

SPRINGFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
February 20, 2019

Call to Order: Chairperson Whitley called the February 20, 2019 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance:       Dean Baker  
                              Jim Carlton  
                              Matt Underwood  
                              Skip Wendt  
                              Bill Whitley

Absent:                 Denny Vallad

AGENDA:

**Board member Wendt moved to proceed with the agenda as presented. Supported by Board member Underwood. Vote yes: Baker, Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Vallad. Motion approved.**

APPROVAL OF MINUTES:

**Board member Wendt moved to approve the minutes of the January 16, 2019 meeting as presented. Supported by Board member Baker. Vote yes: Baker, Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Vallad. Motion approved.**

**OLD BUSINESS:**

**1. (TABLED ON DECEMBER 19, 2018) Request from Kyle and Krista Walker, 5942 Long Point Drive, Davisburg, 48350 to construct a house and garage resulting in the following variances:**

**a.) Distance from a septic system to the high-water mark of Big Lake of seventy-one (71) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639**

**b.) Maintain existing side setback of four (4) feet rather than the thirteen (13) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots**

**c.) Maintain existing front setback of one point six (1.6) feet rather than the thirty-five (35) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots**

**The property that is the subject of the request is located at 5942 Long Point Drive in**

**Springfield Township and is zoned R2 One Family Residential. P.I. #07-28-251-036.**

Chairperson Whitley stated that the Board received a copy of an email received February 13, 2019 by the Supervisor's Office from Kyle Walker requesting that their application for variances be withdrawn because they are going to consider other opportunities for either that property or another property.

Board member Baker stated that the two items that were already approved by the Board were items that were relevant to the presentation made by the applicant. With the applicant's decision to withdraw, the Board should not maintain the original opinion on variance requests a.) and b.) so any future development would need to come forward and present a complete package and he would be open to withdrawing those previously approved variance items and denying item c.) to bring closure to this process.

Board member Wendt suggested that they negate the entire request because of the applicant's letter that no longer has any validity to the property.

Board member Baker agreed as long as those two previously approved variances do not stand with that parcel.

**Board member Wendt moved to rescind the approval of items b.) Maintain existing side setback of four (4) feet rather than the thirteen (13) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots and c.) Maintain existing front setback of one point six (1.6) feet rather than the thirty-five (35) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots and not approving a.) Distance from a septic system to the high-water mark of Big Lake of seventy-one (71) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639, such that all three items requested are being denied. Supported by Board member Underwood. Vote yes: Baker, Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Vallad. Motion approved.**

Chairperson Whitley requested that a copy of the email dated February 13, 2019 be made a part of the record.

**NEW BUSINESS:**

**1. Request from Danial Gray, 8290 Eaton Road, Davisburg, 48350 for a variance to construct an addition with a rear setback of twenty-one (21) feet instead of the twenty-four feet, 6 inches (24.5 feet) allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932. - Setbacks for non-conforming lots.**

**The property that is the subject of the request is located at 8290 Eaton Road in Springfield Township and is zoned R1A One Family Residential. P.I. #07-17-126-002.**

Mr. Gray introduced himself to the Board members.

Board member Wendt asked Mr. Gray if he developed the property originally.

Mr. Gray replied that he was not the original owner. He built the garage in 1965 or 1966 and put a deck on in 1970 and this is the only building that he has done on the property. The home was there in 1867.

Board member Carlton confirmed that this is an eight-foot addition towards the back. He asked if they were only debating the eight feet.

Chairperson Whitley replied that the request is an increase in nonconformity because it is an addition to the structure that is not in compliance.

Board member Carlton asked if they have a house with a bay window, is it the structure under the bay window or do they strictly go to the foundation.

Chairperson Whitley replied that the bay window is still a structure within the setback.

Supervisor Walls answered that there is a two or three feet cantilever that does not count; this is the allowed encroachment into the setback.

Board member Baker asked if the garage would have been part of a zoning process in 1965.

Supervisor Walls replied that it is not likely; this construction would predate the ordinance.

Board member Baker stated that there is currently a rear setback of 14 feet with the existing garage. This addition to the existing home would not make the rear setback any smaller. This is a nonconforming lot already and the request would not make it more nonconforming because it does not reduce the 14 feet that is existing. It is appropriate that it come to the Zoning Board for evaluation, but he is in favor of the request.

Chairperson Whitley asked who owned the property directly behind the subject property.

Supervisor Walls replied that this property is owned by North Oakland Headwaters Land Conservancy and will be kept vacant in perpetuity.

Board member Wendt commented that there are other preexisting nonconformities to the property that make this request viable.

**Board member Baker moved to approve the request of Danial Gray for 8290 Eaton Road, Davisburg of a rear setback of twenty-one (21) feet instead of the twenty-four and a half (24.5) feet required of this property to allow for the construction or the addition to the existing home. The reason being is that the current setback of the garage is set at fourteen (14) foot distance from the rear lot line and this proposed addition does not lessen that amount from the rear lot line and the neighboring property is not commercially owned and will not be used for any residential or commercial uses in the future. Supported by Board member Underwood. Vote yes:**

**Baker, Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Vallad. Motion approved.**

Mr. Gray asked if he decides to build a deck instead of a room with the same 21 feet rear setback, does he have to apply for another appeal.

Chairperson Whitley replied that he has been approved to add to the house in a fashion that is with a setback of not less than 21 feet. A deck or addition would be allowable with that approved setback.

PUBLIC COMMENT:  
None

ADJOURNMENT:  
**Board member Baker moved to adjourn the meeting at 7:49 pm. Supported by Board member Wendt. Vote yes: Baker, Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Vallad. Motion approved.**

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Erin Mattice, Recording Secretary