

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

Thursday, May 19, 2011

2009 Township Drive

Commerce Township, Michigan 48390

CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 5:00pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Jorge Pacheco, Secretary
Bill McKeever
David Law
Clarence Mills
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, applicants would need the approval of 3 out of the 5 Zoning Board of Appeals members present.

APPROVAL OF MEETING MINUTES

MOTION by McKeever, supported by Mills, to approve the Zoning Board of Appeals Meeting minutes of April 28, 2011, as presented.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

David Law – Township Board

- Discussed the new ladder fire truck that we are purchasing and the grant that was obtained to offset the costs of the truck.
- The roundabout grand beginning is Friday, May 20th and all are invited. The roundabout construction will start soon and be completed sometime in November of this year...

Bill McKeever – Planning Commission

- The Planning Commission is working on text amendments for wind energy conversion systems, wall signage and fences.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: A11-02 – JAMES CORAM –TABLED ITEM

James Coram of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to exceed the maximum square footage and height allowed for an accessory structure located at 170 Marci Lane.
Sidwell No.: 17-02-352-059

MOTION by McKeever, supported by Mills, to remove item A11-02 from the table.

MOTION CARRIED UNANIMOUSLY

Mr. Coram stated that he is proposing to reduce the roof pitch from 8:12 to 6:12 which will reduce the height of the structure from 14' to approximately 12'-6". He also stated that he will work with staff to come up with a landscape plan for the structure.

Kathleen Jackson gave a review of the project.

BOARD COMMENTS:

Chairperson Rosman read a letter from Mr. Coram into the record and a letter of support signed by 5 of his neighbors.

Pacheco stated that the structure is too large for the area.

Mills stated that he doesn't see any problems with the building as proposed.

Bill McKeever stated that it is fine as long as there is a condition that the petitioner work with staff to come up with a suitable landscape plan.

Law stated that the structure is too large for him to vote in favor of.

Jackson asked that the Board give administrative review authority for the architecture as well.

MOTION by Mills, supported by McKeever, to approve item A11-02 – James Coram, for a variance from Article 33 of the Commerce Township Zoning Ordinance to exceed the maximum square footage and height allowed for accessory structures for the property located at 170 Marci Lane, Sidwell No.: 17-02-352-059

Specifically, the variance is granted for a 1,500 square foot structure that will not exceed 14'-6" in height. Approval is subject to administrative approval of the architecture and landscaping. 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.

Roll Call Vote:

Ayes: Rosman, McKeever, Mills

Nays: Law, Pacheco

MOTION CARRIED

A11-04 – Scott David -PUBLIC HEARING

Scott David of Commerce MI representing Absolute Hydro is requesting a variance from Article 30 of the Commerce Township Zoning Ordinance to allow a monument sign that will encroach into the required front yard setback for the property located at 2583 Union Lake Road, Sidwell No.: 17-12-229-008

Chairperson Rosman opened the public hearing.

Scott David, Petitioner, was present and spoke to the variance.

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

There were -6- returns and -0- letters.

Board Comments:

McKeever–

- Not in favor of the roof sign and the proposed sign

Mills –

- No problem with the proposed, does not appear to disrupt the clear vision

Pacheco –

- Agrees with McKeever. Stated that maybe a compromise could be worked out.

Law and Rosman both agreed with McKeever

Discussion followed regarding the size of the proposed sign and the need for both a wall sign and a monument sign on this small site.

Mr. David stated that he could reduce the size of the proposed sign to 5' in height rather than 6'.

MOTION by Law, supported by McKeever, to approve Item A11-04, the request by Scott David of Commerce MI, representing Absolute Hydro, for a variance from Article 30 of the Commerce Township Zoning Ordinance to allow a monument sign to encroach into the required front yard setback for the property located at 2583 Union Lake Road Sidwell No.: 17-12-229-008. . Approval is subject to removal of the existing nonconforming wall sign and a reduction in the height of the proposed sign to 5'. 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

ITEM II: A11-03 – STEVE GACK – PUBLIC HEARING

Steve Gack of Commerce MI is requesting variances from Article 6 and 9 of the Commerce Township Zoning Ordinance to construct an addition onto a nonconforming structure that will encroach into the total required side yard and is less than the minimum required distance between structures for a property located at 3260 Edgewood Drive.

Sidwell No.: 17-12-351-016

Chairperson Rosman opened the public hearing.

Steve Gack, Petitioner, 3260 Edgewood Drive, Commerce Township, MI, was present and spoke to the variance. He stated that the new home will conform to the neighborhood more than the existing home does.

Chris Hill, 8497 Edgewood Drive, representing the Edgewood Homeowner's Association, stated that the Board has reviewed the preliminary plans and is comfortable with them.

Kathleen Jackson spoke about the Fire Marshall's suggestion of as one hour fire rated wall.

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

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

Chairperson Rosman read the letter into the record. It was from Doris Breniser, the neighbor to the north of Mr. Gack. The letter stated her concerns with having the addition over the garage so close to their home and the overall lack of any distance between the two homes.

Board Comments:

Law: Has nothing to add at this point

Pacheco: Concerned with access around the property on the south side (for emergency vehicles). He thought they could make the garage smaller in order to reduce the variance or eliminate it all together.

Mills: Asked about having a detached garage.

Discussion took place regarding a detached garage and the required setbacks for such.

McKeever: Said they can move the garage over 2.4' to the north and it would eliminate the need for the variance.

Rosman: Very concerned with fire and wind; overall the safety factor.

MOTION by Law, supported by Pacheco, to table Item A11-03, the request by Steve Gack for variances from Article 6 and 39 of the Commerce Township Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

MOTION by Pacheco, supported by Mills, to remove item A11-03 from the table

MOTION CARRIED UNANIMOUSLY

The petitioner's designer, Ms. Ascherl, approached the Board and stated that it would be preferable to move the garage over 2' to decrease the variance. This would leave a slight area on the existing house that was not "covered" by the addition, but she could design something for that corner area.

MOTION by Mills, supported by Law to approve a variance request for two variances: one, from Article 39 to allow an addition to a nonconforming structure and second, from Article 6, to allow an addition that will encroach into the minimum required 14' side setback by 2.8'. This is subject to administrative approval of materials deemed safe by the Fire Marshall and moving the garage to the north 2.4'.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE BOARD

None.

NEXT REGULAR MEETING DATE: THURSDAY, JULY 28, 2011.

ADJOURNMENT

MOTION by Mills, supported by Pacheco, to adjourn the meeting at 5:47pm.

MOTION CARRIED UNANIMOUSLY

Jorge Pacheco, Secretary