

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING
August 16, 2023



Call to Order: Board Member Rusch called the August 16, 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: Ryland Rusch, Board Member
Matt Underwood, Board Member
Bill Whitley, Board Member
Judy Hensler, Alternate Board Member

Absent: Dean Baker, Chair
Jim Carlton, Vice Chair

Staff Members Present:
Laura Moreau, Supervisor
Brian Piper, Zoning Assistant
Joan Rusch, Planning Administrator

Board Member Whitley moved, in the absence of the ZBA Chair and Vice Chair, to approve Board Member Rusch as Chair Pro Tem for tonight's meeting. Supported by Board Member Hensler. Vote: Yes: Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker, Carlton. Motion approved.

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

Public Comment: None

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

New Business:

1. Request from Christopher and Kelly Carlini, 11811 Rusty Ln, Davisburg, MI 48350 for a variance to construct a 400 square foot accessory structure with:
A.) Eighty-seven square feet beyond the property accessory floor area allowance, resulting in a property total accessory floor area of one thousand one hundred twenty-two square feet (1122)

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SPRINGFIELD
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Sean R. Miller, Clerk

instead of the one thousand thirty-five square feet (1035) allowed per Springfield Township Ordinances, Chapter 40, Section 40-649 – Accessory Buildings and Structures and Uses
B.) Setback from the front of twenty-four feet (24) instead of fifty feet (50) 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 11811 Rusty Ln, Davisburg, MI 48350 and is zoned R-2: Single Family Residential with a Parcel ID of 07-28-354-011

Chris Carlini explained that they would like to replace an existing structure and build a larger structure for storage. They have no basement and need more storage space.

Kelly Carlini stated that they did not know that the current structure was not conforming. They just want to line up the new storage structure with the front of their existing garage. They are limited in where they can place the structure due to the septic field and road setbacks on three sides. Further, they were unaware that their gazebo counted towards accessory square footage.

Board Member Rusch asked for clarification that they intend to replace the structure. He stated that the shed that was next to the garage had been moved to the rear corner of their lot.

Mrs. Carlini confirmed that the shed had been moved. The calculated accessory square footage includes the shed in the back. Building a new shed puts them above the allowable accessory space. If the old shed is removed, then they would not need a variance for accessory square footage.

Board Member Whitley asked about the size of the small shed.

Mrs. Carlini said that it was 8 feet by 12 feet.

Mr. Carlini said that the new structure would be 20 feet by 20 feet.

Board Member Hensler asked if they had considered moving the new shed back farther.

Mrs. Carlini stated that this would put the shed in the middle of the yard. She said the proposed placement is similar to other structures on their street.

Board Member Hensler stated that because of the nonconformity of the lot, the applicant could use the setback of 37.5 feet. Then the building would only have to be moved back 13.5 feet.

Mr. Carlini explained that the garage is in front of the house. They do not want to place the storage shed in the middle of the yard.

Mrs. Carlini asked how the 37.5 foot setback applies to this situation.

Board Member Hensler stated that nonconforming lots get a reduction in the required setback. They could move the structure back, but it would not have to go all the way back.

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Mrs. Carlini stated that they would like everything to look nice and the storage shed with the requested setback would match the rest of the neighborhood.

Board Member Whitley asked when the concrete pad had been installed.

Mr. Carlini stated that the pad had been installed about a month and a half ago. They acted on wrong information when the pad was installed. The concrete pad is 22 feet by 22 feet.

Board Member Whitley commented that the placement of this structure would be consistent with other properties in the neighborhood. He noted that there is a way for no variance to be needed for accessory square footage if the old shed is removed.

Board Member Whitley moved that the request from Christopher and Kelly Carlini at 11811 Rusty Lane for a setback of 24 feet instead of the adjusted nonconforming lot requirement of 37.5 feet be approved, given the constraints on the property that affect other potential means of access, and given the consistency with other lots in the immediate vicinity. Supported by Board Member Underwood. Vote: Yes: Underwood, Whitley, Hensler. No: Rusch. Absent: Baker, Carlton. Motion approved.

Board Member Whitley moved that the request for a variance to exceed the allowable accessory structure floor area be denied, given that there is a clear opportunity to meet the ordinance without requiring a variance. Supported by Board Member Underwood. Vote: Yes: Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker, Carlton. Motion approved.

2. Request from Patrick and Lisa O'Connor, 7660 Dilley Rd, Davisburg, MI 48350 for a variance to rebuild and expand the second story of a residence with a setback from the front of twenty-eight feet (28) instead of the seventy-five feet (75) 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 7660 Dilley Rd, Davisburg, MI 48350 and is zoned R1A: Single Family Residential with Parcel ID of 07-16-301-006

Patrick O'Connor explained that they bought the home in February 2023 and had a structural evaluation done. This inspection indicated that the roof is sagging and is not properly structurally supported. They would like to remedy this, as well as remodel the upper room to make it functional and match it up to the existing house roofline.

Board Member Rusch stated that, for the part of the structure that is behind the front section, the plan is to bring the roofline all the way to the front of the house.

Mr. O'Connor explained that the house doesn't face the road but is perpendicular to it. The back of the house is facing north, so the side of the house is what is seen from the road. The back of the house is slanted. There is not a high enough ceiling in the modified addition to make the room

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functional. They have concerns with the roof being able to support snow in the winter and would like to modify it structurally.

Board Member Rusch asked if they would be improving the structure by changing from rafters to trusses to address the structural issues.

Mr. O'Connor confirmed that the remodel would be moving to a truss structure to address the structural concerns.

Board Member Underwood asked if the house would then have shed dormers on both sides.

Mrs. O'Connor indicated that the existing dormer was put on the front, and now they would like to fix the sag in the roof and get more ceiling height by adding another dormer.

Mr. O'Connor said that they would replace the upper portion of that part of the house and bring up the height of the walls in the front and back.

Board Member Whitley commented that there would be no increase in the house footprint, so it wouldn't change the setback from the road to the edge of the house that is on the road side. The intent is to fix the structure and do the associated remodeling as the structural elements of the roof are repaired.

Board Member Rusch stated that there would be no change in the finished square footage of the house.

Board Member Whitley asked if a structural engineer had looked at the roof.

Mr. O'Connor confirmed this and stated that the engineer reported great concern that the rafters would not be able to bear the weight of winter snows much longer.

Board Member Hensler commented that the view of the house from the road would not be changed very much, and she would like to see this older home preserved.

Board Member Whitley stated that there would be no change to the existing setback and there are structural concerns with the house. He would not have a problem granting this variance. He does not see that the level of nonconformity would be increasing.

Board Member Rusch requested a point of clarification from Supervisor Moreau regarding increasing nonconformities.

Supervisor Moreau clarified that the nonconformity would be increasing. Nonconformance can be thought of as multi-dimensional. The front setback is reduced already. Any amount of increase, even in volume, in this setback is increasing the nonconformity. "Going up" in the required setback area does increase the nonconformity. That is why this item is before the ZBA.

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Board Member Whitley noted that in the plan view there is not an increase in the level of nonconformance, but according to the fine wording of the ordinance, there is a variance required.

Board Member Rusch asked for clarification from Supervisor Moreau if the variance would continue in perpetuity if there was no restriction put on the variance tying it to the existing structure.

Supervisor Moreau stated that the variance runs with the land, so the Board could put conditions on the approval.

Board Member Rusch commented that if something happened to this structure and the house would have to be rebuilt, then conditions on this motion would be necessary so a new structure couldn't be rebuilt in the reduced setback.

Supervisor Moreau stated that if a building were to be completely destroyed, then that would be a different situation.

Board Member Whitley noted that if there is not a restriction on the motion making the road side view wider, then expansion could happen that way. The structure could encroach farther into the setback if the motion is not carefully worded.

Board Member Whitley moved that the request for a variance from Patrick and Lisa O'Connor at 7660 Dille Road to rebuild and expand the second story of a residence with a setback from the front of 28 feet instead of 75 feet required per Springfield Township Ordinance Chapter 40, Section 40-572 be approved, noting that this does not allow an expansion of the house within the setback area to the north or the south, for the following reasons: the special conditions that exist are significant structural issues with the existing roof, the conditions do not result from the actions of the applicant, and it is observed that there is no change in the setback from the plan view, albeit that is not the way the setback should be measured. Supported by Board Member Hensler. Vote: Yes: Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker, Carlton. Motion carried.

Public Comment: None

Adjournment:

Board Member Whitley moved to adjourn the meeting at 7:35 p.m. Supported by Board Member Hensler. Vote: Yes: Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker, Carlton. Motion carried.

Joan Rusch, Recording Secretary