

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

Call to Order: Chairperson Whitley called the March 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:        Jim Carlton  
                             Matt Underwood  
                             Skip Wendt  
                             Bill Whitley

Absent:                 Denny Vallad  
                             Dean Baker

PUBLIC COMMENT:  
None

AGENDA:

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

APPROVAL OF MINUTES:

**Board member Wendt moved to approve the minutes of the February 20, 2019 meeting as presented. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Baker, Vallad. Motion approved.**

**OLD BUSINESS:**

**1. (TABLED ON NOVEMBER 18, 2018) Request from Trista Baker/Allen Industries, 28054 Center Oaks Ct., Wixom, MI 48393 for a variance to install building signage in the amount of three hundred thirty-nine (339) square feet rather than the one-hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-751.**

**The property that is the subject of the request is located at 8665 Dixie Highway in Springfield Township and is zoned C-2 General Business. P.I.#07-24-101-005.**

Dave Brink, Allen Industries, introduced himself and Bill Brown, Manager of General RV, to the Board members. He explained that he was still working on a sign proposal and requested that his request be tabled for another month to bring the final plan back to the Board for their review.

Board members discussed the postponement.

**Board member Wendt moved to Table the request from Trista Baker/ Allen Industries, 28054 Center Oaks Ct., Wixom, MI 48393 for one month only in order to allow the applicant to supply the Board with information so they can make a determination to its viability. Supported by Board member Carlton. Vote yes: Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Baker, Vallad. Motion approved.**

**NEW BUSINESS:**

**1. Request from Jim Miller, 9916 King Road, 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 Susin Lake of eighty (80) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639**

**b.) Distance from a principal structure to the high-water of Susin Lake of forty (40) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639**

**c.) Side setback of five (5) feet rather than the eight point two five (8.25) 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 9876 Dixie Highway in Springfield Township and is zoned R3 One Family Residential. P.I. #07-11-376-004.**

Chairperson Whitley commented that they received two letters in opposition to the request. One from Matthew Fields and one from Linda Stark and Bradley Abel. He requested that these letters will become part of the record.

Mr. Jim Miller introduced himself and his contractor, Carl Erznosnik, to the Board members. The variances that they are requesting are no more than what have been received by neighboring properties.

Mr. Erznosnik stated that this is a nonconforming lot of 60 feet at the road and 64 feet at the lake in an R3 zone. He commented that they received approval from the Oakland County Health Division and that letter was included in the Board packets. He stated that he placed the house where he did in order to get the septic field far enough away from the well. He commented that they are proposing moving the neighbor's well to the far left of his property to accommodate the placement of the new septic.

Chairperson Whitley asked why the septic tank is located where it is on the proposed plan.

Mr. Erznosnik replied that it was based on where the property perked. To get the field where it is, they had to move the house where it is proposed.

Chairperson Whitley asked if it did not perk to the more southernly direction.

Mr. Erznosnik replied no. Health Department was more comfortable with the field where it is proposed.

Board member Wendt asked if they could move the field closer to Dixie Highway.

Mr. Erznosnik replied the Road Commission did not want it any closer.

Board member Wendt asked why the septic tank couldn't be placed between the driveway and the field.

Mr. Erznosnik answered there was not room to put the tank there.

Board member Carlton asked if he could move the tank 90 degrees and move it south.

Mr. Erznosnik replied that yes, he could probably turn it long-ways and relocate it.

Chairperson Whitley asked what the conflicts were with placing the tank between the field and the driveway.

Mr. Erznosnik replied that tank must be a certain distance from the house. He stated in this area, there is a walkway and a front porch.

Board member Wendt asked why they couldn't put the tank in the south side of the field.

Mr. Erznosnik replied that according to Oakland County, he must show two reserve field areas in case the field would go bad and this area is part of the field. He cannot locate the tank in the reserve field. He doesn't want to put the tank under a concrete walkway. The proposed spot for the tank was determined by Oakland County. He redesigned the house many times to make this all work.

Chairperson Whitley asked what is preventing moving the house to the northerly side of the lot to reduce the side yard setback.

Mr. Erznosnik stated that he needs to maintain 10 feet from the septic tank.

Chairperson Whitley summarized that the applicant is constrained by the house staying 10 feet from the tank, so the house cannot move any further.

Mr. Erznosnik concurred. This was a County stipulation. The County wanted a 750 square foot field. He stated that the field is 100 feet away from the water, but the tank is not. It is 80 feet. The tank is up on the flat part of Dixie Highway.

Board member Wendt asked if they had researched an engineered field.

Mr. Erznosnik replied he did not because it would be \$40,000 to \$50,000.

Chairperson Whitley stated that typically when a septic system is less than 100 feet from the water, they have always been accompanied with a proposal to put in a higher technology treatment system of one sort or another and he doesn't see that as part of this proposal.

Mr. Erznosnik replied that the house is only going to be 1100 square feet.

Board member Wendt stated that they have seen this before regarding lake front property.

Chairperson Whitley stated that he understands the dimensional constraints, but he is concerned about a standard septic system at less than 100 feet without a higher-level treatment system.

Board member Wendt agreed.

Chairperson Whitley stated that the Board has not approved a septic system at less than the required 100 feet distance from a body of water without a higher level of technology, a pre-treatment or after treatment type of system.

Mr. Erznosnik stated that if he moved the tank somewhere, so it is 100 feet from the lake, is that enough.

Chairperson Whitley replied that if the tank and field were both 100 feet away from the lake, they would not require a variance and the Board approval would not be needed.

Mr. Miller asked about the other two variances.

Chairperson Whitley answered that this would take action from the Board that they haven't gotten to yet.

Board member Wendt replied that the Board has approved engineered septic systems on lakefront properties when the applicants provided evidence that the systems were viable, and the County approved them. The applicant hasn't done that in this case.

Chairperson Whitley commented that a design change to the septic system location might affect the location of the house and the dimensional variances requested. He suggested that they table all three requests and then deal with them together at a later meeting.

Mr. Erznosnik stated that he can go back to the drawing board regarding location.

Mr. Miller answered that he lives on a lake and he understands the concerns.

Mr. Erznosnik stated that he will look at placing an engineered field or look at moving the structures again.

**Board member Carlton moved to table the Jim Miller request for 9876 Dixie Highway until the April 2019 meeting per the discussion tonight with the septic setback currently of 80 feet in an effort to meet the 100 feet or look at engineered field or similar septic systems. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Baker, Vallad. Motion approved.**

**2. Request from Harding Leasing and Equipment Company, 4701 White Lake Road, Clarkston, 48346, for the following variances that, if approved, would allow a land division administratively of parcel #07-36-401-004 resulting in three parcels: Parcel A, 84.49 acres; Parcel B, 12.07 acres and Parcel C, 18.25 acres:**

**a.) Variance to allow four (4) parcels the right to utilize an existing access strip rather than one (1) parcel as per Springfield Township Code of Ordinances, Chapter 40, Section 40-642**

**b.) Variance for use of an access strip length of one thousand seven hundred eighty-five (1,785) feet rather than the six hundred sixty (660) feet required as per Springfield Township Code of Ordinances, Chapter 40, Section 40-642**

**c.) Variance for minimum frontage on a public road of a forty-eight (48) foot access strip instead of the one hundred twenty (120) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572**

**The property that is the subject of the request is located at 4701 Clawson Tank Drive in Springfield Township and is zoned M1 Light Industrial. P.I. #07-36-401-004.**

Mr. Chris Martella, attorney, introduced himself to the Board members as representing the applicant. Mr. Martella provided an electronic presentation explaining the request and the packet that he provided to the Board. He added that he has access agreements prepared for maintenance, snow removal, use, storage and cost sharing. These agreements are available to be reviewed by the Township Attorney.

Chairperson Whitley asked about Mr. Martella's discussion with the Road Commission.

Mr. Martella indicated that the Road Commission felt that since the access went through two townships, they didn't want to deal with it.

Mr. Martella answered that he was told by the Road Commission that the access road had been there a very long time, goes through two townships and it's a use and width issue. RCOC doesn't want any more roads dedicated.

Board member Wendt commented on the intersection of White Lake Road and Nelsey and he understands why the Road Commission would not want to add another access piece into that.

Chairperson Whitley stated that if they get this resolved in Springfield Township, is there an issue with Independence Township for the portion of the access strip that is in Independence.

Mr. Martella stated that when he spoke with Independence Township, they told him to get the lot split approved and if they have a problem with it, they will let him know. This road has been used since the 1960's and they haven't had a problem. The parties have an existing access and use agreements in place now. He referred to a parking lot that is currently used for employee parking and he pointed it out on the map as well as the truck traffic that is present on the driveway for Mouser.

Chairperson Whitley asked Supervisor Walls if they could get it resolved in Springfield and then run into a new obstacle with Independence Township.

Supervisor Walls responded that it is not likely.

Mr. Ronald Prapera, introduced himself to the Board. He stated that the obstacle they will have will be with the property owner along the access drive. He stated that he is the property owner along Clawson Tank's driveway. He stated that he has offered the property to make it a County spec road and the property owner turned him down. Mr. Prapera expressed his concerns with the proposed variance request. He stated that the first thing they should do is go with a County spec road.

Board member Wendt stated that he doesn't see that the existing use of the access strip would increase or be a problem. His main concern is Clawson Tank Drive entryway because there would probably be additional traffic through there.

Mr. Martella pointed out the access that Clawson Tank and National Container could not use because it is not wide enough for trucks. It is used for employees' cars.

Chairperson Whitley asked if there have been studies regarding improving the road that goes in front of the mower building so that this building could be served by Clawson Tank Drive rather than the access strip.

Mr. Martella replied no because they do not own it. His understanding was that when the building was built, site plan approval gave them access to the access road.

Chairperson Whitley commented that she doesn't know if there was room at the end to get trucks through and to the truck dock without using the access road.

Mr. Martella agreed that this would be a tight turn for a truck.

Chairperson Whitley asked if the applicant had considered the access road becoming a private road.

Mr. Martella stated that they have already deemed it to be that way with the easement agreements that they already have on file. It has been called a variable width access

easement. He stated that he can provide the access agreements to Greg Need for his review.

Chairperson Whitley stated that the Township currently does not allow private roads in this setting but if it ended up being a solution for the Springfield portion of it, what do they know about Independence Township establishing a private road for the portion that is in Independence Township.

Mr. Martella stated that he would have to go to Independence Township to find this out. Most townships are not keen on private roads and the creation of such may mean another variance. They are not asking for increased density or increased traffic flow at all.

Chairperson Whitley stated that the creation of a private road might be a solution. He commented on all the irregularities with this request.

Mr. Martella stated that if it is a private road, they still have the issue that several parcels are being accessed by this road.

Board members and Mr. Martella discussed the possibilities and issues with creating a private road and ownership of the neighboring property.

**Board member Wendt moved to table all items under the request from Harding Leasing to allow the applicant to get information from Independence Township in regards to whether they will or could allow this access strip to become a more appropriate width and further study the access road for a more appropriate road width for truck traffic. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Baker, Vallad. Motion approved.**

PUBLIC COMMENT:

None

ADJOURNMENT:

**Chairperson Whitley moved to adjourn the meeting at 8:49 pm. Supported by Board member Underwood. Vote yes: Carlton, Underwood, Wendt, Whitley. Vote no: None. Absent: Baker, Vallad. Motion approved.**

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Erin Mattice, Recording Secretary