

Minutes of  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**September 20, 2023**



**Call to Order:** Vice Chair Carlton called the September 20, 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:** Jim Carlton, Vice Chair  
Ryland Rusch, Board Member  
Matt Underwood, Board Member  
Bill Whitley, Board Member  
Judy Hensler, Alternate Board Member

**Absent:** Dean Baker, Chair

**Staff Members Present:**

Brian Piper, Zoning Assistant  
Joan Rusch, Planning Administrator

**Approval of Agenda:**

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

**Public Comment:** None

**Approval of Minutes:**

**Board Member Hensler moved to approve the minutes of the August 16, 2023, Zoning Board of Appeals meeting as presented. Supported by Board Member Underwood. Vote: Yes: Carlton, Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker. Motion approved.**

**New Business:**

1. Request from Josh and Kelly Thompson, 11632 Haylock, Davisburg, MI 48350 for a variance to construct a one hundred forty-nine and one-half square foot (149.5) accessory structure with:

A.) Setback from the side of five feet (5) instead of the eight and three fifths feet (8.6) allowed per Springfield Township Ordinance, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots

B.) Setback from the rear of twenty-three and one half (23.5) instead of the thirty and four fifths feet (30.8) allowed per Springfield Township Ordinance, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots

C.) Setback from the water of twenty-three and one half (23.5) instead of the fifty feet (50) allowed per Springfield Township Ordinance, Chapter 40, Section 40-639 - Lots Abutting Water Bodies

The property that is the subject of this request is located at 11632 Haylock, Davisburg, MI 48350 and is zoned R-2: Single Family Residential with a Parcel ID of 07-28-376-028.

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Vice Chair Carlton stated for the record that a letter was received from Paul and Susanne Melcher, 11648 Haylock, indicating they had no objection to the construction of the accessory structure as proposed. Vice Chair Carlton also noted that in March 2000 there was a ZBA request that was granted for a reduced west side yard setback of 6 feet instead of the required 15 feet to construct a garage. At the same time a request for a front yard setback variance was determined as not necessary and an east side yard setback for the house was denied.

Joshua Thompson explained that they have a patio off the back side of the home, and they would like to add a roof structure over part of this patio for shelter from the elements, and it would provide room to entertain guests. This structure would be attached to the home.

Board Member Rusch asked if they had considered other placements for this structure that would not require a variance.

Mr. Thompson explained that any structure would require a variance. He understands that this location does require more of a variance. They have looked at other locations, but these do not work as well with the home layout, and they would still need a variance.

Mr. Rusch asked if they had considered putting the structure near the sidewalk on the gable end of the house.

Mr. Thompson stated that this would be off the kitchen.

Board Member Hensler stated that this placement would impact the visibility of the lake, which could have an impact on safety.

Kelly Thompson stated that they didn't want to impact their neighbors' views. The proposed location of the structure would make it almost hidden from their neighbors.

Vice Chair Carlton indicated that he understood this reasoning.

Mrs. Thompson explained that this structure would be screened but would not be enclosed.

Board Member Whitley asked if the structure would be attached to the house.

Mr. Thompson stated that just the roof would be attached to the house. The rest of the structure would be freestanding.

Vice Chair Carlton noted that the setback appears to be three feet from the property line, but the applicant is asking for five feet.

Mrs. Thompson stated that the structure would be aligned with the side of the house.

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Vice Chair Carlton clarified that the edge of the home is closer to the property line than the proposed structure would be.

Mr. Thompson stated that this was correct.

Board Member Whitley stated that the structure would not further reduce the existing side setback because it would not be as close as the house already is.

**Board Member Hensler moved to approve the request from Josh and Kelly Thompson, 11632 Haylock, for a variance to construct a one hundred forty-nine and one-half square foot (149.5) accessory structure with:**

**A.) Setback from the side of five feet (5) instead of the eight and three fifths feet (8.6) allowed per Springfield Township Ordinance, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots**

**B.) Setback from the rear of twenty-three- and one-half feet (23.5) instead of the thirty and four fifths feet (30.8) allowed per Springfield Township Ordinance, Chapter 40, Section 40-932 - Setbacks for Nonconforming Lots**

**C.) Setback from the water of twenty-three- and one-half feet (23.5) instead of the fifty feet (50) allowed per Springfield Township Ordinance, Chapter 40, Section 40-639 - Lots Abutting Water Bodies**

Special conditions and circumstances exist from this being a nonconforming lot. It would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. This is not true for the whole zoning district, but certainly many lakefront properties have similar challenges and do the best they can to conform. The special conditions are not the result of actions by the applicant. This is the minimum variance to be practical, since access to the lake and outdoor living is a necessity for owners of lakefront property. The applicant has found the best location for many reasons - there is already a patio, and the structure will not encroach on anything else. It is not injurious to the neighborhood and will not have any negative impacts or will not obscure anyone's view or use of the lake. Supported by Board Member Underwood. Vote: Yes: Carlton, Underwood, Whitley, Hensler. No: Rusch. Motion Approved.

**Public Comment:** None

**Adjournment:**

**Board Member Whitley moved to adjourn the meeting at 7:15 p.m. Supported by Board Member Rusch. Vote: Yes: Carlton, Rusch, Underwood, Whitley, Hensler. No: None. Absent: Baker. Motion carried.**

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Joan Rusch, Recording Secretary