

FINAL
CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING
Thursday, July 27, 2023
2009 Township Drive
Commerce Township, Michigan 48390

A. CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 7:00pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Clarence Mills, Vice Chairperson
Robert Mistele, Secretary
Rick Sovel
Bill McKeever
Sarah Grever, ZBA Alternate Member
Also Present: Paula Lankford, Planner
Jay James, Engineer/Building Official

Chairperson Rosman introduced the Members of the Board to those present, as well as Jay James and Paula Lankford. She reviewed the requirements for receiving either a dimensional and/or sign variance from the Zoning Board of Appeals, including the fact that all standards are to be met by the applicant. She assured the applicants present that the sites of the proposed variances have been visited by the members of the Zoning Board. She also explained that if a petitioner's variance request is granted, they will receive their letter of approval by mail. It is imperative that the letter be presented when applying for a building permit. A variance is valid for 365 days from the date of the approval letter. If the variance is used, it runs with the land; however, if it is not used, it expires.

B. APPROVAL OF MEETING AGENDA

MOTION by Mills, supported by Mistele, to approve the Zoning Board of Appeals Regular Meeting Agenda for July 27, 2023, as presented.

ROLL CALL VOTE:

AYES: Mills, Mistele, Rosman, Sovel, McKeever
NAYS: None **MOTION CARRIED UNANIMOUSLY**

C. APPROVAL OF MEETING MINUTES:

MOTION by McKeever, supported by Sovel, to approve the Zoning Board of Appeals Regular Meeting minutes of January 26, 2023, as written.

ROLL CALL VOTE:

AYES: McKeever, Sovel, Rosman, Mills, Mistele
NAYS: None **MOTION CARRIED UNANIMOUSLY**

D. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA:

Regina Fronczak-Roth, 4080 Lakepoint Lane, Commerce Township – I was here 9 months ago, and Paula told me that there was going to be a surprise on the bridge, but she wouldn't tell me what. I love it and I want to compliment the Township for putting the two American flags up there. It brings me joy when I see them and I smile. Thank you Commerce Township.

Chairperson Rosman – You're welcome. We're happy you're happy.

E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:

Rick Sovel – Township Board

- We have a couple of work groups going on right now.
- One is looking at expanding our sidewalks and bike paths throughout the Township.
- Another has to do with ordinance controls for long-term and short-term rentals.
- The work groups submit reports to the Township Board and the Board then decides whether or not to take action.

Bill McKeever – Planning Commission

- We've been working on the Master Plan.
- At the last Township Board, we had a discussion between the Planning Commission and the Board of Trustees over some issues just to make sure everybody is on the same page regarding the direction we want to go.
- I'm sure everyone has noticed the construction in the parking lot at Costco. They are relocating their fuel station to reconfigure it. They're expanding it, widening the bypass lanes, and eliminating the traffic backups into the roundabout. They will be playing musical parking lots in the interim.
- Lafontaine Automotive Group is going to be building two car dealerships, Genesis and Hyundai, at the intersection of Haggerty and Pontiac Trail.

F. OLD BUSINESS:

None.

G. NEW BUSINESS:

ITEM G1. PA23-02 – BRETT RENDEIRO – PUBLIC HEARING

Brett Rendeiro of Commerce MI is requesting an interpretation of the definition for "Front Lot Line" within Article 2 of the Commerce Township Zoning Ordinance. If necessary based upon the outcome of the interpretations, Mr. Rendeiro is requesting a variance from Article 33 of the Zoning Ordinance to allow a detached accessory structure that was constructed without building permits to remain in the front yard of his property at 4650 Cooley Lake Road. PIN#: 17-06-200-060

Chairperson Rosman opened the public hearing.

Jay James put the site on the overhead.

The petitioner, Brett Rendeiro, was present and spoke to the variance.

Brett Rendeiro – I would point out, that's not my house. Mine is the next one south.

Jay James – This one here?

Brett Rendeiro – Yes. First, we did the barn you see constructed there, in the northwest corner of our yard, back in December 2020. At the time, we mistakenly thought that we did not require a building permit because when we bought the house, it had a shed in the same exact spot, albeit a smaller shed. We had contacted the Township and asked if we needed a building permit to replace the shed, because that shed was deteriorating, and we were told that if that was our only accessory structure on the lot that we did not

need to have a building permit. I now understand I was wrong in a couple respects when I didn't mention it was a larger shed that we were building. We call it a barn, so if I refer to it as a barn, that is what I'm referring to. I had no idea about the front yard issue, again, because there was already a shed there and I wasn't aware that was a problem. We entered into this thinking that we didn't require a permit. We found out we needed the building permit. We applied for the permit and that's when we found out that the shed is considered to be in our front yard and we would have to request a variance, which of course, brings me here tonight.

The first request we posed to this Board is under Article 2 of the code which relates to the front lot. Obviously this is an irregular shaped property, being that this is the primary area here shown on the screen, but the driveway goes all the way north out to Cooley Lake Road. It's an extremely long driveway. I know because I cut the grass and I also plow the snow. Under the Commerce Township code, there aren't any special provisions relating to these flagpole lots. However, within Article 2, it does give this Board discretion. I believe it says, *If the placement of structures in the resulting yards would be more consistent with and more easily blend with other buildings in the development area...*, then this Board can actually pick a different front lot.

In our case, we have 1.7-acre lot, including the driveway, and our front lot line is determined just by a 30' border with Cooley Lake Road. Our position would be that designating the eastern line of the property as the front yard line would in fact be more consistent with the other properties in this area, including the property just to the north which has the same lot configuration and same orientation of the home. That would blend in just as well, no differently than any of the other properties in the area. As a baseline, our position is, why does a 30' border with Cooley Lake Road determine the entire determination of a front yard for a 1.7-acre lot, especially when the code does give this Board discretion to designate a different line, essentially, if it makes sense?

Chairperson Rosman – Is there anybody here from the public who would like to address this?

John Westcott, 4640 Cooley Lake Road, Commerce Township – I live in the northern lot. I have the exact same configuration. It was a shock to me when Brett told me that what I consider the side of my house is actually the front because I have no windows or doors on the northern side. To me, when I walk out my front door, I'm facing east from my front porch. My garages face east. I share a very similar point of view.

Chairperson Rosman – Is there anybody else this evening? (Hearing none.) I will close that portion and read two letters that were sent to us.

*From: Victoria (and George) Sluder
4630 Cooley Lake Road
Commerce Township 48382*

*Good Evening Ms. Lankford,
I spoke with you on the phone the other day regarding the Zoning Board of Appeals notice we received regarding our neighbor's property, that is, Brett Rendeiro's petition regarding his outbuilding. As I said over the phone, my husband and I have no issue whatsoever regarding this structure. It is, according to our tastes, in a perfectly reasonable location on his property even if it is "on paper" a front yard. To our eye, it is*

in the back. But, moreover, it's very nicely built and unobtrusive so we see no reason it would need to be taken down or altered.

Therefore, I'm sending you this message in writing as you stated was required to have our opinion entered in the record during tomorrow's hearing. Please let me know if you have any questions.

*From: Daniel & Katelyn Nowak
4660 Cooley Lake Road
Commerce Township, MI 48382*

*To Whom It May Concern,
My wife and I live at 4660 Cooley Lake Road, next door to Mr. Rendeiro. We have come to understand that the barn/structure is under scrutiny. It in no way affects us, and is in fact a beautiful barn that adds a truly lovely aesthetic to the property and the homes surrounding their lot. We implore you to allow the barn to remain. You may contact us for any additional questions. We can be reached in person at the address above, or by phone.*

There were -0- returns and -2- letters.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

Board Comments:

Mistele – The first thing to discuss is whether or not the north side should be considered the front yard. I agree that the north side should be the front. I don't find any reason why it shouldn't be. I agree with the Building Department on that aspect.

As far as the location of the garage, it does fit within ... I don't really have a problem with it in the front yard, because from an aesthetic perspective, it does appear to be in the side yard. It matches with the existing properties. It is tucked way back. I don't think it has visual implications. I don't think it's negatively impacting the area or the neighbors. So, I don't have a problem with the location of it.

Mills – I kind of agree with Bob, as far as the front yard. I will go along with what he's saying as to the east side. It's not a problem as far as I'm concerned. The location of the barn or shed; to me, it's tucked out of the way and I don't see a problem.

Sovel – I have a couple questions. What year was the house built?

Brett Rendeiro – I'm going to go from memory. I'm not the first owner. My understanding is it was built in 1994 or '95.

Sovel – I'm assuming that the smaller shed, or barn, was built with the house, or some time after? Do you have any idea?

Brett Rendeiro – I don't. I purchased the house in February of 2005 and it was existing at that time.

Sovel – Do we know?

Paula Lankford – I did not look that up, no.

Sovel – It was there. Are there any variances on this property right now?

Paula Lankford – No.

Sovel – So, I'm going to make an assumption that the shed, if that was considered the front, we would not have allowed it back then.

Paula Lankford – Correct.

Sovel – So therefore, I disagree with the interpretation. By virtue of the current layout, to me, it means that the north side is not the front, or we would have allowed it, but it would be a variance.

Chairperson Rosman – Only if they asked for a permit.

Sovel – We've done these overlays before and it has never come to our attention. Since we don't have anything to the contrary, I'm sticking to that theory.

Chairperson Rosman – Rick, it's also a possibility that whoever put the shed there did not go for a permit.

Sovel – I understand that. Then the other lot behind has the exact same scenario. And I don't know ... Did you build the house?

John Westcott – I did not.

Sovel – So, you've got basically two identical properties, same layout, but the size might be different. You have the structure of the house, and both structures on the north side, and this is a unique property with the shape of it. My question is, if you want to overturn the interpretation, then we don't need a variance.

Paula Lankford – That's correct.

Sovel – I know we can't go wrong by giving a variance, but I don't know if we have any other parcels like this in the Township.

Paula Lankford – We do.

Chairperson Rosman – We had one last year.

Paula Lankford – And there's two or three of them around this site.

Chairperson Rosman – We had one on Ford Road.

Sovel – I don't have a problem with where it's at, but I think the interpretation should have been to allow the front to be on the east side of the property.

McKeever – I guess, without causing any confusion, I have no issues with where the shed is. I also have no issues with the Building Department’s interpretation of the front yard, simply because that is the address. The orientation of the house lends it to be the side yard at all of these flag lots. I don't necessarily have a problem with the way it was handled at the desk, and I would not be opposed to granting a variance for it to remain where it is.

Chairperson Rosman – Thank you. I agree with you. I agree that the interpretation of the Building Administrator is correct. The way it works according to the Zoning Ordinance is that your address is on Cooley Lake Road, and therefore that is the north orientation. I also personally don't have a problem if somebody makes a motion to grant the variance to allow it to stay where it is. I understand the flag lot issue. You're not the first, you won't be the last. That's something we can talk about down the road.

Paula Lankford – We don't allow them anymore.

Chairperson Rosman – Cancel that idea, but you're not the first and we understand that you did not cause the issue. So, we can help you out depending on how the vote goes.

Sovel – We didn't deal with the fact that it was done without a permit. Are there any issues that we need to include in the motion because of that?

Jay James – Yes, he will have to apply for a permit, and we will go out and inspect it.

Paula Lankford – There's language in the agenda packet. You'll need to make a motion regarding the front lot line, and a motion for the variance.

MOTION by Mistele, seconded by Mills, to **concur** with the Commerce Township Building Department’s interpretation regarding Item PA23-02, the request by Brett Rendeiro of Commerce MI for an interpretation of the definition for “Front Lot Line” within Article 2 of the Commerce Township Zoning Ordinance. If necessary based upon the outcome of the interpretations, Mr. Rendeiro is requesting a variance from Article 33 of the Zoning Ordinance to allow a detached accessory structure that was constructed without building permits to remain in the front yard of his property at 4650 Cooley Lake Road. PIN#: 17-06-200-060

In the case of PA#23-02, the ZBA moves to **concur** with the Commerce Township Building Department and determines that the north property line at 4650 Cooley Lake Road shall be deemed the “front lot line” as called for in Sec. 2.02 of the Commerce Township Zoning Ordinance for the purposes of determining setbacks and requirements for placement of structures and/or additions onto the property because the north property line separates the property from Cooley Lake Road.

ROLL CALL VOTE:

AYES: Mistele, Mills, Rosman, Sovel, McKeever

NAYS: None

MOTION CARRIED UNANIMOUSLY

Chairperson Rosman – We have now determined that your address of Cooley Lake Road is your front yard, which is north. Now the Chair will entertain a motion to put forth a variance to allow the barn to stay where it is in a defined front yard.

Discussion took place regarding motion language to include reference to obtaining the necessary permits for the structure.

MOTION by McKeever, supported by Rosman, **to approve, with conditions**, a variance for Item PA23-02; based upon the interpretation (*in the previous motion herein*), Mr. Rendeiro is requesting a variance from Article 33 of the Zoning Ordinance to allow a detached accessory structure that was constructed without building permits to remain in the front yard of his property at 4650 Cooley Lake Road. PIN#: 17-06-200-060 Based upon the information and the comments we have heard, I make a motion to grant a variance, for 4650 Cooley Lake Road, to allow an accessory structure to remain within the front yard, **subject to the following caveats:**

- 1) The petitioner will obtain all necessary permits from the Building Department; and,
- 2) The structure will meet all the applicable building code requirements as determined by the Township Building Official.

ROLL CALL VOTE:

AYES: McKeever, Rosman, Sovel, Mills, Mistele

NAYS: None

MOTION CARRIED UNANIMOUSLY

ITEM G2. PA23-03 – AL BUSCEMI – PUBLIC HEARING

Al Buscemi of Commerce MI is requesting a variance from Article 6 of the Zoning Ordinance to allow a deck and roof structure that was constructed without building permits to remain in the required (lakeside) front yard setback of his property located at 3777 Carrie Road. PIN#: 17-15-154-031

Chairperson Rosman opened the public hearing.

Al Buscemi – I'd like to recognize my wife, Kristin Plautz, as well. She will be contributing. Before we begin, I would like to recognize Jay and Paula for their patience through this process and guiding us. We've been going through this for a while now. We recognize from our perspective, life happens, and some things have come up during this time and this process. Not only did it take a while for us to get the site surveyed, we did submit the permits that were denied, and got some guidance on what we needed to do from that point. Moving forward, that's why we requested this meeting tonight. Thank you for having us.

Humbly, I kind of say the same thing. We weren't aware. We purchased the home four years ago. During that time and prior to our home purchase together, we had rented homes. We have five kids between us. During those ten years, we moved to three different rental properties. Both of us went through a divorce that caused us to be unable to acquire or purchase a home during that ten-year period. Prior to that, we did have homes in an established neighborhood that were new build.

Call it ignorance, or call it what you may, there was a structure there when we built the one in question. There was already a baseline platform that we inherited with the home, along with a structure that was decaying and falling apart. We didn't even put into question, call it ignorance again, but when we decided we can put cosmetic things in the house, it's a 3-bedroom home, we can do things cosmetically to make it nice, but what can we do to improve our lives together as a family and where can we go. That was the first thought, making a safer environment outside, building a structure to where we could all go out and enjoy the property. That was the intent behind it.

We had no knowledge. Looking back now, and talking to Jay and Paula, yes, we understand the process now, absolutely. We humbly ask for your understanding. During that time period, we didn't even consider it until it was brought to our attention. Moving forward, we would like to be considered. I will recognize the same thing as that gentleman. We have an irregular type of lot as well. Where we are positioned in that peninsula, between North Commerce Lake and South Commerce Lake, there is a lot of activity that goes through that little area. We're blessed to be with just a few homes and houses. We also have letters and we've talked to our neighbors. They support it and everybody loves the improvements that we've done to the property and the flowers. We have worked so hard to make it an area that represents and works within the framework of all the other homes around us.

We humbly ask that you consider allowing us to keep this for a few reasons. One, for our growing family. We have a couple of engaged daughters, and we expect to have grandchildren. We just want an area where it's safe for us all to go and to enjoy. I mentioned the irregular lot line because at an angle, yes we are out of ordinance, absolutely, looking at what is required now and understanding the process, but we feel that we are not an obstruction. If you see everybody else's property lines, they have enclosed type areas, where we're not obstructing anybody's homes.

The Thomas' house to the far right, they're the only one to that side and they're positioned a different way, viewing the lake. We do not obstruct. We have letters from our neighbors to the right of us who have said they love it. It's actually a little bit easier for them to see because the earlier structure was lower, so it actually impeded their vision of the lake worse because of how it was decaying and positioned. Then Dean next to us, we have a letter from him. It does not even come into play with everything that is of concern as far as obstruction with the neighbors because of our land positioning.

Kristin Plautz – I'm sure you got my little dissertation, my thesis project that I worked on here. With the hardships, I kind of outlined each of the hardships.

Chairperson Rosman – Yes, we have it, we have what you wrote. We have all seen it. It's part of the record.

Kristen Clout – Okay, I guess I would just add that, the high traffic, we get these wakeboarders that come in. Our ground is completely saturated usually every day, all times of the day. We did not know this too, but it's a prime fishing spot right outside of our dock area, so we get a lot of fishermen in the morning, the afternoon, late at night, even in the middle of the night with those big, huge lights coming through.

Chairperson Rosman – I know, my house too.

Kristen Clout – Yes, so just that covered structure offers an oasis. I remember when we first moved in and we were exhausted sitting on the old deck. We had just ripped this garden trellis down, and basically that was the covering, and boats come up so close because everybody wants to see what's going on. I just felt like they could see what was on my dinner plate. There was no sense of privacy. Still to this day, even with the cover on, people come up very close. We face, I don't know what direction, but we get all day sun, especially in the afternoon it is very hot and intense. If the roof were any

shallower, toward the house, we would not get that protection. It's hot to sit out there, but with the structure, we enjoy family time out there.

The weather elements, I can't tell you, because we are in that channel, when there's a windstorm or a rainstorm, it is just like a tunnel. Because of yesterday's rain, anytime we are home and it's going to rain, we tuck things away off of the porch or down below because the winds just rip through. Al reminded me, when we first moved in, we had a wicked storm and our door wall actually got cracked; it shattered because something came whipping through. So, that patio cover does offer that protection from the elements. I did mention going green; it does help with heating and cooling bills.

Al Buscemi – They read the package.

Chairperson Rosman – Yes, we did, and we were physically there.

Kristin Plautz – Okay.

Chairperson Rosman – Thank you both. Did you have any letters you wanted us to put in the record?

Al Buscemi approached and provided a letter to Chairperson Rosman.

Ray Golota, 1595 Vanstone Dr, Commerce Township – I actually live on Commerce Lake, on the south side. I want to preface this herein, on this agenda, I want to give you these comments. Back on November 17th of last year, a similar situation was on the agenda. As a matter of fact, if you remember, it was a shed that was knocked down by a windstorm on Oakley Park. At that time, and it's in the minutes, I asked what the ruling is on structures not attached to the house on lakefront property. I was told that they thought this provision has been in the ordinance since 1971 that prohibits standalone structures lakeside.

As you know, Rusty, and I believe you live on a lake, every year you go by, through the winter, in the summer, there's another couple structures on the lake; tiki bars, gazebos, you name it. I've been on that lake since '92, and since '92, I always wanted a gazebo and a tiki bar right next door to each other. Every time I would come in, I would ask ... not these folks, because I already know, I can't build one. However, on the lake, every year, one pops up.

At one time, I also asked the former Planning Chairperson, who also lives on Commerce Lake, about this and I was told that it would open up a can of worms. For transparency it would be appropriate, once and for all, to have a clear understanding of the position of the Township written in the ordinance, as I'm sure it will come up again and again in the future. Also, when changes are made to an ordinance, maybe have a footnote at the bottom of what changed, not necessarily why it changed. If you go through Article or Section 33, there's no indication of what has changed from the previous time. I'm just asking for transparency that something like that could be done. The other thing is, and I hate to say it, because I don't fault anybody for doing what they're doing; however, it always boils down, if you follow the rules, you get screwed. So maybe, if the Township doesn't enforce an ordinance, why even have one?

Chairperson Rosman – Thank you very much. Anybody else from the public? (Hearing none) Then I'm going to turn to the letter.

*From: Dean Zoner
3767 Carrie Lane
Commerce Township*

Dear Township Office:

We do not object to the patio. We think it is a great place to hang out and relax. We enjoy our covered patio and enclosed pool area year round. Everyone should enjoy their yard how they want to. I demo buildings for a living and plan landscaping for people. They have a unique angle in their yard to contend with, but they did a great job around it. they should keep it the way it is. These homes used to be cottages and were built before rules were made. We are a private street.

There was -1- return and -1- letter.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

Board Comments:

Mistele – We're talking about two different variances here. As far as the lower deck, that's completely new and I don't see a need for that, because no one else has a deck 5-feet from the lake. I think that's absolutely excessive. As far as the upper deck, that seems to be the same size as the original deck that was on the house. So, I'll go with the assumption that the original deck was properly installed there at the time. The problem I have is that the upper part of that was expanded. Before it was built, I could have seen what was there and how that would be impacted. It's tough for me to visualize exactly what I would have done with the existing structure and how I would have handled that. As far as just the upper deck part, because that's not expanded, I would not have a problem with it. It is the additional roofline that I'm trying to process to figure out how much of an impact that has.

Mills – As I reviewed this and walked around the property, my issue was with the lower deck and as close as it is to the water line. That to me is a problem. I don't see a problem with the upper deck.

Sovel – I'm have similar thoughts. It's not confusing, I just think we're not clear on some of the facts as far as the original deck, what roofing it had and when it happened; 1990-1997, 1980? What do you think?

Paula Lankford – We can only go by the aerials from Property Gateway because there were no permits pulled for anything, so we don't have exact dates. We pulled old plans for the house which appeared to have a deck on it. They were very old plans so they were hard to read. Then we saw the roof structure go up sometime between 1990-1997. Again, we don't have an exact date. Then, everything was removed Spring of '19. Jay can show by the aerials there that it was just a lattice roof.

Jay James – It had a lattice roof on it and I think there's actually a picture in the packet that they provided.

Sovel – So it was a non-shingled roof.

Jay James – Yes, kind of like a trellis.

Paula Lankford – It was flat.

Sovel – It was flat. Do you think the footprint is the same as it is now?

Jay James – I can do a split-screen. The left is as of March of this year. This program goes back to 2015, and that's what was there as of May 2, 2015.

Sovel – What was that? Is that a sidewalk to the right?

Al Buscemi – That's the trellis and those were steps.

Jay James – Yes, they look like steps going down.

Paula Lankford – You can see, it was an open roof with like a lattice cover on top of it.

Jay James – This was the covered portion. What you're seeing there is the shadow being cast onto the deck below.

Chairperson Rosman – What year was that?

Jay James – That was 2015.

Sovel – So, the footprint seems similar then?

Jay James – I would not say that. That was where it was in 2015 on the right, and it's out to this location here. It has been expanded out.

Al Buscemi – May I speak?

Chairperson Rosman – No, we're going to stick with Rick right now.

Al Buscemi – Okay.

Sovel – So the lower deck is definitely too close to the lake. If there were no steps and it was just flat, would you still consider it a deck? If you had one step?

Jay James – If it is elevated, it is considered a deck. You can do a flush patio on a ground surface and that's not considered a structure, but once you elevate the deck and have a step up to it, it's part of the structure. They would have to remove the lower deck and put in a patio.

Sovel – Can it be decking?

Jay James – It has to be flush with the ground, but you could dig the ground out and put the deck in so it's flush.

Sovel – Okay, I'm good.

McKeever – Apparently I'm not the only one who struggled with this. The sad thing is, the struggle is due to the fact that it's there. Had this come to us for a variance, I don't see where we could justify granting it, simply because it doesn't meet the criteria that we're required to apply. I feel for these folks because they stepped outside the lines, built it without permission, and I just don't think that it's anything I could vote for now, because I couldn't vote for it then.

Chairperson Rosman – I hear you and that's my issue also. I'd like to share, I also live on Commerce Lake, and I also built onto my house. I had to abide by the 50-foot back from the water. It didn't mean I wanted to, but I had to abide by that. The fact that you didn't pull permits, I understand that you didn't know, but that does not remove your obligation, for the respect for the Township and its ordinances, and the safety of the respect for the lake. The closer you put things to the lake, the more things end up in the lake. People toss their cigarettes if they're sitting right there. I've seen it all, and I'm sure you have too.

Right now, your upper deck with the roof structure, there's a 50-foot required setback. You have a 26.2-foot setback, and you need a variance of 23.8-feet. Your lower deck, the required setback is 40-feet; the existing setback is 12.1, your variance needed is 27.9-feet. Had you come in and asked for the required permits before you started, you would have been denied and you would have come here to the ZBA. We would not have given that to you.

We recognize what it is that you want to do. Many of us live on the lake and we get it. I also have a family, and entertaining, and boats, and they fish in front of my house, and that guy with his spotlight is at my house every day. I can't give this to you. While I recognize it's beautiful, there's no question you did a beautiful thing, but it is not equitable to everybody else who does follow the ordinance and does do what they're supposed to.

This gentleman talked about all the structures on the lake, which I have constantly spoke with the Township about, and I'm going to speak with my colleagues after the meeting today, but there is no question that people do what they please and don't care about the requirements. The fact that you are caught by it is upsetting to you and I get that, but our job as a ZBA is to uphold the Zoning Ordinance of Commerce Township and follow the rules. I personally am not going to vote for this. I feel for you, and it's gorgeous, but I can't do that. I know that you need some kind of a variance to have a covered porch. You'll need something because you can't meet the whole setback. I'd be very happy to see you back here with that kind of request. I can't give you all of this. And the fact that it was done without permits, I can't sanction that. This is me, and there's five of us. The fact that you didn't know is one thing, but that does not preclude you from following the rules.

Paula and Jay, is there anything that we have not covered that we need to talk about?

Paula Lankford – I don't have anything additional.

Jay James – No.

Sovel – What can they do without a variance?

Kristin Plautz – [Inaudible] was granted a variance for building...

Al Buscemi – We have consulted an attorney. There's a precedence that's been set.

Chairperson Rosman – I understand, but here you are tonight asking for two variances. That's what we're discussing are these two variances.

Kristin Plautz – Right, and we were under the understanding that were just talking about the upper deck, not the lower deck. The lower deck, when I had read if you were under 12-inches or whatever-

Jay James – 30-inches.

Kristin Plautz – What was it?

Jay James – Under 30-inches, you could-

Al Buscemi – Our highest point is 9-inches.

Jay James - ... You can extend 10-feet farther into the required setback.

Kristin Plautz – Okay, but the ground is just constantly wet. If we had a patio, it would be constantly saturated.

Chairperson Rosman – You're not the only one on the lake with a wet yard, and everybody who has a wet yard is dealing with the same thing you are. Why one and not another. If somebody else goes in for a permit and they're denied, and they follow it, why do you get to keep yours, when we know about it and you're here? That's equitable. I don't mean fair, I mean equitable, and there's a world of difference.

Kristin Plautz – I felt like the-

Chairperson Rosman – We're going to move on. I hear you

Al Buscemi – Is turf allowed?

Chairperson Rosman – You've had your opportunity and the Board has had its opportunity. We have these variance requests in front of us. You are requesting a variance to allow the deck and the roof structure, and that's what we're going to vote on now. If there's something else you'd like to change or do, then talk to Paula and Jay, then come back. At this point, we need to deal with these two items.

Sovel – What would they be allowed to do?

Jay James – Are you talking today, or before they did this?

Sovel – How about both?

Jay James – If they would have come in before, the existing structure was legally nonconforming by our ordinance. If they would have come in to repair it, they would have been able to repair what was there, probably put on a peak roof instead of a flat

roof, but it would not have been able to go out any farther toward the water. They would have been able to keep some form of covered porch on it. Once that is torn down, they lose that legal nonconformity and they have to go by the ordinance. Based on what I'm seeing here, I don't think they can have a covered porch on the back unless they come back to you for a variance on that.

Chairperson Rosman – For another variance, okay. The Chair will entertain a motion.

MOTION by Rosman, supported by McKeever, to **deny** PA23-03, the request by Al Buscemi of Commerce MI for a variance from Article 6 of the Zoning Ordinance to allow a deck and roof structure that was constructed without building permits to remain in the required (lakeside) front yard setback of his property located at 3777 Carrie Road
PIN#: 17-15-154-031

Move to deny PA23-03 for the following reasons:

1. I do not feel that *strict compliance with the specified dimensional standards will deprive the applicant of rights enjoyed by other property owners in the same district;*
2. *Without the variance, the applicant cannot use their property in the same manner that others in the same zoning district can use their property. What makes your property different from everybody else that does not require a variance? It really is not because other people on your street have accommodated the fact that they can't go that close to the lake. We have had two other homes/properties on your street come to us in the last three years that have met the setbacks.*
3. *The variance requested is the least variance that will put the applicant on equal footing with others. You're asking for more than everybody else would ask for.*
4. *The variance is needed because of some unique feature of the applicant's land that doesn't apply to other land in the zoning district. Because you're on a lake, not every line is straight. Mine isn't, yours isn't, and your neighbor's is not. It's just the curve of the lake and that's just the way the land is.*
5. *The problem is not self-created by the applicant or their predecessors. I believe it has been self-created.*
6. *Granting this variance will not cause significant adverse impacts. If we don't grant this variance, it won't cause anybody adverse problems, except for your family and your own desires.*
7. *The practical difficulty and hardship sought to be cured by the variance request is not just a minor inconvenience or a desire for a higher financial return. You're not asking for the financial side, but what you are asking for is a whole lot more than anybody else has been granted, particularly with the distance from the lake. I don't remember anybody that we have given that much of a variance to be that close to the lake, and I've been doing this for many years.*

Based upon the presentation and the comments we have heard, I feel that the applicant has not met all the criteria of Section 41.09 of the Zoning Ordinance, and therefore I move to deny the request.

Discussion –

Lankford – For which deck? For which portion?

Rosman – Both.

ROLL CALL VOTE:

AYES: Rosman, McKeever, Mistele, Mills, Sovel

NAYS: None

MOTION CARRIED UNANIMOUSLY

Chairperson Rosman – We have denied both of your variance requests. What we do recommend is that you make an appointment with Jay. Sit down with him. We do this all the time. There's got to be a way to give you what you need and want without the numbers that you're asking for. I recognize that this is not what you want, and I am sorry that we can't make you that happy, but everybody else on this Board who lives on a lake, and everybody else who comes before us, it's the same thing. I would have loved to go closer to the lake with my house, but I couldn't do that.

ITEM G3. PA23-04 – ALAINA FINKEL – PUBLIC HEARING

Alaina Finkel of Commerce MI is requesting an appeal of an administrative denial of an application to divide the property at 4275 Creedmore to its originally-platted configuration comprised of Lots 1 and 2 of the Frank S. Salters Mount Royal Country Club Subdivision of 1921. The land division application was administratively denied because one of the proposed resulting properties (Lot 1) would have no road frontage. PIN#: 17-10-451-034

Chairperson Rosman opened the public hearing.

Jeffrey Leib, Attorney – 30445 Northwestern Hwy, Suite 230, Farmington Hills, MI, 48334. I'm here with Alaina Finkel. This is an appeal of the administrative decision which denied the division of Lots 1 and 2 back to their originally platted status. I have great respect and admiration for the Planning staff. I've worked with them over the years. We've gotten along. They always welcome me. We brainstormed this one before we filed the appeal. They couldn't have been nicer in giving me the time to brainstorm the situation, and Alaina came with me as well. I have no fault at all with the staff. By the way, I acknowledge that when you have two nonconforming sites and you put them together into a conforming site, you can't split them again. I get that, but there are exceptions, even to that one.

When you have a subdivision that has a bunch of 50-foot lots and all of the sudden a rezoning comes in and they change the zoning status to 100-foot lots, you've got a bunch of nonconforming sites that pre-dated the ordinance. If somebody wanted to come in and split a 100-foot lot into two 50-foot lots, technically it would require a variance, but it's consistent with the pattern of development that most communities would approve. Even there, you're dividing a conforming site into two nonconforming sites because it's consistent with the pattern of development.

This is an interesting site. We have two large lots, and the only reason for the nonconformity is because of the lack of 50-foot road frontage. But, we have three things working on our side that compel the Board to revisit the decision of denial.

1. The lots were platted in 1921 before any of us were born. This is a platted subdivision.
2. There were existing homes on each lot, Lot 1 and 2, at one point in time.
3. The 20-foot walk that exists is also platted and has been historically used as an access road to Creedmore Street. So, you could argue that not only did it exist and have a history being used, but I would argue that there's an easement of necessity, or a prescriptive easement that was created over the years over this walkway that isn't looked upon as a road by the current Commerce Township. But you can't overlook the fact that it was part of the plat, deeded to the public for use, and in fact has been used as a road for over 100 years.

Staff submits that by combining Lots 1 and 2, they made it more conforming. I get the argument, but how did it become more conforming? The frontage is still the same. The building sites haven't changed. Even though you've eliminated the walkway by combining Lots 1 and 2, the sites haven't changed at all and they're still platted lots. This wasn't self-created by the Finkel's, and in fact, there are material facts of platting and the history of usage that constitutes one of the standards necessary to be satisfied. I'm not going to go on; you all get it. This is not rocket science, and I'm happy to answer any questions, and so is Alaina. I would respectfully request that you revisit the denial, take into consideration the history of the use, and the fact that that walkway is platted and was used as an access road from the lot to Creedmore, and allow it to be re-split. Both properties could have another house built on them. There was a home built on Lot 1, which Alaina tore down. The slab is still there, but it is certainly big enough for a house. Thank you.

Chairperson Rosman – Thank you. Alaina, is there anything you'd like to add?

Alaina Finkel – I would like to say, hearing everybody else come and speak, I'm a rule follower. So, when we purchased this lot, I called, and we were going to add on to our home. Unfortunately, the cost of materials is beyond, so it doesn't make financial sense for us to do that now. But, I called, and I got a permit to do the demo. I made sure I was following all the rules. I talked to Paula and Jay. We looked at it together before I even did it. This was my first time doing all of this. I didn't know that when we combined them that it was going to be an issue, and then we really couldn't afford to do what we wanted to, and now we should probably split them so we have more flexibility financially.

Chairperson Rosman – Okay, thank you. Is there anybody from the public who would like to address this? (Hearing none) I will close the public portion and I have a letter which I will read into the record.

*PETITION IN SUPPORT OF ALLOWING THE DIVISION OF PROPERTY AT 4275
CREEDMORE TO ITS ORIGINALLY-PLATTED CONFIGURATION COMPRISED OF
LOTS 1 AND 2 OF THE FRANK S. SALTERS MOUNT ROYAL
COUNTRY CLUB SUBDIVISION OF 1921*

We, the undersigned residents of Commerce Township, support our neighbor's request to allow the division of her property at 4275 Creedmore back to its originally-platted configuration of Lots 1 and 2 and respectfully urge the Zoning Board of Appeals to grant her request. Lot 1 was platted as such and historically had access to Creedmore over a platted, dedicated 20' walk. Her requested interpretation of the Zoning Ordinance for the proposed division will not cause any adverse impact or detriment to any neighbor.

Signed by: Kim Wheeler, 4282 Creedmore; and Deborah Montgomery, 4283 Creedmore.

There was -1- return and -1- letter.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

Board Comments:

McKeever – Honestly, I don't see where staff has misinterpreted this. I do realize that this dates back to 1921 when this was platted, but the clock starts once it was combined. Your example of changing the ordinance to require 100-foot lots would make everything nonconforming – they would be legally nonconforming. What you're asking us to do is to create a situation where we would be creating a nonconforming lot, which we just don't have the authority to do. Unless there was some way to have that walk platted as Creedmore Street, I don't see any way where we could grant you the ability to split these lots, and still meet the requirements.

Sovel – I agree that this was following the ordinance, so I don't have any issues with staff. But then I also looked to see, what would it hurt? Who would it hurt? Unlike the previous home with the deck where we would have 3,000 people on the lake wanting to put decks right on the water. I'm a little on the fence on this one. I hope my colleagues will help me decide based on their comments and questions.

Mills – Jay and Paula, a few minutes ago, you had a colorful overlay on the overhead. Can you put that back up and talk about that, as to where this walkway is relative to the lots?

Jay James – It's easiest to see on Property Gateway. This is Creedmore Street right here, and the cul-de-sac there. This pathway coming down here is the platted walkway to the lake. The lots in question are Lots 1 and 2. Earlier last year, Alaina came in and asked to demolish the house on Lot 1, and to combine Lot 1 with Lot 2 because they were planning on doing an addition. As she mentioned, because of construction costs, I think that squashed their plans, and they came back in saying they wanted to revert it back to what it was. Per the ordinance, since this is a platted walkway and not a platted road, we would be creating a nonconforming lot by allowing that split because there is no road frontage.

Mills – Okay.

Mistele – I agree with Bill. I don't find the platted walk as a road. Unfortunately, it just isn't a road, and it isn't maintained as a road. It is a way for people in those houses to walk down to the lake. Maybe they put a bridge over it to get to it; maybe that was his intention, a bridge to walk over it there, and maybe the water wasn't up that high then. I don't know, but unfortunately, I don't find the walk as a road.

Jay James – Can I add something?

Chairperson Rosman – Go right ahead.

Jay James – Bob just indicated that it's not a road and it hasn't been used as a road. I think as you can see from the aerial here, the neighbor on the other side of the walkway has a garage that they used. I think they have been using it as a road, even though it is not a road. I just wanted to point out that the person on the other side of the walkway has been utilizing it to get vehicles in and out of the garage.

Chairperson Rosman – The guy across the street, what he should have done is swung his driveway.

Jay James – Yes, through here.

Chairperson Rosman – I live in that subdivision. I know from Frank Salter ... My parents were the first ones who bought on Island Drive. When we had a certified survey done several years ago, before we sold our cottage, we were shocked where the road was on the plat, versus where the road actually was, and that's Frank Salter. He has done that all over this subdivision, including yours. What he dedicated as a walkway, he may have thought it was a driveway for the other people, but that isn't what he said, and that isn't what it is. I agree completely with Bill, that taking something that is conforming and breaking it up and making it nonconforming again – that doesn't fly for me. The other thing is, I know that was used as a road, but it's not a road. It is an easement and it's a walkway. The fact that people use it as that, historically, doesn't really make it a road. I saw what you drew with the different names of the street that it has never been, but it's not a walkway to the water because people have never used it that way. But that's what he platted. I know from our street, it's supposed to go that way, but it goes the other way. That's just the way it is. I'm sorry, I can't vote to put it back to two separate lots for you. I understand what you want to do, and I'm sorry I can't help you do that.

Paula Lankford – I just want to point out that #4 on our denial letter does speak to, should this be separated again and if a building permit were to come in to build on Lot 1, Jay would not be able to issue that permit because there is no road frontage. Our ordinance states that you have to have an approved road in order to build on a lot.

Chairperson Rosman – It doesn't say how much road frontage you have to have, but you have to have frontage.

Paula Lankford – It does; you have to have 50-feet in that district.

Sovel – Jay, I know what has happened, but if on Lot 1, the house had not been torn down, and she came in and asked the same request to split it with the house still there, would that be approved if the house was still standing today?

Jay James – We would not have done the initial combination with the house still standing. We can't combine two properties with two separate houses.

MOTION by Mistele, supported by Rosman, to **affirm the decision to deny** Item PA23-04, the request by Alaina Finkel of Commerce MI, for an appeal of an administrative denial of an application to divide the property at 4275 Creedmore to its originally-platted configuration comprised of Lots 1 and 2 of the Frank S. Salters Mount Royal Country Club Subdivision of 1921. The land division application was administratively denied because one of the proposed resulting properties (Lot 1) would have no road frontage. PIN#: 17-10-451-034

Move to affirm the administrative decision of the Planning & Building Departments relative to PA#23-04, an appeal of an administrative decision petitioned by Jeffrey Leib on behalf of Alaina Finkel, based on a determination by the Zoning Board of Appeals that none of the criteria within Sec. 41.06.C of the Zoning Ordinance have been

satisfied. The Zoning Board of Appeals finds that the Planning & Building Departments properly applied the standards of Sec. 6.08 & 39.04.A of the Zoning Ordinance, and Section 22.25(a)(2) of the Code of Ordinances, and is making a determination that Parcel 17-10-451-034 (Lots 1 and 2 of Frank Salter's Mount Royal Country Club Subdivision) at 4275 Creedmore cannot be divided.

ROLL CALL VOTE:

AYES: Mistele, Rosman, Mills, McKeever

NAYS: Sovel

MOTION CARRIED 4-1

Jeffrey Leib – Thank you for your thoughtful and respectful consideration.

Chairperson Rosman – Thank you very much for coming.

Alaina Finkel – Thank you.

ITEM G4. PA23-06 – PETE BAILEY – PUBLIC HEARING

Pete Bailey of Commerce MI is requesting a variance from Article 33 of the Zoning Ordinance to construct a second story onto an existing detached garage that exceeds the maximum height allowed located at 3586 Moberly. PIN#: 17-16-405-009

Chairperson Rosman opened the public hearing.

Pete Bailey – Continuing the Commerce Lake theme today. I'm requesting a variance for the height of my garage addition. Being a retired Army National Guard Officer, as well as a retired full-time firefighter and inspector, I'm a rule follower. I'm here seeking permission instead of forgiveness in this case.

Being on a narrow lot, originally built in the 50's, our options for expanding are very limited. We have exceeded the storage capacity of our existing buildings; house and garage. The roof of the garage has begun to bow from items being stored. Without bulldozing the whole lot to start over, we are very limited in our options on our 50-foot lot, which is built pretty close to the road. The only way to expand the garage is up and back on the back of the garage.

I started a dialogue last year with the Building Department on the feasibility of the plan. I was told that it should be easily doable. I obtained and submitted a survey and was told to submit plans. I had plans drawn up and submitted. I only proposed to add a half a story onto the garage. This would keep within the 14-foot mid-peak standard, but it would still give me usable storage by adding a half story onto my garage.

I also did not want to go any higher and look out of proportion with the house. For lakefront property on Commerce, I have a fairly small house and garage right at the road. I guess you've all been there. I'm not looking for a massive garage as most of my neighbors have. My house and garage are small compared to many houses on the street. The newer build houses on both sides dwarf mine, and my garage will still be small after my new build when compared to many garages in my neighborhood, detached and attached.

If I'm not allowed to improve my garage, I will be unable to utilize my garage as many of my neighbors are able to utilize theirs. A variance will allow me to enjoy some of the benefits many of my neighbors have been granted with their larger builds. The present conditions causing the need for the variance existed long before I arrived, i.e., grade,

building placement. The variance will have virtually no impact on the neighbors or the Township.

From the road, the height increase will not exceed the 14-foot mid-peak maximum. From the lakeside, since we're on a grade and we have a walkout area in the garage, that's where the problem started. I do have a picture from the lake if you're interested in seeing it; the garage is nearly invisible, so it will have no effect on the view from the lake, especially since it's over 400-feet away from the lake.

The adverse effects to adjacent properties are minimal to non-existent. Without expanding our garage, our lifestyle will be adversely affected, and we will be unable to utilize our garage in the activities we enjoy.

Ray Golota, 1595 Vanstone Dr, Commerce Township – Once again, I live on Commerce Lake. I'm just curious, is your garage a standalone?

Pete Bailey – Yes.

Ray Golota – I don't have a problem with it at all, but as a side note, two houses north there is an addition going on that is absolutely huge and tall. Maybe he's allowed to do it because it's attached to the house. By granting him what he wants, I see no problem at all, because the other one that's attached to the house has to be 25-feet tall and he's right up against the road.

Paula Lankford – An attached garage can be up to 35-feet.

Jay James – Yes, because it's part of the main structure. However, in this case, and that's one thing we looked at, if he were to attach the garage to the house, he would be able to go up higher, but then the entire house, because of the location of the garage to the road, is all nonconforming. The whole structure would become nonconforming and that is something to look at.

Sovel – That's why we have variances.

Pete Bailey – I would like to add one thing. In the report, there was a typo; where it said my existing garage was 39-feet over the lot line – it's .39-inches over the lot line.

Chairperson Rosman read a letter into the record.

Hi Paula,

This is Henry Popow. I am Peter Bailey's neighbor at 3580 Moberly. We talked today early afternoon about the garage next to us.

After our discussion about the garage eaves, setbacks and controlling water, my only request is to have the downspout that borders our property moved from the front of the garage to the back of the garage. This would control the water coming off of the garage roof onto the property that it is coming from.

Currently the spout comes off of the front towards the street. The problem arises due to Mr. Bailey's driveway being bowed and all the water from Mr. Bailey's garage roof is routed into our driveway. There is no downspout on the backside of the garage so all water is moved to the front downspouts.

*Putting the downspout on the back of the garage would control the water on the property from where it came and not push it into our driveway.
This is a request. My only concern is to stop the water coming from Mr. Bailey's garage roof onto our property and driveway. Thanks for your time.*

There were -0- returns and -1- letter.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

Board Comments:

McKeever – Given the topography and the dimensional restraints of this property, I did not have any issues with this request.

Sovel – It has to be denied, but with the topography, the difference between an attached garage and a detached garage, et cetera., to me, this is a classic, easy “yes”. I also have no problem with this one.

Rosman – I am correct that the 16-feet is lakeside?

Jay James – The height, yes, and the grade goes down. At the road, he's good, but when you get to the back side, that's where it goes down probably 10 steps.

McKeever – Take the average.

Jay James – It is a lakeside-

Chairperson Rosman – Okay, thank you.

Mills – I really don't have a problem with the request.

Mistele – Jay, just to double check, he can put the addition on the back without the need for a variance, is that correct?

Jay James – Yes, that is correct.

Paula Lankford – The addition meets all of the setbacks.

Chairperson Rosman – Say that again.

Mistele – The addition on the back of the garage can go on without the need for a variance.

Jay James – Correct.

Chairperson Rosman – Okay, thank you.

Sovel – Paula, help me on the language for the condition; he is *required to receive further variances during a future public hearing for the front and side setbacks and spacing from the principal structure?*

Paula Lankford – That is correct. There was an error in noticing on this. The language in Article 39 of the Zoning Ordinance needs an amendment. If we amend that ordinance to read how it should have read, he won't need to come back to the Zoning Board of Appeals for this addition. There are two choices; he can either come back, before we do the text amendment, and ask for a variance for the front and side setback. Or, he can wait for the amendment, which I'm hoping to get done as quickly as I can, to allow him to build a second story on a nonconforming structure that doesn't go out any further than the existing walls, and he would be okay. He wouldn't need to receive any further variances. Add in there that, *the structure either receive future variances for the front and side setback, or a text amendment be approved and adopted prior to his building permit being issued.*

Jay James – That eliminates the need for a variance.

MOTION by Sovel, seconded by McKeever, to **approve, with a condition**, Item PA23-06, the request by Pete Bailey of Commerce MI for a variance from Article 33 of the Zoning Ordinance to construct a second story onto an existing detached garage that exceeds the maximum height allowed located at 3586 Moberly. PIN#: 17-16-405-009 Based upon the presentation and the comments we have heard, I believe the applicant has satisfied the criteria, and therefore I move to approve a height variance of 2.5-feet for a detached garage, for the following reasons:

1. The need for the variance is not self-created.
2. The need is due to topography of the lot which makes it a unique situation.
3. Granting of the variance will not affect the character of the neighborhood, or cause any adverse problems for others.

Approval is **subject to the following condition** that the structure/addition is required to receive further variances during a future public hearing for the front and side setbacks and spacing from the principal structure, **OR**, that a text amendment be approved and adopted, as discussed herein, prior to his building permit being issued.

Discussion –

James – Any issue with you diverting the downspouts so it doesn't go on your neighbor's driveway?

Bailey – We've always had water flow problems. One of my goals is to have the water on both sides go out the back. The downspout and gutter will be removed with the existing roof. The new roof will be tied into the extension and down into the yard. That's part of my plan.

James – Okay, I just wanted to make sure.

Bailey – Fair enough.

Rosman – Thank you.

ROLL CALL VOTE:

AYES: Sovel, McKeever, Rosman, Mills, Mistele

NAYS: None

MOTION CARRIED UNANIMOUSLY

H. OTHER MATTERS:

Chairperson Rosman – I would like to talk about something that was brought up by a member of the public today. I am not happy regarding all of the violations, particularly on the lakefront. I recognize that the Township has two part-time ordinance officers. I recognize that we are 26 miles. I recognize we have a lot of things that are happening, like the old Township Hall, and with the neighbors, and so on. I recognize that the

commercial, such as Target and Home Depot, love to violate 24/7, and they're busy with that. I also know that we have so many violations and they don't have time to go after them.

The other issue is the lakefront issue, that Commerce Township does not own a boat, not even a rowboat that has a motor on it.

McKeever – You can't go on a private lake either that you're not invited on.

Sovel – The Fire Department does have a boat.

Chairperson Rosman – The problem is exactly what we saw today, with all the people who do as they please. If I invite them to come on the lake, he can come on the lake and go wherever he wants. Once he's on the lake, it's open territory. It doesn't belong to each one of us. He could go around the lake and do what he needs.

I personally feel that the Township needs to address not only that issue, but the cost of a violation ticket. I have a neighbor on my street that has violated every setback, every allowance of having things over the winter, such as a motor home, all kinds of boats and things sitting there that don't belong there, and the Township knows about it but keeps telling me they just don't have time to get out there. I can't make them go out there. It is my feeling that a \$100 ticket for somebody leaving their motor home there all winter long, is a whole lot less money than them going out and renting a place to store it. It's cheaper to violate and get a ticket.

I would like to see a lot of changes happen, including an increase in the cost of the ticket. I want it to hurt. I don't want to be sympathetic. I want them to think twice before they do that over and over again, because we are going into his third winter of doing the same thing. He just accumulates tickets, goes to court, pays \$250 and keeps going. It costs a whole lot more than \$250 to store a motorhome of that size. I would like to see the Township address ordinance violations vigorously in many different ways; cost of tickets, lakefront violations, and the amount of people, and/or dollars, or time to go out and take a look at all of these things.

I know that Tammy has a list like this, times 10, of people that call in all the time regarding violations. While it's not anybody's fault, I feel Commerce Township needs to take a very serious look at this and give it more attention. I know because I've seen it, and we saw it on the lake today with these pictures, "He's doing it so I can do it". "Why do I have to put my motorhome away? His is out there all the time." I have turned in four different motorhomes in my subdivision and they're still sitting there because they'd rather pay the ticket.

That is my item under other matters that I wanted to share with you Rick, and with you Bill, for the Township Board and the Planning Commission. There is no reason that violations can go on for years and years for the same thing.

Mistele – If you get a boat, I will volunteer to drive around the lakes.

Chairperson Rosman – Yes, sir?

Ray Golota – I want to commend you for saying what you just said. I've been in here since 1992. That's the reason why I'm here. That's my main pet peeve. Not that I have turned anybody in, but I know a person in our subdivision who was turned in for having a shed there. She's always had the shed. She called the Township and they wanted to

have a meeting. I'm surprised they're not here. I commend you for saying what you've said. You have more authority than I have, but the fact is that something has to be done. People come in here and ask for forgiveness.

Chairperson Rosman – I have a neighbor on my street who has two front yards. He has a motorhome there all the time with somebody living in it, and two boats on the property besides the one in the lake, and he has two sheds, right on the road. They know about it in the Township, but they're busy.

Sovel – We do have two ordinance enforcement officers, something we didn't have a couple years ago. There is a monetary limit that we can put on fines. Once we write the ticket, it's now up to the court system, so it's out of our hands.

Chairperson Rosman – But the amount of the ticket could be in Commerce Township's hands.

Sovel – Because it's non-criminal, there's a limit to what we can do from a civil infraction standpoint. But we do have two ordinance officers.

Chairperson Rosman – I know. I've talked to them.

Sovel – On the lakeside, and your lake is definitely guilty, but there are several other lakes where the associations are very active, and as soon as a piece of wood shows up on the water, we are alerted and these guys go out there before anything is started. Maybe you guys need to do something to get your lake association more involved.

Chairperson Rosman – We could talk all day long about what people need to do and should do. I would like to have a discussion and hope that in the budget, they will take a look at something like that. I'm not the only one making phone calls. Tammy has lists galore. There is no question that two part-time people cannot cover 26 miles of all of the complaints that come in. I would like it looked at.

Sovel – The other thing is that we probably don't necessarily need more people for that. We've had some discussion on the use of technology, NearMap or whatever, where we can see stuff.

Chairperson Rosman – I'm saying that's all helpful, Rick.

Sovel – As opposed to driving around the lakes.

Chairperson Rosman – There's more work than there are people, and more work than there is time. I would like the Township to take a look at that because there are always more people, more things being built, we have all those stores on Haggerty, and the new subdivision going up on Sleeth Road. We are increasing the amount of properties that need to be looked at, should there be an issue, and you have two part-time people. I want the Township to be more proactive about the issue of too much for two people.

Sovel – I'll bring it to the Board when we talk about it in September or October.

Mills – Should we be discussing this email from Hans?

Paula Lankford – It is “ALL” of the criteria.

Chairperson Rosman – We talked about writing a new reference page.

Paula Lankford – The one you have for variances is correct.

Chairperson Rosman – The sign one? He was going to write a new one.

Paula Lankford – He did, and you have a copy of it in front of you.

Chairperson Rosman – We need it laminated.

Paula Lankford – I understand that. I didn’t want to laminate it until the Board reviewed it and was okay with it.

Mills – Is this the one that says draft?

Paula Lankford – Yes.

Mills – Okay, so the draft has to go away?

Paula Lankford – Yes.

Debbie Watson – It is dated May 1st, but she was waiting on your feedback.

Sovel – And we have a date on it.

Paula Lankford – Yes. I emailed it to the Board back in January or February.

Sovel – February 10th.

Paula Lankford – Yes, thank you. I’m good with it. So, if you could, take a look at it. If you are good with it, and you want me to run with it, I will get it laminated and get it out to all of you in September.

Chairperson Rosman – I suggest we all email you by next Thursday, to tell you that we have read it, and if we are ready to go with it, or if we’d like to see anything changed.

Paula Lankford – That would be wonderful.

I. CORRESPONDENCE:

None.

J. PLANNING DIRECTOR’S REPORT:

Paula Lankford shared the following with the Board:

- We did administratively approve the Lafontaine proposal to remodel the old Dick Morris dealership. It will be for pre-owned vehicle sales and service. It will be complementary to the new Hyundai/Genesis dealership they’re building at Haggerty and Pontiac Trail.

- Home Depot is coming to the Planning Commission in August for a use determination. If that goes their way, then they would be coming in for a more permanent solution for year-round permanent outdoor sales, with screening according to the requirements.
- Also, in August at the Planning Commission, we have a concept plan for the Commerce Drive-in site for a mixed-use development, including an independent living facility, and up to four outlots for commercial or retail uses.

Chairperson Rosman – Would those allow drive-throughs? And what about the sign?

Paula Lankford – This is in the early stages. We are hoping they incorporate the sign within the design of the site. That’s what we’re asking for.

Chairperson Rosman – Thank you.

Jay James – I don't have anything to add unless you have any questions for me.

Discussion continued regarding ordinance enforcement and staffing, structures on lakes, complaints, addressing issues, and using NearMap to locate violations.

K. ADJOURNMENT:

- **NEXT REGULAR MEETING DATE: THURSDAY, SEPTEMBER 28, 2023.**

MOTION by Mills, supported by Mistele, to adjourn the meeting at 8:51pm.

AYES: Mills, Mistele, Sovel, McKeever, Rosman

NAYS: None

MOTION CARRIED UNANIMOUSLY

Robert Mistele, Secretary