

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
August 15, 2018

Call to Order: Vice-Chairperson Whitley called the August 15, 2018 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: Bill Whitley
 Dean Baker
 Ginny Fischbach
 Skip Wendt
 Denny Vallad
 Matt Underwood

Absent: None

AGENDA:

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

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Board member Wendt moved to approve the minutes of the July 18, 2018 meeting as amended, correcting the vote for the motion on page 7. Supported by Board member Underwood. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

OLD BUSINESS:

1. *Request from Barkley Thomson, 9633 Susin Lane, Clarkston, 48348 to install a septic system located at a distance of seventy-five (75) feet to the high-water mark of Susin Lake instead of the one-hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639.*

The property that is the subject of the request is located at 9633 Susin Lane in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-11-377-006

Mr. Barkley Thomson introduced himself to the Board. He provided a site plan that he drew after consulting with the engineer, Mike Morris at Oakland County Health Division. Mr. Morris told him the septic field could be moved to 10 feet from the house structure and he did that. He identified that on the site plan and explained the 95 feet measurement

should be 85 feet. This was his error when drawing the site plan. He was able to get the field over boring number 3 and Mr. Morris felt that this was appropriate, and it would still be 10 feet from the side property line. Mr. Morris felt that this was the only movement that should happen, and this was the only space in the yard where it could be located.

Board member Whitley stated that at July's meeting they talked about the dimensions of the field and rotating it so that the short dimension was perpendicular to the line to the water to maximize the distance to the water line. He asked about reorientation of the field.

Mr. Thompson replied that the field could not be reoriented because the side yard of the property was not perking. They correctly located the field over the holes that were perking.

Board member Whitley asked what the dimensions are for the field.

Board member Underwood asked if Mr. Thompson could show them where the lot didn't perk.

Mr. Thompson replied that these dimensions and information are on the permit from Oakland County.

Board member Whitley replied that in the site plan provided, there is an indication that Boring #1 has 75.8 feet next to it. He asked if this boring was 75.8 feet from the water line.

Mr. Thompson replied yes. He stated on the permit it says that the field has to be 188 lineal feet of trench and the drainage bed has to be 1125 square feet. He did not do the math to provide these dimensions.

Board members discussed the size of the field and determined that it would be about 33-34 feet if it was square.

Board member Whitley asked if the field was square or rectangular.

Mr. Thompson replied it could be rectangle or square.

Board member Whitley replied that if it is square, it doesn't matter how it is oriented. If it is rectangular, then putting the shorter dimension perpendicular to the water line minimizes the variance request required.

Mr. Thompson replied that he is going by what is on the permit.

Board member Whitley asked the dimension from the water line to the back side of the house.

Mr. Thompson answered he does not know but is pretty sure it is about 130 feet.

Board member Whitley stated that this leaves a 25 feet line that is perpendicular to the water line which would make the other dimension 45 feet going across the narrowest dimension which is the most favorable orientation to maximize distance to the water. He asked if this was a passive energy system or a higher technology field; at the last meeting, Mr. Thompson indicated that there was a requirement for an effluent filter in the system.

Mr. Thompson replied yes, that is in the permit. It is a gravity system. He pointed out the email that was given to all the Board members.

Board member Whitley stated that if an effluent filter is a requirement of this system, that would be a step towards an advanced technology system.

Board member Baker pointed out the effluent filters required in the Health Department permit.

Board member Whitley concurred.

Board member Vallad stated that the Board has received what they asked for last month.

Board member Wendt commented that this is as close as they are going to get for this property without doing a totally engineered system.

Board member Baker stated that he appreciated the efforts of the applicant to extend the distance and he would be in support of this request.

Board member Vallad moved to approve a variance request from Barkley Thomson of 9633 Susin Lane, Clarkston, 48346 to install a septic system located at a distance of no less than eighty-five (85) feet from the high water mark of Susin Lake instead of the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639 as all conditions for County approval and a permit have been issued by the County, there is sufficient information to indicate that the septic system will operate properly including the special condition of the effluent filter and the limitations on the property as far as the location of the home and the narrow condition of the lot. Property that is the subject of the request located at 9633 Susin Lane, Springfield Township, zoned R-3 carries parcel number 07-11-377-006. Supported by Board member Underwood. Vote yes: Baker, Underwood, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Underwood left the Board table at 7:46 pm

Board member Fischbach joined the Board table at 7:47 pm

NEW BUSINESS:

1. *Request from Al Deeby Chrysler Dodge, 8700 Dixie Highway, Clarkston, MI 48348 for a variance to allow use of property adjacent to his dealership for vehicle display parking and an interpretation that the combined dealership property and adjacent properties be considered a zoning lot as defined in Springfield Township Code of Ordinances, Chapter 40, Section 40-2, Definitions.*

The properties that are the subject of the request are located at 8700 Dixie Highway, P.I.#07-24-126-007, zoned C2 General Business; part of 8600 Dixie Highway, P.I. #07-13-301-006, zoned C2 General Business/R1 One Family Residential and 8650 Dixie Highway, P.I. #07-24-126-003, zoned C2 General Business in Springfield Township.

Supervisor Walls stated that, as Zoning Official, he made the determination that the combined parcels were a single zoning lot after the application was submitted to the Board. He will be presenting the information relative to that decision. Although it is not required, he would like the Board of Appeals to concur with that determination so that it is a matter of public record. He introduced Al Deeby, Al Deeby Chrysler Dodge Jeep Ram, and Jim Scharl, Kieft Engineering.

Supervisor Walls stated that he made the determination that the three parcels that are the subject of this application are a single zoning lot as defined by the Springfield Township Code of Ordinances. The determination was made after both the Township Attorney and Township Planner indicated in a separate meeting that the Supervisor as Zoning Official could make this determination. After looking at the Code of Ordinances for standards for Zoning Official action, he found nothing. Similarly, he found no standards, process or information other than the definition of Lot, Zoning in the Ordinance that offers assistance. The areas of all three parcels use vehicle display parking and are zoned C-2. One of the Principle Permitted Uses is now defined as vehicle sales and service facilities. Lacking more specific assistance, he looked at the Definitions. The definition of Lot says, "a zoning lot." Zoning Lot means, a tract or parcel of land designated by its owner to be used as a unit under single ownership or control. Owner is defined in the General Provisions of the Ordinance, Chapter 1 which covers the entire Code of Ordinances, as applied to property to include almost every element of ownership or use that you could imagine. It means owner, joint owner, tenant in common, joint tenant, tenant by the entirety of the whole or tenant by part of such property. The property subject to the current request has been designated by its owner as defined by our ordinance as a unit under single control and meets the definition of zoning lot in his opinion. In 2014, the Zoning Board of Appeals allowed Al Deeby usage of two of the parcels owned by Bordines to be used for display of materials intended for sale. That decision was for the temporary use for up to three years. Discussion during that meeting indicates that the Bordines parking area or part of it was already being used by the dealership. Apparently, the previous Supervisor had granted permission for Mr. Deeby to use part of the Bordines parking area for his vehicles. He also granted the dealership use of what is now the gravel parking area, the area closest to the dealership itself to be used for parking but this was discontinued during the winter of 2011/2012. Supervisor Walls was contacted in the fall or late summer of 2011 seeking permission to continue to use the Bordines paved portion

of the parking. After reviewing the ordinance and contacting the Township Planner, who does not recall this contact, Supervisor Walls approved this request. This approval in his opinion until 2017 continued until he discovered that the 2014 Board of Appeals action and Notice of same included more than just Lot 3 on the drawing and the little bit of the next parcel west of the driveway for Bordines. The Board of Appeals action included all three parcel sidwell numbers which then indicated the time periods that the Board places on the action would have applied to those areas in question. At that point, the discussions with Mr. Deeby began in earnest with Mr. Deeby having conversations with Mr. Bordines about acquiring the property. That information is factual but not germane to his decision. The history he's given confirms that Mr. Bordine and Mr. Deeby are using the property as a single unit under single control. In 2012, Supervisor Walls used Special Events permitting provisions of the ordinance to issue permits generally monthly for the use of the small lot closest to the actual dealership. He is asking that the Board concur with his decision that the three parcels in question are a single zoning lot. His decision does not alter the restriction from the Zoning Board of Appeals 2014 discussion which was that the Bordines parcel will not be used for active customer use but rather sales people will go from the dealership over to the Bordines and the lot next door to pick up vehicles and then take it to the dealership. There is no walkway or hard surface connection between those areas, although it was offered by Mr. Deeby at the time. Supervisor Walls believes he has shown the reasoning that went into his decision and to the extent that the ordinance allows, support from the ordinance. There is very little to go on except for the definitions.

Board member Fischbach asked Supervisor Walls exactly what the new zoning lot is.

Supervisor Walls replied the standard Deeby dealership, the adjacent parcel that the Board of Appeals clearly dealt with in 2014 and the areas outlined on the drawing that have been used for parking on the Bordines lot.

Board member Fischbach stated that Supervisor Walls is saying that you can pick and choose funky shapes pieces, it does not have to be continuous.

Supervisor Walls stated that the areas that are being used for parking is all that is intended to be used for parking in the decision. He referred to the submitted drawing.

Mr. Scharl stated that those are the areas currently being used and agreed upon by both parties that can be used for vehicle display per the agreement between Mr. Deeby and Mr. Bordine. There are certain times of the year when Bordines has events and those areas are not available for vehicle display.

Board member Fischbach stated if this was made all one lot, what would stop the dealership from parking cars on the entire lot.

Mr. Scharl replied the agreement between the owners.

Board member Fischbach commented that the Township couldn't stop it if the agreement changed.

Supervisor Walls stated that they could if the concurrence specifically referenced the zoning lot sales display area on the drawing, Kieft Engineering, date 7/16/18. This drawing and the locations as shown on it for sales and display area then would specifically be a part of the record.

Board member Fischbach asked when you make them one zoning lot, what changes in how it is controlled.

Supervisor Walls answered that there is nothing in the ordinance that explains that.

Board member Fischbach stated that unless you specifically call out those sections, her issue is that it would put the whole Bordines nursery in with the same lot as Deeby and it is not the same usage to her which is required for a zoning lot.

Board member Whitley commented that it was just stated that should the Board concur and make part of that concurrence the stipulation that the areas designated on the drawing with the date of July 16, 2018, that makes it clear and takes away the vagueness.

Board member Fischbach commented that she is just trying to explain fully where her issue is because then usage is also a problem for her unless they specifically call out those areas. Storage of cars versus customer cars is different for her.

Board member Whitley replied this could also be addressed by a stipulation of concurrence should the Board choose to concur.

Board member Fischbach replied that it would be a variance to the definition.

Board member Whitley stated that there are two issues. One is the need for a variance and the other is not getting to the need for a variance. The Zoning Official who is the Supervisor has the authority to make this zoning decision and, in this case, Supervisor Walls has come to this opinion. Supervisor Walls has asked the Zoning Board of Appeals to confirm that opinion for the purpose of putting that opinion on the public record. If they confirm that opinion, then it is documented and they may put some stipulations to that confirmation which becomes the public record of action. If they do not confirm it, then they move to the need for a variance for the use that Al Deeby Dodge is asking for on the various pieces of property. A confirmation of the opinion eliminates the need for a variance because the Zoning Official has the authority to make such a decision.

Board member Baker asked if there was any implied end to this decision. His memory is that in August 2014 the Board approved this variance that was to last two years with the potential for a one-year extension. Right now, they are in August 2018 so when the Board has put stipulations on the timing, there is no guarantee of end. His thought is that there is no place in this request in which the Board can assert itself to declare an end date that would say to Deeby that the lot requirements that he has for storing vehicles have to be dealt with in a manner other than parking them in another business's property nearby that has customer obligations. He asked if Bordines parking requirements are challenged by this arrangement. He stated that he is disappointed that the Board is being asked to play this role to confirm something that he does not find desirable for the community. He feels

like the Township has gone to great lengths to launch a Dixie Highway Design Guidelines process; they worked so hard for on the General RV site across the road which at one time was purchased by Al Deeby but is no longer owned by them. The General RV dealership is going to be a focal point of the community and on the other side of the road they are going to have cars very close to the road right-of-way in perpetuity and he is disappointed in this whole prospect. If the authority rests with the Zoning Official, he does not object that it does, but he does not draw any pleasure in any confirmation that this is what the entryway to their community on Dixie Highway would look like for an unknown period.

Carol Mack, Treasurer of Springfield Pines Condo Association, stated that she is here representing her community. She brought another representative from Edge of Pines Condo Association. She has been speaking with residents near her as well as Clarkston near the I-75 interchange where there is more going on. She wrote a letter for the Board.

Board member acknowledged that they did receive a copy of the letter.

Ms. Mack summarized her letter. She has lived here since 1999 and she was delighted with the Dixie Highway Design Guidelines. Her concerns are related to safety. There is no natural buffer or aesthetic arrangement to the hundreds of parked cars on Bordines pavement. When you get off the expressway all you see are cars. The cars are close together and she sees this as an extremely dangerous situation. The volume of cars causes confusion which causes a safety hazard. She suggested that the map be color coded. Deeby already has a large area to park cars. The 2014 variance was temporary before he purchased the property across the street. If you put it in context, Bordines is one big parking lot that is seen with a very minor section for Bordines. There are cars along the school building and there will be RV's along the road once it is finished. They have a problem in context and timetable. She thinks a time limit is excellent. The overuse of property obliterates any view of any natural setting or natural vegetation for wildlife and it is detrimental to the human need to be surrounded by beauty, calm and nature. This is stated in the Design Guidelines as part of the plan. There is no greenbelt separating the unsightly view of cars and dilapidated buildings from the residents living behind the property. She walks all the condo area and they are being infringed upon by sound, movement, the sight of cars and no grass. Her condo has a greenbelt and what is going on across the street is affecting their property. The dealership should have to enhance the property that they own to maintain that sense of serenity. She asked what is the business justification for such a request; is it to store cars for other dealerships? Who is making money and how much? What is the benefit to the Township? The residents know what they are not getting out of it, but they are aware that they are dealing with growth. Property values are going to decline where she lives and Township image will decline because it does not comply with the plan for the Township and the business image will suffer. It is an extension of urban sprawl. She would like the Board to rethink the request for the variance because of the balance in protecting the natural setting, providing safe neighborhoods and encouraging viable and useful local businesses for our residents to enjoy. The use of the property existed before the Dixie Design Guidelines were established, the Guidelines show a strong community desire to prevent unsightly useless urban sprawl and with further investigation and care, a revised request can meet everyone's needs. They have the time, resources and caring participants in place to easily

make this happen. She stated that if they were to ask the Zoning Board to make this decision instead of just concurrence, this might give them more control over how this issue is dealt with. She sees no reason why the Guidelines can't be followed. A blind faith is not the way to go.

Judy Hensler, 10520 King Road and Township Trustee, stated that she disagreed with the Supervisor's opinion on this matter. She struggles to identify how this comes under single ownership or control when there are several people involved. She fears that they are setting precedence for others to follow. Mr. Deeby has had another variance that expired a year ago and nothing changed and she is concerned that there is no enforcement. If approved, she is concerned that he would be allowed to store the cars indefinitely on Bordines and any other adjacent properties. It is not in the best interest of the Township and Dixie Corridor. Just because it has been this way in the past does not make it right. She has spoken to residents that are unhappy about the cars parked along Dixie Highway and they think it should be corrected. After all the work on the Design Guidelines and Master Plan she cannot even believe that they are considering this. She urged the Board not to confirm the Supervisor's opinion and help to keep the Dixie Corridor what it was intended to be, a beautiful gateway to the Township.

Nancy Strole, 11990 Davisburg Road, stated that she has been involved in Springfield Township and she thinks the variance before the Board is a critical moment in the future of the Township. This is because what they are focusing on is the gateway to our community and it represents years of planning by the Planning Commission, Master Plan, Strategic Plan, the Overlay District and the Design Guidelines showing an amazing effort. What is being asked of the Board does not add up and it does not conform to all the efforts and planning. She is not sure why this is happening, but they are trying to put a square peg into a round hole. Based on all the planning that has gone on for this area to continue year after year to allow cars being parking all over. Bordines is a separate ownership and how they can say it is one is beyond her; it's not. Bordines controls it. She asked the Board to please understand the context under which this request is being made and the future of Springfield Township and the gateway to the community. The community and the people deserve better.

Laura Moreau, 9654 Westwood Circle, stated that the ordinance requires that the parcel or tract of land is under single ownership or control. She stated that the parcels are clearly not under one ownership and it is difficult to argue that it is under single control. If the Bordines business was vacant or it wasn't being operated as a retail business, it might be easier to argue that the vehicle storage was all under one control and contiguous to what is going on at the Deeby dealership. But considering that the number of vehicles and their location on the Bordines lot changes with the seasons, it is clear that the parking area is controlled by the Bordines business. It sounds like there is an agreement, but this tells them that Bordines is determining when and where the vehicles are going to be stored. Mr. Scharl mentioned tonight and in the August 20, 2014 minutes, that there are several times during the year when the paved Bordine parking lot is not able to be used because of various events and sales at the Bordines store. Doesn't this ring some alarm bells that Bordines is controlling and determining how that parking lot is being used? It is very hard for her to accept that Al Deeby is making the determination on where his cars will be at various times. The recent use indicates in her mind nothing other than the special

consideration that this business has been given for over 4 years. Looking back at the minutes, she saw again and again where Mr. Whitley was looking for a final solution two years ago. Motions were being made specifically leaving out the ability to have an administrative extension. Mr. Baker's motion said that after two years with no extension, he recommended that a site plan be presented at that point. Four years later and they do not appear to be any farther along. She appreciates Al Deeby and his business and was very excited when they had meetings with him regarding the Design Guidelines. She values the dealership in the community but suggested that they have run out of extensions. She rejects the idea that because the Township, through previous and current Supervisors, has allowed the use to occur means that it is valid and that it means redefining a zoning lot. She sincerely hopes that the Board does not support that. It is time that they put creativity into finding a way to store vehicles away from the gateway of the community. She hopes that there is a plan in the works. It is time to find a solution and not just allow what has not been working to continue.

Mr. Al Deeby stated that he is trying to compete in a very competitive market. He stated that they are not storing cars for anyone else. He wishes he didn't have so many vehicles, but it is the nature of the business. The dealers have less say. It is a difficult situation. When he bought the dealership 14 years ago, the previous dealer was selling 20 cars a month and he is selling 225-250 a month. At that time, the lot was adequate to handle the business but now it is inadequate currently. It was his dream to build a new dealership across the street, but the manufacturers stepped in and made it impossible. He is back to square one. He is again talking to Calvin Bordine regarding acquiring more property and he doesn't have a definite answer and there are challenges with that partnership that causes them to be slow-moving. He is optimistic that this will happen. He loves the community and he would never intentionally do something to offend anyone in it; he is trying to survive.

Board member Wendt asked if all the vehicles on site purchased by him.

Mr. Deeby replied yes.

Board member Whitley asked if there has been exploration of property behind Bordines and off the roadway.

Mr. Deeby replied yes. The conversations have been regarding primarily behind the dealership. The way the dealership was built was extremely to one side. He would like to acquire property to the south and behind the existing dealership. This is what he has been trying to do. His purchase of the property across the street came out of frustration at not being able to acquire property and expand the dealership but he did not know he would have such unreasonable demands from FCA. He was forced to sell the property and go back into negotiation with Mr. Bordine. He believes it is going to happen, but it is a matter of them working it out.

Board member Vallad asked about the definition for common ownership that included a list of several items that included tenant.

Supervisor agreed; the definition comes from Section 1 of the Code of Ordinances.

Board member Vallad concurred with Board member Baker. The disappointment each time going through this there is the expectation that the problem is going to be solved if he gets a little more time and it has not been solved. He agrees with others that they have put so much work into the gateway and they still have all these vehicles right on Dixie Highway that stay there. It is frustrating for people in the community. He finds Supervisor's determination compelling, but they are looking at documents and legal matters that are not presented in the proper light with some of the discussion. It is not as easy as a snap decision to make it whole again. He reiterated how long it has been. He noticed that at one point they waived a site plan and maybe it is time to review the current conditions. He doesn't know what the Bordines parking plan is but maybe they should look at the use when it was approved and now. Other dealerships have the same types of problems. He sees alternatives and site plan review could provide some information.

Board member Whitley asked at which point should a change of use or change in ownership trigger looking at the site plan review. This would address many of the concerns brought up tonight. He asked if it was indeed a change in use that would trigger site plan review and this process that this would require.

Board member Baker stated that site plan review is required when proposed uses or structures are recommended except for family dwellings. The change of use should have triggered the requirement for a site plan but because of the perceived short-term duration of this request and because it was not going to involve any structures, it was viewed as something that they could waive. The Township ordinances allow them to request a site plan to consider this use in a more formalized fashion. He does not view this proposal as in line with the ordinance and he does not accept the control ownership determination, therefore he does not want to put this applicant through the expense of preparing a site plan.

Board member Whitley asked if there were some solutions offered for a period before they went through site plan it would provide for business continuity for Mr. Deeby, a means to get to a solution, and a means to put the property through site plan to address many of the concerns. It might be a win-win in the long term.

Board member Fischbach asked if Mr. Whitley would support the zoning lot idea or is he talking about extending the variances.

Board member Whitley stated that he is throwing out ideas to come to a solution for all. It is clear Mr. Deeby is between a rock and a hard place and it appears that he is trying. There are a few factors that need to be balanced as opposed to it being one-sided.

Board member Baker stated that it is their role to consider the business owners but also the residents. For the last four years, they have done a lot to create time to allow the business to address this challenge, but it is the business owner's responsibility to deal with that problem, not the Zoning Board to accommodate so that there is more time for this to continue. There are two properties that have been sought out, this can't be the only properties where cars can be parked. It has been four years and he does not want the

residents to accept that this can go on now in perpetuity. The applicant is in the position to take the charge on this.

Board member Vallad stated that it began in 2011 so it is seven years.

Board member Whitley stated that if they have reached the end date, what date should they use. Should it be now or should they give Mr. Deeby time to find a solution within a time frame.

Board member Baker stated that when the approval was given in August 2014 with one-year extension, he did not think that they needed to put in the motion, "and we mean it." Mr. Whitley's words during that meeting were this must be the end. The parking of the vehicles on the Bordines parking lot expired last August but the Board's words and actions have been viewed as guidance instead of requirement.

Board member Whitley stated that Mr. Deeby has made an effort, but nothing has been successful. He thinks there has to be an end to it but it doesn't seem right to say it is the end of this month. There needs to be some balance to the way that he has invested in this community as well.

Ms. Carol Mack stated that business is business. The Township is a business and they have needs. She reiterated her opposition to the request.

Board member Whitley asked for action on the confirmation of the Supervisor's determination.

Board member Baker asked if there was another element

Board member Whitley stated that the other element is a variance for an extension to continue the use. The Zoning Official has rendered an opinion that if the opinion is correct, would make a variance unnecessary. He is not clear that if the Board does not concur with the opinion, does it over turn that opinion?

Supervisor Walls replied he was not prepared for the question. His assumption would be that if the Board does not concur with his opinion, then it was either incorrect, improperly or insufficiently determined to support it. In either case, it would no longer be valid.

Board member Whitley asked about tabling it and asking the attorney's opinion of this before deeming the action final. Other decisions by the Board regarding the Supervisor's opinion in the past would either confirm or over turn. He would like to see the attorney's opinion on this.

Board member Baker stated that the Board is being asked their viewpoint on whether they confirm the opinion of Supervisor Walls as Zoning Official. If this is not confirmed, he did not see another variance request in the notice. He thinks that is the only element of business on this topic.

Board member Whitley replied there are two elements and he read the notice.

Board member Baker moved to reject the interpretation that has been offered that the identified parcels comprise one zoning lot due to the inability to effectively confirm that this zoning lot is under single ownership or control, these parcels are not used jointly as a unit, that it does meet the Dixie Highway Design Guidelines and it is not in keeping with the Dixie Highway Overlay and other documents that have been produced by the Township relative to those gateway properties. Supported by Board member Fischbach.

Board member Vallad stated that he will not be supporting the motion because he believes there is sufficient definition on control or ownership indicated by Supervisor Walls in Chapter 1, Code of Ordinances.

Board member Whitley stated that there is sufficiency in the opinion.

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

Board member Fischbach asked for an explanation on how it is a single use. There are two totally different businesses.

Board member Whitley asked Supervisor Walls how the conclusion was reached that it is a single zoning lot.

Supervisor Walls replied it was not the entire parcel, it was those highlighted areas on the map. The conclusion was made that it is a single zoning lot based upon the sections outlined the use is consistent across the three parcels for those areas. They are currently being used exclusively and primarily for sales display.

Board member Whitley stated that the parcels used by Mr. Deeby are under lease or rent.

Mr. Deeby concurred.

Board member Fischbach asked what is in the single zoning lot.

Supervisor Walls pointed out the areas that are considered to be a single zoning lot that are outlined on the drawing.

Board member Fischbach replied that now she has a problem with usage.

Supervisor Walls stated in his opinion the primary use of those areas is for vehicle display and for sales purposes.

Board member Fischbach stated that she understands the three parcels but when you throw the dealership in there too, she struggles. There is a whole building there.

Supervisor Walls stated that it is the dealership that is the dealership and the additional areas all of which are zoning lot because the use is for sales and display.

Board member Fischbach commented except for times during the year when they are Bordines use.

Supervisor Walls answered yes.

Mr. Deeby stated that there are two months that Bordines does 75% of their business and during this time, they only park on Lot 3.

Board member Fischbach asked where he puts the cars during these two months.

Mr. Deeby replied wherever they can and he explained the timing of inventory.

Board member Whitley asked if those periods of time are in the lease agreement.

Mr. Deeby replied yes. He outlined another time that they evacuate the area in the middle which is Christmas tree sales and another time for annual wine tasting event.

Ms. Moreau added that Chapter 1 definition for owner that was referenced is not in the Zoning Chapter. Zoning definitions are found in Section 40-2. This definition of owner is varied but it adds at the end, with regard to special assessments.

Board member Fischbach asked if the Board supports this, can they put a time limit on it. She doesn't want it in perpetuity.

Board member Whitley replied that he thinks no, but the Township still retains the control of whether that opinion prevails because that opinion is made by the Zoning Official. He doesn't think they can say they agree with this opinion only for a certain period of time, they either confirm it or not confirm it.

Supervisor Walls answered he does not know. This is the first time that he has dealt with zoning lot issue as an administrative decision.

Board member Fischbach asked if the Township attorney agreed that they could do pieces of the lot like that which are not contiguous.

Supervisor Walls stated that the Township attorney was under the opinion that as Zoning Official, he had the ability to make that determination. There was no further discussion with Township attorney.

Board member Fischbach looked up zoning lot and she didn't see one example where they were not contiguous.

Board member Whitley suggested that there be offered a motion to table for the Township attorney opinion on what constitutes a zoning lot based on questions tonight because whether they are right or wrong, he would like a legal opinion. He suggested that they get guidance.

Supervisor Walls suggested that they consider all of the “what ifs” as well and get opinions on those.

Board member Wendt moved to table this item pending clarification from the Township Attorney on the many questions that have been raised in the last two hours of discussion. Supported by Board member Whitley.

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

Board member Whitley stated that the item is tabled, presumably until next month.

2. 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 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.

Mr. Charlie Laurencelle, Laurencelle Properties, introduced himself to the Board. He introduced Marsha Horning, Architect, to the Board members. He stated that the project is about 5000 square feet and he outlined the variance request.

Ms. Horning stated that this is the out lot to the current Kroger building on Dixie Highway and is currently vacant. The parcel is an oddly shaped parallelogram. They wanted to embrace the Dixie Design Guidelines that were set forth and adapt the property to a commercial restaurant use. Ease of traffic flow and safety are their primary concerns. They looked at several ways to lay out the site and to get the adequate amount of parking and appropriate traffic flow. She outlined the site plan provided to the Board members. The applicant is asking for the setbacks to meet the Design Guidelines and meeting the greenbelt and fence requirements that are in the guidelines. The parking in the rear presents challenges especially with the drive-through because pedestrians have to traverse across the drive-through lane so they are trying to put as many places close to the building along Dixie Highway as they can. The building was placed perpendicular to Dixie Highway which had the result of far less parking and she could not meet the parking requirements. She spoke to Mr. Laurencelle about possible businesses for this site and she took that in consideration when planning the site. She showed the elevation drawings to the Board. She stated that they tried to incorporate the Design Guidelines through bringing in the craftsman style and some of the prairie style design elements and adapt them to a commercial setting. They also tried to minimize the vehicular conflicts and she explains the pedestrian connectivity provided in the plan.

Board member Whitley asked if they meet the 35-foot greenbelt, what imposition occurs?

Ms. Horning replied that they are now at 58 feet deep for the buildings. Typical retail buildings that are leasing are 60 feet, so they are on the border of being leasable. They are compromising and giving them wider frontage, but shallower buildings. If the 35 foot was met, the buildings would be even shallower.

Board member Vallad asked if the sidewalk is shown where it currently is located.

Ms. Horning replied that it lines up on the south side and they are bringing it in as shown by the dashed line on the plan. Right now it runs straight, they are proposing meandering the sidewalk.

Mr. Laurencelle commented that he met with Township planning staff several times to discuss site issues.

Board member Baker asked if the sidewalk lines up on the north end.

Ms. Horning replied yes.

Board member Baker commented that the intent was to take advantage of what the Dixie Design Guidelines offers and request a variance in the setback by incorporating features such as fence details, lighting and enhanced landscaping.

Ms. Horning concurred. She showed the landscape plan which emphasized the enhanced plantings. The intent is to use the decorative lighting fixtures shown in the Design Guidelines.

Board member Vallad asked about the light poles on the back of the property. He asked if it was the intent to change those out.

Mr. Laurencelle replied only if it is on their property.

Board member Whitley asked Board member Baker if all the other requirements are met.

Board member Baker replied that they are looking for a variance for the front setback. The applicant is encouraged to come to the Board with requests in the Design Guidelines and they are honoring that process. There has not been a site plan submitted yet. The requests being asked for are critical elements so they came to this Board first before site plan submission.

Board member Vallad asked how far it is from the lot line to the edge of the pavement in the front.

Ms. Horning replied 32 feet.

Board member Vallad commented that it is well thought out and variances are going to be needed on this particular site.

Board member Baker moved to grant the request of Springfield Pointe, LLC relevant to the property identification number U-07-14-101-025 to allow for a twenty-five (25) foot greenbelt instead of the thirty-five (35) foot required per Springfield Township Code of Ordinances, Chapter 40, Section 40-721, based on the applicant's adherence to the Dixie Highway Design Guidelines and incorporation of design elements in that guidance. Supported by Board member Wendt. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Baker moved to grant the request of Springfield Pointe, LLC relevant to property identification number U-07-14-101-025 to allow a variance allowing 31 parking spaces instead of 24 parking spaces as is allowed in the front of the proposed buildings abutting a public right of way per Springfield Township Code of Ordinances, Chapter 40, Section 40-596 based on the lot limitations, the limited opportunities for parking in the rear on this parcel and attempts to facilitate safety of pedestrian traffic on this site. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

ADJOURNMENT:

Board member Wendt moved to adjourn the meeting at 9:51 pm. Supported by Board member Whitley. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary