

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

Thursday, January 28, 2016

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
Clarence Mills
Rick Sovel
Bill McKeever

Also Present: Dave Campbell, Planning Director
Robert Mistele, Alternate ZBA Member

Chairperson Rosman introduced the Members of the Board to those present, as well as Dave Campbell. 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. If the variance is used, it runs with the land; however, if it is not used, it expires.

APPROVAL OF MEETING MINUTES

MOTION by Pacheco, supported by Mills, to approve the Zoning Board of Appeals Meeting minutes of November 19, 2015, as presented.

MOTION CARRIED UNANIMOUSLY

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None.

UPDATE OF ACTIVITIES

Rick Sovel – Township Board & Library

- The new Library is under construction. The framing is done, the steel is up and it's underway.
- There will be another hazardous waste collection on the 3rd Saturday of September. This will be posted on the web site.

Bill McKeever – Planning Commission

- We had a lot of housekeeping issues.
- We are working on the 2015 Master Plan adjustments and some rezoning issues.
- Rezoning was recommended on 7 acres from Industrial to Local Business for 710 to 760 Benstein Road.
- Everything else was just zoning re-designations.

ITEM I: PA15-0015 – MAHER CONSTRUCTION – PUBLIC HEARING

Maher Construction of Walled Lake MI representing Irene Sourvelis is requesting a variance from Articles 6 & 39 of the Commerce Township Zoning Ordinance to construct an addition onto a non-conforming home that will encroach into the required front yard setback located at 4419 Bluebird. Sidwell No.: 17-10-428-041

Chairperson Rosman opened the public hearing.

Jim Maher, Maher Construction, 861 N. Pontiac Trail, Walled Lake, MI, was present along with Irene Sourvelis, petitioner, to address the request.

Jim Maher - We're proposing to build a garage and additional living space. We're looking for a 1.6' variance from the front yard setback on Bluebird Drive. You should have the boundary survey in front of you showing the proposed building addition. There have been some changes to the plan and I assume your packet has the latest. You should see a dimension from Bluebird to the garage of 23.4'.

Rosman - Yes, we have it.

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

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

Board Comments:

Pacheco - I looked at the property and I've considered the criteria for dimensional variances in Section 41.09 of the Ordinance. Upon reviewing all of those, I feel you're in good shape and I have no objections at all to approving this.

Mills - Why can't this garage or addition be built without a variance? You're asking for a 1.6' variance and why couldn't the construction happen without the variance?

Jim Maher - If you look at the boundary survey dated 9-4-15, you'll see the sketch for the proposed garage. The current home is at 23'4". The property is an irregular shaped configuration. We need to keep the garage at a standard size to fit today's modern vehicles. We went back as far as we possibly could without asking for a variance for the side yard setback as well. That put us at exactly the 23'4" which is the same as where the house is currently located.

Sovel - Well and septic?

Jim Maher - There's a brand new well that was drilled and it's on the east side of the proposed garage. The septic is on the southwest corner of the house.

McKeever - No questions.

Chairperson Rosman reviewed the criteria from Section 41.09 of Ordinance:

- *Without the variance, the applicant cannot use their property in the manner that others in the same zoning district can use their property.* I feel it's fair for what you are asking because there are plenty of other garages that have been added over the years.
- *The variance requested is the least variance that will put the applicant on an equal footing with others in the same zoning district.* You have already verified that by saying that you did not want to ask for a side yard variance. You have gone to the least amount possible, so that works.
- *The variance is needed because of some unique feature of the applicant's land that doesn't apply to other land in the zoning district.* I'm familiar with your subdivision and I know that not every lot was made equal and they don't all go straight. I completely understand that.
- *The problem is not self-created by the applicant or predecessors,* and I'm going to say that it was really not self-created because if you made a garage in the old day standards, SUVs and things like that were not around. You're asking for what would fit today's vehicles.
- *Granting the variance will not cause significant adverse impacts.* I agree with that. We did not hear from any neighbors saying that it would impact them. I believe that asking for 1.6 for the front yard would not impact anybody else. I don't have any issues.

MOTION by Rosman, supported by McKeever, to approve Item PA15-0015, the request by Maher Construction, of Walled Lake MI representing Irene Sourvelis, for a variance of 1.6' from Articles 6 & 39 of the Commerce Township Zoning Ordinance to construct an addition onto a non-conforming home that will encroach into the required front yard setback located at 4419 Bluebird. Sidwell No.: 17-10-428-041

Approval is in consideration of the findings of fact and the Planner's report, and based upon the presentation and the comments heard by the Board, Rosman believed that the applicant satisfied the criteria of Section 41.09 of the Commerce Township Zoning Ordinance for granting dimensional variances.

MOTION CARRIED UNANIMOUSLY

ITEM II: PA15-0016 – METRO DETROIT SIGNS – PUBLIC HEARING

Metro Detroit Signs of Warren MI representing LaFontaine Subaru is requesting 3 exceptions from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will exceed the maximum height and square footage allowed and exceed the number of monument signs allowed located at 3055 E. West Maple. Sidwell No.: 17-25-476-013

Chairperson Rosman opened the public hearing.

Paul Deters of Metro Detroit Signs, 23544 Hoover Road, Warren, MI, was present along with Michael Hritzak of Gerber Collision and Glass, 3005 E. West Maple, Commerce Township, MI.

Paul Deters - We're here before you tonight on behalf of Gerber Collision. If you've gone by the facility, it's plain to see there that they really don't have any identification at all from Maple Road. They've been in business about a year now, but they're struggling with a lack of identification and they don't have any impact from impulse purchases. They don't have any presence from the road, and there's nothing on the building to identify their business. It's impacting their sales adversely. They do have a small shared ground sign along Meijer Drive, but it's not visible from Maple Road. They're hoping for consideration this evening for a sign that fits within the spirit of the Ordinance and would be low profile, but would give them the opportunity to brand themselves and announce to people that they're here.

Michael Hritzak - There is one very small sign on the building for Gerber which is visible as you drive into the service bay but it cannot be seen from the road.

There were -12- returns and -0- letters.

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

Board Comments:

McKeever - Is there a specific reason why the existing ground sign on Maple Road can't be shared?

Paul Deters - Yes, Subaru has a contract with the dealer that their name has to be the only one on that sign.

McKeever - The issue I'm having is that this is a multi-tenant building, and simply granting a variance for one tenant because the other has a contract or agreement to monopolize the signage would open the door to every multi-tenant building with this issue requesting ground signs for each tenant. There's already two ground signs, and this would be a third one. I don't think that it meets the spirit of the Ordinance. I think your issue is with the landlord. They're the ones that allowed the use of the sign. They have signage for their property and they're leasing a portion to their tenants.

Michael Hritzak - Subaru, across the nation, is not allowed to share their signage.

McKeever - That is not a concern that we can be involved in.

Michael Hritzak - If we can't get the benefit of having a business that we can sustain there, that's our biggest issue.

Rosman - We understand. We do.

Sovel - I have some of the same concerns as Bill. This shared sign on Meijer Drive is obviously allowed to have shared space with Subaru.

Michael Hritzak - It's not the main Subaru sign.

Sovel - Is there any way to switch one panel out?

Michael Hritzak - We exhausted all of that before deciding to ask for this variance. It may be a tenant issue and they're required to have their sign on the main, busy street which is the main distributor side.

Sovel - You do collision work for them? They don't have their own collision shop?

Michael Hritzak - We're a tenant. We do work for them and they do not have their own shop.

Sovel - From a sales standpoint, if they didn't do collision work, that would impact their sales?

Michael Hritzak - Actually most dealerships now do not have their own body shops. It's going to this model in the industry.

Sovel - I agree with Bill that if we granted this for one tenant, it would create massive problems for us. I'm not sure I can approve this.

Mills - My first concern is why are we looking for three different changes or variances here, for the height and the size of the sign, versus just adding one more sign?

Michael Hritzak - That's our standard sign, but it doesn't have to be this. We can remove that. The main thing is getting a sign on E. West Maple.

Mills - Can the combined sign on Meijer Road be removed if that provides very little identification?

Michael Hritzak - Yes, I discussed that with LaFontaine. That would be something that they would consider.

Pacheco - I have some of the same concerns as the others. I don't know why they couldn't build a sign that meets the Ordinance.

Michael Hritzak - We have a proposed sign that would meet the Ordinance as well. Our company has a standard across the nation, but I can change it.

Pacheco - So you could meet the Ordinance and we wouldn't have to grant you three variances as requested?

Michael Hritzak - Correct.

Pacheco - But I have the same concerns as Bill and Rick.

McKeever - Dave, our Ordinance allows for this corner lot to have two ground signs?

Dave Campbell - Our Ordinance allows for a corner lot to have two ground signs. There has been some debate over the years going back to before LaFontaine on whether or not this is a corner lot as defined by our Ordinance. My interpretation would be that it is not a corner lot because a corner lot by definition has to front on two public roads. Meijer Drive is not a public road, it's a private driveway for the Meijer development. Therefore, the entire site should only have one monument sign. They have two now as it was permitted. If they were to build there today and apply for sign permits, the way we interpret the Ordinance is that they would only be permitted one monument sign because they only have frontage on Maple.

Michael Hritzak - I do think we provide a valuable service that is a benefit to the community. I think that if we could get the sign out there, we could take care of removing the sign along Meijer Drive.

Rosman - In order for them to move that sign, I would absolutely look forward to research because I believe ... I don't remember if it was a variance request for that sign to be on Meijer Drive because it's a private drive, but I don't know if we allowed two monument signs there.

Dave Campbell - They're asking you for a second monument sign tonight.

Rosman - I know, but I'm saying if they moved that one, is it allowed for them to move the one that's on Meijer Drive and bring it around?

Dave Campbell - Not without an exception request similar to what they're asking for now.

Rosman - For an exception, I can't go through the typical dimensional criteria.

Dave Campbell - No, this is unique criteria in Article 30 specific for sign exceptions.

Rosman - Okay.

Michael Hritzak - I'm willing to forego the size. I'll downsize.

Rosman - I understand. I'd like to read the exception criteria from the Ordinance:

- *Obstructions. Construction of, or moving of, a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.* I do not believe the request is applicable to this.
- *Visibility. A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.* There are four obstructions on that property at this moment, and those are the cars that are sitting right by the road. They're not allowed. They asked for a variance and received it for the two lifts to put cars on and that was it and they're not paying any attention.

That's a big concern because they aren't paying attention to what they already have, which came with it when they bought the building. How do I know that they're going to pay attention to this?

- *Site Features. Construction of a conforming sign would require significant tree removal or extensive topographic changes. It does not.*
- *Scale. A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, site frontage, or the neighborhood. You're willing to do this.*
- *Aesthetics. The exception shall not adversely impact the character or appearance of the building, lot, or the neighborhood. I have a problem with the neighborhood because everybody is allowed one monument sign on the main road, and you're asking for two on the main road. I'm not sure if there was a variance granted to allow the shared sign on Meijer Drive, so we have to check that.*

Dave Campbell - The Meijer Drive sign was not granted based on a variance. It was based upon an interpretation by the Township Official granting sign permits at that time.

Rosman -

- *Minimal. The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign. You said you would make the sign fit within the Ordinance.*
- *Intent. The exception shall not significantly impair the intent and purpose of this Article. It will significantly impair the intent and purpose as far as I'm concerned.*

Rosman - My concern is with taking the sign on Meijer Drive, talk to the LaFontaine Subaru people and see about moving it over. That hasn't been done so I'm not willing at all to vote for a variance for something that could be taken care of by that discussion with them.

Paul Deters - As long as we provide a sign that fits the parameters of the current Ordinance, such that it would be 6' overall in height, setback 75' from the center line of the road and be 32 square feet in area, is that something that would be acceptable?

Michael Hritzak - With removal of the other sign?

Rosman - Well I do know that the building is maxed out on the allowable wall and monument signage. Adding another sign is really out of the question. Moving of the sign should be investigated to determine if we would allow it, or if a variance would be necessary.

Dave Campbell - It would still require an exception to allow a second monument sign along Maple Road, where our Zoning Ordinance only allows one monument sign per property.

Rosman - (To the Board) Let's have discussion on moving that monument sign to E. West Maple Road. How do you feel about that before they pursue it?

Sovel - So the concept would be to place one monument side as far away as possible from the other in front of the building?

Rosman - Yes.

Sovel - The Ordinance still doesn't allow for that.

Rosman - No, it does not.

Sovel - In essence, it's still a second sign on the same property for two tenants and therefore I still come to the same decision.

Rosman - The question is do you want to approve two monument signs on E. West Maple, or do you not?

Sovel - Dave, is there anything else we're missing?

Dave Campbell - I don't know that you're missing anything. The existing monument sign along Meijer Drive you can assume is a legal nonconforming sign. It was granted a permit due to a misinterpretation. Once it is moved, it would lose its legal nonconforming status. It couldn't be dropped elsewhere without getting permission to do so from the ZBA.

Rosman - I would not approve a third sign. The consideration I would give is moving the existing sign.

Dave Campbell - It is within your authority to attach conditions to a variance, or in this case an exception. It would just be a question of whether that's the direction you want to take.

Rosman - Going back to what Bill said, he is a tenant and those are questions to be discussed with the landlord to begin with. There's no question this is maxed out on signage. I feel for them and understand the issue, but that is a pre-signing condition as far as I'm concerned. I would not be in favor of moving that other sign to E. West Maple.

Pacheco - If they have the flexibility of putting the conforming sign in that location, it could be the one from Meijer Drive, or another. What I'm thinking is let them have the opportunity to think about that after hearing what we've said here. If they decide to just put another sign in or move that sign, they can still come back if we table this.

Rosman - The question to all of us this evening is, are you willing to allow two monument signs on E. West Maple, no matter what the size or conformity is?

Pacheco - In my opinion, I would be willing to listen to this a second time after they have time to discuss it with the landlord.

MOTION by Mills, supported by Pacheco, to **table** Item PA15-0016, the request by Metro Detroit Signs of Warren MI representing LaFontaine Subaru for 3 exceptions from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will exceed the maximum height and square footage allowed and exceed the number of monument signs allowed located at 3055 E. West Maple.

Sidwell No.: 17-25-476-013

After consideration of the criteria in the Commerce Township Ordinance for sign exceptions, and in consideration of the findings of fact and the Planner's report, **the item is tabled to give the applicant time to consider and discuss options with the landlord, including moving of the other sign, or demolishing it and building a new sign.**

Roll Call Vote:

Ayes: Mills, Pacheco, McKeever, Sovel

Nays: Rosman

MOTION CARRIED

ITEM III: PA16-0001 – DAN COOPER – PUBLIC HEARING

Dan Cooper of Commerce MI is requesting a variance from Article 6 of the Commerce Township Zoning Ordinance to construct an addition that will encroach into the total required side yard setback located at 8125 Locklin. Sidwell No.: 17-01-230-003

Chairperson Rosman opened the public hearing.

Dan and Tracey Cooper, 8125 Locklin, Commerce Township, MI, were present to address the request.

Dan Cooper provided a detailed review of their variance application. He discussed the new homes built on either side of his, removal of a 100-year old tree that was required when the neighbors built their home, and obstructions to their view caused by the new, larger homes. He explained that this variance for the addition will allow him to make the best of a horrible situation and he would like to make the best use of the property. He elaborated on the setback and side yard variance, explaining the two-part renovation and the need for the variance to allow for their combined side yard setback to be at 10' instead of the required 14'. He added that he feels this will not impact the neighbors.

Tracey Cooper added that they do have great relations with the neighbors. However, with everything said, they are concerned with enhancing their lives and they do need a little extra room.

Joe Keller, 8701 Cooley Lake Road, Commerce Township, MI, stated that he is a riparian as well. He asked for clarification regarding the encroachment and the actual combined side yard setback and whether it would be 10' away, or if the whole thing would be 4' more. He added that he understands how valuable it is to add space, but he did not understand the total variance request.

Dan Cooper approached the overhead and explained to Joe Keller and the Board. There are two Ordinances as they relate to the addition, one of which is the 14' combined side yard setback, which a 4' variance is requested for. The second portion of the Ordinance maintains that they have to stay 10' away from the neighbor's dwelling. If granted the 4' variance, the second requirement of the Ordinance would still be maintained at 10'.

Tony Nuckolls, 8115 Locklin Lane, Commerce Township, MI, stated that he is the neighbor to the east and he also requested clarification on the requirements of the Ordinance for the side yard setback. He felt they may be building outside of the code after speaking to an engineer.

Dave Campbell explained that the side yard setbacks are a minimum of 4' and a combined total of 14', with a minimum of 10' of separation between dwellings.

There were -4- returns and 3 letters.

Chairperson Rosman read letters into the record from the following:

1. Tony Nuckolls, 8115 Locklin Lane, Commerce Township, MI - Not in favor.
2. Neighbor Consent Page stating that they were in favor and had no concerns signed by the following:
 - a) Tyrone and Lynn Miller, 8130 Locklin Lane, Commerce Township, MI
 - b) Patricia Fairless, 8129 Locklin Lane, Commerce Township, MI
 - c) Zach and Nicole Muir, 8122 Locklin Lane, Commerce Township, MI
3. Judy Dunn, 8051 Locklin Lane, Commerce Township, MI - Not in favor.

A 4th letter had been submitted, however it did not include a signature and therefore could not be included in the record.

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

Board Comments:

McKeever inquired about the 4' minimum side yard and items that often encroach further into this setback.

Dave Campbell stated that from the foundation of the structure, the minimum side yard is 4'.

McKeever - The only thing that's restricting is that they're not within the minimum on their side yard. Their neighbors are within the minimum on their adjacent sides.

Dave Campbell - They comply with the minimum of 4'. Where they're requesting the variance is the total combined side yard setback of 14'. On their west side, they come as close as 4'. They're proposing on their east side to come as close as 6', with a combined total of 10', and the standard is a minimum of 14' combined.

Dan Cooper - There's a 6' distance from our addition to the property line.

McKeever - I'm fine with it.

Sovel - What kind of an overhang will you have down the sides.

Dan Cooper - I'm not sure if it was in the plans as submitted, but if anything it would be minimal to the edge of the structure.

Sovel - We had that issue in the past where the structure was built right to it and then there was a 2' overhang. If we approve, can we put a condition limiting the overhang?

Dave Campbell - You can certainly put conditions on any motion you choose to act upon. As Mr. McKeever asked, there are different standards for things like air conditioners and other things, and there are also opportunities for encroachment for things like roof overhangs up to a maximum. I would want to double check but I believe the encroachment allows for a roof overhang of 18". I do want to verify that but if the ZBA were to grant this variance for the foundation of the building, and if they did have an overhang issue, a condition could be added to require that they stay within the standards of the Ordinance.

Sovel - I want to make sure they understand that. Which side of the house will the utilities be on?

Dan Cooper - They will be on the east side, but not my entire home is going out the 14'. My utilities will be on the existing wall which is 10' from my property line. I'm not going to put my utilities on the 4' side.

Sovel - Are you going to do a generator or other items? Our concern is from a safety standpoint.

Dan Cooper approached the overhead again and clarified the location of the utilities. He explained that part of the wall will be at 10' away where the utilities are located.

Sovel - My concern is on the shorter side of the addition. Will there be landscaping on the property line? The fire department has to be able to get through and that's one of the main reasons we have this separation as a requirement.

Discussions continued regarding safety concerns and the required side yard setback.

Sovel - Would you be agreeable to leaving the short side of the addition wall open?

Dan and Tracey Cooper both replied, yes.

Sovel - Dave, in the past in this 10' area, we've required fire retardant double dry wall on that side of the house and appropriate exterior materials such as brick. What will the exterior be?

Tracey Cooper - We're not sure yet. It may be plaster stucco, EIFS or Dryvit.

McKeever - They are not encroaching into the 10'.

Sovel - Yes, I'm okay with that, however you might consider it for your own safety.

Dave Campbell - The dimensions shown between the proposed addition and the house to the east, which is under construction, are dimensioned on their plan as 10', but this measures closer to 12' here.

Mills - What happens if you build an addition that doesn't require a variance?

Dan and Tracey Cooper elaborated on the fact that this is more a matter of size for the family. They have a large family and entertain often. This 1930's broken-up home and this is a one-time build to accommodate the family's needs. To put this money into the home, they need to have the proper space for everyone.

Pacheco - I don't really have a problem.

Rosman - My concern is always fire and getting the fire equipment in as necessary because I've seen it with my own two eyes when my neighbor's house caught fire. You have now assured me by scaling it that this is more like 12' from the home to the east as opposed to the 10'. The health, safety and welfare of Commerce Township residents are paramount.

Chairperson Rosman reviewed the criteria from Section 41.09 of Ordinance:

- *Without the variance, the applicant cannot use their property in the same manner as others in the same zoning district can use their property.* The question really is, what makes your property different than anyone else who does not require a variance? Well, I know where you live and I understand the 50' lots. I understand the size of the homes.
- *The variance requested is the least variance that will put the applicant on an equal footing with others in the same zoning district.* Will a lesser variance work for you? What about an 8' wide room instead of a 10' wide? How wide is the proposed room?

Dan Cooper - 14'.

Rosman - What if you brought it down to 12', you are buying more footage and making a lesser amount of variance needed. You're asking for 4', and if you scaled it at 12' then you would come down to where it needs to be.

- *The variance is needed because of some unique feature of the applicant's land that doesn't apply to other land in the zoning district.* What is unique about your property that makes this request necessary? You don't have any more land to do what you want to do.
- *The problem is not self-created by the applicant or predecessors.* Did you or the previous owners of this property create the situation? The property size is what it is and the house was built in 1930. You bought an original 1930 home, so I'm not considering that you created the amount of space that's there, but I am considering that what you want to do can be a lesser request.
- *Granting the variance will not cause significant adverse impacts.* Persuade us that we won't cause adverse problems for others by granting this variance. Where I'm coming from, by reducing the 14' to 12', I'm looking for the least amount of variance so you can do what you want and still take care of what the Zoning Ordinance asks for.

Sovel - What is it you're asking for?

Rosman - I'm saying instead of them asking for a 4' variance, they should request a 2' because Dave scaled it to 12' and bringing it down would bring it to what they need.

Dave Campbell - Let me clarify. When I said we scaled it to 12', the dimension that I'm referencing is the distance from the east wall of the proposed addition to the west wall of the neighboring house that's under construction. The plan that was submitted with the dimensions shown at 10', my scale says it closer to 12'. If they narrow it, it would not bring them into compliance, but it would be lesser by 2'.

Rosman - That's what I'm looking for; the least amount of variance.

McKeever - David, I was asking about what constitutes an encroachment in the side yard. You were referencing footings. Is that what determines the issue?

Dave Campbell - It's the essential component of the structure.

McKeever - It would be the wall itself, not the footing.

Dave Campbell - The wall itself, yes.

McKeever - Thank you.

Dan Cooper - I appreciate your concern and I'm sure you're doing your due diligence in terms of trying to have us reduce to the least amount, however, I'm passionate about the proposal, and I'm clinging to what has been said about the scaling at 12'.

MOTION by Mills, supported by Pacheco, to approve, **with a condition**, Item PA16-0001, the request by Dan Cooper of Commerce MI for a 4' variance from Article 6 of the

Commerce Township Zoning Ordinance to construct an addition that will encroach into the total required side yard setback located at 8125 Locklin.

Sidwell No.: 17-01-230-003

Approval is in consideration of the findings of fact and the Planner's report, and based upon the presentation and the comments heard by the Board, Mills believed that the applicant satisfied the criteria of Section 41.09 of the Commerce Township Zoning Ordinance for granting dimensional variances.

Approval is subject to the following condition: The Zoning Ordinance standards are to be met for overhangs, and landscaping and other potential encroachments issues will be avoided as discussed herein.

Roll Call Vote:

Ayes: Mills, Pacheco, Sovel, McKeever

Nays: Rosman

MOTION CARRIED

PLANNING DIRECTOR'S REPORT

Dave Campbell provided a review of the Planning Director's report and discussed the following additional items.

- Amy Neary, formerly of McKenna Associates, has taken the Planning Director position at West Bloomfield Township.
- We have no applications yet for the March Zoning Board of Appeals meeting. Only the tabled item from tonight.


OTHER MATTERS TO COME BEFORE THE BOARD

- Sovel discussed reformatting of the Zoning Board of Appeals application for a variance; specifically, the question regarding "Is the subject household served by public water, sewer, private well?" The boxes need clarification and separation to avoid confusion and errors. Dave would review this.
- Open discussions took place, in continuation of the educational session held earlier, regarding the criteria for granting a dimensional variance.
- **NEXT REGULAR MEETING DATE: THURSDAY, MARCH 24, 2016**

ADJOURNMENT

MOTION by Sovel, supported by Pacheco, to adjourn the meeting at 8:42pm.

MOTION CARRIED UNANIMOUSLY



Jorge Pacheco, Secretary