

Minutes of  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**February 21, 2024**



**Call to Order:** Vice Chair Rusch called the February 21, 2024, Zoning Board of Appeals meeting to order at 7:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, Michigan, 48350.

**In attendance:** Jim Carlton, Board Member  
Ryland Rusch, Vice Chair  
Bill Whitley, Board Member  
Judy Hensler, Alternate

**Absent:** Dean Baker, Chair  
Matt Underwood, Board Member

**Staff Members Present:**  
Laura Moreau, Supervisor  
Brian Piper, Zoning Assistant  
Joan Rusch, Executive Assistant

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

**Public Comment:** None

**Approval of Minutes:**  
**Board Member Whitley moved to approve the minutes of the November 15, 2023, Zoning Board of Appeals meeting as distributed and presented at this meeting. Supported by Board Member Hensler. Vote: Yes: Carlton, Rusch, Whitley, Hensler. No: None. Absent: Baker, Underwood. Motion approved.**

**New Business:**

1. Request from Matthew Willhite, 5841 Morning Dr, Davisburg, MI 48350 for a variance to construct a ninety-six (96) square foot home addition with a front setback of sixteen and one third (16.3) feet instead of the thirty-five (35) feet allowed per Springfield Township Ordinance, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots. The property that is the subject of this request is located at 5841 Morning Dr, Davisburg, MI 48350 and is zoned R-2: Single Family Residential with a Parcel ID of 07-28-326-008.

Matthew Willhite explained that he would like to bring this house up to new codes and standards. The intent is to construct a utility room to provide room for the mechanics of the house like HVAC, electrical panel, well pressure tank, and so forth. He is the fourth generation of his family in this house since 1925 and the house has not been updated since then. The septic permit has been approved by Oakland County, and he is waiting for a well permit. Building Department permits have also been approved. He would like to bring all things up to today's code and safety standards.

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Board Member Whitley asked if the furnace would be in this room addition.

Mr. Willhite stated that the furnace would likely remain in the attic where it currently is. However, the water softener, pressure tank, hot water heater, and electrical panel would all be in this utility room, as this house has no basement and there is no room for these items in the current house.

Board Member Rusch noted that the dimensions of the setback on the print shows 16.31 feet, and the request is for 16.33 feet. He inquired as to why the difference for the smaller value on the print and the value stated on the request.

Mr. Becker, the builder, indicated that they wanted a little extra room just in case it was needed.

**Board Member Carlton moved to approve the request from Matthew Willhite at 5841 Morning Drive, for a variance to construct a ninety-six (96) square foot home addition with a front setback of sixteen and one-third feet (16.3) instead of the thirty-five (35) feet allowed per Springfield Township Ordinance. Special conditions and circumstances exist which include that this is a pre-existing, nonconforming lot, its proximity to the water, well and septic locations, and no basement to put these utilities in. The literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed, as surrounding properties have similar circumstances. The special conditions and circumstances do not result from the actions of the applicant. The variance is the minimum variance required to make possible the reasonable use of the land. The granting of the variance will be in harmony with the Master Plan, Township ordinance and the neighborhood. Supported by Board Member Hensler. Vote: Yes: Carlton, Rusch, Whitley, Hensler. No: None. Absent: Baker, Underwood. Motion carried.**

2. Request from Gary Omell, 9572 Kingsway Cir, Clarkston, MI 48348 for a variance to construct a new residence with a side entrance garage with a setback of twenty-seven and a half (27.5) feet instead of the thirty (30) feet allowed per Springfield Township Ordinance, Chapter 40, Section 40-649 - Accessory Buildings and Structures and Uses. The property that is the subject of this request is located at 9889 Kingston Ridge, Clarkston, MI 48348 and is zoned R-M: Multiple-Family Residential District with a Parcel ID of 07-14-302-045.

Gary Omell explained that this lot is small and narrow. It is 15 feet under the 110 feet required for frontage. The plan has undergone many revisions to meet both the HOA and Township requirements. They finally have a plan that is within two feet of the goal. The proposed placement of the structure on the lot can maintain other needed setbacks and landscape boundaries.

Board Member Hensler noted that the building area for this lot is minimal, as there is a drop-off in the rear of the property.

Board Member Carlton stated that he had tried several different ways to place the house on the lot. He considered several alternatives but didn't see any that would work.

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Mr. Omell stated that he had to go with the side entry garage for the placement to work, especially with the septic location.

Board Member Carlton noted that the only hardship of two feet less might be having enough room to maneuver when pulling into the garage. This garage is not excessive in size.

Mr. Omell agreed that there isn't much room and things would be tight.

Board Member Whitley asked if the depth of the garage was 22 feet.

Mr. Omell confirmed that the garage was 22 feet deep.

**Board Member Hensler moved to approve the request from Gary Omell, for the property located at 9889 Kingsway Circle, Clarkston, for a variance to construct a new residence with a side entrance garage with a setback of twenty-seven and a half (27.5) feet instead of the thirty (30) feet allowed per Springfield Township Ordinance. Special circumstances and conditions exist that include limited building space on the lot and a steep drop in the rear. Properties on either side have garage setbacks of less than 30 feet for a side entry. The special conditions and circumstances are not the result of actions by the applicant. The variance is very minimal and will not detract from the neighborhood. The garage is not oversized and is standard for the neighborhood. The applicant has received HOA approval for this proposal. Supported by Board Member Carlton. Vote: Yes: Carlton, Rusch, Whitley, Hensler. No: None. Absent: Baker, Underwood. Motion carried.**

**Public Comment:**

Board Member Carlton noted that next month will be ZBA training.

Township Staff confirmed that there will be no appeals to hear, and that the training would be conducted by Jill Bahm from Giffels Webster, the Township planning consultants.

**Adjournment:**

**Board Member Whitley moved to adjourn the meeting at 7:21 p.m. Supported by Board Member Carlton. Vote: Yes: Carlton, Rusch, Whitley, Hensler. No: None. Absent: Baker, Underwood. Motion carried.**

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Joan Rusch, Recording Secretary