

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
August 21, 2019

Call to Order: Chairperson Whitley was noted as absent. Jim Carlton served as alternate member and Board member Wendt acted as Chairperson in Chairperson Whitley's absence. Board member Wendt called the August 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: Dean Baker
 Jim Carlton
 Matt Underwood
 Denny Vallad
 Skip Wendt

Absent: Bill Whitley

PUBLIC COMMENT:
None

AGENDA:

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

APPROVAL OF MINUTES:

Board member Underwood moved to approve the minutes of the June 19, 2019 meeting as presented. Supported by Board member Vallad. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

OLD BUSINESS:

1. (Extension of following variance received on August 16, 2018): Request from Springfield Pointe, LLC, 4404 Woodward Avenue, Suite 300, Bloomfield Hills, MI 48302 for a variance to allow a twenty-five (25) foot greenbelt instead of the thirty-five (35) foot greenbelt required per Springfield Township Code of Ordinances, Chapter 40, Section 40-721(d)(3). Applicant will comply with Section 1.3 of the Dixie Highway Design Guidelines as a part of this request. Applicant is also asking for a variance to allow thirty-one (31) parking spaces instead of the twenty-four (24) parking spaces allowed in the front of the proposed building abutting a public right of way as per Springfield Township Code of Ordinances, Chapter 40, Section 40-596(e)(3). The property that is the subject of this request is located at 9741 Dixie Highway, P.I. #07-14-101-025, zoned C2 General Business in Springfield Township.

Board member Vallad asked if this was the same request as was granted on August 16, 2018.

Erin Mattice confirmed yes.

Board member Vallad moved to grant applicant's request for an extension of the variance as granted on August 16, 2018 for Parcel ID #07-14-101-025. Extension is effective this evening and will run for a time period of one year. Supported by Board member Carlton. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from Christopher Kemp, 5820 Morning Drive, Davisburg, 48350 for a variance to construct an accessory building with a rear setback of four (4) feet instead of the twenty-four feet, 6 inches (24.5 feet) allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932 - Setbacks for non-conforming lots. The property that is the subject of the request is located at 5820 Morning Drive in Springfield Township and is zoned R-2 One Family Residential. P.I. #07-28-401-006.

Mr. Christopher Kemp and Ms. Cheryl Kemp introduced themselves to the Board.

Ms. Kemp stated that they bought the property ten years ago for a retirement home. In order to live there, they need a place to store lawnmowers, etc. to keep their property neat and tidy and to have a place to park their cars. They do not have an accessory building right now.

Board member Wendt stated that this and other neighboring properties are preexisting, nonconforming lots and are under similar conditions. He does not think the request is out of order.

Board member Vallad asked about the size of the septic field. He is concerned that the septic field is too small.

Ms. Kemp stated that she contacted Oakland County Health Division to see if they had any type of mapping for the septic field and they do not because the property is so old. They had to hire a contractor to come out and find the field.

Mr. Kemp commented that this is why the garage placement is so far back so that it avoids the septic area.

Board member Wendt stated that several homes in the area have 45+ year old septic systems with no records about them. These homes were originally built as cottages that would only be occupied four months out of the year.

Board member Carlton indicated that a question is raised if something goes wrong with the septic system, what do you do, and he added that there appears to be room to add to the right.

Board member Vallad stated that there is enough room if the garage is located at the rear of the property. He has no objection to the proposal. The proposed garage will be in line with the other three or four along there and there isn't any room to put it anywhere else.

Board member Underwood asked if it was going to be a side entry garage.

Mr. Kemp replied no, it will be front entry.

Board member Underwood asked if they would be driving over the septic field in order to enter the new garage.

Ms. Kemp replied that they typically do not park both vehicles in the garage so there will be enough room to get one in the garage without driving over the septic field.

Board member Carlton stated that he does not see any issue with the placement of the new garage.

Board member Carlton moved to approve the request for a 4-foot setback instead of the 24.5 feet allowed at 5820 Morning Drive, Davisburg because this is a preexisting, nonconforming lot and there is a practical difficulty because of the size of the lot and the location of the septic tank. The variance is the minimum necessary for reasonable use. Supported by Board member Underwood. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

2. Request from Randall Solmen, 10575 Clark Road, Davisburg, 48350 for the following variance to split a 26.61 acre parcel into one 2.81 acre parcel and one 23.80 acre parcel resulting in a lot depth to width ration of 7.5:1 instead of the maximum ratio of 4:1 per Springfield Township Code of Ordinances, Chapter 40, Section 40-640 – Lot Depth to Width Ratio. The property that is the subject of the request is located at 10575 Clark Road in Springfield Township and is zoned R1-A One Family Residential. P.I. #07-22-126-006.

Mr. Randy Solmen and Ed Salter introduced themselves to the Board.

Mr. Salter explained the proposed parcel split using a large aerial photograph of the property.

Board member Carlton asked how they picked that shape for the smaller lot that is being created.

Mr. Salter explained that they designed it so that the area west of the pond would have accessibility to the property and the created parcel would have some water frontage.

Board member Vallad asked where the log home is located on the property.

Mr. Salter responded that there is an accessory building located on the property.

Board members determined that there are no residences on the property, only an older accessory building.

Supervisor Walls explained the Land Division Act provision and how he figured out the width to depth ratio that they are requesting.

Mr. Salter reiterated how they determined how the lot was proposed to be split.

Zona Sommers, 10730 Clark Road, stated that she was in support of this request.

Board member Baker moved to approve the request for a lot depth to width ratio of 7.5:1 instead of the maximum 4:1 per Springfield Township Code of Ordinances, Chapter 40, Section 40-640 – Lot Depth to Width Ratio, which allows the split of a 26.61 acre parcel in to one 2.81 acre parcel and one 23.8 acre parcel. This move is due to the unique topography of the site and also the presence of wetlands. This also allows a small segment of property that otherwise could not be accessed in any other way to be utilized and none of the special conditions on the property are the result of the applicant. Supported by Board member Carlton. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

3. Request from Michael Clemons, 11280 East Holly Road, Davisburg, 48350 for a variance to construct an accessory building with a front setback of twenty (20) feet instead of the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572. Also, request to temporarily allow accessory structure square footage in the amount of 2104 square feet instead of the 2001 square feet allowed as per Springfield Township Code of Ordinances, Chapter 40, Section 40-649. The property that is the subject of the request is located at 11280 East Holly Road in Springfield Township and is zoned R-2 One Family Residential. P.I. #07-04-276-026.

Board members confirmed that the applicant was not here because he had a family vacation and provided a note that was in the Board members' packets.

Board members determined that they had questions to ask the applicant about the request and it would be best to table this until the next meeting.

Board member Underwood moved to table Michael Clemons' request for seeking the front setback variance of 20 feet rather than 50 feet to the next meeting. Supported by Board member Vallad. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

4. Request from Joseph S. Novitsky, JSN Architecture, 3856 12 Mile Road, Berkley, 48072 for an interpretation of Springfield Township Code of Ordinances, Chapter 40, Division 10 to determine that it allows the applicant's indoor storage use, a determination of whether the use would be permitted as a Principal Use – Permitted (Section 40-423) or a Principal Use – Permitted Subject to Special Conditions (Section 40-424) in accordance with Springfield Township Code of Ordinances Section 40-63 (c)(2) Zoning Board of Appeals – Powers and Duties. The property that is the subject

of the request is 12850 Fountain Square in Springfield Township and is zoned OS Office Service. P.I. #07-17-301-013.

Mr. Joe Novitsky, Architect, and Mr. Charlie Cartaya, Park West Facilities, introduced themselves to the Board.

Mr. Novitsky provided an overview of the project. There is no where in the ordinance that this use exists. He stated that this is a low impact use and less intense than the spirit of the OS Office intended use. He believes that it meets the intent and spirit of the code. He described the project as a storage facility for pieces of art that are not hot sellers. Park West are sellers of art worldwide. The temperature and humidity must be perfect without deviation and this would be a perfect facility for this use. It is being used as Park West Foundation right now and once it is occupied, it will go back on the tax rolls. It is a long-term occupation and will be a perfect neighbor for the area.

Board member Baker provided a summary of the applicant's appearance in front of the Planning Commission on August 20, 2019. He summarized that the Planning Commission provided a unanimous recommendation to the Zoning Board of Appeals that the proposal as submitted by the applicant should be considered a Use by Right in the Office Service Zoning District because this use is not defined in any other district, the use proposed would be equal to or less intensive than other similarly permitted uses in an Office Service District. The Planning Commission examined the traffic generation and determined that the volume of traffic is less than other office uses. The time frame for business is 8 am to 5 pm which is a comparable time frame for office use. The Planning Commission determined that the activity going on would not be markedly different than what you would see in an office service district. He confirmed that site plan review still needs to take place.

Charlie Cartaya, Vice President of Operations for Park West, stated that their intentions are for long term storage. The initial two months would have daily deliveries but after that, they would expect one box truck of delivery each week. They would operate Monday through Friday from 8 am to 5 pm.

Board member Wendt asked if they were putting time and funding into property maintenance.

Mr. Novitsky replied yes.

Board member Vallad asked if there were any plans to make updates to the parking lot.

Mr. Novitsky stated that they are planning to fully landscape the site. They have a landscape architect that they have worked with before and that is who will do the landscape plan contingent on approval. There is no need for the parking lot but there is no need to remove it either. They are planning to make modifications for truck traffic.

Board member Carlton commented that this plan is a good match for the site.

Board member Baker stated that the applicant appeared before the Planning Commission on August 20, 2019 and agreement was reached that the use that is requested does not exist

in any other zoning district within the community, the Planning Commission made recommendation that the Zoning Board of Appeals would find that the use requested is a Principle Use Permitted in the Office Service District due to the particulars around this use specifically the traffic impact would be less than is presently expected in Office Service Use, the hours of operation would be similar and that the impact of this use would not be detrimental to existing uses and occupancies around this structure.

Board member Baker moved that the Zoning Board of Appeals approve for the applicant and this Office Service District, this use as a Principle Use Permitted in the Office Service District based upon the uses and limitations that the applicant presented to the Zoning Board of Appeals during this meeting. Supported by Board member Carlton. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

PUBLIC COMMENT:

None

ADJOURNMENT:

Board member Carlton moved to adjourn the meeting at 8:24 pm. Supported by Board member Underwood. Vote yes: Baker, Carlton, Underwood, Vallad, Wendt. Vote no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary