

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

Thursday, March 23, 2017

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
Bill McKeever
Clarence Mills, Vice Chairperson
Robert Mistele, Alternate ZBA Member
Absent: Rick Sovel (excused)
Also Present: Dave Campbell, Planning Director
Jay James, Engineer/Building Official
David Scott, Township Supervisor

Chairperson Rosman introduced the Members of the Board to those present, as well as Dave Campbell, Jay James and David Scott. She reviewed the requirements for receiving either a dimensional variance and/or sign exception 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.

APPROVAL OF MEETING AGENDA

MOTION by McKeever, supported by Mistele, to approve the Zoning Board of Appeals Meeting Agenda for March 23, 2017 as presented.

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MEETING MINUTES

MOTION by Pacheco, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting minutes of January 26, 2017, with one correction on Page 7, to capitalize *Mustard Seed*, and to approve the Zoning Board of Appeals Special Meeting minutes of February 16, 2017, as presented. **MOTION CARRIED UNANIMOUSLY**

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Chairperson Rosman - I love the library. I learned from our Supervisor that it is exactly 100 yards from one end of the library to the other, or the size of a football field. It's gorgeous.

UPDATE OF ACTIVITIES

Bill McKeever, Planning Commission

- The final phase for Island Club condominium site plan was recommended for approval to the Township Board.

David Scott, Township Board

- We are moving forward on a multitude of projects.
- The paperwork and blueprints are being dropped off for the Richardson Center. It will be developed into a more modern facility.
- I would concur, go to the Library, explore it and use it. We did not lose power there during the last storm, so it became a Mecca for people who had to get a hold of work and family, and wanted a place that had lights.

ITEM 1: PA17-0005 – MEIJER – PUBLIC HEARING

Larry LaVanway of LaVanway Sign Company representing Meijer of Commerce MI is requesting an interpretation of the Commerce Township Zoning Ordinance as it relates to Signs and a sign exception from Article 30 of the Commerce Township Zoning Ordinance to allow additional wall signage located at 1703 Haggerty Road.
Sidwell No.: 17-25-426-014

Chairperson Rosman noted that Meijer had withdrawn their request because they met with Jay James in the Building Department and worked things out.

Dave Campbell, Planning Director, stated that since the public hearing was advertised, the ZBA needed to procedurally open and close the public hearing and make a motion to accept the withdrawal.

Chairperson Rosman opened the public hearing.

No comments.

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

MOTION by Mistele, seconded by Mills, to accept the formal withdrawal, submitted by email from LaVanway Signs on behalf of Meijer, to remove the item from the agenda.
MOTION CARRIED UNANIMOUSLY

ITEM 2: PA17-0003 – JOAN TINSKEY – PUBLIC HEARING

Joan Tinskey of Commerce MI is requesting a variance from Article 6 of the Commerce Township Zoning Ordinance to construct a single family home that will encroach into the front yard setback located at 1420 Vanstone. Sidwell No.: 17-16-283-013

Joan Tinskey, Petitioner, 1420 Vanstone, was present along with Michael Strehl, Builder, 1015 East West Maple Road, Walled Lake, MI.

Chairperson Rosman noted that they did a great job staking the lot.

Michael Strehl - We are requesting a variance for the front yard. This is a corner lot so it has two front yards actually. The Vanport side does not meet the setback. We've designed a small garage. It has an 8' setback from the lot line, so we have a 23' setback from the road. The garage is only 19' deep so we really can't get much smaller. The minimum on a house is 17', and she's at 19'. Most of her square footage is second

floor. She's designed something very small, minimal, for the piece of property that she has.

Joan Tinskey - There were some concerns from some of the neighbors about the safety of driving from Vanport onto Vanstone. They're saying it would block vision, but there is a stop sign on Vanport where there is clear vision both ways.

Michael Strehl - Also, she meets the setback on the front yard on Vanstone. The variance is for Vanport.

Chairperson Rosman opened the public hearing.

Melissa Nelson, 1408 Vanstone - I am directly adjacent to the property that is proposed to be built on. I have several concerns. Although a lot of the neighborhood could not be here today, I'm speaking on behalf of most of them. I know letters have been submitted.

Chairperson Rosman - Yes, I'll be reading those.

Melissa Nelson - I have two small children. This creates a safety issue as Joan mentioned. As an active member of the community, we have parties and events in the cul-de-sac, which children frequent, and there's plenty of walking and jogging. That will create an issue given the setback is now less than 8' from the road of Vanport, coming around the corner.

My property itself also creates a safety hazard. I have two small children and almost a 75' driveway that creates a problem as oncoming traffic comes in and out. The bus stop is directly across the street at 1405 Vanstone.

Certainly I'm concerned that my property value will plummet quite dramatically, given my current view is a lake property. As you see in the photos I have submitted, Joan informed me it will be a mirror image of her existing home or similar, and I will be looking at a 40' wall of siding which will run from my garage to the end of the driveway. I purchased this home from Jack and Joan just a year ago. While the building did not occur on the open lot during that time frame that she owned the home, immediate plans were made directly after to build on the new site, knowing she would no longer be impacted by the decrease in value and the obstructions that would occur now that I own the home. I have no ill will toward Jack and Joan and we've had a great relationship. I rented from them for 3 years. I feel as though this variance should be denied because it is a ploy to increase their return on the existing property, which creates a safety hazard and an adverse impact to my property value. I attempted to purchase the open lot at the time I bought my home.

Steve Tobiczky, 3750 Vanport Ave. - I'm in the cul-de-sac and I've been there about 15 years as a happy resident of the community. It's a wonderful place with wonderful neighbors, and I have no ill feelings for these folks. I am concerned with the big safety issue here. That was negated when the first building was taking place.

Mr. Tobiczky approached the overhead and reviewed the neighborhood and the existing blind spot at the corner that already presents a safety issue. He elaborated on abuse of the road easement, and how the proposed variance and house would worsen the safety issues.

Paul Stolar, 1417 Vanstone Dr. - I'm a 31 year resident of Commerce Township. I can second a lot of what's been said about the safety concerns. My house is perpendicular to this property, across the street on the lakeside. The back side of my house faces this. I know that the other triangular side of Vanstone that was built on in the past is a safety concern. Vanstone Drive is narrow and is a safety concern for pedestrians and people on bikes. My other concern is that I don't think we'd have to be here tonight if the Tinskey's had kept that one lot. I think they owned both of the lots before. If they didn't sell off part of it, they wouldn't have had to come here for a variance. I've nothing against the Tinskey's; I know them very well and they're good neighbors. They built a nice house on that triangle, but the lot is just too small. My last concern is I know the sanitarians looked at the drywells. I know it's 50' and meets regulations, but I live downhill from that. I'm a chemical engineer and I know quite a bit about how this land is going to be. I worry about the failure of those systems. I'm less than 70' from the proposed drywell, and the property has their well 72' from it. I'm against the variance for those reasons.

There were -0- returns and -5- letters.

Chairperson Rosman read letters into the record from the following:

1. Sue Gardynik, neighbor, in favor of the proposed
2. Paul Stolar, 1417 Vanstone Dr., opposed to the variance
3. A letter of opposition signed by four residents:
 - a. Dan & Rosanne O'Sullivan, 3740 Vanport Ave.
 - b. Steve & Ivetta Tobiczky, 3750 Vanport Ave.
 - c. Chris & Carol Bortolin, 3760 Vanport Ave.
 - d. Colby & Carol Ballert, 3770 Vanport Ave.
4. Melissa Nelson, 1408 Vanstone Dr.

One letter of opposition was from an unidentified resident and therefore it was not read into the record. The practice of the ZBA has been not to read anonymous letters into the record.

Steve Tobiczky also approached and submitted pictures to the Board Members for review and consideration.

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

Board Comments:

McKeever - What is the square footage of the home?

Michael Strehl - 1,950 square feet.

McKeever - That's the total square footage?

Jay James interjected to be sure that Melissa Nelson's letter was also received. Chairperson Rosman confirmed it was in the packet. It is referenced in the record as Letter #4 above.

Michael Strehl - 1,950 is the total square footage.

McKeever - What is the footprint?

Michael Strehl - I think the garage is like 400, 800 on the first floor plus the garage. The garage is 19x20. It's minimal.

McKeever - Do we have an idea of the average square footage of homes in the area?

Joan Tinskey - They run anywhere from 1,000 to 5,000.

McKeever - The intersection that everyone is complaining about being obstructed, the setback is met at that intersection on that street?

Joan Tinskey - Yes.

Jay James - The proposed one, yes. They're proposing 25' on Vanstone.

Dave Campbell - Their survey is on the screen. The green line is the actual property lines. The red line is the allowable building envelope. As you can see, the house as proposed does meet the 25' setback relative to Vanstone. It's on the Vanport side that they're encroaching into the required 25' setback.

Mistele - There's quite a few homes in the area on small lots just like this one that do not have garages. I don't know that a 2-car garage is necessary. Another concern I have is that it looks like Lot 81 and this lot were both owned at the same time for approximately 2 weeks in 2010. Those two lots would have been one, so this lot shouldn't even exist based upon the information I received from Dave.

Mills - My main concern here is when I read the second page of the information we have, it reads that *...the lot is approximately 7,400 square feet, where the minimum by Ordinance is 12,000 square feet.* That's required. I've got a concern about putting a house on such a small piece of property.

The other concern I have is, in the future there's going to be a different owner who is going to have stuff that they're going to want to put somewhere. On such a small lot I don't know that there's going to be room for that stuff.

Pacheco - I heard what you said about the garage. Was there any talk of a smaller garage with the Building Department?

Dave Campbell - I don't know that Jay or I had any specific discussions on that topic. It could be a possibility that the applicant may want to consider, whether they would want to make a smaller garage or eliminate it entirely. That would be up to them.

Pacheco - I'm thinking that would make the variance smaller than what they are requesting today, and I wondered if they had considered that or not.

Dave Campbell - It seemingly would and the applicant can address that if they've considered it at all. As they mentioned, they're trying to be consistent with another

condition of the Zoning Ordinance that says that a home in this zoning district has to be a minimum of 1,750 square feet. They're at 1,957. Some of that living space is above the garage. They may argue that if they were to eliminate the garage, then they're also eliminating the opportunity to have living space above, and in so doing they might not be able to meet that 1,750 square foot minimum.

Rosman - Jorge, if I may. They have always had the opportunity to talk with Dave and Jay, up until 7:00 tonight. While they have chosen to not do so about this, we have to look at this tonight as a yes or a no.

Pacheco - I understand that and I was wondering if they had discussed that.

Rosman - By them being here, the answer is no.

Pacheco - I'm all set.

Rosman - I have several concerns. As it was explained to us, the red is what is allowed. The dark black shows what you're asking for. I'm terribly concerned that you are asking more than this piece of property can do. I heard the gentleman's concern about being down water from the drywells, and I'm concerned about that also. My biggest concern if you don't have a garage is all the stuff everywhere. I'm not willing to let you go out of that building envelope. It's not fair to create a home that doesn't do what you need it to do, and it's not fair the neighborhood to push the envelope. My concern is the health, safety and welfare of Commerce Township residents. I've heard from the speakers and letters, safety is a concern, and the health and welfare. I've had experience with a drywell and it does concern me. I'm going to vote no because you're pushing the envelope way more than this property has room to do. I also know that when you owned the property next door, you chose to put that garage where it is encroaching on what is now this property that is for sale.

MOTION by Rosman, seconded by McKeever, to deny Item PA17-0003, the request by Joan Tinskey of Commerce MI for a variance from Article 6 of the Commerce Township Zoning Ordinance to construct a single family home that will encroach into the front yard setback located at 1420 Vanstone. Sidwell No.: 17-16-283-013

Based on the presentation and the comments we have heard, I don't believe that the applicant has met all of the criteria of Section 41.09 of the Commerce Township Zoning Ordinance and therefore, I move to deny the request for a variance from Section 6.02.

Denial is for the following reasons:

1. A lesser variance is more appropriate to achieve the applicant's purpose;
2. The problem is self-created by the applicant;
3. Granting this variance will cause significant adverse impacts on the health, safety and welfare of the residents in the neighborhood;
4. The practical difficulty and hardship sought to be cured is merely an inconvenience because at one time the owner of this property owned the property adjacent to it, and by separating or splitting them, has created the problem themselves.

Discussion -

Michael Strehl - Excuse me, she didn't separate the properties. They are separate lots that were never adjoined.

Rosman - At one time, she owned them both.

Michael Strehl - Right, they were never adjoined.

Rosman - So, she could have adjoined them. That is the motion. Any second?

McKeever - Second.

ROLL CALL VOTE

AYES: Rosman, McKeever, Mistele, Mills, Pacheco

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 3: PA14-0004 – BEN KREBS – PUBLIC HEARING

Ben Krebs of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a 2nd story addition onto an existing detached garage that will exceed the maximum height requirement located at 8068 Farrant.

Sidwell No.: 17-01-429-033

Chairperson Rosman opened the public hearing.

Ben Krebs, 8068 Farrant, was present to address the request.

Ben Krebs introduced himself and his family, his wife and two growing boys, ages 11 and 8. He stated that they love their property in the Union Lake area. They are a growing single family. Their house is built on a crawlspace with no basement. Due to growing storage needs, he is looking to expand on the property. He has evaluated alternative methods for expansion, and he believes that a vertical addition on the detached garage, matching the house, is the most efficient and attractive means for their needs and for the neighborhood. He received positive feedback from the neighbors.

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

Chairperson Rosman read the one letter of objection into the record, from William Erdman, 8075 Marshalsea Dr., Commerce Township.

Chairperson Rosman closed the public hearing as there were no other comments.

Board Comments:

Pacheco - It looks like they've already discussed what I was thinking could be done. The roof could be lowered to the appropriate height. Therefore, I believe it could be built within the ordinance and I would not approve.

Mills - What is the current height to the peak of the roof?

Ben Krebs - 14'.

Mills - It's at 14' now?

Ben Krebs - Yes. The reasoning for going an additional 8' would be that I don't have a basement. In a basement I would be able to walk down some steps, stand up and store

my belongings. I understand your point; if I go any less, I will be in a crawlspace type area or attic in the garage. I would prefer to have the equivalent of a basement. Mills - That was my concern. Why not reconfigure that space above where the car is parked, even though it's not what you're looking for. I'm concerned with the overall height in the neighborhood.

Mistele - I think the overall height is definitely a concern. Would there be an option to build forward with the garage?

Jay James - I believe we looked at the option of expanding the garage. I can't remember, but I think there is that option available.

McKeever - I would be against going that high also. I think there is opportunity to expand the footprint of the garage to the maximum allowed without the need for a variance. The thing about a basement is that it's not blocking the view of the neighbors. It's not a silo, which this is going to be. I've run into a similar situation on the Planning Commission when a new shop was built next to a residential neighborhood. I couldn't vote for this.

Mills - Without knowing any approximate feet, if the garage was expanded, would there be a need for a variance at that point, or could that be done on the existing lot in the position of the existing garage?

Dave Campbell - We'd have to see how it's being proposed. We do have standards for the maximum size of an accessory structure and we would have to make sure the footprint would not be expanding beyond that, otherwise that would require a variance. There are opportunities to expand, the extent to which we would have to look at.

Jay James - I think your question was, if it could be expanded, could it be done without a variance? The answer is yes.

Rosman - I also don't want to see you go up. I had a neighbor on my street who built a garage in front of the garage. He parked his car in the front and storage is in the back. It's just a thought.

Dave Campbell - Jay and I were just discussing the maximum square footage for an accessory structure is 900 square feet. Jay estimates that Mr. Krebs is at 660 or so. Therefore, he does have an opportunity to expand the footprint of the existing if he wanted to go that way.

Rosman - Closer to his house?

Dave Campbell - That would be one way to go with it, yes.

MOTION by McKeever, seconded by Mills, to deny PA14-0004, the request by Ben Krebs of Commerce MI for a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a 2nd story addition onto an existing detached garage that will exceed the maximum height requirement located at 8068 Farrant. Sidwell No.: 17-01-429-033

Based upon the applicant's presentation and comments I have heard, I do not believe the applicant has met all of the criteria of Section 41.09 of the Commerce Township Ordinance, and therefore I move to deny the request for a variance from Section 33.01 of the Commerce Township Ordinance.

Denial is based upon the following reasons:

1. The property can be used in the same manner that others in that zoning district can use their property without the proposed variance;
2. A lesser variance is more appropriate to achieve the applicant's purpose;
3. There is no unique feature of the applicant's land that doesn't apply to other land in the zoning district;
4. The problem is self-created by the applicant or its predecessors;
5. Granting the variance would cause significant adverse impacts, with the height standing out in the middle of the neighborhood;
6. The practical difficulty and hardship sought to be cured is merely an inconvenience or a desire for a higher financial return.

AYES: McKeever, Mills, Rosman, Mistele, Pacheco

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

ITEM 4: PA17-0006 – CHRISTOPHER ILEY – PUBLIC HEARING

Christopher Iley of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct an ornamental fence that will encroach into the front yard setback located at 1376 Ladd Road.
Sidwell No.: 17-27-376-008

Chairperson Rosman opened the public hearing.

Christopher Iley, 1376 Ladd Road, was present to address the request. He handed out photos to the Board Members.

Chris Iley - This is my wife Maria. We purchased this property back in 2012. We really like the area. When we bought it, there were two separate houses on the property, both with different addresses. One of the houses had an established fence line that ran from behind the house to the front of the house, through the front yard, about 45% of our total front yard frontage on Ladd Road.

After being there for so many years, the fence had become dilapidated, rusty and mangled. I performed some regular maintenance on that fence and then ended up replacing it with an ornamental style fence. This was at the same time that I was still building the home. I thought that I could continue the fence line with the building permit for the house; but I learned that was not sufficient and I needed an actual fence permit to do that.

We are here to request the variance to allow us to continue the fence along the established fence line in our front yard. As for our neighborhood, there are four residential lots on Ladd Road. All four lots have side yard fences that all go potentially to the same front yard setback that we have our fence at. Three of those lots all have some remnants of an actual front yard fence as well. If you go south on Ladd Road, it's all commercial and industrial property, and many of those have fences that are both taller than 4', and closer to Ladd Road. I do realize businesses might have a different

situation than the residential, but at the end of the day, a fence on Ladd Road is still a fence on Ladd Road.

This variance would do substantial justice to our family. Other residential parcels within a typical neighborhood setting don't have the same vehicle and pedestrian traffic. The fence would provide safety and security for our family, including our child, and our dog. It would reduce the road noise and provide privacy. It will improve the aesthetic appeal and it would prevent trash from infiltrating our yard which occurs on a regular basis. Ladd Road is very busy at times with cars that drive way over the 35mph speed limit. We have experienced theft from our yard, as well as people turning around in our circle drive.

The fence was already established there long before we bought the property. We didn't create these problems. The variance we are asking for is the minimum deviation necessary from the Zoning Ordinance and we will keep the same or more distance from Ladd Road with the fence that's already established.

Chris Iley cited Article 39 of the Commerce Township Zoning Ordinance, Nonconforming Use, Section E, lines 1 and 2. He stated that he realizes this section is addressing a dwelling, however he feels that if the Township is willing to apply this to one type of structure, it should apply to another. He would still follow these provisions. He continued to elaborate on the proposal, and stated that the neighbors had no opposition. He felt that the variance would have no negative impact on the community. He also reviewed the pictures in detail for the Board of fences in the area, and the dumping ground across the street and the trash that infiltrates his yard. He concluded that he would comply with relocating of the fence if any utility or other work was performed in the right-of-way

Maria Iley also expressed her concerns with safety. She stated that there was an incident where two cars drove into their yard in a road rage situation. The police were not called as they didn't want trouble in the neighborhood, but the fence and mailbox were both damaged in the accident, along with the cars' rims.

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

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

Board Comments:

McKeever - Have you installed the fence?

Chris Iley - I did install the fence. One part of it was already there and I continued it along.

McKeever - Did you take down and replace any of the existing fence?

Chris Iley - Yes, I took part of it down and had to replace it for maintenance because you couldn't straighten up some of the posts, and you can't straighten up old chain link fence.

McKeever - Did this fence pre-date the ordinance?

Jay James - The existing chain link fence, yes.

McKeever - If it was just repaired and not removed, would it be a factor?

Jay James - Understand, the old fence only went a portion of the property. It didn't go across the entire frontage of the property. The entire width of the property was not replaced. It went over about halfway. Your question is, if that was replaced, would it be allowed for just the existing portion? I think the answer is no because the fence that was there before did not meet our ordinance.

McKeever - If they simply repaired that fence without expanding it ...

Jay James - Yes, if they would have just straightened up the chain link, that portion would have remained, but it would not have been allowed to be extended.

McKeever - The only front yard fence that I'm aware of that was approved with a variance was an act of Homeland Security. I just don't see where this meets the criteria. Can it can be placed in another area and still serve the same purpose?

Chris Iley - A 60' setback is to our porch. Half of the yard already had the fence.

McKeever - I understand that, that's why I was trying to get clarification. It was there when you bought the house.

Chris Iley - Yes.

McKeever - So, I would still consider that to be pre-existing and self-created. You knew where everything was and you purchased the property anyway. It's not something that has changed within your ownership. It was in existence prior.

Chris Iley - There was a host of nonconformities with the property.

McKeever - We can't be concerned with those. I can only look at what is being presented now. In my opinion, the fact is that it just doesn't meet the criteria.

Mistele - I agree with Bill. I think the fence looks beautiful, but I don't think you meet the criteria.

Mills - My concern is with the original height of the fence, and what it's going to look like now all the way across the front yard, as opposed to what Bill was talking about with the original chain link fence that was there. Whether that was maintained or continued on, I would have problems with that. Having that type of decorative fence all the way across is a concern.

Pacheco - I have a problem with this. I think there could be a condition that they have to remove it as necessary if something comes up. It's a beautiful fence if left at 4' in height. It does a lot for the neighborhood and for the house. I would accept it and vote for it.

Rosman - It's a beautiful fence but it doesn't belong there. I recognize that if you put it where it belongs, it would be very close to your front porch. The real problem is that there just isn't room to put the fence. I know what you want to accomplish. It isn't a matter of what we want. Our job as a Board is to look at the Ordinance and see if you have an option within the Ordinance. I don't see anything. I would be voting no with regret.

As Bill said, the road was there when you bought it, and trash and stuff could have been seen. I recognize, it's a great house you have. You put the two together and did a great job. You do have an acre in the back. I know you have a dog and you're concerned about the dog's safety, but you can do what you need in the backyard. I just don't see how this qualifies for a variance so I will be voting no.

Dave Campbell - Does anyone need any clarification on the two houses being combined into one house, and the fence? I want to be sure that everyone understands what had been there and what they're proposing now. If there aren't any questions, I don't have any additional information for you.

Chris Iley - As long as the old rusty fence stayed in place, that would have been acceptable?

Maria Iley - What if it hurts someone?

Rosman - Only in the portion that it was standing.

Jay James - You could have replaced the portion that was there before, but you wouldn't have been extending it all the way across.

Chris Iley - If I could already have 50% of my yard with that fence ...

McKeever - Just because you have something that's in disrepair, you can't use that as an example.

Chris Iley referred back to Article 39 with regard to squaring off a house, and he felt that houses and fences are both structures.

Rosman - Those are different in the Zoning Ordinance and they are addressed separately.

MOTION by Mills, seconded by Mistele, to deny Item PA17-0006, the request by Christopher Iley of Commerce MI for a variance from Article 33 of the Commerce Township Zoning Ordinance to construct an ornamental fence that will encroach into the front yard setback located at 1376 Ladd Road. Sidwell No.: 17-27-376-008

Based upon the applicant's presentation and comments, I do not believe that the applicant has met all of the criteria of Section 41.09 of the Commerce Township Zoning Ordinance. Therefore, I move to deny the request for a variance from Section 33.02.

Denial is based upon the following:

1. The property can be used in a manner that others in the zoning district can use their property;
2. I don't think a lesser variance is appropriate at this point;

3. There's no unique feature of the applicant's land that doesn't apply to other land in the zoning district;
4. The problem is self-created by the applicant;
5. Granting the variance could cause significant adverse impacts, that being the fence is not appropriate based on the Zoning Ordinance;
6. The practical difficulty and hardship sought is merely an inconvenience.

ROLL CALL VOTE

AYES: Mills, Mistele, Rosman, McKeever

NAYS: Pacheco

ABSENT: Sovel

MOTION CARRIED

ITEM 5: OTHER MATTERS TO COME BEFORE THE BOARD

None.

ITEM 6: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Board:

- By-laws for the Zoning Board of Appeals will be brought back to the Board at an upcoming meeting, hopefully in May at the regular meeting.
- Township emails will be created for all Board members for agendas and meeting communications. The IT Director will be in contact in this regard.
- **NEXT REGULAR MEETING DATE: THURSDAY, MAY 25, 2016**

Discussions took place regarding potential items on the May agenda.

Regina Fronczak-Roth, 4080 Lake Pointe Lane, Commerce Township - I've walked on Vanstone and that was a good call to deny it. That is a bad corner.

ITEM 7: ADJOURNMENT

MOTION by Mistele, supported by Pacheco, to adjourn the meeting at 8:17pm.

MOTION CARRIED UNANIMOUSLY

Jorge Pacheco, Secretary