

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

Thursday, May 25, 2017

2009 Township Drive

Commerce Township, Michigan 48390

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

ROLL CALL: Present: Rusty Rosman, Chairperson
Rick Sovel
Bill McKeever
Clarence Mills, Vice Chairperson
Robert Mistele, Alternate ZBA Member
Absent: Jorge Pacheco, Secretary (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.

B: APPROVAL OF MEETING AGENDA

MOTION by Sovel, supported by Mills, to approve the Zoning Board of Appeals Meeting Agenda for May 25, 2017 as presented.

MOTION CARRIED UNANIMOUSLY

C: APPROVAL OF MEETING MINUTES

MOTION by Mills, supported by Mistele, to approve the Zoning Board of Appeals Regular Meeting minutes of March 23, 2017, as presented.

MOTION CARRIED UNANIMOUSLY

D: PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

E: UPDATE OF ACTIVITIES

Bill McKeever, Planning Commission

- Uncle Bucks Party Rental received site plan and special land use approval to move their business into Commerce on Goldie Street.
- Clark Gas Station public hearing for the special land use was tabled.

Rosman – what is happening with the request for Commerce and Newton Roads?
Dave Campbell – The Planning Commission recommended denial to the Township Board at their February meeting and we are now waiting on the petitioner to request to be on the Township Board agenda.

Rick Sovel, Township Board

- The Richardson Community Center's addition and remodeling started, they will be open during construction for the most part, should they need to close they may operate out of the Township Library.
- We discussed the Wise Road Park project and tabled moving forward as the Department of Defense needs to remediate what is left underground.

G: NEW BUSINESS:

ITEM G1: PA17-0007 – JOHN CARADONNA – PUBLIC HEARING

John Caradonna of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to replace a detached garage that will encroach into the required front yard setback located at 8928 Gittins.

Sidwell No.: 17-02-278-003

Dave Campbell – If I could ask everyone to please speak into the microphones as it is sometimes hard to hear in the back.

John & Marilyn Caradonna, Petitioners, 8928 Gittins, were present. John Caradonna stated that they moved here 41 years ago, the subdivision was subdivided in 1930. There was a storage facility on the property built in the 1940's (the existing garage) and had no rat wall or footing. The house was built in 1967. When the road was paved it became elevated and all the rain water washes and floods right into the garage rotting the sill as well as running under the asphalt creating a hollow underground. We installed drywells, nothing is working. John Caradonna explained that the variance required is for the road side only and discussed the dimensions of the proposed garage. We would like to build a new structure, we tried alternatives and discussed them with the Jay James the Building Official and a contractor but the sill is 50% gone due to water damage. We would be removing the existing garage and foundation and putting in all new. The new garage would extend 2' on the sides but will still be within the side yard requirements. The existing driveway would be removed and replaced to the left of the new garage to accommodate the side entry garage and the area where the driveway was would be replaced with grass. There are about ten houses on my side of the street, 3 would meet the setback requirement but the others would not. I contacted 16 neighbors and have signatures in favor of this request, both adjoining neighbors signed in favor.

Chairperson Rosman opened the public hearing.

No comments.

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

Chairperson Rosman read the petition into the record signed by the following:

1. Robert Lulek, 8924 Gittins
2. Dennis Lominac, 8900 Gittins
3. David Franklin, 8900 Shady Point
4. Victoria Fowler, 8900 Shady Point
5. Magda Moran, 8901 Gittins
6. Cathy Johnson, 8915 & 8917 Gittins
7. Greg Duda, 8934 Gittins
8. Lisa Holzkecht, 8976 Gittins
9. Patricia Lominac, 8912 Gittins
10. Kerry Davidson, 8909 Gittins
11. Thomas O'Connor, 8909 Gittins
12. Elaine Trafton, 8913 Gittins
13. Adam Gray, 8935 Gittins
14. Eric Golota, 8945 Gittins
15. John Zalac, 8984 Gittins
16. M. Mil?? Illegible name no address

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

Board Comments:

Rosman – Is this a street or side entry garage?

John Caradonna – It will be a side entry.

McKeever – Can he maintain the 15.5' setback since he is extending the garage out on the side?

Jay James – Yes, he would have to make sure to push it back which he has room to do to make sure he keeps that 15.5' setback.

John Caradonna – Yes, it would be all new slab so that wouldn't be a problem.

Dave Campbell – The new garage will meet the 10' separation to the structure to the east.

Sovel – I don't have anything.

Mills discussed the windows on the street side and the size.

Dave Campbell – It is worth considering the windows on the street side making them larger for more of a residential look. The petitioner might be concerned about a security issue with larger windows on the road.

Mistele – Is there going to be grass in the front where the driveway will be eliminated?

John Caradonna – Yes.

Rosman – How is the contractor taking care of the drainage?

John Caradonna – Raising up the property.

Jay James – He has drainage swales, we will make sure that the drainage is taken care of with the building permit and inspections. Our Ordinance has language to average the front yard setback if it is a new dwelling but not for an accessory structure, we are looking into doing a text amendment to change that.

Dave Campbell – The text would state a new structure instead of dwelling.

Rosman – Let us know what happens with that.

MOTION by Mills, seconded by Sovel, to approve, **with a condition**, Item PA17-0007, the request by John Caradonna of Commerce MI, for a variance from Article 33 of the Commerce Township Zoning Ordinance to replace a detached garage that will encroach into the required front yard setback located at 8928 Gittins.

Sidwell No.: 17-02-278-003.

Based on the presentation and comments heard, it is believed that the applicant, Mr. John Caradonna, has satisfied the criteria of Section 41.09 of the Commerce Township Zoning Ordinance for granting a dimensional variance.

Approval is conditional upon the following:

1. Petitioner to make sure there is adequate light from the windows that are facing the street.

Discussion –

Sovel stated that he could not support a motion that specified a certain size window, and he asked why were they designed this small? John Caradonna replied, for security. More discussion took place between the Board Members and the petitioner and concluded with the condition as indicated above.

MOTION CARRIED UNANIMOUSLY

ITEM G2: ZONING BOARD OF APPEALS BYLAWS

Dave Campbell discussed the changes to the bylaws and passed out an excerpt from the MZEA. Discussion took place regarding unexcused absences, staking of site for variance requests, quorums and alternate members, recusal/conflicts and re-noticing requirements for tabled items. These bylaws will be reviewed and approved each January on an annual basis.

MOTION by Rosman, seconded by Mills, to adopt the Zoning Board of Appeals Bylaws, May 25, 2017 version as presented.

Discussion -

Dave Campbell- Please sign the clean copy.

Rosman thanked Dave and the Township Attorney for their work on the bylaws.

MOTION CARRIED UNANIMOUSLY

H: OTHER MATTERS TO COME BEFORE THE BOARD

McKeever – I have concerns with the big box users such as The Home Depot Lowes using their parking lots for storage as well as the back of the stores.

Jay James – We will be going into those stores and others to speak with the managers regarding the outside storage.

Rosman – 7-11 is doing loading and unloading in the front of the store making parking difficult. Also Dunkin Donuts has too many wall signs. Are we hiring an Ordinance Officer?

Jay James – I have two part time employees doing it now.

Discussion took place on windows for detached garages and also the location of the Library sign.

I: CORRESPONDENCE - None

J: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Board:

- Thanked the Board for the early start
- We have no new applicants yet for the July ZBA meeting
- We would like to get the text amendment for averaging front yard setbacks done
- **NEXT REGULAR MEETING DATE: THURSDAY, JULY 27, 2017**

K: ADJOURNMENT

MOTION by Mills, supported by Mistele, to adjourn the meeting at 6:00 pm.

MOTION CARRIED UNANIMOUSLY

Jorge Pacheco, Secretary