

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

Thursday, August 24, 2011

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 5:30pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Jorge Pacheco, Secretary
Clarence Mills
David Law
Bill McKeever (arrived 5:37)
Absent: None
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.

APPROVAL OF MEETING MINUTES

MOTION by Mills, supported by Law, to approve the Zoning Board of Appeals Special Meeting minutes of May 19, 2011, with the following correction: under Update of Activities, David Law, 2nd bullet, change to "grand opening".

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

David Law – Township Board

- Martin Parkway is on schedule.
- Approved 4-day work week permanently.
- Discussed improvements and expansion to Library.

Kathleen Jackson – Planning Commission & Planning Department

- The Commission is reviewing the master plan per the state statute requirements, which is every 5 years. The last review was in 2006. This is a good time in the decade as we have new census information and data to input. When the master plan was originally adopted in the DDA, we did not have the full plan for golf courses; that can now be put in. We will also make corrections to any inconsistencies, such as inclusion of the new Township Hall.
- From a planning perspective, I am quite pleased upon review of the master plan as we have implemented or begun many of the projects and goals.
- The addendum is expected to be done by November and sent to the Board for approval.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: A11-05 – DELORES LEWANDOWSKI – PUBLIC HEARING

Delores Lewandowski of Commerce Township MI is requesting variances from Article 6 & 39 of the Commerce Township Zoning Ordinance to construct an attached garage onto a nonconforming home, which will encroach into the required front yard setback located at 3301 Newton Road. Sidwell No.: 17-11-377-007

Chairperson Rosman opened the public hearing.

The petitioner, Delores Lewandowski, 3301 Newton Road, was present reviewed her letter and request for a variance. Her primary concern is safety. Someone recently asked her if she had lived there long. They thought her home was vacant since there was never a car in the driveway when they passed by. With a garage, people could not tell if she was home or away. In addition, her car was broken into in June. The attached garage will provide safe keeping of her car and safe entry into her home. She currently parks very close to the house. She pulls to the shoulder of the road and backs her car into the drive, due to the busy roadway, so that she does have to back out into the traffic to exit.

Mr. Dunbeck, 3351 Newton Road, stated that he had no objections to the proposed garage. The plans show that it is not in accordance with the zoning, so he came here to learn about it. He feels she should be granted a variance.

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

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

Board Comments:

Pacheco –

- I don't have much of an issue with the request except with the concern of safety in building a garage so close to the intersection of the two roadways.
- She mentioned that she backs her car in. That makes sense considering the view of the road when exiting the drive. However, with this solid garage wall extending that far out, and then a car pulling out, you will be almost at the road before you can see. The view will be blocked.
- I'm concerned with a potential accident. I drove by the home more than once, and again just before the meeting for the purpose of assessing the traffic situation. There is quite a bit of traffic in the area.
- I have not made up my mind yet on this request.

ITEM I: A11-05 – DELORES LEWANDOWSKI – PUBLIC HEARING (continued)

Mills –

- When I initially went to house and walked up, my concern was the vision aspect. I stood in the middle of drive, at the 2 stakes with yellow ribbon, and looked both ways. Upon review, I didn't feel that vision would be blocked coming down the roadway on Boncrest, and I did not have a concern with this aspect after all.
- I am concerned that the garage will be out in front of the plane of the other houses on both sides. It will stick out in front inconsistently.

Law –

- This is a tough call. I understand the safety argument, and everyone wants to feel safe. They have a right to safety and should feel that way.
- On the other hand, as Pacheco said, we also want people driving down the road to be safe. Backing a car out into the road is an issue.
- In looking at the requirements, the language specifies *exception or extraordinary circumstances*. It is incumbent upon us to do something, but I'm having trouble with applying that wording here.

McKeever –

- My concern is also with backing out onto Newton Road.
- In Commerce, not having a garage is considered to be a hardship, given the nature of our lakes community and the recreational equipment associated with that. A garage is something that most properties need.
- I don't necessarily have a problem with the variance if there is a way that a turnaround area could be constructed. A small, paved turnaround area could eliminate the need to back out onto Newton Road.

Rosman –

- I have many concerns.
- The area you park in now is in front of what was the original garage, correct? (Yes.) And you converted the former garage into living space? (Yes.)
- The traffic going north on Newton road will not be able to see the Boncrest sign.
- This is a 47.8 front yard variance, which is a mighty big request.
- Although I realize that the county will never increase the roadway in that area, the traffic will undoubtedly increase. As people travel the new Martin Parkway, they will head west on Richardson and north on Newton where traffic will backup. I am concerned with visibility for people coming and going on Boncrest as this will interfere with the sightline and present a safety factor for motorists. Although I understand your own personal safety needs, we must also consider the health, safety and welfare of all Commerce Township residents.
- (To Kathleen) McKeever made a good point regarding a turnaround in the front yard. How deep does the garage have to be? Is there a reduced variance that could be achieved? Can we review this administratively and look at the sightlines?

ITEM I: A11-05 – DELORES LEWANDOWSKI – PUBLIC HEARING (continued)

Kathleen Jackson – Typically, a garage is 20' deep at a minimum, whether it is a 1-car or 2-car. Most garages on new homes are 24' to 28' deep, and that is where you get into 2.5 car garages. This request is for a depth of 20'6". I visited the site with the building inspector, paced off the length of my minivan and where it would be in relation to the garage. It is a very short distance.

Rosman – Where will visitors park?

Delores Lewandowski – I do have a 2nd driveway.

Kathleen Jackson – The building inspector reviewed this. A turnaround would be the best option here, but there is an underground well in the way.

Rosman – Could there be a side entrance with a swing-around from the other driveway? A side entry could reduce the sightline concerns.

Kathleen Jackson – Again, the well location is a problem. It is located immediately south of the proposed garage. There is no room to put in a side entrance as the well cannot be paved over, therefore it does not appear to be an option. The other drive is to the south of the existing and proposed garage. I'm unsure how this would function, and it seems it would not be any further from the road than currently proposed.

Rosman –

- Could a turnaround be done without paving?
- Can the well be relocated or are there other options? Although that may present financial issues, we are unable to consider or discuss those matters.
- The vision for people going north off Newton will be obstructed, along with those turning left off of Boncrest onto Newton.

Kathleen Jackson – This garage would stick out approximately 10' farther than the existing garage to the north which is also attached.

Pacheco – I do believe that if you do some engineering, you may be able to have the drive coming from the south of the site instead of the front.

Rosman – And it could be a 1-car garage instead of 2.

Delores Lewandowski – The depth is from the house to the road. The issue does not involve the width.

Pacheco –

- You could consider the possibility of a single car width. It may fit in there better with the side entrance that was discussed.
- I don't see any way to improve coming straight into the garage, but there are a couple possibilities, such as a smaller door and obviously, moving the well.

ITEM I: A11-05 – DELORES LEWANDOWSKI – PUBLIC HEARING (continued)

- Financial questions are not of our concern and we cannot consider those issues.
- Although revisions may require the same variances, it's possible that the side entry could be considered.
- Is it possible to have this drawn up?

Rosman – If this were a 1-car, would there be a reduction to the variance?

Kathleen Jackson – If it were a 1-car oriented east to west as opposed to north-south, it would be reduced. It is almost 21' by 20'. The existing concrete walkway and deck would require removal to have a side entry. A variance would still be required as there is 28.5' from the property line to the house. It is tight from the traveled edge of the road.

McKeever –

- Is there any way to work on a side entry option?
- We would like to see it, possibly with two entries and a circle drive. This would allow plenty of spaces to park.
- I'm uncertain if there would be an issue with the sightline to the Boncrest sign.
- The well would be behind the wall of the garage, where it is shown on the current proposal.
- If a circle drive could be configured, then there would be no issues with parking or backing out onto Newton.

Law – In agreement with these suggestions and concerns.

Mills –

- I really don't see a concern for motorists heading east-west, or southwest off Boncrest onto Newton. I don't think it will impair the sight down Newton to the left.
- I do agree a circle drive would be beneficial. I know that you always back in to your driveway, but the next person who lives there may not. If there were a circle drive there, with the same size garage, there would be plenty of room and no backing into or out of the driveway.
- That would provide a higher level of comfort and safety.
- If it were a circle, it would not impede the well position either.

Rosman – (To Kathleen) Is there any benefit of the applicant coming in to work with you on this?

Kathleen Jackson – I would be more than happy to meet with the applicant to see if we could reduce or eliminate these issues and maintain safety. I also have concerns about it being 8' from the property line, and 20' to the traveled portion of the road.

ITEM I: A11-05 – DELORES LEWANDOWSKI – PUBLIC HEARING (continued)

Rosman – (To Delores) This is an opportunity for you to have us table this request to allow you to work with Kathleen Jackson. Additional measurements could be taken to consider reconfigurations. At our next meeting, on September 21st, we could take this back off of the table and address it again as revised. Would you be willing to do that?

Delores Lewandowski – Sure. I have been looking for the best scenario. I did want a side entry initially; however, the tree and well were in the way.

MOTION by McKeever, supported by Law, to table Item A11-05, the request by Delores Lewandowski, for variances from Article 6 & 39 of the Commerce Township Zoning Ordinance to construct an attached garage onto a nonconforming home, which will encroach into the required front yard setback located at 3301 Newton Road. Sidwell No.: 17-11-377-007. The item is tabled to allow for review of reconfigurations to determine the safest options available. **MOTION CARRIED UNANIMOUSLY**

OTHER MATTERS TO COME BEFORE THE BOARD

McKeever – Did we approve animated signs in the new ordinance?

Kathleen Jackson – Yes, in certain instances.

McKeever – The dentist office?

Kathleen Jackson – Yes that's fine. That sign was actually a bit taller than permitted. He asked if he could berm the area; however his landscapers had a different idea. It is only a pile of mulch. I am now working administratively with the doctor to have it bermed correctly.

NEXT MEETING DATES:

1. **WEDNESDAY, SEPTEMBER 21, 2011, 5:30pm, SPECIAL MEETING**
2. **THURSDAY, OCTOBER 27, 2011, 7:00PM, REGULAR MEETING**

ADJOURNMENT

MOTION by Mills, supported by Pacheco, to adjourn the meeting at 6:03 pm.

MOTION CARRIED UNANIMOUSLY

Jorge Pacheco, Secretary