

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

*Thursday, June 27, 2013*

2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Rusty Rosman, Chairperson called the meeting to order at 5:02pm.

**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

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson and Jay James. 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 Pacheco, to approve the Zoning Board of Appeals Meeting minutes of April 25, 2013, with one correction on Page 9, middle of page, Rosman: *I'm sorry, but you **haven't shown a hardship**, and the property does not answer those questions.*

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Bill McKeever – Planning Commission

- The biggest item was a recommendation for conditional rezoning of 28-acres on the southeast corner of Maple and Beck Roads. It is currently single-family residential.
- There was also site plan approval for an accessory structure which was contingent upon a variance being received tonight.

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

- We are still working on a location for the water storage facility.

**PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA**

None

**ITEM I: A12-13 – STEVE ZUTANTAS – TABLED FROM 04-25-13 - CANCELLED**

Steve Zutantas of Commerce MI is requesting an interpretation of the definition of yards and also a variance from Article 33 of the Commerce Township Zoning Ordinance to allow existing obscuring vegetation to remain and install new obscuring vegetation in

the front yard and also install a split rail fence that will encroach into the required front yard located at 3508 Trentwood. Sidwell No.: 17-07-227-018

**>>Chairperson Rosman stated that Item 1, A12-13, had been removed from the agenda as the petitioner had worked with Administrative staff to eliminate the need to come before the Zoning Board of Appeals.**

**ITEM II: PA13-0001 – JAMES MAHER – Tabled from 4-25-13 - REMAIN TABLED**

James Maher of Walled Lake MI is requesting a variance from Article 6 of the Commerce Township Zoning Ordinance to construct an addition that will encroach into the required side and total side yard setbacks and encroaches into the minimum separation between adjacent homes located at 9555 Listeria. Sidwell No.: 17-11-376-017

**>>The petitioner for Item II, PA13-0001 was not present at the meeting and therefore the item remained tabled.**

**ITEM III: PA13-0002 – COMMERCE MEDICAL CENTER – TABLED FROM 4-25-13 – REMAIN TABLED**

Commerce Medical Center of Commerce MI is requesting a variance from Articles 6 & 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will exceed the maximum square footage and height and encroach into the front yard setback located at 8391 Commerce Road. Sidwell No.: 17-12-401-012

**>>The petitioner for Item III, PA13-0002 was not present at the meeting and therefore the item remained tabled.**

**ITEM IV: PA13-0003 – PINE BUILDING – PUBLIC HEARING**

Pine Building Company of Farmington Hills MI representing Ron Andrusiak of Commerce MI is requesting a variance from Article 6 of the Commerce Township Zoning Ordinance to construct an attached garage that will encroach into the required front & side yard setback located at 3892 Vanstone. Sidwell No.: 17-15-154-013

Chairperson Rosman opened the public hearing.

Zack Ostroff, 2640 Water Oaks, West Bloomfield, MI, was present along with the petitioners, Ron and Whisper Andrusiak to address the request.

Zack Ostroff – I am the designer of the plans for the house and addition. There is an existing nonconforming garage that is less than 1 foot away from the property line at the closest point, and the farthest point is not even 1.5 feet. We would like to take down the old structure as it is very dated, from the 60's or earlier. A new garage will be added and it will be cohesive with the new addition my client is doing. It will blend with the architecture. It will still be nonconforming, but the nonconformance will be reduced. The closest point will now be almost 4 feet away from the property line. We are

basically proposing something that is more in line with other structures on the same street.

Ron Andrusiak – I am the homeowner. Please agree with us.

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

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

**Board Comments:**

Pacheco – I believe it's a good proposal. They have tried to do something acceptable.

Mills – The stakes were extremely helpful in knowing where the corners were. Having the garage a little further away will add to the safety here and I have no problems.

Sovel – No problems.

McKeever – No problems.

Rosman – Are you reconstructing the house also?

Ron Andrusiak – Yes.

**MOTION** by Pacheco, supported by Sovel, to approve Item PA13-0003, the request by Pine Building Company of Farmington Hills MI, representing Ron Andrusiak of Commerce MI, for a variance from Article 6 of the Commerce Township Zoning Ordinance to construct an attached garage that will encroach into the required front & side yard setback located at 3892 Vanstone. Sidwell No.: 17-15-154-013  
Approval is specifically to allow for a 16.2' front yard variance and a 0.2' side yard variance.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

**MOTION CARRIED UNANIMOUSLY**

**ITEM V: PA13-0004 – PATRICK BRINKER – PUBLIC HEARING**

Patrick Brinker of Commerce MI is requesting a variance from Articles 6 & 33 of the Commerce Township Zoning Ordinance to construct an accessory structure that will encroach into the required front yard setback located at 4001 Burnet.

Sidwell No.: 17-16-203-023

Chairperson Rosman opened the public hearing.

The applicant, Patrick Brinker, 4001 Burnet, Commerce, MI was present to address the request. He explained that the existing garage was there for 83 years. Half of it came down and when they were demolishing the rest, he came in to find out that it was actually in the public road by 1.5 feet.

Rosman – Tell us about your neighbors.

Patrick Brinker – They have no problems. I did get letters from the neighbors all around me and they are happy to see the old garage go. They are all in favor of the new one.

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

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

**Board Comments:**

McKeever – I have no issues.

Sovel – I'm fine.

Mills – I don't have any problems with the variance, but I do have a suggestion. I assumed when I saw the excavation that it was the right house, but there were no address numbers to be found.

Pat Brinker – They were all on the garage.

Mills – For emergency purposes, you need to get numbers on the house.

Rosman – Yes, the ordinance calls for 6" high numbers to be used.

Pacheco – No problems.

**MOTION** by Pacheco, supported by McKeever, to approve Item PA13-0004, the request by Patrick Brinker of Commerce MI for a variance from Articles 6 & 33 of the Commerce Township Zoning Ordinance to construct an accessory structure that will encroach into the required front yard setback located at 4001 Burnet. Sidwell No.: 17-16-203-023 Approval is specifically to allow a 20.5' (side street) front yard variance from Articles 6 and 33.01.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

**MOTION CARRIED UNANIMOUSLY**

**ITEM VI: PA13-0005 – RALPH HAAS – PUBLIC HEARING**

Ralph Haas of White Lake MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct an accessory structure that will exceed the height requirement located at 5530 Rivers Edge Drive. Sidwell No.: 17-0-300-056

Chairperson Rosman opened the public hearing.

The applicant, Debra Haas, 8180 High Point Trail, White Lake, MI, was present to address the request.

Rosman – I would like to compliment you on the address sign. I can't tell you how difficult it is to find a vacant property, but the sign was just wonderful.

Debra Haas – We have a motor home and it pulls the trailer. I think the motor home is 13'3" high.

We work in Rochester Hills, have a house in White Lake, a piece of property in Brighton for the motor home, and keep the trailer and cars in Hartland. We are getting older and it's getting hard to run around.

As you could see, the property was sectioned off and you could see where the garage will go. Some of the stakes were down as we had to bring dirt in. We received the variance for the size of the building, and we are now requesting a variance for the height of 19' for 5.5'.

McKeever – No. We discussed the site plan approval but I did not bring up the text amendment.

Kathleen Jackson – The Planning Commission has approved staff to advertise for a public hearing to discuss increasing accessory structure height. Rick Sovel brought up the topic for discussion. Staff has researched other communities and most do allow for more height. The Commission is only looking at structures that will be on sites of 2 acres or more. The reason for allowing additional height on these larger lots is because you don't have the same impact that you would on a postage stamp lot. In addition, the additional height is to accommodate a 14' garage door.

McKeever – This is the second request we have had for a variance due to the size of the 14' garage door.

Kathleen Jackson – So it is difficult when we want people to keep their things in the garage or pole barn without the garage door height of 14'.

Rosman – Okay, so it is on the Planning Commission agenda and is being advertised now?

Kathleen Jackson – Yes, the public hearing will be held on July 8<sup>th</sup>.

Rosman – So you think it will be in place in the next three to four months?

Kathleen Jackson – Yes, and we informed the petitioner of the process. If the Commission recommends approval to the Township Board, the Board will hear the item in August, and have a second reading in September. With their construction schedule, the applicants decided to come to the Zoning Board of Appeals with the knowledge that the Planning Commission is taking a look at it.

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

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

**Board Comments:**

McKeever – The Planning Commission didn't see any issue with the request, given the size of the lot. They granted approval contingent upon a variance being received.

Sovel – Obviously I brought this up. I would like to see it available to all lots and not just limited to 2-acre or larger parcels.

Mills – In the areas where it looked like fresh sand, is that where the garage will be?

Debra Haas – Yes, and further back from that area.

Mills – I also saw some stakes that looked like surveyor stakes.

Jay James – I believe those were offset stakes and the garage would be 10' from those stakes.

Pacheco – No comments.

**MOTION** by Sovel, supported by McKeever, to approve Item PA13-0005, the request by Ralph Haas of White Lake MI for a variance from Article 33 of the Commerce Township Zoning Ordinance to construct an accessory structure that will exceed the height requirement located at 5530 Rivers Edge Drive. Sidwell No.: 17-0-300-056  
Approval is specifically to allow for the height of the building to be 19.5' to the midpoint between the ridge and the eaves; therefore a variance of 5.5' is granted from Article 33. Approval is in consideration of the fact that the text amendment for accessory structure height is presently before the Planning Commission and will go before the Township Board.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

**MOTION CARRIED UNANIMOUSLY**

## **OTHER MATTERS TO COME BEFORE THE BOARD**

### **1. Zoning Board of Appeals 2013 Schedule**

Chairperson Rosman reviewed the email submitted by the Township Attorney with regard to tabling items and scheduling of Zoning Board of Appeals meetings.

Open discussions ensued regarding scheduling, accommodating the needs of the applicants and the busy Building Department. After much discussion, the Board decided to propose a change to the 2013 schedule to hold meetings every other month. Kathleen Jackson added that the petitioner always has the right to request a special meeting if their item is urgent.

**MOTION** by Sovel, supported by Pacheco, to recommend changing the Zoning Board of Appeals schedule for the remainder of 2013 to meet during the months of July, September and November. The October meeting will be cancelled. The schedule for the Zoning Board of Appeals meetings will now be every other month.

**MOTION CARRIED UNANIMOUSLY**

### **2. Planning Department Update on Developments in Progress**

Kathleen Jackson and Jay James discussed updates on the following developments with the Board:

- The Marriott is coming before the Planning Commission in July or August when they have everything in order.
- Costco is getting two new pumps added to the existing station.
- The new 28-acre development is located where Trilogy was going, across from the fire station and hospital. The Commission recommended approval of the conditional rezoning at the last meeting.
- On July 8<sup>th</sup>, the Commission agenda has two special land uses, three site plans and the text amendment.
- We also have another development coming to the Commission in August for the property north of Tim Horton's.
- We have a developer who wants to build a gas station on Commerce and South Commerce on the vacant parcel, despite the fact that the Commission was not in favor.
- The new Kroger is on schedule to open in November.
- Haggerty Road, between Pontiac Trail and Richardson, is slated for expansion to three lanes next summer.
- Four Seasons Apartments on Union Lake Road, by Wendy's, behind the realtor and Arby's, came in today and plans to start clearing tomorrow. They have 110 or 112 units planned.

### **3. Miscellaneous Discussions**

Discussion regarding Library lighting.

Rosman – The signs at the new veterinary clinic, where the fire station used to be, has abhorrent signs and stuff outside everywhere. We need to look at the square footage of the buildings in relation to the signs.

Sovel – Nobody is ever happy with signs.

Rosman – What is going on at the barber shop?

Jay James – They are building a butcher shop with smoked meats, and an office space above that. They have a lot of work to do.

Rosman – Is there anything going on with the gas station across the street?

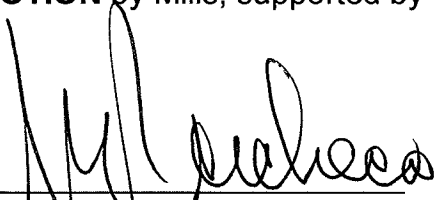
Kathleen Jackson – No.

**NEXT REGULAR MEETING DATE: THURSDAY, JULY 25, 2013.**

**ADJOURNMENT**

**MOTION** by Mills, supported by Pacheco, to adjourn the meeting at 5:52 pm.

**MOTION CARRIED UNANIMOUSLY**

  
Jorge Pacheco, Secretary