

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
REGULAR MEETING
December 19, 2018

Call to Order: Chairperson Wendt called the December 19, 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: Dean Baker
 Bill Whitley
 Ginny Fischbach
 Denny Vallad
 Skip Wendt

Absent:

AGENDA:

Board members agreed to proceed with amended agenda dated 12/19/2018.

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Board member Whitley moved to approve the minutes of the November 14, 2018 meeting as presented. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Whitley. Vote no: None. Absent: None. Abstain: Wendt. Motion approved.

OLD BUSINESS:

1. 2019 Meeting Dates and Election of Officers

Board member Whitley moved to approve the 2019 Meeting Dates as presented. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Wendt moved to appoint Bill Whitley as Chairperson for 2019. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Whitley moved to appoint Skip Wendt as Vice-Chairperson for 2019. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from Al Deeby Chrysler Dodge, 8700 Dixie Highway, Clarkston, 48348 for a variance to allow use of a portion of property adjacent to the Al Deeby Chrysler Dodge dealership for vehicle display parking. The property that is the subject of the request is a portion of property located at 8600 Dixie Highway, P.I. #07-13-301-006, zoned C2 General Business in Springfield Township.

Jim Scharl and Al Deeby introduced themselves to the Board.

Mr. Scharl stated that at a previous meeting, the ZBA approved the use of Areas 2, 3 and 4 for sales and display use. Area 1, which is behind Bordine's, was mistakenly labeled as storage and since it was not part of the original application, it could not be considered at that meeting. Since that time, Area 1 is now labeled as Vehicle Display in accordance with the same use for the three areas in front of Bordines and these plans were submitted to the Township along with a letter from Mr. Deeby describing the purpose for this additional area. They are asking for consideration of Display Area 1 which is unseen by motorists.

Board member Fischbach asked if Mr. Deeby takes customers to Area 1.

Mr. Deeby replied no; he doesn't take customers anywhere, not even on the main lot. In his business, the automobile is brought to the customer. All areas are used the same way.

Board member Baker stated that the area across Dixie Highway is designated as storage. The three areas that were presented to the Board at the prior meeting are labeled sales display. He asked for the difference between an area for storage and an area for sales display.

Mr. Deeby replied it is all used the same. He does not have surplus inventory.

Board member Baker commented on minutes of the August 2014 ZBA meeting. He provided a brief history of Mr. Deeby's temporary permit acquisition. In the minutes, it was described not as a sales lot, but strictly an inventory and storage lot and Mr. Deeby was working on creating something more permanent including trying to secure property near the Holly Greens Industrial Park. He asked if Mr. Deeby acquired property on Enterprise Drive.

Mr. Deeby replied he bought property on Enterprise Drive.

Mr. Scharl replied this has been brought up multiple times and Mr. Deeby indicated in prior meetings that he owned a parcel on Enterprise Drive. This property was for storage but time requirements to bring vehicles from that property to the dealership does not function well.

Board member Baker stated that it is not preferred.

Mr. Deeby stated that this arrangement does not allow him to compete with other dealerships and others that have more property. He did try utilizing this property on Enterprise Drive and it was a disaster and it was abandoned.

Board member Baker commented that Area 1 has vehicles parked there right now without any approval from the Township.

Mr. Scharl replied yes.

Board member Baker stated that he visited Area 1 and counted 56 vehicles and then he drove out to the Enterprise lot and counted one vehicle.

Mr. Deeby stated that prior to about four months ago, he didn't realize how these things work. He stated he wanted to understand how it works so he started getting involved. When he first started to use Area 1, it was not with any sort of disrespect, he simply asked Mr. Bordine if they could park in the back and Mr. Bordine said yes. He explained the fluctuations in the inventory required. This situation will resolve itself at some point when he is able to purchase property from the Bordine family.

Board member Baker stated that the Board must only grant variances which are the minimum necessary to accommodate and recognize any limitations. He sees parking vehicles at the Enterprise Drive lot as an inconvenience but still possible to manage. Those dealerships that are limited in parking spaces are having to park their vehicles at an off-site location. Mr. Deeby has one three miles up Dixie Highway and he has already been approved for three areas in the front of the Bordine property. Also, Mr. Deeby is utilizing property across Dixie Highway for vehicles. From his viewpoint, they would be moving beyond the minimum variance by approving additional locations on the Bordine property. The applicant has not come close to exhausting the parking availability at the Enterprise site. He is not in favor of granting this variance.

Board member Whitley stated that he is aware of the Enterprise site and the applicant described how it does not work in the sales process of the dealership. The proposed use of the requested property is consistent with the other three that were approved in October. There were objections and concerns about those lots along Dixie Highway, this property does not have these aspects and was discovered by a Board member prior to a past meeting. He doesn't see the benefit of having a discussion of all the items that they had discussion about in October and August prior to that. This is a consistent use with the other three lots and all the reasons for using it are the same.

Board member Fischbach asked when and where does this stop. She believes that Mr. Deeby is earnest and wants to buy the property, but it has been something like seven years and she doesn't know if they can count on the other party to come to the table.

Board member Whitley commented that the Board addressed the when issue in the motion provided in October. A two-year time frame with a one-year possible extension was given. He stated that the question about how large it can get can be handled in a motion tonight.

Chairperson Wendt asked for any public comment.

Kari Mattinson, 10074 Boulder Pass, asked for clarification of where the property is. She commented that no one driving down Dixie Highway was going to see these cars and asked what the big deal is. This is space that is available for parking.

Board member Whitley moved that the request for a variance to approve parking on the area described as Area 1 on the Kieft Engineering drawing dated October 1, 2018 and revised October 23, 2018 be approved for uses sales and display area subject to other considerations and restrictions that were included in the motion which was approved at the October 17, 2018 Zoning Board of Appeals meeting on similar leased lots on the Bordines' Property. Supported by Board member Vallad. Vote yes: Vallad, Wendt, Whitley. Vote no: Baker, Fischbach. Absent: None. Motion approved.

2. Request from Robert Litwin, 10179 Graham Drive, Davisburg, 48350 to construct a septic system resulting in the distance from a septic system to the high-water mark of Dixie Lake of seventy-one (71) feet rather than 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 10179 Graham Drive in Springfield Township and is zoned R3 One family residential. P.I. #07-10-278-004.

Mr. Robert Litwin introduced himself to the Board. The system that was on the property is failing. There was a maple tree where the existing field was located, and this was the culprit. Both trees close to the field were taken down so it doesn't happen again. Plans for the system were submitted to Oakland County where it was denied because of the variance needed against the 100 feet required. He has seen the plans from Powell Engineering.

Chairperson Wendt asked if the system could be turned 90 degrees to give more distance from the field to the water.

Mr. Litwin replied he does not have the answer for that. The engineer would have the answer for that.

Board member Whitley asked when he is planning on installing the new field.

Mr. Litwin replied as soon as possible.

Board member Whitley asked if he has obtained a permit from Oakland County Health Department.

Mr. Litwin replied no.

Board member Whitley replied he has the same question as Board member Wendt. The field is 39' by 29' with the long dimension being towards the lake. There appears to be enough side yard setback to accommodate the field if it was rotated by 90 degrees. This

would put the 29' dimension towards the lake and reduce the variance required by 10 feet and put the field further from the lake.

Board member Fischbach asked if there was any type of pretreatment or filter.

Board member Whitley commented that this system includes a second 1000 gallon tank which is twice the requirement and a biofilter solid filter. It also includes pressurized dosing and raised bed.

Board member Fischbach commented that she was curious as to how much better each of these items affect the system.

Mr. Litwin replied that the way it was explained to him is that with dual tanks, it provides an extra security.

Board member Fischbach commented that she would hope Powell Engineering would be able to provide details on how much cleaner the effluent would be with extra features of this system. She stated that as they encroach on the 100 feet she would like mitigating factors. It sounds like there is, but she doesn't know enough about them to be able to make sure that they are effective.

Board member Vallad stated that the field failed because of the tree roots that are no longer there. This is a mitigating factor as well as raising the bed.

Board member Fischbach replied it helps but it does not get them to the 100 feet. She understands that it will be better than what it was. The Board should be consistent in what they are requiring of citizens for all lakes regarding mitigating items required.

Chairperson Wendt stated that they try to stay as consistent as possible. There are a wide variety of systems and there is no one system that will fit all properties around all lakes. When he takes into consideration what was there when the home was originally built, this new system has component parts that are dramatically different than the original. There is an improvement as far as how the sewage is taken care of before it leeches to the lake.

Board member Whitley moved to approve a distance of 81 feet, instead of the 71 feet that was requested, which would necessitate rotating the field 90 degrees given that the additional upgrades to a traditional septic system have already been included in the design which include the additional 1000 gallon tank, biofilter, pressure dosing and the raising of the bed and that, if Oakland County or Powell Engineering can present data that says that the movement of the field is not possible, the Board would reconsider when that data is presented to the Board. Supported by Board member Underwood. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

3. *Request from Kyle and Krista Walker, 5942 Long Point Drive, 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 Big Lake of seventy-one (71) feet rather than the one hundred (100) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-639

b.) Maintain existing side setback of four (4) feet rather than the thirteen (13) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-932, Setbacks for Nonconforming Lots

c.) Maintain existing front setback of one point six (1.6) feet rather than the thirty-five (35) 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 5942 Long Point Drive in Springfield Township and is zoned R2 One Family Residential. P.I. #07-28-251-036.

Chairperson Wendt commented that he was Chairman of Big Lake Board and a neighbor of the applicant and he asked the Board members if anyone wanted him to recuse himself.

Board members agreed that Chairperson Wendt should participate.

Mr. Kyle Walker and Mrs. Krista Walker introduced themselves to the Board.

Ms. Walker stated that the new septic request and the maintenance of setbacks is due to construction of a new home which would have an increased number of bedrooms. This is the reason for the new septic. The current field shows no signs of failure but with an increase of one bedroom, they would need a larger field.

Chairperson Wendt asked if any part of the garage is going to be kept.

Mr. Walker stated that the existing detached garage will be expanded. There are no plans to tear down the existing detached garage. They will make it deeper and add a garage bay. Instead of having a front entry, it will be changed to a side entry. He stated that they are in compliance with allowed accessory square footage.

Chairperson Wendt asked if the applicant has had discussions with Oakland County Health Division relative to the sanitary system proposed.

Mr. Walker replied yes; Mike Morris was the sanitarian that came out to do the perc tests. The soil conditions are favorable but because of the elevations and the size of the field, Mr. Morris denied the permit request. The applicant was referred to Dave Wardin at Kieft Engineering. Mr. Wardin has been working on the proposed system and he is aware of the lake setbacks needed per the Township.

Board member Whitley stated that the septic field is set up with the long dimension towards the lake and he wondered if the field couldn't be rotated 90 degrees which would reduce the variance required by nine feet.

Mr. Walker replied that there were a couple of things that they did to try and minimize the distance from the lake. They could not rotate it because they are trying to maintain

this large hickory tree that is on the drawing. Mr. Wardin indicated that he wanted to keep the field out of the drip line of the tree which has to do with keeping the field away from the roots of the tree. Also, they intent to have a walkout so they did not want to have the field across the width of the property.

Board member Fischbach asked for an explanation on how the walkout creates this issue.

Mr. Walker stated that if the field were to be rotated, they would essentially be blocking off the whole walkout. The darker area shown on the plan around the field is a retaining block system to create the elevation necessary to keep the field above the high-water mark.

Mrs. Walker stated that this elevation would block them from being able to have a walkout.

Mr. Walker replied the height of the wall on the lake side is 4 feet and it would be 3-4 feet towards the walkout. The Eljen system will reduce the field size by about 30-38% using this system as pre-treatment and works to keep the system as far as possible from the lake.

Chairperson Wendt stated that the existing lake level is 116.4 feet. Raising the field above where it is right now would be a benefit.

Board member Baker asked if Chairperson Wendt meant above the existing field or raising above where they are proposing it being place.

Chairperson Wendt replied raising it above the existing level of the field.

Kathy Goebel, 5952 Long Point Drive, stated that there were no building elevations on the drawing, so it is hard to picture what they would like to do. The new septic would be 55 feet from the radius distance shown from her well and will be uphill. She has a problem with this and doesn't understand why they want to build in this direction on this narrow lot. She thinks the septic needs to be moved back. It is four feet from her fence line. She expressed concerns about the elevation of the garage.

Mr. Walker replied the elevation of the garage will not change.

Ms. Goebel asked about the 15 foot side setback.

Mr. Walker replied that this would be a conforming 15 feet setback.

Ms. Goebel continued to express concerns about the variance request.

Chairperson Wendt explained the preexisting, nonconforming property characteristics.

Board member Whitley pointed out that the existing house at 5952 Long Point Drive is only 6 inches from the lot line so some of the crowding conditions exist because of where this house is positioned.

Board member Whitley asked if the existing garage is being removed.

Mr. Walker replied no; they are adding to the existing walls. They are maintaining the nonconformity of 1.6 feet at the road. The other request is to maintain the 4 foot nonconforming setback on the north side.

Board member Whitley asked how the rotation of the field would impact the proposed walkout. He asked for the location of the exit on the proposed plan.

Mr. Walker replied that rotating the field would eliminate the option for a walkout because of the elevation. The south of the block wall would be the exit and he pointed it out. He also pointed out the existing trees and the retaining walls.

Board member Whitley stated that if the field were rotated, they are only talking about moving it 9 feet. He is trying to understand how this would obstruct the ability to have a walkout.

Mr. Walker replied it would narrow the space for the walkout; it may not negate the ability to have a walkout.

Board member Whitley replied that one of the requirements is to retain 10 feet along the side to get equipment down to the lake side. He does not see how rotating the field obstructs the ability to have the desired walkout.

Mrs. Walker answered that they would like to not cut down the tree.

Board member Whitley asked when they are proposing to start construction.

Mr. Walker answered in the spring.

Board member Whitley stated that if they had to go back to Kieft to determine the ability of rotating the field, this would not affect their ability to start construction on time. It is worth investigating because it would reduce the setback from the lake.

Board member Whitley moved to table the septic distance request for one month to request an engineering opinion on the advisability or inadvisability and the ability of rotating the proposed septic field in order to reduce the amount of variance required. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board member Whitley moved to approve a variance to allow one point six (1.6) feet front setback from the road and four (4) feet side setback on the north side given that it is not an increase of nonconformance in what exists on the lot today. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

4. Request from Speedway, LLC, 500 Speedway Drive, Enon, OH 45323 to construct an automobile filling/convenience station resulting in the following variances:

a.) A driveway separated by a driveway on the adjacent property by two hundred and forty (240) feet rather than the two hundred and seventy-five (275) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-683

b.) A canopy proposed over the gasoline pumps which is twenty (20) feet, six (6) inches tall instead of the fourteen (14) feet allowed per Springfield Township Ordinance, Chapter 40, Section 40-628 and a canopy that is not attached to the main building structure as recommended in Springfield Township Code of Ordinances, Chapter 40, Section 40-628

c.) Driveway widths of thirty-five (35) feet instead of the thirty (30) feet width maximum required per Springfield Township Code of Ordinances, Chapter 40, Section 40-628

d.) Two (2) ground signs to be located on the property instead of the one (1) ground sign allowed for each zoning lot as per Springfield Township Code of Ordinances, Chapter 40, Section 40-751

e.) A ground sign with a height of twenty-nine (29) feet instead of the ten (10) feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-751

f.) Total building signage of two-hundred and fifty-eight (258) square feet instead of the ninety-six (96) square feet allowed per Springfield Township Code of Ordinances, Chapter 40, Section 40-751

The properties that are the subject of the request are located at the southwest corner of Dixie Highway and Davisburg Road and are zoned C-2 General Business. P.I. #'s are 07-14-101-003, 07-14-101-004, 07-14-101-012 and 07-14-101-013.

Chairperson Wendt stated that the Board received several letters from residents in the area that feel they will be affected by these variance requests. All ten letters received are not in favor of this construction. The letters were received from Clemetson, McMillan, Carnwarth, Harvey, Ejups, Ledbetter, Burke, Talilian, Mattison and Doran.

Mr. Jon Ziegan, Osborn Engineering, introduced himself to the Board as representing Speedway. Mr. Ziegan provided an overview of the project and the variance requests. He provided additional information regarding the driveway separation request to all Board members. This is a study that he prepared showing all the driveway spacings along Dixie Highway from Davisburg Road to I-75. The driveway distance was designed by Speedway engineers and is supported by a Traffic Impact Study. Special conditions for this variance request are that it is a corner lot and the frontage is rounded considerably at Dixie and Davisburg Road which affects the right-of-way. If they were to observe the ordinance standard of 275 feet, they would not be able to place a driveway along Dixie Highway. There is also a taper that was designed for the Kroger drive which runs short of what is necessary. The heavy traffic at this intersection drives the value of the property but also makes driveways troublesome and the level of service is a longer period of time to complete these traffic movements. The request for the decreased driveway distance is to increase the level of service for this driveway. If they moved the driveway closer to the

intersection to be compatible with ordinance standards, the traffic engineer felt that would cause greater harm to the intersection.

Board member Whitley asked if Speedway had considered combining the entrance with the Kroger entrance which the ordinance strongly encourages.

Mr. Ziegen replied Speedway has not reached out to Kroger. It is Speedway's opinion that there is nothing compelling Kroger to allow cross access which makes it difficult for Speedway to move forward. Usually, the first developer would bring the access point to the property line to allow the neighbor to connect. The Kroger site was developed without cross access and it leaves Speedway with no ability to compel Kroger to allow this cross access.

Chairperson Wendt stated the communication with Kroger hasn't happened so there is a possibility that Kroger could agree with cross access and eliminate the need for this request.

Mr. Ziegen replied that that would be taking the decision out of the Board's hands and put it into Kroger's hands.

Chairperson Wendt replied Speedway did not ask Kroger and not knowing directly impacts item a.) in this variance request. The applicant has not indicated why they didn't go to Kroger or that they did go to Kroger and were denied.

Board member Whitley replied this alternative must be explored before the Board can discuss variances. The Planning Commission has to consider another ingress or egress close to the intersection and putting another driveway in does not make sense to him.

Mr. Ziegen replied that Speedway is willing to limit the left hand movement out of the Dixie Highway drive.

Board member Fischbach asked when the traffic survey was done, what were the assumptions for Speedway's volume and traffic flow directions. She asked if the Township engineer had issues with some of these assumptions.

Mr. Ziegen replied that they discussed the assumptions at the Planning Commission meeting on December 18th. The original traffic survey was redone with the addition of more driveways as per the Township Engineer's request. Speedway added those. Last night, they discussed the generation rate used and there was a differing of opinion between the Township engineer and Speedway's engineer as to which one was appropriate. The measure that was investigated was that they would investigate comparable stores. The Township asked Speedway to go back and look to find stores that were more comparable.

Board member Fischbach stated she could not act on the variance without seeing the Traffic Study.

Board member Baker summarized the Planning Commission's action and discussion at last night's meeting.

Board member Vallad asked if Speedway was willing to make the Dixie Highway entrance right in and right out only.

Mr. Ziegen answered yes.

Board member Fischbach commented that this would require them doing something physical at this drive to make sure this happens. She commented on the current traffic issues at this corner.

Mr. Ziegen replied that this corner lot is a commercially zoned property and it is already heavy traffic. Anyone who is going to try to develop these lots is going to have to pass off control of their property to Kroger.

Board member Fischbach commented that perhaps a high traffic development is not a good fit for this corner.

Mr. Ziegen stated that it is zoned that way and it is a use by right.

Board member Fischbach replied that they are asking for variances so now the Board can look at the type of business.

Mr. Ziegen stated that very rarely does an individual plan a trip to the gas station, so the traffic would be caused by motorists already on the road.

Board member Whitley stated that he does plan this trip, so he would disagree.

Mr. Ziegen summarized the information that he presented to the Board.

Board member Whitley replied that in looking at all the driveways contained in the information, not one of them is in front of a busy left turn lane at a busy corner. This is a unique situation.

Board members considered traffic limitations on the Dixie Highway access point and Mr. Ziegen explained the traffic study information. They concluded that traffic limitations were not part of the traffic study information.

Board member Whitley moved that the request for a variance for the access lane spacing be denied given that there are alternatives available that have not been discussed, specifically a combination with the existing Kroger drive, and given that there has been no information provided to the Zoning Board of Appeals relative to traffic considerations that would be created by and potentially solved by a proper solution to this ingress and egress. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Mr. Ziegen provided additional information regarding variance request for the fuel canopy to all Board members. He explained the need for the variance and further that any

vehicle driven on Michigan roads, they can be 13 feet, 6 inches. They are asking for a canopy that is 16 feet, 6 inches to the underside of the canopy; there is an additional 4 feet to the top of the canopy. Therefore, they are asking for a variance of 20 feet, 6 inches.

Board member Whitley asked about the 4 feet distance to the top of the canopy and what it consists of.

Mr. Ziegan replied that the 4 feet is a measure of putting enough fascia to hide the structure, support the structure and to provide room for signage. The reason they need a distance to the bottom of the canopy of 16 feet, 6 inches is to light the area under the canopy around the gas pumps for safety reasons. He provided a series of photos showing the height of canopies of other gas stations in Springfield Township and he explained those. The height variance that Speedway is asking for in reference to the canopy is common to other fuel canopies.

Board member Whitley replied if a canopy is 14 feet high, it will accommodate any vehicle on the road and he doesn't see a hardship.

Mr. Ziegan replied that this would be to the bottom.

Board member Whitley replied it is a long way from 14 feet to 20 feet. He explained that the starting point should be 13 feet, 6 inches to comply with ordinance and industry standards.

Mr. Ziegan replied that he could discuss a different amount for the fascia with Speedway, so they could reduce the variance request.

Board member Baker provided a summary of the Planning Commission discussion on the canopy that they had at last night's meeting. The Planning Commission decided to review canopy height in their ordinance.

Mr. Ziegan confirmed the discussion between the Planning Commission and Speedway.

Board member Whitley stated that he would like to see a document showing best practice in the industry today.

Board member Baker confirmed that the Planning Commission asked the Planner to do this.

Board member Whitley moved to table the request regarding a variance for canopy pending further information coming to the Board either via the applicant or the Planning Commission, or both, to help provide guidance what is best practice and reasonable consideration for a variance in the future. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Board members discussed the variance request for the canopy not being attached.

Board member Whitley moved to table the request for the canopy not being attached pending further information both from the applicant and the Planning Commission on the reason for having canopies attached to the main building. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Mr. Ziegen explained the reason for the variance request for the driveway width of 35 feet instead of the 30 feet required. This is to allow fueling trucks to have adequate space for them to enter the site without going up on the curb and ruining the landscaping.

Board member Whitley asked about the model mentioned in the application showing turning radius for trucks because he has not seen it.

Mr. Ziegen replied that it was submitted to the Planning Commission and he explained the model. The truck would be right turn from Dixie Highway and exit on Davisburg Road.

Board member Whitley stated they have not clarified the entrance off Dixie, so it is hard to comment on the width. Also, the width of the driveway on Davisburg doesn't look adequate. Both of them leave him wanting to see the model.

Board member Baker stated that the Planning Commission submission did not include a circulation plan. This would be required for Final Site Plan.

Board member Fischbach stated that they need to see the Traffic Study.

Board member Whitley agreed.

Board member Whitley moved that the request for a variance for driveway width be tabled pending submission of further data that demonstrates the need. Supported by Board member Fischbach. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Chairperson Wendt summarized variance request item d.

Mr. Ziegen stated that they would like two signs since they have frontage on two roads. Some signage is needed next to each driveway. The hardship is a corner lot with frontage on both roadways.

Board member Fischbach stated that there are two businesses on two other corners and neither of them have two signs. She does not think two ground signs are obvious.

Board member Vallad replied those other properties do not have the acreage of this request.

Board member Fischbach asked how much space is going to be on each of those signs. Mr. Ziegen stated that if they double the signs, they would also have to discuss the doubling of the sign area which would be another variance.

Board member Fischbach commented that they do not need double the signage that everyone else is allowed to have.

Board member Whitley stated that he can discuss two signs needed because of two entrances but having a sign that exceeds the ordinance height by 195% is a nonstarter and a request that exceeds the area by 137% is also a nonstarter.

Board member Vallad stated that the pine trees that are on the plans are tall and may obstruct the new signage.

Mr. Ziegen stated that Speedway will consider bringing the taller sign down to match the lower sign. They would like to put a monument sign at each entrance.

Board member Fischbach asked how much signage they would then have.

Supervisor Walls replied that the monument sign is shown at 72 square feet.

Mr. Ziegen replied that this would be 144 square feet.

Supervisor Walls replied that the total sign allowed is 100 square feet.

Board members concluded that this overage in ground sign square footage would also require a variance.

Mr. Ziegen commented on the BP sign that is in the Township. He pointed it out in the handout that he provided the Board members.

Board members discussed the existing BP sign and determined that they did not know the exact square footage of that sign.

Board member Baker stated that he is open to the idea of two ground signs because there are two entrances on different streets, but he would like more information.

Board member Whitley moved to table the request for two ground signs be tabled and include a message to the applicant that the square footage of the signs that are being requested is a problem for the Zoning Board of Appeals. He strongly suggests that any future revisions strongly consider the height requirements as specified by the Ordinance. Supported by Board member Baker. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Chairperson Wendt stated that they will now discuss item f. which is building signage.

Mr. Ziegen stated that he submitted a proposed illustration of the front of the building. He explained all the building signage that they are requesting. He stated that Speedway consultants considered the frontage on both sides of the canopy and the building.

However, staff interpretation of the ordinance is that only the frontage of the primary building is considered so they would have 96 square feet.

Board members and Supervisor Walls concluded that only the primary building is counted when determining building signage. The ordinance also has a maximum of 100 square foot.

Mr. Ziegen stated that they are asking for a relatively small sign on either side of the canopy. He explained the building signage that they are proposing.

Board member Whitley stated that this is another case where the request is excessive.

Chairperson Wendt stated that the BP doesn't come close to what is being proposed.

Board member Whitley stated that a better comparison is the Kroger fuel station and the McDonalds. This business went to the Zoning Board and they were held to the ordinance requirements.

Board member Baker compared the request to a Speedway that he is familiar with on M-59.

Board member Whitley moved to table the building signage request urging Speedway to be in compliance with the ordinance when they return. Supported by Board member Vallad. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

PUBLIC COMMENT:

Patrick McMillan, 8351 Pine Lake Drive, expressed his concerns with the proposed development.

Nancy Strole, 11990 Davisburg Road, expressed her concerns with the proposed development.

Chairperson Wendt thanked Board member Fischbach for all her help and support that was given through her participation on the Zoning Board of Appeals for the last several years.

ADJOURNMENT:

Board member Vallad moved to adjourn the meeting at 10:12 pm. Supported by Chairperson Wendt. Vote yes: Baker, Fischbach, Vallad, Wendt, Whitley. Vote no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary