

Springfield Township
Zoning Board of Appeals Meeting
Minutes of August 20, 2008

Call to Order: Chairperson Wendt called the August 20, 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
Dennis Vallad

Board Members Absent

Jim Carlton
Bill Whitley

Staff Present

Collin Walls

Approval of Agenda:

- **Board Member Vallad moved to approve the agenda as presented. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Approval of Minutes: May 21, 2008
July 16, 2008

- **Board Member Baker moved to approve the May 21, 2008 minutes as presented. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**
- **Board Member Vallad moved to approve the July 16, 2008 minutes as published. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**

Approval of Agenda: None

Old Business: None

Zoning Board of Appeals Meeting – August 20, 2008

New Business:

1. Matt Murrell, 5534 Birch Drive, Davisburg, MI

- a) Ordinance Interpretation: Determine that occasional retail auto sales is customarily incidental and accessory to a Wholesale Dealer auto business which is allowed as an office use in C-1 zoning.
- b) Variance Requests
 - (i) Waive 50 foot front set back requirement from unimproved Jardine Street required by Section 25 of Zoning Ordinance No. 26.
 - (ii) Waive the front greenbelt requirements from unimproved Jardine Street required by Section 16.06 of Ordinance 26.
 - (iii) Waive Site Plan review required by Section 18.07 of Ordinance 26.

The property that is subject of the requests is located at 589 Broadway, P.I. #07-17-181-001.

Chairperson Wendt read into the record a letter from Diana Walls that states she is in favor of the requested variance. **[A copy of the letter is on file at the Office of the Clerk, Springfield Township].**

Supervisor Walls provided Board Members with copies of the Record of Sales for Mr. Murrell's business for 2007. He stated roughly 11% of the sales were retail. He stated prior to Mr. Murrell's move to Broadway, his business was located in the Township on White Lake Road.

Supervisor Walls stated Mr. Murrell opened a business that, under State licensing, is a Wholesale Auto Dealer business. The building that houses this business now was previously home to an auto repair facility. He stated a Wholesale Dealer license under State regulations can conduct business dealer to dealer only. Retail sales are separate and require a separate permit and license.

Supervisor Walls stated he believes the limited number of retail sales is accessory to Mr. Murrell's wholesale business. The application was submitted so if and when Mr. Murrell purchases the property, he will have a clear indication of what he can and cannot do with the property. The property in question is zoned C-1 which allows office uses, auto repair facilities, car washes and other uses. Automobile sales and service offices and showrooms are allowed in C-2 zoning. It is his opinion that the automobile sales and service referred to in the ordinance is much larger than an occasional retail sale by Mr. Murrell.

Supervisor Walls stated the occasional vehicle sale will not have a material affect on adjacent property nor is it significantly different from a parking standpoint, than that of the previous business. He stated if it is a concern of the Board that the property could turn into a used car lot with banners, flags, etc. that could be dealt with as part of the Ordinance

Zoning Board of Appeals Meeting – August 20, 2008

interpretation. He stated he has talked to Mr. Murrell, who indicated that is not his intention.

Supervisor Walls stated this situation is unique in that Jardine Street that exists on the plat but in that area of Davisburg has not been improved. The street is platted and has not been abandoned, or vacated, so it has not reverted to adjacent property owners, but it is not improved. Because the road is platted a fifty foot front setback would be required, which is about twice the setback of the existing building.

Supervisor Walls stated the building does not meet the current greenbelt requirements or front setbacks from Jardine Street or Broadway. He stated except for the accessory use question, no variance would have been required; therefore no site plan would have been required. He feels the time and money needed for the site plan process would serve no useful purpose since grading, drainage and areas for parking are set. He stated Mr. Murrell indicated he plans to improve the landscaping, in addition to grass, on the east side of building and improving the greenbelt in the front.

Supervisor Walls stated it is difficult to determine whether or not the application meets the intent of the zoning ordinance because the ordinance clearly states not to encourage pre-existing nonconforming structures and uses to continue. Even though it is clear in the ordinance, it contradicts the statements in reference to Downtown Davisburg in the Master Plan as well as recent action by the Township Board which is to work with property owners to improve the business atmosphere in Downtown Davisburg. None of the business in Downtown Davisburg meet current zoning standards because it was developed over 100 years ago.

Supervisor Walls stated Mr. Murrell has already taken action to remove non-conforming aspects of the property. Signage and light poles have been removed and feels Mr. Murrell has done an excellent job of improving the site.

Mark Murrell, 5534 Birch Lane, was present in regards to this request. He provided Board Members with before and after pictures of the property.

Mr. Murrell stated wholesale is his primary business, he buys from, and sells to, dealers and the cars have to go someplace to get ready for final destination to the dealer. He stated people ask him to find them a car and if he sells them one he has to take the paperwork to a dealer in Flint because it is a retail operation. He stated the retail portion of his business is accessory and he generally sells to people he personally knows.

Mr. Murrell stated he is not interesting in having a retail operation but he would like to have the ability to complete the paperwork for retail sales at his office.

Chairperson Wendt asked Mr. Murrell how his previous place of business relates to his current office in terms of size, building, car display area, etc. Mr. Murrell responded his previous office was located at 8280 White Lake Road. He stated it was about the same size and consisted of an office with a garage in the back and parking in both the front and back and had virtually no display area.

Zoning Board of Appeals Meeting – August 20, 2008

Chairperson Wendt stated the 2007 retail sales were 11% and asked Mr. Murrell if there is a possibility that could increase to 15% or 20%.

Mr. Murrell responded he thinks volume will be lower but the percentage of retail sales may be higher because the wholesale business is slower. He stated most of his retail business is based on referrals and does not think that will be affected.

Chairperson Wendt asked if any vehicles for retail sale will have prices painted on them or for sale signs displayed on the windshield or windows.

Mr. Murrell responded he would not but that there must be a Federal Buyers Guide displayed in the side window of cars for sale that are on the lot.

Commissioner Baker asked Mr. Murrell if his desire to be approved for retail sales is a precursor to him applying for a retail license that would permit him to act as a retailer eliminating the need to complete retail sales at the previously mentioned dealership in Flint. Mr. Murrell responded that is correct.

Commissioner Baker stated the 2007 sales show about five cars a month were sold as retail and asked Mr. Murrell if that is representative of the sales he would expect once he is licensed.

Mr. Murrell stated wholesale is his primary business and believes any cars he would retail that no one would know they were being retailed because the business would function the same. He keeps his cars neat and clean and those that are not are parked behind the building; the only cars that would be displayed for sale are cars that are in between when he buys them wholesale and is getting them ready to go to another dealer. He also stated he has not, and does not anticipate, buying cars to sit on the lot for sale.

Chairperson Wendt asked Mr. Murrell what he would do to attract clients, other than signage that is allowed by Township ordinance.

Mr. Murrell stated the building will say 'Broadway Auto' above the window and will be well within the parameters of the ordinance.

Chairperson Wendt asked Mr. Murrell if he intends to mark or advertise any of the vehicles on site. Mr. Murrell responded stated if the Board is asking him not to, he won't. He stated if the question hadn't been asked and he had a car sitting on the lot for a week or ten days, he probably would mark on the window, but stated he didn't have to.

Commissioner Vallad asked Mr. Murrell if an individual approached him with a car they would like to get rid of, would he buy the car and wholesale it to a dealer or retail it back to someone else.

Mr. Murrell responded he would. Commissioner Vallad asked if he thought that would affect the amount of retail sales. Mr. Murrell responded no and reiterated that he does

Zoning Board of Appeals Meeting – August 20, 2008

not want to do retail sales but he needs to have a retail license to be able to purchase a car from an individual and not a dealer.

Commissioner Vallad stated it has been indicated that some amount of reconditioning of the cars takes place and asked if that happens on site.

Mr. Murrell responded not much. He does not do any repair work. He has a couple of employees that drive for him, clean the cars, or work on the interiors. He does not do any work on the outside of cars, or any mechanical work.

Commissioner Baker stated yesterday there were two cars parked on the west side of the building and asked what volume of cars Mr. Murrell would anticipate being on the lot.

Mr. Murrell responded ten cars in stock would be a lot of cars in stock for him. He stated there are times there are more than that but he does not sit on inventory but sometimes there are title issues when dealing with out of state dealers and those cars have to stay on the lot until the title comes in. He also stated the more cars he has to move, the more drivers he brings which would mean more cars on the lot.

Commissioner Baker confirmed that those cars are there that employees are using and are not intended to be part of the inventory. Mr. Murrell responded that is correct.

Commissioner Vallad asked Mr. Murrell if he anticipates having to fence the yard. Mr. Murrell stated he has had couple of broken windows already, but he hopes not.

- **Board Member Vallad moved that the Zoning Board of Appeals finds that occasional retail auto sales is customarily incidental, and accessory to, a wholesale dealer auto business, which is an allowed use as an office use in C-1 zoning. Further, that the information presented this evening supports that the proposed Broadway Auto is consistent with the definition of occasional retail auto sales as accessory to a wholesale dealer auto business. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.**
- **Board Member Baker moved that the request for variance to waive the 50 foot front setback requirement from unimproved Jardine Street required by Section 25 of Zoning Ordinance No. 26 be approved due to the existing non-conformance; this variance does not increase the non-conformance nor does any other building in the Hamlet of Davisburg meet the same setback requirement. Also, a variance to waive the front greenbelt requirements from unimproved Jardine Street required by Section 16.06 of Ordinance 26 be granted due to the location of the structure and that the structure, when built, met applicable requirements and there are no changes to the building proposed. Further approve waiving the Site Plan review required by Section 18.07 of Ordinance 26 due to the fact there are no changes to the**

Zoning Board of Appeals Meeting – August 20, 2008

building, grading or any pertinent physical conditions of the site. Board Member Vallad supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.

Adjournment:

- Board Member Vallad moved to adjourn the meeting at 8:47 p.m. Board Member Baker supported the motion. Vote on the motion: Yes: Baker, Vallad, Wendt; No: none; Absent: Carlton, Whitley. The motion carried by a 3 to 0 vote.

Renee Wilson, Recording Secretary