

**CHARTER TOWNSHIP OF COMMERCE  
ZONING BOARD OF APPEALS MEETING**

*Thursday, January 27, 2011*

2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Rusty Rosman, Chairperson  
Jorge Pacheco, Secretary  
Rick Sovel  
Clarence Mills  
Absent: Bill McKeever (excused)  
Also Present: Kathleen Jackson, Township Planner

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson. She reviewed the requirements for receiving a variance from the Zoning Board of Appeals including the fact that all the 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. She added that in order to have a variance approved this evening; applicants would need the approval of 3 out of the 4 Zoning Board of Appeals members present.

**APPROVAL OF MEETING MINUTES**

**MOTION** by Mills, supported by Pacheco, to approve the Zoning Board of Appeals Special Meeting minutes of January 6, 2011, as written.

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Rick Sovel – Township Board & Library

- Reviewed Townships purchase of Wise Road State Land.
- Parks & Recreation is putting together "Music in the Park" at Dodge Park. Details will follow.
- Sandra Abrams retired as Township Clerk. The Board appointed Trustee Dan Munro to take her place.

Kathleen Jackson – Planning Commission, DDA, & Planning Department

- The Planning Commission's last meeting dealt with new text to be added to the Zoning Ordinance: windmills, sexually oriented businesses, and the sign text that is before you this evening.
- The DDA is interviewing brokers and developers to find a primary person/group for marketing the property.

**PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA**

None

**MOTION** by Pacheco, supported by Mills, to remove Item A10-09 from the table.

**MOTION CARRIED UNANIMOUSLY**

**ITEM I: A10-09 – HAGGERTY SHOPPES – Tabled from 1-6-11**

Harvey Weiss owner of Haggerty Shoppes of Commerce MI is requesting a variance from Article 30 of the Commerce Township Zoning Ordinance to be allowed to exceed the square footage allowed for wall signs for the retail center “Haggerty Shoppes” located on Haggerty Road just east of the Meijer Store and north of Maple Road.  
Sidwell No.: 17-25-426-013

Chairperson Rosman explained that the public portion of this request had already been held at the previous meeting. Before proceeding to Board Comments, she reviewed the *January 10, 2011 Planning Commission meeting minutes*, per McKeever’s request.

**Board Comments:**

Kathleen Jackson – At the end of the Planning Commission meeting, the discussion directed staff to allow 1-square foot to each lineal foot of frontage.

Rosman – The front being Haggerty Road...

Kathleen Jackson – The frontage being a public thoroughfare. And, when an entrance is provided off the parking lot behind the building, and additional .5-square feet per lineal foot of frontage would be provided for signage on that side of the building. This would not include an alleyway or delivery entrance – those are still subject to 2-square feet per lineal foot.

Sovel – Is the .5 ratio to the actual size of the sign or is it the maximum allowable?

Kathleen Jackson – The maximum allowable.

Chairperson Rosman welcomed the petitioners and stated that they have been delightful to work with.

The Property Owner, Harvey Weiss, was present along with Attorney, Alan Greene, Dykema Gossett PLLC, 39577 Woodward Avenue, Suite 300, Bloomfield Hills, MI, and Architect, Tom Phillips, Hobbs + Black Architects, 117 E. Allegan Street, Lansing, MI, to address the request.

Alan Greene – Upon the recommendation of the Planning Commission, we are presenting these samples for your review showing the architectural scales. The first row shows Haggerty roadside signs which are larger than the 1-1 ratio as the variance request reflects. The middle row shows the 1-1 ratio size, and the bottom shows what you currently see on the building which is .5. Again, the top is what we are requesting.

**ITEM I: A10-09 – HAGGERTY SHOPPES – Tabled from 1-6-11 (continued)**

Sovel – And those are to scale?

Alan Greene – Yes.

Rosman – Those are block letters, but not all are. There is a world of difference between block letters and script type. Some use script and of course they would want the sign to be larger.

Alan Greene – As we told the Planning Commission, we would show you these two sizes to help your decision. One issue we did disagree on that doesn't affect us now is that when the ordinance is redone, the .5 on the secondary entrance side may be too small. We understand that people are traveling in their vehicles at 5mph. Businesses want to be seen through a sea of parking, and it's unattractive if the signs are small and out of scale with the building or distances.

Kathleen Jackson – The Planning Commission recommends maintaining the 1-square foot per lineal foot (1-1) of frontage along the public thoroughfare which is currently allowed, and an additional .5-1 on the entrance facing the parking lot. The petitioner is proposing to be consistent with this, however they would actually prefer to have even greater signage along Haggerty.

Tom Phillips – On the side facing Meijer (rear), we are not asking for a variance. Our recommendation is to consider 1.5 on the Haggerty side.

Pacheco – Specifically, the variance for today is only a request to increase the signs on the elevation facing Haggerty to 1.5, and as far as the parking lot side, they are not asking for a variance at all. Is that correct?

Sovel –

- I don't disagree that the Haggerty Road signage needs to be larger – that makes sense. But what needs to be done on the other side? My idea is that people are coming in from Haggerty and see the larger sign. Once they already know that the business is there, they won't have difficulty finding it on the other side.
- If they are coming out of Meijer, they are likely to see the smaller .5 sign, yet you would prefer 1.5 on Haggerty and 1 on the Meijer side?

Kathleen Jackson –The new ordinance encourages developments located close to the road with parking behind the building. This necessitates double frontages and double signs, yet the ordinance does not provide for this yet.

Pacheco – Can we make a motion to approve the Haggerty Road side at 1.5 and also to allow signs on the parking lot side of .5?

**ITEM I: A10-09 – HAGGERTY SHOPPES – Tabled from 1-6-11 (continued)**

Rosman – At the present time, 1-1 is allowed on the Haggerty side. They are asking for 1.5 on the front, and to keep .5 on the parking side. If we left it alone it would stay as 1-1 with no additional signage on the parking lot side.

Rosman –

- I feel they should work within the guidelines of the 1-1 ratio, and I'm inclined not to allow the 1.5 on the front. I know what you want to do, and it looks great, but 1-1 will suffice.
- I am inclined to allow the 1-1 on the roadside, and the .5 on the parking side.
- The majority of motorists would be able to find the businesses on the parking lot side with the .5 signage.

**MOTION** by Pacheco, supported by Mills, to approve Item A10-09 – Haggerty Shoppes the request by Harvey Weiss, owner of Haggerty Shoppes of Commerce MI, for a variance from Article 30 of the Commerce Township Zoning Ordinance to be allowed to exceed the square footage allowed for wall signs for the retail center “Haggerty Shoppes” located on Haggerty Road just east of the Meijer Store and north of Maple Road. Sidwell No.: 17-25-426-013

Specifically, the variance is granted on the Haggerty Road side frontage for 1.5 square feet of signage per lineal foot. Aesthetically, that size of sign would be appropriate for that area and people will be able to see the stores and safely locate them with ease. Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

**Discussion –**

Sovel – I know there could be two separate motions here, but yet I think that the current motion is incomplete. I feel that the motion needs to state what is the total maximum allowable (including front and back signage).

Rosman – How would you amend the motion?

Sovel – I would amend it to state that “the maximum is no more than 2.0 square feet per lineal foot of frontage with front and back signage combined”.

Rosman – Up to 2.0, and not to exceed...

Sovel – I'm also looking at what a sign contractor will think, considering the aesthetics. If it is 1.5, and he wants to use 1-1 on the front, will he then want to do 1-1 on the back for the 2.0 total? We need to ensure they can't have signs of all different sizes.

Kathleen Jackson – It would need to be to scale and consistent with the others.

Sovel – We do have a sign expert present this evening.

Richard Walter, Sign People, 865 Dunreath St, Wolverine Lake, MI – We've dealt with panels in the past and if it is not the right dimension, it does not work out well. In today's world, we need to stay competitive with properties, work with retailers and entice them into the municipality. A frame or panel would just be looking for trouble. 1.5 to 1 on a public thoroughfare only defines the front of the building.

Kathleen Jackson – In the language you discussed, you mandated 1.5-square feet per lineal foot. That is different than what is in the ordinance. This could be “up to” 1.5. If

**ITEM I: A10-09 – HAGGERTY SHOPPES – Tabled from 1-6-11 (continued)**

the sign is mandated to be larger than it should be, and there are only 4 letters in the name for example, it could destroy the scale because it would need to be so large. If the Board is inclined to go to 1.5, it could be “up to” instead of “no more, no less” allowing flexibility and creativity in design. (Other examples were discussed such as Meijer, Home Depot and Lowes.)

**Pacheco – Agreed to the amendments to the motion: “...up to 1.5 square feet per lineal foot of frontage on the public thoroughfare (Haggerty Road side), and up to .5 square feet per lineal foot of frontage on the parking lot entrance side (Meijer side), with a combined total maximum of 2.0.”**

**Sovel** – I just wanted to ensure that someone can't say they want 1.25 on the front and .75 on the back.

**Roll Call Vote:**

**Ayes:** Sovel, Pacheco, Mills

**Nays:** Rosman

**Absent:** McKeever

**MOTION CARRIED**

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING**

Schneor Greenberg of Commerce MI is requesting variances from Article 6 & 28 of the Commerce Township Zoning Ordinance to allow parking spaces in the required front yard setback and the access drive off of Sleeth Road to be closer than the minimum required distance to an adjacent residential district and also for the drive to be less than the required minimum width located at 810 Sleeth Road.

Sidwell No.: 17-10-179-024

Chairperson Rosman opened the public hearing.

The petitioner, Rabbi Schneor Greenberg, was present along with Alex Orman, Orman Engineering, LLC, 5476 Vivian Lane, Waterford MI, to speak to the variance.

Alex Orman – We are applying for 3 variances as discussed. This is not a big synagogue and no more than 30 people will be in attendance at a time. Based upon the zoning calculations for the parking lot, this will comply with Zoning Ordinance requirements of 8, and actually we have come up with 10 spaces.

There is an existing wood fence in the ROW. We checked with the RCOC Master Plan and there is no intent to increase the ROW on this road. The Zoning Ordinance requires that there be no parking within 85' of Commerce Road, and that is the issue and reason for the variance request. Our request is based upon the number of spaces and we would not even be able to fit the 8 required spaces if we comply with the 85' setback.

Another issue is that there really is no other appropriate place to add parking while attempting to meet the requirements and remain in compliance. In addition, a ramp needs to be added to the structure and this could not be provided without a variance for the parking as presented.

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING (continued)**

These are the two major reasons for the variance requests and we believe a hardship exists. The property was purchased with the existing structure, the approach was originally built for a residential zoning district, but the Zoning Ordinance also provides for this type of development and usage within the district.

There is no room to include another entrance, and the property is limited by what exists there and the road location. There is no additional room to move the driveway in an attempt to comply with the ordinance.

The third variance is for the internal drive aisle. The Zoning Ordinance requires 22', however we cannot meet the Zoning Ordinance without interfering with the 10' buffer for the neighboring residential property. We have come up with a 16' drive aisle, and the Fire Marshall feels this is reasonable. He had no objections since he can provide service to the property from either of the main roads as the structure is on a corner and accessible from either street. This drive aisle will allow us to comply with the required 10' buffer.

Chairperson Rosman asked the public for comment.

Diane Freilich, 871 Artdale, White Lake, MI, stated that she was present to show her support for the development. This learning center is important to the community. It would be wonderful for people to be able to park on the premises as opposed to parking a half mile down and walking as there are no sidewalks available.

Alex Orman agreed that this arrangement will provide easier access.

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

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

**Board Comments:**

Mills –

- It states here that the drive cannot be relocated to the east. Can you explain why?
- I do understand that the garage will be removed.

Alex Orman approached the Board to review the plans and explain how even if it could be moved, it still would not meet the ordinance in any other area. If it were relocated it would be too close to adjacent residential properties, and it is also likely that the RCOC would not be in favor of the alternatives.

Mills – My second questions is regarding the staff concerns about backing a vehicle out with only 3' of clearance.

Alex Orman – They can back up in this area.

Sovel – Kathleen, how is this zoned?

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING (continued)**

Kathleen Jackson – It is R1-C, and a Place of Assembly is permitted as a Special Land Use.

Sovel –

- Does it matter how many people they have?
- I'm concerned with this intense use of the property.
- Has there been a resolution for trash pickup? Will they be using commercial?

Kathleen Jackson – No, there is nothing in the ordinance regarding the number of people. We would not limit the number of people; however we would require parking and setbacks accordingly.

They may use a commercial trash pickup. This will be reviewed Administratively to ensure that there are no issues. The Planning Commission addressed the option of requiring a dumpster but it could take so long to fill it that odors and rodents would become an issue, especially during the summer. The Planning Commission was in agreement that if that would be beneficial they are able to use Republic or a private collection service rather than having an enclosure.

Sovel –

- What about noise issues? Will there be any type of music or singing? Drums or electric instruments? This is in the middle of a neighborhood.

Rosman – No Bar Mitzvahs?

Rabbi Greenberg – This is a place of learning. When we have services, there are no speakers or instruments of any sort. There will be singing, but no music.

Sovel – Parking is an issue. What if there is a lot of snow? There could be 1-2 feet of snow. How would you address this – where would you put it all?

Alex Orman – It will be handled. We do have enough empty space on both sides of the parking lot and next to the house, along the fence, on the north property line and in the buffer area.

Sovel – If there is too much snow, you will have to find a place for it.

Pacheco – There was something in the literature about fixing the back fence...

Mills – In its entirety, both sides, front and back...

Rabbi Greenberg – It will be fixed completely and we will paint it.

Pacheco – In a space this tight, right against the fence, will there be parking bumpers in place?

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING (continued)**

Alex Orman – Yes, in the hatched area shown on the diagram bumpers will be used to protect the fence.

Kathleen Jackson – Clarification on the fence – should it be fixed or completely replaced?

Alex Orman – Only one portion needs replacing between the east property line and the building.

Kathleen Jackson – Then we will have several different stages of wear on the fence...

Pacheco – The fence should be fixed to meet Administrative approval...

Rosman – We have fence requirements in the Zoning Ordinance. This should be tied into those requirements so that it complies with the ordinance. If it requires replacement in order to be uniform...

Kathleen Jackson – There is nothing in the building code or ordinance requiring that a fence be uniform in appearance.

Rosman – I would add that Bill McKeever wanted the following excerpts read into the record from the *Planning Commission meeting minutes of December 6, 2010*:

*Winkler – The Fire Marshall did not have an objection to narrowing the drive off Sleeth?*

*Kathleen Jackson – No, he did not object to the 16' width; he could maneuver the emergency vehicles through this entrance.*

*McKeever – As long as the Fire Marshal approves the drive, it may not present an issue for the Zoning Board of Appeals.*

*Kathleen Jackson – I will add that the Fire Marshall did not have a concern with the drive requirements because this is a corner property that can be accessed from all different sides. I wanted to clarify that it wasn't because the Township requirements are too cumbersome. The 16' drive aisle width is not acceptable in all areas – it is only acceptable due to the specific circumstances at this location.*

*Winkler – We can include a caveat for Kathleen Jackson to visit the site during high traffic times to conduct a survey. If it becomes a problem, it would need to be addressed.*

*Haber – What do you suggest if it does become a problem?*

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING (continued)**

*Winkler – There could be a means for carpooling to the site. They can plan ahead.*

*Kathleen Jackson – (To Petitioners) Chairperson Haber has frequently provided a statement in the past on this topic: “If there are complaints with parking spillage onto the streets, the Certificate of Occupancy could be revoked. It becomes a health, safety and welfare issue at that point. We need to be very clear – it is important that we don’t have any offsite parking.”*

*Haber – And we will stay on top of the overflow parking.*

*(Motion caveat #2) Review of the parking situation by the Planning Director, with a study to be conducted during the busiest times. If parking becomes an issue, the Certificate of Occupancy could be revoked.*

Rosman –

- I have several concerns, the biggest being the parking. The requirements are 9 spaces and you have 10.

Rosman –

- The parking has been addressed and the Planning Commission discussed it with you as we read into the record.
- The trash will be Administratively reviewed.
- I would also like to talk about the fence. It’s a mess and doesn’t present itself well at an entrance to the Township. It needs to be uniform and solid in its installation. As to what kind of fence, I will defer to Kathleen Jackson.

Sovel –

- Will they even put a sign out?

Kathleen Jackson – The Planning Commission made signage subject to Administrative approval. No details have been provided but it will be required to meet the Zoning Ordinance and staff will need to sign off when the permits are pulled.

Mills – Where will the storm water go will all of this asphalt?

Alex Orman – There is a catch basin and collection and discharge goes to Commerce Road. It travels through the little detention pond to the ROW.

**MOTION** by Rosman, supported by Mills, to approve, with conditions, Item A10-10 – Chabad Jewish Center, the request by Schneur Greenberg of Commerce MI for variances from Article 6 & 28 of the Commerce Township Zoning Ordinance to allow parking spaces in the required front yard setback and the access drive off of Sleeth Road to be closer than the minimum required distance to an adjacent residential district and also to be less than the required width located at 810 Sleeth Road.

**ITEM II: A10-10 CHABAD JEWISH CENTER – PUBLIC HEARING (continued)**

Sidwell No.: 17-10-179-024

Approval is subject to the following conditions:

1. The petitioner will work with the Treasury Department to determine the appropriate trash pickup service; and,
2. Signage will be Administratively approved; and,
3. The fence needs to be addressed and secured in a manner that is uniform. It should be properly placed and should be in compliance with the codes and guidelines of the Zoning Ordinance.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

**MOTION CARRIED UNANIMOUSLY**

**OTHER MATTERS TO COME BEFORE THE BOARD**

None

**NEXT MEETING DATE: THURSDAY, APRIL 28, 2011.**

**ADJOURNMENT**

**MOTION** by Mills, supported by Pacheco, to adjourn the meeting at 8:30 pm.

**MOTION CARRIED UNANIMOUSLY**

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**Jorge Pacheco, Secretary**