

Springfield Township  
Zoning Board of Appeals Meeting  
Minutes of May 21, 2008

**Call to Order:** Chairperson Wendt called the May 21, 2008 Regular Meeting of the Springfield Township Zoning Board of Appeals to order at 8:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

**Attendance:**

**Board Members Present**

Skip Wendt  
Dean Baker  
Bill Whitley  
Jim Carlton  
Dennis Vallad

**Board Members Absent**

**Staff Present**

Collin Walls

**Public Comment:** None

**Approval of Minutes:** March 20, 2008

- **Board Member Whitley moved to approve the minutes of March 20, 2008 as presented. Board Member Carlton supported the motion. Vote on the motion: Yes: Baker, Carlton, Vallad, Wendt, Whitley; No: none; Absent: none. The motion carried by a 5 to 0 vote.**

**Approval of Agenda:**

- **Board Member Vallad moved to approve the agenda as presented. Board Member Whitley supported the motion. Vote on the motion: Yes: Baker, Carlton, Vallad, Wendt, Whitley; No: none; Absent: none. The motion carried by a 5 to 0 vote.**

**Old Business:** None

**New Business:**

1. Spencer and Chris Bertram, 9909 Kingston Ridge, Clarkston. P.I. # 07-14-302-044.

The applicant is requesting to construct a deck resulting in a rear setback of nineteen (19) feet rather than the required twenty-five (25) feet and a combined front and rear setback of sixty-six (66) feet rather than the required seventy-five (75) feet, per Section 18.11 of Springfield Township Zoning Ordinance No. 26.

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The property is located at 9909 Kingston Ridge in Springfield Township and is zoned RM – Residential Multiple but developed as part of a one-family residential development utilizing the Cluster Housing provisions and R-3 One-Family Residential District Standards of the Township Zoning Ordinance.

Chairperson Wendt stated a letter has been received from the applicant indicating they are out of town and could not attend tonight's meeting.

Chairperson Wendt stated Board members received a Zoning Board of Appeals Report prepared by Supervisor Walls. He thinks it is good to go back to this type of report and asked Supervisor Walls to present his findings.

Supervisor Walls stated the request to amend the Master Deed and Bylaws Exhibit B document was conditionally approved by the Township Board subject to the Zoning Board of Appeals granting the variance.

Supervisor Walls stated one of the things unusual with this request is that the Zoning Ordinance Schedule of Regulations calls for a seventy-five (75) foot combined front and rear setback but the cluster provisions under R-3 call for a combined front and rear setback of seventy (70) feet. A variance had previously been granted in several units in the same subdivision, including the one before the Board tonight... He stated in order to make sure things were done to cover everything possible, the advertisement used seventy-five (75) foot as the required setback. What is being proposed is a combined front and rear setback of sixty-six (66) feet.

Supervisor Walls stated there are special conditions on the property. The buildable area is not very deep, which the Township recognized in granting the previous front/rear yard setback variance for this unit. The builder did not allow enough consideration for the lack of depth in constructing the unit and the home was placed too close to the rear building line to accommodate a reasonable sized deck and the home was placed further away from the front line than would have been allowed.

Supervisor Walls stated the area where the deck would be, has previously been cleared. There is a wooded common area to the rear of the property that adds further separation from the adjacent development. He stated a four foot deck could be constructed without a variance for an emergency exit but that it is not reasonable living area. He also stated this request is not the result of the applicant. They did not build, or commission the builder, to build the house.

Board Member Whitley stated he feels the applicant did an excellent job putting the application together and it was easy to review. He feels this situation was caused by the builder and could have been remedied by moving the house a few feet forward. He asked, based on the action of the Township Board, what is the maximum deck size that is allowed. Supervisor Walls responded what is presented is the maximum.

Board Member Whitley asked what the limiting factor was in making ten foot the maximum allowable deck width. Supervisor Walls responded the sixty-six (66) foot combined front and rear setback.

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Board Member Whitley asked if the Zoning Board of Appeals has the authority to vary that. Supervisor Walls responded yes but because of what was advertised, the width could only be changed to less than 10 feet. To go above ten feet would decrease the combined front and rear setback below the sixty-six (66) feet that was advertised.

Chairperson Wendt stated this request would have to be tabled and republished if the Board were to grant a deck width greater than ten (10) feet. Board Member Whitley asked what the limiting factors are to making the deck dimension greater than ten (10) feet.

Supervisor Walls responded the applicants would have had to ask for that and the publication would have to change. He stated if this is something the Board feels needs to be considered, this request has to be tabled and republished; the variance cannot exceed what was published.

Board Member Whitley stated he feels more than a ten foot deck width is reasonable, which would mean a greater variance than what was asked for.

Chairperson Wendt stated a motion would have to be made to table this item and contact the applicant to see if they want a deck width larger than ten (10) feet. Supervisor Walls stated if tabled, this item would have to go back in front of Township Board because there would be a reduction in the combined front and rear setback from what was previously approved.

Board Member Whitley asked if the applicant knew to ask for a deck width of greater than ten feet. Supervisor Walls responded he stresses to any applicant that they must be able to show that it is the minimum variance necessary for reasonable use of the property.

- **Board Member Baker moved to approve the nineteen (19) foot rear yard setback and the sixty-six (66) foot combined front and rear yard setbacks for 9909 Kingston Ridge, for construction of a deck on the grounds that literal interpretation of the ordinance would deprive the applicants of rights normally enjoyed by others. Particularly they would have a door wall six to eight foot above grade with no exit and that the new setbacks would permit the applicant minimum space to have a deck and to place necessary items on the deck for their enjoyment and use. Also, the conditions that are impacting this request are not the fault of the applicant and the granting of this variance is made less infringing on other property owners due to the fact there is a common area immediately behind this parcel. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Carlton, Vallad, Wendt and Whitley; No: none: Absent: none. The motion carried by a 5 to 0 vote.**

### **Adjournment:**

Hearing no other Business, Chairperson Wendt adjourned the meeting at 8:18 p.m.

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Renee Wilson, Recording Secretary