

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING
May 17, 2023



Call to Order: Chairperson Baker called the May 17, 2023, 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: Dean Baker, Chairperson
Jim Carlton, Board Member
Ryland Rusch, Board Member
Bill Whitley, Board Member

Absent: Matt Underwood, Board Member

Staff Member Present:
Joan Rusch, Planning Administrator

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

Public Comment:
None

Approval of Minutes:
Board Member Whitley moved to approve the minutes of the April 19, 2023, Zoning Board of Appeals meeting as presented. Supported by Board Member Carlton. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Absent: Underwood. Motion approved.

New Business:

1. Request from Jim Miller, 9916 King Rd, Davisburg, MI 48350 for variances to construct a home with:
 - A.) Setback from the water of forty-three and a half feet (43.5') instead of the fifty feet (50') allowed per Springfield Township Ordinances, Chapter 40, Section 40-639 - Lots Abutting Water Bodies
 - B.) Setback from the side of five and a half feet (5.5') instead of the eight and one quarter feet (8.25') allowed per Springfield Township Ordinances, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots

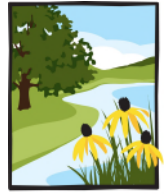
The property that is the subject of this request is located at 9876 Dixie Hwy, Clarkston, MI 48348 and is zoned R-3: Single Family Residential with a Parcel ID of 07-11-376-004

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Sean R. Miller, Clerk



Carl Erzoznik, representative for Mr. Miller, explained that this plan was approved over two years ago. Mr. Miller intends to build and sell this house as a spec house. The well is already in place and the septic system has been approved by Oakland County Health Department with necessary permits acquired.

Chairperson Baker noted that the drawing submitted is dated 2019. He asked the applicant if this is the same document presented to the ZBA in 2019.

Mr. Erzoznik confirmed that this is the same drawing and that there were no changes proposed to the house placement on this drawing from 2019.

Chairperson Baker stated that the original variance granted in 2019 was for 40 feet from the lake instead of the required 50 feet from the lake. The applicant is now asking for a variance of 43.5 feet instead of 50 feet and wondered why the difference.

Mr. Erzoznik stated that the house placement on the lot indicated on the drawing had not changed. He suggested that perhaps the lake level had changed.

Chairperson Baker commented that the original side setback variance request was for 5 feet and now it is 5.5 feet.

Mr. Erzoznik stated that since this plan was first proposed DTE has moved the electric service underground.

Chairperson Baker noted that the lot has several unique features and challenges, like a lot width of only 60 feet and not 110 feet as required in this zoning district. It has only 40 percent of the minimum acreage requirement and only 55 percent of road frontage required. He asked if the dimensions of 1354 square feet included all the house, including the garage and porch.

Mr. Erzoznik stated that, including the basement, the house would be just under 2000 square feet. The house is a story and a half.

Chairperson Baker asked what the size of the house is.

Mr. Erzoznik stated that the house size would be between 1300-1400 square feet, not including the basement. The basement would add another 700 square feet.

Chairperson Baker noted that there is a requirement of 1250 square feet for a 1 ½ story house and he wanted to make sure this proposed structure met the requirements.

Board Member Carlton asked if it would be possible to move the house a little to the north to reduce the variance request.

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Mr. Erzoznik stated that the septic system would be in the way. An Eljen system is being installed and it has certain requirements.

Board Member Carlton stated that it would be better to maximize the distance from the water than from the side yard.

Mr. Erzoznik commented that the septic is farther from the lake. In order to get the septic field large enough, the house has to be placed where it is.

Board Member Carlton moved to approve the setback from the water of 43.5 feet instead of the 50 feet required per Springfield Township ordinance Section 40-639 and also approve a setback from the side of 5.5 feet instead of the 8.25 feet allowed per Springfield Township ordinance Section 40-932. This is for the property at 9876 Dixie Highway, Clarkston, 48348. Special conditions and circumstances exist which are peculiar, including: it is a nonconforming lot and has only 40 percent of the minimum acreage and 55 percent of the minimum road frontage and also its proximity to the water. Literal interpretation of the ordinance would deprive the applicant of rights enjoyed by other property owners in this zoning district because the house is as small as possible to still be viable. Special conditions and circumstances are not due to the actions of the applicant. The variance is the minimum variance possible. Lastly, the granting of this variance request will be in harmony with the general purpose of the Master Plan and the surrounding neighborhoods.

Supported by Board Member Rusch. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Absent: Underwood. Motion Approved.

Public Comment:

None

Adjournment:

Board Member Whitley moved to adjourn the meeting at 7:12 p.m. Supported by Board Member Rusch. Vote: Yes: Baker, Carlton, Rusch, Whitley. No: None. Absent: Underwood. Motion carried.

Joan Rusch, Recording Secretary