

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
September 20, 2017

Call to Order: At the request of Chairperson Wendt, Vice-Chairperson Whitley called the September 20, 2017 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: Matt Underwood
 Denny Vallad
 Skip Wendt
 Bill Whitley

Absent: Dean Baker
 Ginny Fischbach

Also Present: Collin Walls, Supervisor

AGENDA:

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

PUBLIC COMMENT:

APPROVAL OF MINUTES:

Board member Wendt moved to approve the minutes of the August 16, 2017 meeting as amended, changing the heading date to August 16, 2017. Supported by Board member Underwood. Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.

OLD BUSINESS:

1. *Request from Mark Wiley, 10123 Graham Drive, Clarkston, 48348 for a variance to construct a garage resulting in a twenty (20) foot front setback rather than the fifty (50) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located at 10123 Graham Drive in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-278-022.

Mr. Wiley introduced himself to the Board. He stated that the garage is now 15 feet from the side property line instead of the 10 feet shown on the last drawing. He confirmed that

the front setback that is on the most recent drawing puts the garage at 30 foot front setback instead of 20 feet which he originally asked for.

Board member Whitley asked what the topography looked like prior to the drain being in place.

Mr. Wiley replied that there was a small creek that was normally dry that ran through the property.

Board member Whitley asked if there was a low spot where this creek ran through the property naturally and the drain follows the path of the original creek.

Mr. Wiley answered “yes.”

Board member Whitley asked if the drain wasn't there, would the surface topography make it difficult to place a building in that area.

Mr. Wiley answered “potentially.”

Board member Wendt asked if the side setback was now 15 feet.

Mr. Wiley answered yes.

Board member Wendt explained that the dimension of 15 feet for the well head distance and the distance of 15 feet for the side setback for the proposed garage are not congruent. The drawing is not to scale because there is contradiction in the drawing.

Board member Vallad stated that this is not a scaled drawing and he pointed out inconsistent measurements on the drawing. The Board still does not have a scaled drawing that works for him.

Mr. Wiley answered that he put the drawing on some drawing paper and had a draftsman from General Motors help him with it. He did not have an architect do it and he admits that it is not exact.

Board member Wendt stated that he understands what the applicant wants to do but wants to make sure that the evidence corresponds to the request.

Mr. Wiley stated that the biggest concern at the last meeting was the setback from Graham Drive. He contacted a well contractor and asked how far the well had to be from the garage and the contractor told him it could be two feet if he has enough room to back in with a pick-up truck. There is a gas line that runs along the south side of the house and he wanted to avoid this area. He adjusted the drawing based on the comments at the last meeting and to make it more acceptable to the Board members. He does not want to sacrifice the size of the garage. He will remove the barn from the property once the garage is built.

Board member Wendt stated that he does not have a problem with the request. He has a problem with numbers on paper that are not absolute and he reiterated the measurement of 15 feet that was not consistent.

Board member Whitley summarized that the southerly wall of the garage does not line up on the drawing with the location of the well and if they are both 15 feet off the lot line, they should be collinear.

Mr. Wiley stated that today he went out with a tape measure and he assured the Board members that the garage will be 15 feet from the southern lot line and 30 feet from Graham Drive.

Board member Whitley asked Board member Wendt if he was comfortable with that.

Board member Wendt replied yes. He wants to make sure that the drawing corresponds to what is being represented and what they are being asked to act on.

Board member Vallad stated that the Building Department would not issue a permit from the drawing submitted to the Board.

Board member Whitley stated that they could either table again for a more accurate drawing or they could define what they want in written form through the minutes and that would show the approved location.

Board members discussed the discrepancies in the drawing and possible motion that could be offered.

Supervisor Walls offered that part of the motion could be that Mr. Wiley must hire a surveyor and the building must be staked out to verify dimensions.

Board member Vallad asked how far the home is from the water.

Mr. Wiley replied that he does not know.

Board member Vallad asked if he had the 84 feet from Graham Drive to the front of the home. He pointed out missing measurements on the drawing.

Mr. Wiley summarized his method in preparing the drawing and he believes the measurements are fairly accurate.

Board member Vallad asked where the garage door will be located and if the applicant would have to drive over the pipe.

Mr. Wiley answered "yes."

Board member Wendt moved to Table this request in order to create an accurate drawing so that the Board can make a real decision on the applicant's request. Supported by Board member Vallad.

Board member Whitley stated that the Board needs a drawing that is dimensioned such that it accurately locates the house on the lot, accurately locates the well on the lot and where the lot sits relative to the house and the proposed garage and that accurately depicts the garage. He stated that the drawing that was submitted for this meeting only accurately depicts the proposed garage.

Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.

NEW BUSINESS:

1. *Request from Umbrella Holdings, 9690 Andersonville Road, Clarkston, 48348 for a variance to allow gravel parking instead of hard surface parking as required per Springfield Township Code of Ordinances, Chapter 40, Section 40-681.*

The property that is the subject of the request is located at 9690 Andersonville Road in Springfield Township and is zoned M-2 Heavy Industrial. P.I.#07-26-326-038.

Mr. Jim Scharl, Kieft Engineering, introduced himself to the Board members as representing Umbrella Holdings and Spartan Asphalt. He stated that they received Final Site Plan approval for Phase 1 of this development about a month ago subject to a handful of items submitted to the Township and the consideration of the Zoning Board for the hard surface requirement. The ultimate plan will have two additional buildings constructed and additional hard surface parking lots in the area of where this gravel parking lot is proposed. If they hard surfaced it now, it would have to be removed and replaced. The primary reason that they are requesting the variance is that this area is proposed to be used for parking and storage of "Flo-Boys." This is a specialized truck that is multi-tired which transports hot mixed asphalt to a construction site. These vehicles are long, have a lot of wheels and when they turn, they chew up the surface that they are riding on.

Board member Whitley asked if this is for a temporary variance.

Mr. Scharl replied the variance is needed until they are not parking vehicles there anymore and they come in with Phase II of this development and build the other two buildings.

Board member Whitley asked where would the Flo-Boy trucks park then.

Mr. Scharl replied that they would not be there; they will be moved to another location. Mr. Scharl showed the Board where Phase I and Phase II were on the property using the site plan.

Board member Whitley clarified that this is a variance for a temporary period of time.

Mr. Scharl answered "yes."

Board member Whitley asked what he estimated that temporary time period being.

Mr. Dan Fitzgerald, owner of Spartan Paving, replied “three years.”

Mr. Scharl identified the catch basin and its location.

Board members agreed that there should be a time limit offered in the motion.

Board member Vallad asked when the applicant proposed to move the trucks.

Mr. Scharl replied that they would have to be moved before beginning Phase II.

Mr. Fitzgerald stated that they are in the middle of developing a 22 acre site which would house the trucks. He would estimate the trucks being moved in 2 to 2 ½ years; he would estimate it to be closer to 3 years before the trucks are all moved off site.

Board member Vallad asked if there was space on the site for paved employee parking.

Mr. Scharl replied there is no room; when all the Phases are built, they will use up their allotment for parking.

Board member Vallad asked how many employees would be parking there.

Mr. Fitzgerald replied 22; these are the employee associated with the Flo-Boy trucks.

Mr. Scharl stated that the applicant’s office is now in the old MDOT building on Dixie Highway; there are no other employees that work on the site on a permanent basis besides the truck drivers.

Board member Vallad asked what the buildings would be used for.

Mr. Scharl replied rental buildings for contractors.

Board member Underwood asked if Phase II has been approved.

Mr. Scharl replied no, only Phase I.

Board member Wendt moved to waive the paved parking requirement, Springfield Township Code of Ordinances, Chapter 40, Section 40-681, for a period of up to three years after which the applicant must meet the ordinance requirements in order to continue business on the site. This is based on the size of the trucks and the damage that would be created by the churning of the wheels on a paved surface whether it be concrete or asphalt for the size and the weight of the vehicles that are used in the business that will be conducted at that business site at this time and any time after that the applicant must meet the Township Code of Ordinances in order to occupy and continue business. Supported by Board member Vallad.

Board member Whitley reviewed the five ordinance criteria that any variance must meet. He stated that this variance request meets these criteria.

Board member Vallad stated that there are three requirements in the ordinance that must be met in order for the paving to be met and he stated that he believes that they are met.

Board members agreed.

Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.

2. *Request from Terry Rusnell, 9857 Creekwood Trail, Davisburg, 48350 for a variance to construct a house resulting in an eight (8) foot front setback rather than the fifty (50) feet front setback required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.*

The property that is the subject of the request is located on King Road in Springfield Township and is zoned R-3 One Family Residential. P.I.#07-10-476-044.

Mr. Terry Rusnell introduced himself to the Board. He stated that the Road Commission has a right of way 25 feet from the center and there is an additional requirement from the Township for 50 feet from this. The current houses are only eight feet from the property line and that is what he is asking for. He wants to put the proposed house in line with the houses that are currently on the street. Per the Health Department, the proposed septic would need to be in the back of the house to meet the distance from the wells of houses adjacent. If he stayed with the 50 foot, it would be an unbuildable lot and the front of this house would be behind everyone else's house.

Board member Whitley asked if the 15 foot dimension on the drawing was to the edge of the road.

Mr. Rusnell confirmed yes and then an additional ten feet to the center. He stated that the property line is 25 feet from the center of the road and then the adjacent houses are another eight feet from that and that is what he is asking for.

Board member Vallad asked how large the house is.

Mr. Rusnell answered that it is 41 foot wide and from the back of the house to the front of the garage, it is 40 foot.

Board member Vallad asked if this was comparable to the houses on either side.

Mr. Rusnell replied yes. He stated that the house on the east side is large. The house that he is proposing is 1504 square feet.

Board member Wendt stated that the request is in harmony with the area and general setbacks which he noticed when he visited the site.

Ms. Mary Zettner, resident of King Road, stated that the back of the property touches her property and in the past, she has been informed when a variance was asked for that touches her property and she was not informed.

Mr. Rusnell stated that if he does not get the variance, the proposed house would be closer to her property. He offered to show her the prints.

Ms. Erin Mattice, Planning Administrator, confirmed that Ms. Mary Zettner, 10001 King Road, was mailed a formal notice.

Board member Whitley stated that the request tonight is for a variance from the ordinance requirements to make it buildable.

Ms. Merie Zettner, 10001 King Road, asked if Mr. Rusnell has purchased the property yet.

Mr. Rusnell answered no, he had not purchased it yet.

Board member Vallad stated that the lots were platted before the requirements that we have now and you could then build a house of reasonable size and meet all requirements. Requirements have changed since that time and we have developed a more stringent ordinance. It is a nonconforming lot of record. If you try to build a home on this lot and follow the ordinance requirements, you can't.

Board member Wendt stated that the lot is pre-existing nonconforming and he agreed with Board member Vallad.

Kathy Hammond, 10038 King Road, asked Mr. Rusnell if he was planning to live in the house or flip it.

Mr. Rusnell confirmed that it is an investment.

Board member Whitley stated that this is not an issue for the Board.

Phyllis Ward, 10119 King Road, neighbor, asked how many lots or plats are part of the request.

Board member Whitley replied that this is a single lot.

Mr. Rusnell explained his request in reference to the County's road right of way.

Board member Whitley stated that the lot was created before the current zoning ordinance was adopted. The current zoning ordinance would require a minimum lot size in R-3 of .5 acre and this lot is less than a quarter of an acre. When the setbacks are imposed, these are more restrictive than when this lot was created. This is true for every

other lot in this area and along King Road. None of those lots would comply with today's standards but they still exist. He added that the request is for the house to sit eight feet from the road right of way which would be 33 feet from the center line.

Board member Whitley summarized the five criteria of the zoning ordinance and how those criteria were met with this variance request and all Board members concluded that the five criteria are met.

Board member Wendt moved to grant the applicant's request based on the pre-existing nonconforming conditions that currently are found on the property and that the applicant has demonstrated that the home and the other dimensional details are in harmony with the basic pre-existing area in the community and along King Road. Supported by Board member Underwood. Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.

OTHER BUSINESS:

1. *Request for Interpretation – Location of Recreational Vehicle Sales and Service Business in C-2 General Business Zoning District*

Board members discussed the proposed location of a Recreational Sales and Service Facility and where it was appropriate to be located in the Township. This business category is currently not in the zoning ordinance so the Zoning Board of Appeals was asked to determine the zoning district where it would be most appropriate. Board members discussed the similarity between a Recreational Sales and Service Business and an automobile dealership for sales and service that is currently an allowed use in C-2. They discussed all the possible qualities of a recreational vehicles sales and service facility including hours, lighting, parking, storage, etc. They also discussed whether this type of facility should be allowed in C-2 as a permitted right or a Special Land Use. Board members also discussed the difference between the appropriateness in C-2 versus M-1 which would be the next zoning category and determined that M-1 would not be an appropriate district.

Board member Wendt moved that Recreational Vehicles Sales and Service Businesses should be allowed in C-2 General Business as permitted use under Special Land Use conditions. Supported by Board member Vallad. Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.

ADJOURNMENT:

Board member Vallad moved to adjourn the meeting at 9:06 pm. Supported by Board member Wendt. Vote yes: Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: Baker, Fischbach. Motion approved.