

Minutes of
ZONING BOARD OF APPEALS
REGULAR MEETING
January 18, 2023



Call to Order: Chairperson Baker called the January 18, 2023, Zoning Board of Appeals meeting to order at 7:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, Michigan, 48350.

In attendance: Dean Baker, Chairperson
Ryland Rusch, Board Member
Matt Underwood, Board Member
Bill Whitley, Board Member

Absent: Jim Carlton, Board Member

Staff Members Present:

Joan Rusch, Planning Administrator
Laura Moreau, Supervisor

Approval of Agenda:

Board Member Whitley moved to approve the agenda as submitted. Supported by Board Member Rusch. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Absent: Carlton. Motion approved.

Public Comment:

None

Approval of Minutes:

Board Member Rusch moved to approve the minutes of the December 21, 2022, Zoning Board of Appeals meeting as presented. Supported by Board Member Underwood. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Absent: Carlton. Motion approved.

New Business:

Request from Anthony Timpa, 976 E Ten Mile Rd, Hazel Park, MI 48030 for a variance to install a sign with:

A.) Road right-of-way setback of three feet and two and two fifth inches (3.2) instead of fifteen (15) feet allowed per Springfield Township Ordinances, Chapter 40, Section 40-751.

The property that is the subject of this request is located at 10816 Dixie Hwy, Davisburg, MI 48350, and is zoned C-1: Local Business District with a Parcel ID of 07-03-126-013.

Anthony Timpa explained that he would like to leave the current sign poles in place because of the location of the septic field. Moving the poles could compromise the septic field. He would cut the sign poles down and cap the tops of them.

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Chairperson Baker clarified that the intent is to leave the two poles in place. The proposed sign, which meets dimensional requirements, would then be placed on the poles.

Mr. Timpa stated that this was correct.

Board Member Whitley stated that a photo of the property was provided with a rough drawing of the location of the septic field. He asked if the applicant knew exactly where the septic field was located.

Mr. Timpa replied that he did not know the exact location of the septic field. He only knew the general vicinity of it.

Board Member Whitley stated that the Board was provided a rendering of the proposed sign. The sign appears to be 96 inches or 8 feet from the top of the sign piers. He asked if this was the intended height of the sign.

Mr. Timpa stated that this was the intended height, as the poles would be cut to meet the height requirement.

Board Member Whitley stated that the standard for measuring height is from the grade level as opposed to the top of the piers. The photo shows the sign would be 8 feet measured from the bottom of the poles, not from the grade. This would put the top of the sign at a height of ten feet.

Mr. Timpa stated that the sign face has been reduced in size to meet requirements, and it will show the full logo. In the future, a building sign in the shape of the logo may be put up. As of now there is no building sign.

Chairperson Baker stated that this case is different from cases usually brought up before the Board. The current sign already in place was there prior to the ordinance language that stated where signs need to be relevant to the road right of way. The placement of the sign is now nonconforming in its location and in its height. The Board has to be conscious of the Township Ordinance Chapter 12, Section 12-130, which mentions that alterations of nonconforming and abandoned or obsolete signs are prohibited. Neither the structure, shape, nor size of the sign can be altered. The applicant intends to make the sign smaller, and this would be a change to a nonconforming sign. The ordinance says this cannot be done. If the applicant wanted to place the proposed sign, as long as it met the dimensional requirements, on another location on the property, he could place a sign like that and not need a variance. The nonconforming sign ordinance is a non-zoning ordinance, so a variance cannot be granted for that. The sign can be removed, but not altered.

Supervisor Moreau clarified that interpreting the Chapter 12 ordinance is not what is in front of the ZBA tonight, because it is not a zoning ordinance. The board needs only to decide if the sign can have a 3-foot setback instead of the required 15-foot setback.

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Chairperson Baker asked the applicant if he had explored other areas for the sign placement. Chairperson Baker thought that placing the sign further back from the road might also help with safety.

Mr. Timpa commented that the proposed sign causes no obstruction for traffic on Dixie Highway and that the view is wide open. He stated that he has considered using just a single pole – the one closest to the building – and not using the other pole if that would be acceptable to the Board.

Chairperson Baker stated that the exact location of the septic is unknown. Cost is also not a factor that the Board uses to base their decision on.

Gerhard Bell, 17100 Detroit Ave., asked how the nonconforming sign got there. He wondered if the ordinance changed after the sign was put up.

Chairperson Baker stated that this was correct.

Mr. Bell inquired if the posts were grandfathered in.

Supervisor Moreau clarified that the applicant cannot maintain the sign as it is. The nonconforming sign provisions in Chapter 12 is a different situation. It is a non-zoning ordinance, and the grandfathering does not apply to a non-zoning ordinance. The Chapter 12 ordinance that was adopted states that if you change the use or the ownership of a property and there is a pre-existing, nonconforming sign remaining, that sign has to come up to conformity. The applicant is not allowed to maintain the sign exactly as it is. There was a change in ownership of the property and the nonconforming sign ordinance states that the sign cannot remain. She stated that, in this situation, the proposed compromise was to make the sign conforming in every other way, and to request a variance for the setback from the road right of way.

Chairperson Baker commented on the possibility of finding a way to move the existing sign farther from the road.

Board Member Whitley agreed with this comment. The septic field location drawn on the map is not accurate enough, and they don't know the exact location of the field. The applicant could put another pole in, but there is not enough information to determine where that could be placed regarding the septic. It is likely though, through more research, to discover that there is enough room to put another pole further in on the property.

Board Member Rusch stated that there are other alternate locations available that don't need a variance, like moving the sign farther to the north. The second post nearer the building still doesn't meet the 15-foot setback. There are other places for the sign that are not impacted by the septic that will still meet the sign setback.

Board Member Whitley commented that using the second pole only doesn't solve the setback issue.

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Mr. Timpa stated that if he has to move the sign, he will put in two new posts. He will suggest this to the owner. He will put the sign in an acceptable location and make it conform. He was hoping to leave the sign poles where they are to save his customer some money. He understands the points the Board has made regarding the sign location and respects the ordinance.

Board Member Whitley moved that the request for a variance for a sign setback of 3.2 feet from the road right of way located at 10816 Dixie Highway, Davisburg, 48350, be denied for several reasons. The first is that this would involve a change in structure to the sign, and per section 12-130 of Springfield Township Code of Ordinances this cannot be done, and according to the authority of the Zoning Board of Appeals, it does not have the ability to grant a variance on changing the structure of a sign. Further, there are other alternatives possible for locating the sign on the property that can meet the requirements of the zoning ordinance. Supported by Board Member Underwood. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Absent: Carlton. Motion approved.

Public Comment:

None

Adjournment:

Board Member Rusch moved to adjourn the meeting at 7:26 p.m. Supported by Board Member Whitley. Vote: Yes: Baker, Rusch, Underwood, Whitley. No: None. Absent: Carlton. Motion carried.

Joan Rusch, Recording Secretary