

SPRINGFIELD TOWNSHIP  
ZONING BOARD OF APPEALS  
October 15, 2014

Call to Order: Chairperson Wendt called the October 15, 2014 Zoning Board of Appeals meeting to order at 7:30pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance:           Dean Baker  
                                  Virginia Fischbach  
                                  Skip Wendt  
                                  Bill Whitley

Absent:                    Denny Vallad

PUBLIC COMMENT:       None

AGENDA:

**Board member Whitley moved to approve the agenda as presented. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

CONSENT:                       Minutes of the August 20, 2014 meeting.

Board member Wendt stated that he would ask that the minutes be tabled until there is a quorum of people that were in attendance at the meeting.

**Board member Baker moved to TABLE the approval of the minutes of August 20, 2014 meeting. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

**OLD BUSINESS:**

1.     *Request from Bruce Hynes, 13650 Neal Road, Davisburg, 48350 to reapprove the construction of an attached garage increasing the total accessory area to four hundred and ninety two (492) square feet greater than the total allowable amount of five thousand four hundred (5400) square feet of accessory area as per Springfield Township Code of Ordinances, Chapter 40, Section 40-649.*

*The property that is the subject of this request is located at 13650 Neal Road, Davisburg in Springfield Township and is zoned R1A, One Family Residential. P.I. 07-31-100-008.  
**Original variance granted on September 19, 2012 and expired on September 19, 2013.***

Mr. Hynes introduced himself to the Board. He stated that the reason he hasn't built yet is because of the economy and the bid he received from his builder was too high. He now plans to build it himself and contract out the work.

Board member Baker stated that at the time the variance was granted there were two variances granted. The first was to accept the existing barn as a historical structure and this variance request was approved and is not part of tonight's request. The other variance request is for the increase in accessory square footage to 492 square feet above what is allowed and that is what is being considered tonight. He stated that he was not in favor of this variance when it was granted because of the allowable square footage that is permitted at the site and he still feels that the amount of square footage that is on the site now meets all of the requirements of the allowable limit at that site. They are not denying the applicant any amenities and the addition of a new garage that will take him over his allotment is not necessary and there is no part of the condition or the quality of the land that is preventing him from enjoying its use with the allotment that is provided for that property.

Board member Whitley asked when he anticipates starting on the project.

Mr. Hynes replied this week.

Board member Whitley stated that the variance was granted two years ago. He has some concern because it is a year from the expiration date and he questioned how long they would want to continue with extensions.

**Board member Whitley moved to approve the request from Bruce Hynes for an extension for one year to allow construction of an attached garage increasing the total accessory area to four hundred and ninety two (492) square feet greater than the total allowable amount of five thousand four hundred (5400) square feet of accessory area for all of the reasons given at the time of the original variance in August 2012. Supported by Board member Fischbach. Voted yes: Fischbach, Wendt, Whitley. Voted no: Baker. Absent: Vallad. Motion approved.**

2. *Request from Harold McGraw, 27836 Lenox Avenue, Madison Heights, 48071 to reapprove the following variances to construct a home:*
  - a. *Resulting in a distance from the septic system to the ordinance high-water mark of Dixie Lake of sixty (60) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639.*
  - b. *Resulting in a front yard setback of twelve (12) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*
  - c. *Resulting in a side yard setback of ten (10) feet and seven (7) feet rather than the fifteen (15) feet each required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

*The property that is the subject of the request is located at 8700 Shore Drive in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-402-047.*

***Original variance granted on July 17, 2013 and expired on July 17, 2014.***

Mr. McGraw introduced himself to the Board. He stated that he did not start the project because everyone is busy and contractors are behind. He stated that he has talked to three different people and he can't even get a bid. He stated that he has a licensed builder and house plans.

Board member Wendt asked when he thinks he will be able to start on the project.

Mr. McGraw replied that the contractor told him that because of the rain and the water table, they would start in the spring.

Board member Wendt asked if he could sign a contract tomorrow.

Mr. McGraw answered he could try to but he can't get anyone to give him a bid. He waited for someone for 3 months.

Board member Baker stated that the variance was granted based on the installation of a Norweco system as proposed by Powell Engineering and he asked if that was still Mr. McGraw's intention to install this type of system.

Mr. McGraw answered yes.

Board member Whitley asked if it was because of the specifics of the septic system as to why he is having such a difficult time finding a contractor.

Mr. McGraw answered that the contractors are very busy.

Board member Whitley asked if there is a shortage of contractors that are specific to that type of system.

Mr. McGraw answered that he has not found that to be true.

Board member Whitley asked if Mr. McGraw's project is on the contractor's list to do next.

Mr. McGraw answered that this contractor has the engineering layout and the house plans and he has called him. He does not have a commitment to be on the schedule. He stated that if this is approved, he will call the contractor tomorrow.

Board member Whitley asked if the original variance expired in June, why are they just here now.

Mr. McGraw answered that he lost track of the date of the approval. He went to the building department and was informed it was expired so he had to reapply.

**Board member Baker moved to approve the request from Harold McGraw, 27836 Lenox Avenue, Madison Heights, 48071 for a variance extension of one 12 month period for the applicant relative to the property at 8700 Shore Drive in Springfield Township for the following:**

- a. Distance from the septic system to the ordinance high-water mark of Dixie Lake of sixty (60) feet rather than the one hundred (100) feet required for the installation of the Norweco System as was proposed in his previous variance request including continual monitoring, etc. as described by Oakland County Health Department.**
- b. A front yard setback of twelve (12) feet rather than the fifty (50) feet required.**
- c. Side yard setbacks of ten (10) feet and seven (7) feet rather than the fifteen (15) feet each required.**

**Seconded by Board member Whitley. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

NEW BUSINESS:

- 1. Request from Sellers Renew, 9603 Dixie Highway, Clarkston, 48348 to allow two (2) ground signs instead of the one (1) ground sign allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-751.*

*The property that is the subject of the request is located at 9603 Dixie Highway in Springfield Township and is zoned C-2 General Business with P.I. # 07-14-101-019.*

Mr. Ken Lee introduced himself to the Board. He stated that the facility is large and they are trying to allow customers to know exactly where they are going once they reach the site. He stated that one end is going to be for Isuzu trucks and the other end will remain used car sales. He stated that most patrons will be approaching from the south and it is somewhat confusing as to what drive to use and they believe that the signs will help. He stated that the entrances are 400 feet apart and the signs will be professionally designed and installed. He submitted plans outlining the sign design when he applied for the variance. Mr. Lee provided updated drawing of the proposed signage to the Board. He confirmed the locations of the proposed signage. He provided a letter from a neighboring business owner supporting the additional signage.

Chairperson Wendt read the supporting letter from Jim Wilson.

Board member Fischbach asked where the monument signs would be located.

Mr. Lee confirmed that each monument sign would be at an entrance drive.

Board member Whitley stated that even if there are two ground signs, the tendency would be to miss the first ground sign and go to the next drive. He stated that he does not see how 2 ground signs will solve the stated issue on the application.

Board member Fischbach stated that even if a person misses the first sign and turns in the wrong drive, they are all connected and you can drive to the right area of the lot.

Board member Whitley stated that the same thing could be said for a single sign.

Board member Fischbach stated that it depends on where it is put.

Board member Whitley suggested a single sign in the center allows directional and way finding on the site. Two signs will not limit the wrong turns into the entrance locations.

Board member Baker asked how many square feet they were allotted per monument sign.

Board member Baker confirmed that the square footage of the proposed sign is 36 square feet.

Board member Whitley suggested that this proposal would require not only a variance to allow the additional sign but also a variance to have additional square footage.

Board members did not concur.

**Board member Whitley moved to DENY the variance request for the following reasons: there is no particular or peculiar hardship that has been presented, the business is a single structure and there is not a multiplicity of businesses within the single structure and there are alternatives such as onsite and internal signage for way finding. Seconded by Board member Wendt.**

Board member Fischbach asked if the applicant considered one sign.

Mr. Lee replied yes, but it is a combination of 3 businesses including the Isuzu trucks, the collision shop and the used car sales. So, they have 3 separate groups approaching the business and not knowing where to go. This is especially true with the McDonalds going up next door and the Kroger fuel center being built. The building is beautiful and well maintained.

**Voted yes: Wendt, Whitley. Voted no: Fischbach, Baker. Absent: Vallad. Motion was not approved.**

Board member Fischbach stated that she travels Dixie Highway every day and this site is very large with a very large building. She does not object to two smaller monument signs versus one large one.

Board member Baker concurred. Two unique features of this site include a road with a 50 mile per hour speed limit and it is a very large piece of property. It also has two access points that are separated by a long stretch of frontage. He suggested that having two monument signs that are smaller would be a better alternative than one larger monument sign.

Board member Wendt stated that the buildings are relatively new. It was a car dealership and the dealership functioned with only one monument sign with internal directional signs. He stated that it is confusing driving on the site drive parallel to Dixie Highway but he cannot justify two signs.

Board member Baker stated that the business that was there before was one business and this is unique because it is going to be more than one business at this location.

Board member Wendt asked if any different business was going to be conducted by the new business Isuzu than what was conducted when it was the dealership. Even with the dealership they had new cars, used cars and collision center.

Board member Baker stated that the difference would be someone approaching the site and looking for Isuzu and instead are just seeing old signs and new signs and it is not clear as they are approaching the site and it is then too late.

Board member Whitley stated that if the sign is at the driveway, it is already too late. If they miss the sign, they are going to turn in the wrong driveway anyway. If the sign is in the center, they still have the opportunity to turn into the next driveway.

Board members discussed the square footage allowed.

Board member Fischbach confirmed that on sites of more than 5 acres, more square footage is allowed so they would actually get 150 square feet allowed.

Supervisor Walls confirmed that the internal interpretation was if you ask for two signs and one is allowed, you would automatically get the square footage that is allowed for the second sign. Square footage would not be a separate variance request.

Board member Whitley concurred.

Board member Baker suggested tabling the request until they have a full Board.

**Board member Baker moved to TABLE the request from Sellers Renew to allow two monument signs instead of the one permitted by Ordinance until the next meeting when the full compliment of Board members are present. Seconded by Whitley. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

2. *Request from James McNulty, 7715 Lavon Street, Clarkston, 48348 to allow two (2) ground signs instead of the one (1) ground sign allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-751.*

*The property that is the subject of the request is located at 9340 Dixie Highway in Springfield Township and is zoned C-2 General Business with P.I. #07-14-430-029.*

Mr. John McNulty introduced himself to the Board as the applicant's father and the representative in this variance request. He stated that recently the business has been relocated to this location. One of the biggest problems is customers cannot find the business. The sign was approved by Springfield Township if it was attached to the existing ground sign, but Mr. Garwood did not want the sign in this location. He indicated that they want to put the sign on the other side of the driveway. He is in the process of buying the building and he will have the same problem in the future trying to rent the building. He stated that because the building is set back 75 feet from Dixie Highway, it is not able to be seen from Dixie Highway. They are currently using a temporary sign to identify the business location and they are being told by their customers how difficult it is to find.

Board member Wendt stated that the property is relatively narrow and he tried to imagine what 2 signs would be like on the property, he came to the conclusion that at 50 miles per hour, it didn't make any difference if there were one or two, they were difficult to see.

Board member Fischbach verified that there would be 2 signs.

Mr. McNulty replied yes. They are trying to protect and respect Mr. Garwood's business and not confuse the customers. They might go to his office because they don't understand that there are two businesses at the site.

Board member Whitley concurred with Board member Wendt. He stated that he does not think two signs solve the problem.

Mr. McNulty stated that Mr. Garwood does not want the sign to read Garwood Salt and this is what would happen if they combined the two signs which could go up immediately.

Mr. Garwood introduced himself to the Board and stated that he has been in business at this location since 1998. He agreed with Mr. McNulty that the combination of signs which would read Garwood Salt doesn't make sense and the signs are unable to be seen if you are southbound. He stated that if the Township is interested in stimulating business in the Township, this is a good proposal to separate the two signs.

Board member Whitley confirmed that the initial plan was to put both signs together. Mr. McNulty stated that this is what they were approved to do; their original plan was to put the sign in another location. They were informed by the Township that they couldn't

do this. They talked to Mr. Garwood and he confirmed that he did not want the Salt sign right next to his.

Supervisor Walls summarized that the issue is that this is one parcel and they are allowed one ground sign and they have one ground sign already. They have far less in square footage as to what they are allowed so when they originally came in with the request for a second ground sign they were told they would need a variance. In this discussion, they determined that they could locate the sign on the existing ground sign and they would not need to get a variance.

Board member Wendt stated that if they created one monument sign that had room for the different businesses and located it properly on the property that would solve the issue.

Mr. McNulty stated that they were concerned with Mr. Garwood's business so anyone just coming in for a bag of salt would walk into his office with his patients waiting.

Board member Whitley asked if customers of Mr. Garwood's business and the salt business use the same parking lot.

Mr. McNulty replied yes.

Board member Whitley stated that any confusion should be able to be cleared up with the building signs that the customers can see when they park.

Mr. McNulty responded that the customers would see the sign but if they also see an office door located 2 feet from the salt sign, are they going to walk in to the office to see if that is where they have to pay. The building signs should tell the customers where to go, but it still is confusing. They want the sign on the other side of the driveway so it is clear that there is two businesses there and people traveling on Dixie can see the business.

Board member Fischbach asked if they had looked into designing a completely new monument sign.

Mr. McNulty replied no.

Board member Wendt suggested another monument sign be designed for the property.

**Board member Whitley moved to DENY the request for a second monument sign at 9340 Dixie Highway. The reasons for the denial include: there is an alternative available such as combining the signs on a single monument sign, it appears that this request for a second sign is being used to solve a "landlord" problem and the site is too small for the use of two monument signs. Seconded by Board member Baker. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

3. *Request from Ryan Payment, 8282 Foster Road, Clarkston, 48346 for a variance from the Home Occupation provision which limits all activities to inside the dwelling to allow the storage of three (3) work vehicles in a detached accessory structure as per Springfield Township Code of Ordinances, Chapter 40, Section 40-649.*

*The property that is the subject of the request is located at 8282 Foster Road in Springfield Township and is zoned R2 One Family Residential with P.I. #07-25-200-007.*

Mr. Ryan Payment introduced himself to the Board. He stated that he owns a landscape design and build company and he is the designer. He primarily uses subcontractors and he typically uses one employee. He stated that they have two trucks that show up, load up hand tools and go to the job site; occasionally they use 3 trucks. When they come back, they park inside the barn. They do not cause excess noise.

Board member Baker asked if Mr. Payment is a resident at the house. He asked how the other employees that drive the trucks get to the house.

Mr. Payment replied that they drive to his house.

Board member Baker stated that he has people coming in their personal vehicles, parking, getting in the work trucks and driving them to the work site. This is a struggle because of the fact that there are people coming to his property and there is business being conducted in that zone.

Board member Whitley stated that this was against the ordinance and by law, they cannot create a nonconforming parcel.

Board member Whitley concurred. A lot of people drive the company car home but when it involves other employees coming to a site that is in a residential zoning district, the Board cannot approve this. This goes beyond a variance and is creating a new use in a residential area.

Mr. Charles Burns, neighbor, introduced himself to the Board. His property is adjacent to Mr. Payment's property and they share the driveway. He stated that none of the neighbors have any problem with it and it does not create undue traffic or noise. There is no objection to what is going on at Mr. Payment's property.

Board member Whitley stated that granting a variance would create a new use and if the property would change hands, someone else may come in and have another business that has additional use that may be more disturbing to the neighborhood.

Mr. Burns stated that there is already a home business located kitty corner from there.

Board member Wendt answered that this has nothing to do with Mr. Payment's request.

Mr. Payment asked if they would grant a temporary variance.

Board member Wendt stated that they are dealing with the request that has been published.

Mr. Payment stated that you are allowed to have a home business in residential zoning which would create more traffic than his.

Board member Wendt stated that this has nothing to do with the request.

Board member Whitley stated that they are concerned with what kind of use they can allow in a residential area.

Board members discussed and confirmed what types of businesses were allowed in R-2 zoning.

**Board member Whitley moved to DENY the request from Ryan Payment for a variance from the Home Occupation provision at 8282 Foster Road that would allow the storage of three (3) work vehicles in a detached accessory structure and this would include employees coming to the site to pick up work vehicles because this would create a land use that is not allowed in a residential district. Seconded by Board member Baker. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

ADJOURNMENT:

**Board member Whitley moved to ADJOURN the meeting at 8:46 PM. Seconded by Board member Baker. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Absent: Vallad. Motion approved.**

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Erin Mattice, Recording Secretary