

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

Thursday, October 2, 2014

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:

Kathleen Jackson, Township Planner

Jay James, Engineer/Building Inspector

Terry Carroll, Community Development Director

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson, Jay James and Terry Carroll. 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 Sovel, to approve the Zoning Board of Appeals Meeting minutes of July 24, 2014, as presented. **MOTION CARRIED UNANIMOUSLY**

MOTION by Mills, supported by Sovel, to approve the Zoning Board of Appeals Meeting minutes of July 31, 2014, as presented. **MOTION CARRIED UNANIMOUSLY**

UPDATE OF ACTIVITIES

Rick Sovel – Township Board, Library, and Parks & Recreation

- We are working on the budget and it's going fairly smoothly.
- We had several meetings regarding relocation of the Library. We've narrowed it down to two locations; either here next to Town Hall or at Dodge V at South Commerce and Commerce Road.
- Our hazardous waste collection day had a turnout of 436 residents.

Bill McKeever – Planning Commission

- Dream Dental at 9600 Commerce Road was approved for expanding their parking lot.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: PA14-0006 AND PA14-0007 – WALTER GOODMAN – PUBLIC HEARING

Walter Goodman of Farmington Hills, MI is requesting a variance from Article 32 of the Commerce Township Zoning Ordinance to build houses that will encroach into the required wetland protection setback located in the Maple Brook of Commerce Condominiums. Sidwell Nos.: 17-28-452-004 and 17-28-452-005

The Board, Terry Carroll and Kathleen Jackson discussed reviewing the two variance requests and the need to make separate motions for each.

Chairperson Rosman opened the public hearing.

Walter Goodman, 31538 Old Timber, Farmington Hills, MI, was present to address the requests for 1248 and 1249 Loon Ridge, Commerce Township.

Mr. Goodman - We made the house smaller to fit this particular lot because it is pie shaped. We made the smallest footprint we could. The wetland is encroaching which is primarily due to the manmade ditch and this is from when the property was farmland. It encroaches a little at 14'.

Rosman - What size was it originally?

Mr. Goodman - It was 2,800 square feet and it is now 2,400. I can't make it too small because when going for land appraisals, if it's too low then it hurts the values of neighboring homes. It's a very tricky thing.

When I built in this sub in 2004 or '05, everything was conforming. I did it right and did not ask for a variance. I worked out a deal with the church and brought in sewer and water. This is a convoluted deal and it was smaller.

McKeever - You did have the opportunity to build before the Zoning Ordinance changed.

Mr. Goodman - No, I didn't have that opportunity. I could have built houses and let them sit vacant.

McKeever - You did have the opportunity to build. The fact that you waited is what caused the issue. Had you built this when it was originally approved, this zoning would not have affected you.

Mr. Goodman - It was not my choice. I will note that I am not going into the wetlands, just into the setback for the wetlands.

Chairperson Rosman asked if there were any comments from the members of the public.

John Robinson, 1886 Loon Lake Road, Wixom, distributed photos to the Board members and stated the following: I live across the street from Mr. Goodman's property. My concern is with the manmade ditch and drain. That's really a county drain that runs from Benstein to Loon Lake and it slants into my driveway. At the edge of the

drive is a culvert. As you can see, the drainage floods my yard even in a mild rain. The culvert runs under my driveway and under the road.

The Board reviewed the pictures with Mr. Robinson.

Rosman - I hear what you're saying, and you're telling me that this is a county culvert. Kathleen, is this a farmer's ditch or a culvert created by the county?

Kathleen Jackson - I would defer to the engineer regarding the question of culvert versus ditch.

Rosman - Thank you.

John Robinson - If he builds this up and plugs up the drain, it will create even more issues.

Mr. Goodman - I will not be plugging it up.

John Robinson - It needs to be kept open. You can see how much water flows through there. It curves around to the creek which then goes out to the Rouge River.

Joy Golicz, 1975 Teaneck Circle, Wixom - Four years ago, my backyard was a lot drier and greener than it is now. Since they built homes, more water is being dumped into the creek in my backyard. It does not stay in the creek. It goes into the water table and into my lawn. We get a flood every year in our backyards. Building more homes will send more water our way and more flooding.

Sylvia Koseck, 1979 Teaneck Circle, Wixom - I live next to Joy. We've lost a significant amount of our backyards and the pine trees. The water comes all the way into our garage, about 150 feet.

Rosman - I need to clarify one thing. Commerce Township does not own the roads. The RCOC handles the roads. I appreciate your difficulty, but this is a county issue.

Kathleen Jackson - I apologize and would like to clarify the information for the record. The requests in the reports are numbered incorrectly, and the correct information is as follows:

PA 14-00006, Sidwell No: 17-28-452-005, 18.7' variance, 1249 Loon Ridge

PA 14-00007, Sidwell No.: 17-28-452-004, 14' variance, 1248 Loon Ridge

Gary Rivers, 1971 Teaneck Circle, Wixom - I live on the other side of Joy and have also had issues with the water situation. I've been here 28 years. The drain does belong to the county and I've spoken with them and with the City of Wixom.

Lloyd Soss, 1880 Loon Lake Road, Wixom - We are talking about drainage issues, but it seems that the Township has no power to correct the flooding in this area.

Kathleen Jackson - This is not a matter for this Board. They are here to simply look at the encroachment into the wetland setback. However, before any home can be constructed, the developer would still have to meet the engineering requirements and those types of reviews to prevent runoff onto the site. The Township is certainly interested in your issues and complaints with the drainage and we would ask that you contact our Community Development Department to set up a meeting to address this further. What you're speaking of is not unimportant at all, but this Board can only address concerns as far as it relates to the encroachment into the setbacks.

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

There were -7- returns and -0- letters.

Board Comments:

McKeever – My issue is that we've got one request for two variances on separate lots. Each should be considered separately, but we only published one notice. I'm not sure if this was done correctly or if they should have been advertised individually as each stands on its own. I don't think we followed procedure.

Rosman - Did we not separate them on the notice?

McKeever - It's one agenda item listing both Sidwells.

Open discussion ensued regarding the noticing requirements, other variance requests that had been noticed similarly and a need to review the policy and state requirements for this. Terry would speak with the Township attorney in this regard, but he was pretty sure that it was in compliance. Sovel agreed that the review should proceed.

McKeever - We can't grant a blanket variance.

Sovel - We can continue and then have it verified. The people were noticed in the same 300 foot radius.

Pacheco - I agree with Bill. I think that when we consider two Sidwells, we should make sure that we separate the notices.

Pacheco - When this was published, it was very confusing. There were questions about which number was which. I want to make sure it's clear and that we definitely have separate votes for each one.

McKeever - The way this was flagged was very confusing. The wetlands were not labeled on one lot, and the house was not staked on the other.

Pacheco - It was not properly staked and flagged.

Rosman - The lots should be flagged and an aerial provided. I can't vote on something when I don't know what we're talking about, and you're here asking us for a variance.

Mr. Goodman - I did have a company come out to flag and stake.

McKeever - One lot was poorly marked and the other was not marked.

MOTION by Rosman, supported by McKeever, to table Item PA 14-0006, the request by Walter Goodman of Farmington Hills, MI for an 18.7' variance from Article 32 of the Commerce Township Zoning Ordinance to build a house at 1249 Loon Ridge, that will encroach into the required wetland protection setback located in the Maple Brook of Commerce Condominiums. Sidwell Nos.: 17-28-452-005.

The item is tabled until the petitioner can comply with the requirements of the Board for flagging and staking the property properly, and provide the aerial showing the delineation for their review.

MOTION CARRIED UNANIMOUSLY

Chairperson Rosman opened the public hearing again to review Item PA 14-0007.

The public collectively commented that they would appreciate all of their previous comments being repeated and applied accordingly to this request also. The record is duly noted that all comments listed herein apply to PA 14-0006 and PA 14-0007 respectively.

MOTION by Rosman, supported by McKeever, to table Item PA 14-0007, the request by Walter Goodman of Farmington Hills, MI for an 14' variance from Article 32 of the Commerce Township Zoning Ordinance to build a house at 1248 Loon Ridge, that will encroach into the required wetland protection setback located in the Maple Brook of Commerce Condominiums. Sidwell Nos.: 17-28-452-004.

The item is tabled until the petitioner can comply with the requirements of the Board for flagging and staking the property properly, and provide the aerial showing the delineation for their review.

MOTION CARRIED UNANIMOUSLY

Kathleen Jackson noted that the next meeting is scheduled for November 20th.

Chairperson Rosman thanked the public for their input. She encouraged the residents to speak with the drain commission at the county.

OTHER MATTERS TO COME BEFORE THE BOARD

Terry Carroll provided an update on the property at Ayreshire. They petitioners were complying with the agreements to correct the addition on the home that had been built without permits on the posts of a former deck. The homeowners had secured financing and were making the necessary corrections; however, he was unsure if they would be able to comply with the deadline of November 1st.

The Board discussed the delays and agreed upon allowing an additional 30 days to enable the petitioners to complete their work.

Discussion took place regarding updating the Township's software for the Planning and Building Departments to allow for improved tracking of the history of variances that have been granted.

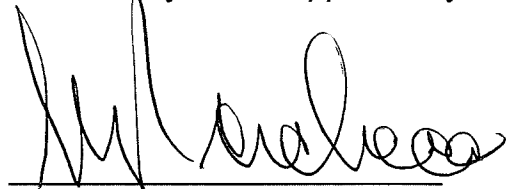
Parking at several businesses was addressed, and issues with the traffic flow at the Kroger store and gas station were discussed at length. Landscaping maintenance was also reviewed. Changes to the ordinance are necessary to require developers/property owners to properly maintain landscaping and keep trees at certain heights.

NEXT REGULAR MEETING DATE: THURSDAY, SEPTEMBER 18, 2014.

ADJOURNMENT

MOTION by Mills, supported by Pacheco, to adjourn the meeting at 8:06pm.

MOTION CARRIED UNANIMOUSLY

A handwritten signature in black ink, appearing to read 'Jorge Pacheco', written over a horizontal line.

Jorge Pacheco, Secretary