

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING

July 20, 2022

SPRINGFIELD
CHARTER TOWNSHIP



Sean R. Miller, Clerk

Call to Order: Chairperson Baker called the July 20, 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

Absent: Jim Carlton, Board Member
Bill Whitley, Board Member

Staff Members Present:

Laura Moreau, Supervisor
Joan Rusch, Planning Administrator

Approval of Agenda:

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

Public Comment:

None

Approval of Minutes:

Board Member Rusch moved to approve the minutes of the June 15, 2022, Zoning Board of Appeals meeting as presented. Supported by Board Member Underwood. Vote: Yes: Baker, Rusch, Underwood. No: None. Motion approved.

New Business:

1. Request from Nicholas Pingtella, 4141 Lake Stison Dr., White Lake, 48383, for a variance to construct a residence with:
 - a. Front setback of forty-five (45) feet instead of fifty (50) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-572 – Schedule of regulations
 - b. Setback from the water's edge of thirty-five (35) feet instead of fifty (50) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-639 – Lots abutting water bodies.

The property that is the subject of this request is located at 8679 Ellis Road, Clarkston, 48348, in Springfield Township and is zoned R-1 Single Family Residential with P.I. # 07-12-427-024.

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Nicholas Pingtella explained that this lot is an irregular shape, so it is difficult to meet the 50-foot setback from the water. Soil borings from the property indicate that the water table is high which requires a larger septic field. Because the soil has a layer of muck, it can only hold a certain amount of grade of fill. Instead of six feet of fill for the garage to be level, they can only use three feet of fill. So, the garage must be larger in front to accommodate more steps than usual. In 2013 a previous variance was granted for the same setbacks as he is requesting this evening. Five of the six houses on this street have similar setbacks or greater than what he is requesting.

Board Member Underwood inquired if they had considered a different floor plan that would not require the house to be so deep.

Mr. Pingtella stated that such a floor plan would require using a custom builder, which would be much more expensive. They are working with a larger builder and using one of the plans readily available that they felt would work for them on this lot.

Board Member Underwood asked if the buildable area encroaches on any wetlands.

Mr. Pingtella stated that the builder intends to investigate this to determine if anything further would be needed in this situation regarding wetlands.

Board Member Underwood inquired if the setbacks are met at all places shown as the buildable area on the plans, and if the applicant intends to place the house where it is shown on the plans.

Mr. Pingtella confirmed that all setbacks are met, and that he intends to place the house where it is shown on the plans.

Chairperson Baker asked why, if the dimension of the front setback shown on the plans of 48.34 feet is achievable, a 45-foot variance is being requested. This indicates to the Board that the house will be built closer to the road than depicted.

Mr. Pingtella stated that he didn't know if the request was noted as 45 feet just for a convenient number or if it was to provide a buffer when building.

Chairperson Baker noted that the dimension from the lake is stated as 38.7 feet. He asked if the proposed deck would meet the 35-foot setback.

Mr. Pingtella confirmed that the deck would meet the 35-foot setback.

Chairperson Baker asked if the board members had enough information to proceed to make a decision. He commented that all three members must support a motion for the request to be approved. He asked if any members desired to learn more about this request.

Board Member Rusch stated that the minimum variance of what is being asked for and what is being portrayed are different.

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Chairperson Baker stated that there is a difference in regard to what is dimensioned on the plan view from the numbers that are being asked for. The Board could ask for the garage to be placed where it is depicted at 48.34 feet. The applicant would then be asking for a 48.34-foot setback instead of a 45-foot setback. There is a margin of error allowed with these numbers. The Board could ask the applicant to accept a variance of 48 feet or 48.5 feet versus 45 feet. However, the applicant does note that previous action on this property was a granting of a 45-foot setback, although this variance has expired. Chairperson Baker stated that because of the uniqueness of this property and the number of variances that have been granted to other neighboring parcels, he would be in favor of granting this request.

Board Member Underwood moved to approve the request from Nicholas Pingtella for 8679 Ellis Road, Clarkston, 48348, to construct a residence with a front setback of forty-five (45) feet instead of the fifty (50) feet required by Springfield Township Ordinances Chapter 40, Section 40-572 – Schedule of Regulations and a setback from the water’s edge of thirty-five (35) feet instead of the fifty (50) feet required by Springfield Township Ordinances Chapter 40, Section 40-639 – Lots abutting water bodies. Special conditions and circumstances exist which are peculiar to the land. A literal interpretation of the ordinance provisions would deprive the applicant of rights commonly enjoyed by other properties in the zoning district. The applicant did not cause the special conditions and circumstances. The applicant has made efforts to minimize the variance requested. Granting of this variance will be in harmony with the ordinance and Master Plan and will not be injurious to the neighborhood. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood. No: None. Motion approved.

2. Request from Matthew Currin, 9308 Robertdale, Clarkston, 48346, for a variance to construct a detached garage with a rear setback of fifteen (15) feet instead of thirty-five (35) feet 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 9308 Robertdale, Clarkston, 48346, in Springfield Township and is zoned R-3 Single Family Residential with P.I. # 07-26-277-041.

Matthew Currin explained that he currently has no garage and would like one. His lot has a hill on one side that takes up much of the back yard. If the garage was built to meet the 35-foot setback, then it would be right up against the house, block access to the yard, and make it difficult to access the back of the house.

Chairperson Baker stated that the Board is obligated to try to recognize how the property creates a hardship for the applicant to achieve things that other people who have similarly zoned lots would not face. This lot is narrower than what is required for a lot zoned R-3, with 70 feet of frontage instead of the required 110 feet. The garage could be placed closer to the side, but the applicant is not asking for that, but rather a variance for a rear setback. Chairperson Baker stated that he can see how a 35-foot setback places the garage right up to the house. The proposed garage is not an

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unreasonable size, but he is hoping that the garage could be moved closer to the house than the 15-foot setback being asked for.

Mr. Currin stated that moving the garage too close to the house does not leave much room for a deck or maneuvering a car to get into the garage.

Chairperson Baker commented that the applicant could get 24 feet from the back of the lot if the garage is moved up in line with the septic field. This would match the setback of the neighbor two houses to the west and almost identical to the neighbor two houses to the east. He stated that the board is defining the concept of hardship in this case. The property would accommodate a garage that meets setback requirements, but he understands there is an aesthetic element to be considered as well. The Board is looking for the minimum variance that would allow reasonable use that is similar to other properties in this zoning district.

Board Member Rusch stated that when he reviewed this request, he had similar thoughts to those stated by Chairperson Baker.

Mr. Currin stated that he may be able to move the garage up 9 feet to match the front of the septic.

Chairperson Baker stated that he is hoping that the garage could be moved further away from the back fence than the 15 feet being proposed.

Mr. Currin stated that he would like more usable space in front of the garage instead of behind it.

Chairperson Baker commented that if the front of the garage was in line with the septic field and 24 feet from the back of the house, that would still allow room for two cars in front.

Mr. Currin stated that he would be willing to meet in the middle and proposed 20 feet from the back fence.

Board Member Underwood commented that 20 feet would be acceptable from his perspective due to the narrowness of the lot.

Board Member Rusch commented that the side setbacks have been taken into consideration. His view is that 25 feet would be more in line with the neighbors' setbacks.

Chairperson Baker stated that 25 feet would be further forward than the septic and that usability is affected if the garage is too close to the house.

Board Member Underwood commented that he felt 20 feet would be a fair compromise.

Chairperson Baker stated that he would also be open to a 20-foot variance.

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Board Member Rusch stated that 20 feet is not the minimum variance that would work in this situation. He stated that he would like to see the garage more in line with the septic field.

Chairperson Baker explained that this discussion could be tabled until next month when other board members would be present to offer opinions. This would be preferable to a two to one decision of denial.

Board Member Underwood moved to table to the next meeting of the Zoning Board of Appeals the request from Matthew Currin, 9308 Robertdale, Clarkston, 48346, for a variance to construct a garage with a rear setback of 15 feet instead of the 35 feet required, to allow the applicant to consider what is feasible from his perspective regarding the rear setback. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood. No: None. Motion approved.

Public Comment:

None

Adjournment: Board Member Rusch moved to adjourn the meeting at 8:07 p.m. Supported by Board Member Underwood. Vote: Yes: Baker, Rusch, Underwood. No: None. Motion approved.

Joan Rusch, Recording Secretary