

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
JULY 21, 2010

Meeting is called to order at 8:04 pm.

In attendance: Denny Vallad, Zoning Board Member
 Dean Baker, Zoning Board Member
 Jim Carlton, Zoning Board Member
 Mike Trout, Supervisor

Absent: Skip Wendt, Chairperson
 Bill Whitley, Zoning Board Member

Denny Vallad appointed by Board to act as Chairperson in Skip Wendt's absence.

PUBLIC COMMENT: None.

CONSENT MOTION: Agenda.

Board member Baker moved to approve the agenda as presented, supported by Board member Carlton. Voted yes: all. Vote no: none. Absent: Wendt, Whitley. Motion approved.

CONSENT MOTION: Minutes of the June 16, 2010 meeting.

Board member Carlton moved to approve the minutes as presented, supported by Board member Baker. Voted yes: all. Vote no: none. Absent: Wendt, Whitley. Motion approved.

OLD BUSINESS:

1. *Request from Nicolette Heister, 1210 Washington Blvd., Birmingham, MI 48009 for a one year extension of the variance granted on August 19, 2009 to:*
 - a. *Allow a deck resulting in a setback from Waumegah Lake of thirty-eight (38) feet rather than the fifty (50) feet required per section 18.11.6(d) of Springfield Township Zoning Ordinance No. 26.*
 - b. *Allow a porch resulting in a front yard setback of forty-two (42) feet rather than the fifty (50) feet required per section 25 of Springfield Township Zoning Ordinance No. 26.*

The property that is the subject of this request is located at 8695 Ellis Road in Springfield Township and is zoned R-1 Single Family Residential. P.I. #07-12-427-022. The original variance will expire on August 19, 2010. Pursuant to the provisions of Zoning Ordinance #26 the applicant is asking for a one year extension which will expire on August 19, 2011.

Board member Vallad asked if anyone was present in the audience in reference to this request.

Supervisor Trout stated that he received a phone call and a letter from Ms. Heister requesting this extension. She is allowed to ask for this extension based on the fact that she has had some circumstances that support her case. He stated that Ms. Heister asked if she needed to be here, and he advised her that she did not.

Board member Vallad stated that he remembers the case being the minimum amount for the property and because of the extenuating circumstances; he does not see a problem granting her request.

Board members Carlton and Baker concur.

Board member Carlton moved to approve the extension of the variance at 8695 Ellis Road for an additional year which will expire on August 19, 2011 due to circumstances beyond the applicant's control, supported by Board member Baker. Voted yes: all. Vote no: none. Absent: Wendt, Whitley. Motion approved.

NEW BUSINESS:

1. *Request by Dr. Scott VanDerveen, 7558 ME Cad Boulevard, Clarkston, MI 48348 to relocate an existing ground sign at the above address to another location on same property resulting in a zero (0) foot setback from the road right-of-way, rather than the required fifteen (15) feet per Section 16.07.3.a(5) of the Zoning Ordinance.*

The property is located at 7558 ME Cad Boulevard in Springfield Township and is zoned OS-Office Service. P.I. #U 07-14-478-032.

Mike Schuster, Signs By Your Design, 5645 Dixie Highway appeared on behalf of Dr. Scott VanDerveen. He stated that the request is due to special circumstances; the new communication boxes block the right-of-way on the adjacent parcel. Also, the other signs located in the immediate vicinity are at the zero lot line and Dr. VanDerveen's sign is behind those signs. He stated that as shown in the picture presented, the dark blotch in the middle of ME Cad Boulevard is the sign for the park. He indicated that the Avanti sign is right along this line as well and was just put up 2 or 3 years ago. He stated that Dr. Vanderveen is just asking for fairness in kind so that he can move his sign to this line as well.

Board member Baker asked if the right-of-way has changed on Dixie Highway during the time that the original signs were placed.

Board member Vallad stated that he did not think so.

Board member Baker asked if the other properties made variance requests.

Supervisor Trout stated that the 120 feet has remained in effect. He stated that he does not know how it ended up like this because the ME park must have had a site plan.

Board member Baker stated that he wondered if the signs that are being referenced are in concert with the site plan or if they were placed without the Township's approval. He stated that if the Board is going to base some decisions on where the signs are located, since it does seem odd that the site that they are discussing has a conforming location. He stated that it meets the setback and similar signs that look like they were created by the same manufacturer are placed in an obviously zero setback location. He stated that if he is going to use those as a reference point, he would like to know that they were there by some process that was approved by the Township.

Board member Vallad stated that he believes that the development sign was approved with the development. He stated that he does not recall the Avanti sign because that business was not there when those buildings were first occupied.

Board member Baker stated that we did not know if Avanti came in to request a sign variance.

Supervisor Trout stated that his office could not find any record that a variance was granted for the Avanti sign.

Board member Baker stated that they may have a nonconforming situation that needs to be corrected.

Board member Vallad stated that he is trying to recall the former two businesses that were present before Avanti and he remembers there being two ground signs. He stated that it was a designing business. He stated that it may have been in the same location as the newer sign, but he does not recall. He asked Mike Shuster if he put in that sign.

Mike Schuster stated that he was asked to quote it and it was then put in by somebody else. He stated that the business did not ask him to apply for a variance, although he would have.

Board member Vallad asked Mr. Schuster what was there before.

Mike Schuster stated that the signs that were there before were in line with what is there right now. He stated that they were landscaped differently, but they were very close to the same area.

Supervisor Trout stated that the utility boxes were the real hardship in this case. He stated that two boxes were relocated from when they were first installed.

Board member Baker stated that he visited the site recently and he identified one box and he could not understand where the other items were that are shown on the map.

Supervisor Trout stated that two boxes were relocated. The original box that is left cannot be moved.

Board member Baker stated that in reviewing the ground sign ordinance it seems that the maximum sign height permitted is eight feet with 50 feet square footage both sides. He stated that the height of the current sign is 4'10". He stated that one way of addressing this would be to raise the sign in its current location and it would be conforming. He stated that you raise it over two feet and still have it comply. He stated that he also noticed while visiting the site today, a car driving down Dixie Highway at 50 mph being blocked from seeing the sign by something two feet wide. By moving the sign, it would give 1/10 of a second more exposure than exists right now. He stated that he wondered if the AT & T box is the primary reason this is being requested, moving the sign to a zero setback seems like a radical response to that.

Mike Schuster stated that the box is one issue, but you are also blocked by the other signs from the north coming south. He stated that you see these other signs and then see Dr. VanDerveen's sign a split second after that. He stated that the applicant is just asking for the same allowances as the other businesses.

Board member Baker stated that on the application it stated that the special circumstances that exist are that the AT & T box has been installed on the southerly side of the property and that is the issue. He stated that it does not say anything about the southbound traffic being a problem.

Mike Schuster apologized for not putting this in the application, he should have. He stated that southbound traffic was also an issue. He stated that it is a line of sight issue with vehicles as they come in both directions.

Board member Baker asked if the spruce tree that was there created any issues with seeing the sign.

Mike Schuster stated that it is also an issue, but did not believe that anyone would allow the tree to be moved. He stated that they are asking for uniformity in moving the sign. He stated that the Board just allowed the shop just south of the old stone building to apply a sign to the pillar at a zero lot line. He stated that this is a zero lot line sign approved in the last few months, and there have been others approved in the last three years. He stated that they are asking for similar consideration.

Board member Baker stated that it was not about the AT & T boxes.

Mike Schuster stated that is was about the AT & T boxes but also the modern sign and trying to be uniform with everything else were other issues.

Board member Carlton stated that he understood what Board member Baker was saying. He stated that that he does not see this as an issue about conformity in the neighborhood. He stated this is not a visual issue for pulling out into traffic. He stated that they will not

be creating a safety issue if it is granted. He stated that as you go along Dixie at this site, there are things that block your sight. He stated that with only three Board members there, we either table the issue or accept it.

Board member Baker stated that if they cannot reach an understanding, with only three Board members, the vote would need to be unanimous.

Board member Vallad stated that an option would be to bring the issue to next month's meeting for reconsideration when they have all Board members present to discuss the issue. He stated that he wanted to make sure that there were no additional fees involved.

Board member Baker stated that he does not want the applicant to face any additional fees.

Mike Schuster stated that it is the same sign; it is just proposed to be moved. It will be landscaped the same way when it is done.

Board member Vallad stated that he sees this issue more as a location for the property in a speed zone that is 50 mph in relatively congested traffic. He stated that at 50 mph, anything that blocks the sign destroys any ability to see the sign with any time to react. He stated that he does not normally approve that signs be placed at a zero lot setback, he stated that in this case it is warranted. He stated that there may be other issues that the Planning Commission should examine particularly for Dixie Highway. He stated that this are issues that are being brought up now after 20 years with the utility boxes and other things. He stated that maybe they need to reconsider how signs are approved and what requirements we have for signs. Speeds on the roads next to the property where the sign is need to be included. He stated that he does not approved of lifting the height of the sign, he prefers ground signs. He stated that the lower signs are adequate if they are placed properly. He stated that the sign across the street will be coming to the Board next month since it was never officially approved. He stated that this property will only ever have the one sign since it is for this one building there. He stated that he doesn't know that it presents a problem in any position. He stated that moving it closer to the lot line would give the property owner the benefit along with the rest of the signs that are north of that position. He would get the benefits of advertising along with his neighbors.

Board member Carlton stated that this was an attractive sign and was nicer than a bright, tacky sign that would be attention-getting.

Board member Baker stated that he agreed that moving the sign to a zero setback does not create safety concerns. He stated that the reason he is hesitant is that we have a conforming situation at this location and the AT & T box location was the beginning of the issue. He stated that two of the boxes were relocated and the one box will maintain its location. He stated that he does not think that the amount of vision for the momentary, 1/10th of a second, is what is limited in seeing the sign and from the location that you would need to be to see that, it would be about 200 feet away and then you probably could not see the sign at that point. He wondered if the Avanti sign was placed without

Township sanction. He stated that he was trying to find a way to afford the applicant as much exposure to the sign as possible without having to request a variance. He stated that he wishes there were other Board members present because he does not feel good about this; he would rather deny this variance and he does not want to go to a vote with only three members present feeling this way.

Board member Vallad asked Mike Schuster if it would be an issue to ask Dr. VanDerveen to wait another month when more Board members would be present.

Mike Schuster stated that he wanted to get this taken care of as fast as he can; he first started looking at this months ago and were told by the Township that this would not be an issue. He stated that it was brought to their attention just recently that in keeping with Township Ordinance, they would need to apply for the variance. He stated that he has been waiting for about 4 months and he would be upset. He stated that he understands the Board's position, and he asked what he could say to convince him that by moving this sign all they were doing is helping Dr. VanDerveen out. He stated that he does disagree with the 1/10th of a second figure. He stated that by moving it, you will see the sign well before you get to Frosty Boy, instead of being right on top of it.

Board member Baker stated that he thought it was for traffic going north.

Mike Schuster stated that he apologized, it was for traffic going both directions and he should have worded it better on the application.

Board member Baker stated that going south; you would not see that sign until that spruce tree was not there. He stated that if the sign was moved, you still would not see it because the tree is blocking it.

Mike Schuster stated that in looking at the plot, the proposed sign location would be in front of the tree.

Board member Baker stated that if you drew the same line toward the AT & T box, you will see that you have more sight line from the south than you do from the north then. He stated that the angle was not as steep.

Mike Schuster stated that they agree to disagree. He stated that they undergo sight analysis with the computer and he wishes he had access to it so he could show it.

Board member Baker asked Mr. Schuster if he could print it because it would have value for the next meeting.

Board member Vallad stated that we need to look at Township records and look at what was approved and not approved relative to ME Cad back when the site plan was approved.

Supervisor Trout stated that we can bring as much of this information as possible to the next meeting.

Board member Vallad stated that if we deny the motion, or table it, it is the same result.

Board member Baker moved to table the request by Dr. Scott VanDerveen of 7558 ME Cad Boulevard for a 0 foot setback on the ground sign that is currently located on the property until applicant can provide some additional information and until the Township has an opportunity to research the site plan that was presented and evaluate the Avanti sign for its compliance with Township regulation and/or if a variance was issued for this sign. All information should be available for the next regularly scheduled meeting and the applicant should not have to incur additional expense for a second meeting. Supported by Board member Carlton. Voted yes: all. Vote no: none. Absent: Wendt, Whitley. Motion approved

ADJOURNMENT:

Board member Baker moved to adjourn the meeting at 8:40 pm, supported by Board member Carlton. Voted yes: all. Vote no: none. Absent: Wendt, Whitley. Motion approved.

Erin Mattice, Recording Secretary