

**SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
February 17, 2021**

Call to Order: Chairperson Whitley called the February 17, 2021 Zoning Board of Appeals meeting to order at 7:30 pm VIA Video/Phone Conference.

In attendance: Dean Baker (remote, Hawaii)
 Jason Pliska (remote, Springfield Township)
 Matt Underwood (remote, Springfield Township)
 Bill Whitley (remote, Springfield Township)

Absent: Skip Wendt

AGENDA:

Board member Baker moved to proceed with the agenda as amended, adding New Business 2. "Acknowledgement of Receipt of Communication from Greg Need, Township Attorney". Supported by Board member Pliska. Roll Call Vote: Vote yes: Baker, Pliska, Underwood, Whitley. Vote no: None. Absent: Wendt. Motion approved.

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Board member Pliska moved to approve the minutes of the January 20, 2021 meeting as presented. Supported by Board member Underwood. Roll Call Vote: Vote yes: Baker, Pliska, Underwood, Whitley. Vote no: None. Absent: Wendt. Motion approved.

NEW BUSINESS:

1. Request from Springfield Realty, 2907 Orchard Lake Road, Keego Harbor, MI 48320 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. Applicant will comply with Section 1.3 of the Dixie Highway Design Guidelines as part of this request. Applicant is also asking for a variance to allow thirty (30) 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.

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.

Marsha Horning, Jeffrey Scott Architects, introduced herself to the Board. She summarized the variance request.

Chairperson Whitley suggested simplifying the request. He commented that the request was sent to the Township Attorney for review and he determined that this situation exists where there can be Zoning Ordinance requirements of a 35 foot setback and the allowance for a 25 foot setback within the Dixie Highway Design Guidelines if other criteria are met. It is the opinion of the Attorney that there is not a conflict in this case, the better course of action of the Board is to qualify this as an interpretation on meeting the intent of the Guidelines. The last time the parking request was before the Board, there was a requirement for the proportion of parking in front of a building; this portion of the ordinance was amended by the Township Board and the requirement was eliminated. It is the opinion of the Attorney that the Zoning Board look at this as an interpretation of the Zoning Ordinance and not as a variance request as was done last time.

Board member Baker stated that last time the variance was requested, it included parking for 31 spaces, and he asked for an explanation on going from 31 spaces to 30 spaces.

Ms. Horning stated that during site plan approval, they removed one of the parking spaces that was along the south property line.

Board member Baker moved that the request that has been made from Springfield Realty, 2907 Orchard Lake Road, Keego Harbor, MI, 48320, to allow a 25 foot greenbelt instead of a 35 foot greenbelt required by Springfield Township Code of Ordinances, Chapter 40, Section 40-721 and the request for a variance to allow 30 parking spaces instead of 24 spaces in front of the proposed building abutting a public right of way as per Springfield Township Code of Ordinances, Chapter 40, Section 40-596. The property subject to this request is located at 9741 Dixie Highway with Parcel #07-14-101-025 and is zoned C-2 General Business in Springfield Township is approved. This request meets the intent of Section 40-596 and the Dixie Highway Design Guidelines. The Dixie Highway Design Guidelines Fencing Detail, Section 1.3 indicates that if the applicant incorporates the proposed fencing details into the plan, which is the case here, that the option for a reduced greenbelt can be made available. As offered at the Zoning Board of Appeals last review of this request, this step on the part of the applicant would allow them to have that 25 foot greenbelt. The parking issue which no longer is a mandate of 40% gives the Board the opportunity within the Dixie Highway Overlay District to allow modifications and deviations from zoning provisions if they are nonconforming lot areas or have special dimensional requirements which this property has. It also allows

reasonable use of this site for this purpose. The request is allowed within the existing ordinances and within the Dixie Highway Design Guidelines and consequently no variance is needed by the applicant to proceed with this so a request for variance need not be made and thus consequently is denied. Supported by Board member Pliska. Roll Call Vote: Vote yes: Baker, Pliska, Underwood, Whitley. Vote no: None. Absent: Wendt. Motion approved.

2. Acknowledgement of Receipt of Communication from Greg Need, Township Attorney

Chairperson Whitley summarized the a communication from Greg Need that provided clarification on both comments made by Greg Need during the January 20, 2021 Training Session and opinions expressed by Greg Need relative to some of the material that was in the MTA article that was made part of the training session.

Chairperson Whitley moved that the communication memo of February 6, 2021 to Laura Moreau and Bill Whitley be made part of the official record of the January 20, 2021 Zoning Board of Appeals meeting. Supported by Board member Underwood. Roll Call Vote: Vote yes: Baker, Pliska, Underwood, Whitley. Vote no: None. Absent: Wendt. Motion approved.

PUBLIC COMMENT:

None

ADJOURNMENT:

Board member Underwood moved to adjourn the meeting at 7:58 pm. Supported by Board member Baker. Roll Call Vote: Vote yes: Baker, Pliska, Underwood, Whitley. Vote no: None. Absent: Wendt. Motion approved.

Erin Mattice, Recording Secretary