family Residential with a Parcel ID of 07-28-280-005.**

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP

Sean R. Miller, Clerk



Mr. Neale explained that he wants to replace his existing shed, which is unusable. He would like a larger shed as he has limited storage available. He is not requesting to change the setbacks that are already there – 4 feet on one side and 32 feet on the canal side. He has proposed an alternative location which keeps the 32-foot setback and eliminates the 4-foot setback.

Chairperson Baker commented that the shed was there when the house was purchased. There was no variance given to the previous owner for a reduced setback for this shed. This may have been because a shed under 200 square feet does not need a building permit. Now the proposed larger shed opens new issues because of the existing 4-foot setback instead of the required 15 feet.

Board Member Rusch asked if the applicant had considered other storage solutions like adding onto the existing garage.

Mr. Neale stated that a garage addition would be more expensive, but he has not researched this alternative.

Chairperson Baker commented that aesthetics is not an element the Board takes into consideration. Neither is cost foundational to their decision.

Board Member Whitley stated that if an addition was put on the garage, the applicant would be before the ZBA for a variance, although there would not be an additional request for 4 feet. Since the applicant was already before the Board for an addition that was put on the house, the decision would most likely go in the same direction.

Mr. Neale stated that he never started the home addition he was considering several years ago. The existing sunroom was from the original house, and there were never any changes made to that.

Board Member Whitley commented that a structure needs to be 50 feet from the water's edge. Adding to the garage would impinge on that setback as well.

Chairperson Baker commented on the sunroom structure and noted that the setback for that is established. He stated that if the garage is extended to a similar dimension of the sunroom, then the setback would be further than the sunroom due to the curvature of the seawall, and a 4-foot variance would not be an issue. The applicant would not need two variances, and it would decrease the nonconformity of the proposed option. Chairperson Baker is hesitant to formalize a 4-foot side setback with a new shed.

The Board discussed required setbacks if the shed was less than 200 square feet.

Board Member Rusch stated that the water setback variance is needed. The sunroom is already in that setback. There are other options available that could still get the square footage requested with a lesser variance.

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP

Sean R. Miller, Clerk



Chairperson Baker noted that a variance was granted in 2016 for a home addition with a setback of 30 feet instead of 50 feet from the water. This was requested by the current applicant. Chairperson Baker asked if this was for the sunroom.

Mr. Neale stated that he was intending to replace the sunroom with an addition with a foundation, but he never went forward with that.

Chairperson Baker commented that the distance from the sunroom to the seawall is currently 39.22 feet. According to the variance granted, the applicant could have built a structure even closer to the water.

Mr. Neale stated that the variance for the sunroom was 30 feet because there was a porch there as well.

Chairperson Baker stated that it appears to be 39.22 feet from the northeast corner of the sunroom to the seawall. Now the applicant is asking for 32.94 feet. He has no problem with the alternative solution because the shed would be inside the 30-foot variance that was originally granted for the other structure. This would also place the shed well inside the 15-foot side setback requirement.

Board Member Rusch commented that if the shed were rotated, 5 feet could be gained, and the variance would be 37 feet.

Mr. Neale agreed that this solution could work.

Chairperson Baker commented that the applicant would not be limited on the square footage of the shed.

Board Member Whitley commented that for the alternate solution, the board should keep in mind as to what kind of structure would be built. Another owner might construct a garage instead of a shed.

Mr. Neale stated that he would be fine with restricting the structure to a shed.

Board Member Rusch asked for clarification if the shed would be turned and then moved closer to the garage.

The Board further discussed setbacks and the placement of the shed.

**Board Member Whitley moved, regarding the request from Simon Neale at 5940 Claypool, Davisburg, MI, 38350, for a variance to construct a storage shed, that Element B of the request of a 4-foot side setback instead of a 15-foot side setback be denied, because it is too close to the property line and there are other alternatives; with respect to Element A, that a variance be approved for a setback of 39 feet from the water's edge to construct a shed of 15 feet by 20 feet in dimension. In finding that there are special circumstances that exist which are peculiar to the**

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

**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP

Sean R. Miller, Clerk



land, these being a small lot size and two sides of the lot surrounded by water. Literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by similar lake side lots that have storage sheds. The special conditions do not result from the actions of the applicant or predecessors. This is the minimum variance that will make possible the reasonable use of the land. Granting of the variance will be in harmony with the general purpose and intent of the Ordinance and Master Plan and not injurious to the neighborhood, given that other similar lake lots have similar structures. Note that the variance is for a shed structure only in the size of 15 feet by 20 feet. Also note, that this request is not increasing the level of nonconformity that currently exists. Supported by Board Member Underwood.

Discussion after the motion to change the variance amount to an even 39 feet and to note that the granting of this variance is not increasing the level of nonconformity that currently exists. The change to 39 feet and note about not increasing the nonconformity were added and supported to the motion.

**Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**4. Request from Robert Eddy, 11681 Old Oaks Dr, Davisburg, MI, 48350 for a variance to construct a pole barn with:**

- A.) Side setback of fifteen (15) feet instead of the twenty-five (25) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572 - Limiting Height, Bulk, Density, and Area By Land Use**

**The property that is the subject of this request is located at 11681 Old Oaks Dr, Davisburg, MI, 48350 and is zoned R-1-A: Single Family Residential with a Parcel ID of 07-28-102-012.**

Mr. Eddy explained that he is requesting a side setback for 15 feet instead of 25 feet to build a garage with dimensions of 18 feet by 34 feet. The challenges he faces are elevation, current house location, a pie shaped lot, and the placement of the septic field. He has explored two alternatives. One would be to add on to the existing garage, which changes the elevation and would drastically change the grade of the yard and would require moving the utilities; the other would be to turn the garage 90 degrees, which would then impact pine trees that were intentionally placed there by the builder and access to the garage would be impeded by the septic field.

Chairperson Baker stated that a variance was granted for this property in September 2020 for this same request for a side setback of 15 feet instead of 25 feet. However, no construction began on the project, so the variance expired.

Board Member Whitley asked if this request was approved by the Homeowner's Association.

Mr. Eddy confirmed that this request was revisited by the Homeowner's Association a month ago, and that it was approved.

Board Member Whitley asked if the signatures provided were from two years ago.



Minutes of  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**October 19, 2022**



Mr. Eddy stated that the signatures were from two years ago, and no new ones had been gathered.

Board Member Whitley asked if the building materials to be used would match the architecture of the existing home.

Mr. Eddy stated that that the materials would match, as this is a requirement of the HOA.

Board Member Whitley asked Mr. Eddy if his neighbor had also approved this request.

Mr. Eddy confirmed this.

Board Member Rusch asked how rotating the garage 90 degrees and having it parallel to the rear setback would not be workable.

Mr. Eddy explained that there are two overhead doors, one on each end of the garage. If the garage was rotated, then he would have to drive over his septic field to access the garage. This would also place the garage door opening next to the pine trees, and he would not be able to drive into and pull through the garage.

Chairperson Baker asked if the orientation of the garage is relevant to the applicant wanting the long access of the garage facing the road.

Mr. Eddy stated that he wouldn't be able to access the garage properly without driving on his neighbor's property if the garage was rotated.

Board Member Whitley asked if the playscape was on the back edge of the septic field.

Mr. Eddy confirmed that the playscape was pretty close to the septic field. He commented that there is also a pretty good slope in this area.

Board Member Whitley noted that the applicant could not get into the long end of the garage without driving on the septic field.

**Board Member Whitely moved that the request from Robert Eddy of 11681 Old Oaks Drive, Davisburg, MI 48350, for a side setback of 15 feet rather than 25 feet as required by Springfield Township Ordinance 40-572, be approved. Special conditions and circumstances exist which are peculiar to the land, one being that this is a .47-acre lot in an R-1-A zoning district which specifies 2.5 acre lots, and the other that the location of the septic makes other locations unusable. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, as pole barns are common in the R-1-A district. The special conditions and circumstances do not result from the actions of the applicant or predecessors. The variance is the minimum variance that will make possible the reasonable use of the land and proposed structure. The granting of the variance will be in harmony with the**



Minutes of  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**October 19, 2022**

**SPRINGFIELD**  
CHARTER TOWNSHIP



Sean R. Miller, Clerk

---

**general purpose and intent of the Ordinance and Master Plan and will not be injurious to the neighborhood. Supported by Board Member Underwood.**

The Board discussed if the motion should be contingent upon Old Oaks HOA approval.

Board Member Whitley noted that the motion would not need to have a condition of HOA approval. The side setback is a zoning ordinance requirement. He said that he inquired about HOA approval to make sure that it was in keeping with the requirements of the condominium plan. It is not the Board's responsibility to make decisions for the HOA. The issue is the Township's setback. Noting this for the record should be sufficient.

**Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion approved.**

**Public Comment:**

Supervisor Moreau introduced Brian Piper, the new Assessing and Zoning Assistant for the Township, who is now preparing the materials for the ZBA meetings.

**Adjournment: Board Member Whitley moved to adjourn the meeting at 8:53 p.m. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Motion carried.**

---

Joan Rusch, Recording Secretary