

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**ZONING BOARD OF APPEALS MEETING**  
*Thursday, January 25, 2024*  
2009 Township Drive  
Commerce Township, Michigan 48390

**A. CALL TO ORDER:** Rusty Rosman, Chairperson called the meeting to order at 7:00pm.

**ROLL CALL:** Present: Rusty Rosman, Chairperson  
Clarence Mills, Vice Chairperson  
Robert Mistele, Secretary  
Rick Sovel  
Bill McKeever  
Absent: Sarah Grever, ZBA Alternate Member (excused)  
Also Present: Paula Lankford, Senior Planner

Chairperson Rosman introduced the Members of the Board to those present, as well as Paula Lankford. She reviewed the requirements for receiving either a dimensional and/or sign variance 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, unless their property was under water. In that case, aerial pictures were reviewed as opposed to walking the yard.

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**

Chairperson Rosman proposed a change to the agenda, to switch the two items and hear BVA first, with the Ray Blanchet item to follow.

**MOTION** by Mistele, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting Agenda for January 25, 2024, with the suggested change to hear BVA, Item G2., first, and to hear Ray Blanchet, Item G1, second.

**ROLL CALL VOTE:**

**AYES:** Mistele, Mills, Rosman, Sovel, McKeever  
**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MEETING MINUTES:**

**MOTION** by Sovel, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting minutes of July 27, 2023, as written.

**ROLL CALL VOTE:**

**AYES:** Sovel, Mills, Rosman, McKeever, Mistele  
**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**D. PUBLIC DISCUSSION (on matters for which there is no public hearing scheduled)**

None.

**E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:**

Rick Sovel – Township Board

- We built a new Sheriff's Department. We moved the substation from the Fire Department on Glengary to right behind Township Hall in the office building. Half of that office building is now the new Oakland County Sheriff's substation. We're pleased to announce that we did that without raising any taxes; we did it from within our budget.
- We also approved a new EMS coordinator. In Commerce Township, we're about to go to Advanced Life Support, or ALS. We have only been basic life support with our Fire Department. An unfortunate issue and challenge we've had is when someone is seriously hurt, we've had to wait for an ambulance to come. The Fire Department has not been able to transport them. Once we become certified for ALS, which we hope will be in April, then we will be able to transport people right away. There have been too many times when we've had to wait for an ambulance from Pontiac, and they take 15-20 minutes, or several times they have said they had no ambulance available whatsoever. This is a huge improvement for all Commerce Township residents to have our Fire Department do that, and once again, we've been able to do that without raising any taxes. We're really thrilled that we will be able to provide ALS. We have a hospital in our community, but we haven't been able to transport people to get them there. We will now be able to have the highest level of medical treatment that is available for a Fire Department.

Chairperson Rosman – Thank you, that's great.

Bill McKeever – Planning Commission

- The Planning Department has completed the Master Plan update.
- We approved a site plan amendment for Home Depot in an effort to get a better handle on their parking lot sales areas and outside storage, and give the ordinance officers guidance on what can and cannot remain.
- We approved a PUD development on Unit 4 at the 5 & Main development. That should be starting in the spring.
- At Lakeside Marine, we should be seeing some order come to their site as I think we have finally come to a consensus on them getting their site cleaned up and straightened out. A lot of the chaos that comes along with that business should be going away.

Chairperson Rosman – Good deal. That's a long time coming.

**F. OLD BUSINESS:**

None.

**G. NEW BUSINESS:**

>>Item G2. was moved up on the agenda.

**ITEM G2. PA23-09 – BVA – PUBLIC HEARING**

BVA of Commerce Township MI is requesting a variance from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 4205 Martin Road. Sidwell No.: 17-13-400-006

**Chairperson Rosman opened the public hearing.**

The petitioner, Ryan Stewart of Signarama, 49677 Grand River Ave., Novi, MI, was present, along with David Vincent, Commerce Township resident and owner of BVA Oil, 4205 Martin Road, Commerce Township, MI, to discuss the variance request.

Ryan Stewart – The proposed location is requested for better visibility of the sign so that the parking lot, snow buildup or cars in the employee and customer parking lots won't be blocking the view of the sign for the public.

Chairperson Rosman – Do you have any idea when the building was built?

Paula Lankford – 1970.

Chairperson Rosman – Okay, thank you. Is there anyone here from the public who would like to address this issue?

No comments.

Chairperson Rosman – All right, I will close the public portion. We have no letters.

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

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

**Board Comments:**

McKeever – Was there a preexisting ground sign onsite?

David Vincent – No there was not. When we bought the building about 4 years ago, there was no sign on the building at the time. Going back and looking at historical photos, it looks like there was a sign attached to the building.

Chairperson Rosman – Do you mean a wall sign?

David Vincent – Yes, a wall sign, and that was just from looking at pictures.

Chairperson Rosman – But there wasn't one when you bought the building?

David Vincent – No, there was not.

Chairperson Rosman – Thank you. Bill, anything else?

McKeever – No.

Sovel – I have no problems with this.

Mills – Is the sign going to be illuminated?

David Vincent – I would like to have done an LED sign, but I guess because of the location, we cannot. It would be a lighted sign, it would have a backlight.

Mills – Okay, that's the only question I had.

Mistele – I think it was very clear that there is an artificial feature that would be in the way of a conforming sign, and I think visibility would be obstructed in that scenario, so I don't have an issue with this.

Chairperson Rosman – And I don't have any issues either. Paula, anything to add?

Paula Lankford – No.

**MOTION** by Mistele, seconded by Mills, **to approve** Item PA23-09, the request by BVA of Commerce Township MI, for a variance from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 4205 Martin Road. Sidwell No.: 17-13-400-006

Based on the presentation and comments we have heard, I believe the applicant, Mr. Ryan Stewart with Signarama, representing BVA Oil of 4205 Martin Road, has established a practical difficulty as required by Section 30.08.B of the Township Zoning Ordinance for granting a non-use Sign Variance relative to the required minimum front yard setback for a freestanding sign along Martin Road, and therefore I make a motion to approve the request for a variance of 15 feet relative to the front setback requirement of Section 30.02.F.1 of the Zoning Ordinance.

This variance is being granted only to the extent necessary to allow the applicant's sign to be visible from Martin Road as follows:

- There are artificial features which would block the visibility of the sign from motorists,
- It will encroach 15 feet into the minimum required front yard setback.

**ROLL CALL VOTE:**

**AYES:** Mistele, Mills, Rosman, Sovel, McKeever

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

Chairperson Rosman – Thank you very much for coming, and you did a great job marking it so we knew what you wanted. That was a very big help.

David Vincent and Ryan Stewart thanked the Board.

**ITEM G1. PA23-08 – RAY BLANCHET – PUBLIC HEARING**

Ray Blanchet of Commerce Township MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to allow a detached garage & shed to remain that exceeds the maximum square footage allowed located at 4775 Rayfore.

Sidwell No.: 17-09-151-004

**Chairperson Rosman opened the public hearing.**

The petitioner, Ray Blanchet, was present to discuss the variance request.

Ray Blanchet – Thank you. I never thought I would be here asking for a variance. Somewhere along the line there was a lot of information that the people I hired never really got the job done. I personally did not build these buildings, and I assume when you hire somebody that they would get all the right things done, the right information, and I'll take full blame for the situation, because it's my fault. I should have probably followed through. I own a business also in Commerce Township and I'm building a new building. I've lived in Commerce Township 40 years, and I've always tried to be a good neighbor.

We decided that my wife and I, a couple years ago, that we would try to get Oakland County to fix potholes in our neighborhood. They very nicely said that they're never going to service our road again, and we had to live with them. That's what Oakland County told my wife. I said, well, it looks like we've got to take matters into our own hands because she lost two rims, and we've had neighbors who have lost rims. I'm trying to justify why I had to build some extra buildings.

One of the big issues is that I also plow our street, because Oakland County hits the major roads but very seldom do we see a plow on Rayfore. This last storm, I spent all day plowing so people could go in and out of our subdivision. I've never asked anybody in that subdivision for a dime, and nor will I ever as long as I live, because my wife also babysits our grandchild who comes to our house and we've got to get her home. I'm basically asking for a variance. One of the buildings I assumed was permitted only because it was built the same time my pool was. The pool company built the building and there was a permit on the pool.

Paula Lankford – There was a permit on the pool and the pool house.

Ray Blanchet – Okay good, I'm glad we got that out of the way. Then the outside garage was a garage that was built 25 years ago, thereabouts, long time. It has been there and we use it for ... We have a big lot, we have lawn mowers, I have a tractor, because we use it for plowing in the winter. In the summer, we fix things. I've done a lot of free things. We had the oak wilt in our neighborhood. In my neighborhood alone, I've taken down 40 trees. We cut them all up for the neighbors and hauled off the wood. I've never charged anything. I've always tried to be a good neighbor. The extra square footage has gone to store equipment so that I can do some of this stuff.

When the new building was being built, this is when I found out there was a problem. Commerce Township notified me there was a problem, so I stopped building it. That's why it's not finished, but it's basically all up. I bought that because I bought a bigger piece of equipment, because of the potholes. I'm thinking about replacing a lot more, and getting up on Juniper and doing some of that this year also. If you've ever been through our neighborhood, we have potholes and it's terrible. I bought a Bobcat because it's a little bit heavier. Oakland County does not fix potholes properly.

Mr. Blanchet elaborated on the proper way to fix potholes, including sealcoating.

Mr. Blanchet – I'm a conveyor guy, we build conveyors. I think I've been before this Board when we got permission to build a new building in Commerce Township for Sure Conveyors.

That's where we're at. I'm asking for basically 600 square feet of variance. The buildings I've built are very good. They're over engineered and insulated, except the pool house, which does not have insulation or heat. The other two buildings are heated and they're very nice buildings. They don't have a bad appearance. We just put stone on our house and this year, we were going to put stone on the other two buildings to bring everything together to have a good appearance. I also know there was concern. I had some nice people call me today regarding the stuff on the side of the barn that doesn't look good. I said, well, it doesn't look good because ... Before that building was there, there was an old, ragged trailer there. That's where we stored the shovels, et cetera, to fix stuff. I think it makes a lot more sense to have something that looks good for the Township, so I got rid of the trailer and we put up this new 400 square foot building for that. All the stuff on the side of the barn will disappear come spring.

Chairperson Rosman – Thank you. Is there anybody else from your family who would like to address this?

Ray Blanchet – I have a neighbor.

Donald Brancheau, 4790 Rayfore, Commerce Township – Ray has been the chevalier of our subdivision since he started his building back in 1979. He has utilized the road, repaired the road and done anything that a chevalier would do to maintain our area. He has plowed the roads, clear out to Sleeth Road, and the Road Commission hasn't maintained our subdivision at all, okay.

There are some issues I would like to bring to the Board. It is mentioned in your document that Ray does not have windows in his buildings, in either building, and I want to iterate the fact that Ray does not need windows in his buildings. I have submitted buildings in our subdivision that do not meet the codes that you're advocating. I'm sorry but your advocacy of having windows in his buildings is erroneous.

Chairperson Rosman – Okay, what's the next thing.

Donald Brancheau – Okay, I have photos and I've submitted, and issued and got signed documents from our neighbors that they don't have an issue with Ray's buildings. If you've looked at my pictures of Ray's buildings, they are very cosmetic. You mentioned in your documentation that some of the construction items are not covered. I'm going to tell you one thing, knowing Ray, he will address that issue. Some of the documents that you've mentioned also pertain to my view of Ray's buildings. They are built to double standards. And again, I'm going to mention the windows, they don't need to be in his buildings. If you look at some of the addresses on 4700, behind us, they do not have windows in their buildings, and I've documented buildings of major size that do not have a single window, and I don't feel as if he has to have windows. I have adjusted to the way Ray builds things and it's 2X the standards. I am trained in building.

Chairperson Rosman – Thank you very much. Is there anything you have not mentioned, besides the windows and the 2X standards. Is there anything new?

Donald Brancheau – Okay, in addressing the issue of his cosmetics outside, the pines and stuff like that, Ray has already addressed that. If you look at it from the residence behind Ray, they do not have windows in their buildings-

Chairperson Rosman – You've told us that. I'm looking for other information besides windows. Is there anything else that you want to tell us? I'm looking for new information.

Donald Brancheau – Okay, new information. I live to the north of Ray Blanchet. His house, his construction and everything else has been very accommodating to my view. If it needs to be, and I know in addressing your program, I would consider selling to Ray, or renting to Ray, the property to accommodate what you people desire.

Chairperson Rosman – Thank you very much.

Donald Brancheau – The individual, and I can give you the address, and I won't do it in this particular fashion, but Ray, a number of years ago, was cosmetically cleaning up his property. This individual I want to bring up complained to the Sheriff's Department that he was cutting down trees that she felt were on her property. That's erroneous. The Sheriff's came out and looked at it, and said this gentleman has his property marked visually, and I did it.

Chairperson Rosman – I appreciate that, but all the things we're interested in tonight are these buildings. I don't want to go anywhere other than the buildings.

Donald Brancheau – Yes, fine.

Chairperson Rosman – Have we covered everything that you wanted to tell us about the buildings?

Donald Brancheau – I believe I have. The cosmetics that you want him to put in place, the evergreens, if you look at them in two perspectives, spring and winter, you will see that Ray's buildings are shaded.

Chairperson Rosman – I appreciate that. Thank you for everything that you've shared with us.

Donald Brancheau – Thank you, individuals of the Planning Commission. We appreciate the job that you do, but this job was initiated because somebody complained of the cosmetics that Ray was...

Chairperson Rosman – We're going to handle that. Thank you very much.

Donald Brancheau – Thank you very much for your advocacy of Ray's misfortune to overbuild his buildings.

Chairperson Rosman – We're going to give Ray every opportunity. We're going to move onto the next person now. Thank you very much for coming.

Paul Caradonna, 4739 Rayfore, Commerce Township – My house is just south of Ray and Grace. My wife and I moved in there in 2006. We're raising two children. I did submit a letter to the Board to support Ray's application for the appeal. My wife and I look to the Blanchet's as great neighbors. I said that quite specifically in my letter. More to the point of the building; Ray grew up on a farm a long time ago in Maine and he has the attitude to be self-sufficient. When it comes to plowing the road, he used to cut

across my property to get out to the road. As a courtesy, he would plow my driveway. It is something my wife and I have been extremely appreciative of. When he says he plows the street, he literally plows the street. He has a tractor. Sometimes Don is out there too with his tractor because he grew up on a farm as well. The two of them will literally plow our street. Without them, we would not be able to get out.

A side note; when my son was a newborn, he had RSV and we had a blizzard the night I decided to take him to the hospital. Luckily, the car we have is four-wheel drive, but I was driving through 10 inches of snow, plowing my way out. Saved my son's life because I was able to get him to the hospital. Ray typically makes sure that the roads are clear, because otherwise we would not be able to get out.

Regarding the building, I know you've probably been out there and have seen the site as it exists. The building, to me, it looks like a little compound. It's very compact and everything is aesthetically similar. We can see it from our house, the entire side of the property and both buildings, and I have zero problems with the aesthetics and with the placement of the buildings. We have a neighbor two doors to the north, about 5 years ago, who built a second garage on their property. It's a 3-car garage and it looks just like the house so it blends in quite nicely. When that was put up ... It's right there. To me, I don't know the square footage of the property, and I know there's an issue regarding that and the amount of square feet of building you can have, but that building is significantly larger and more prominent than either of these two buildings. From the street, unless you're approaching from the north, you can't even see the back of Ray's property. Again, from an aesthetics standpoint, I don't see any issue. I personally have zero problems with it.

Chairperson Rosman – Thank you. Is there anybody else from the public who'd like to address this issue?

No comments.

Chairperson Rosman – I'm going to close that portion and turn to the record.

Chairperson Rosman reviewed the following submissions:

1. An email in support of the request from Mary Underhill, 1970 Lori Drive;
2. A letter in support of the request from Paul Caradonna and Dayna Elfont, 4739 Rayfore Drive;
3. A petition in favor the request signed by 18 neighbors residing on either Juniper Drive or Rayfore Drive;
4. A letter in support of the request from Don Brancheau, 4790 Rayfore Drive.

**There were -0- returns and -3- letters/emails, and -1- petition as indicated above.**

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

**Board Comments:**

McKeever – Who was the builder that doesn't see it as necessary to provide building permits?



Ray Blanchet – The first building that didn't have a permit was the barn. It was Jim [Foshay]. He was a roofer/builder.

McKeever – Did he have a builder's license?

Ray Blanchet – I thought he did, yes, because otherwise I wouldn't have hired him, but he didn't pull a permit for some reason. I don't know why. I paid him and he built it. I assumed that he would have taken care of it. I had no reason to doubt it. He did roofs on commercial buildings, and many of them. He was doing this for a living for 20 years.

McKeever – And he's responsible for putting you in this position now, because had he applied for a permit at that time, you would have been informed about the maximum square footage being 900 square feet. You wouldn't have a garage that exceeds the maximum, and you wouldn't have built a shed that also puts you that much more over the maximum.

Ray Blanchet – That's correct.

McKeever – It's a very difficult situation that we're in because I don't see where you meet the criteria for the variances requested. I understand you do a service for your neighborhood and the people are behind you. I'm just saying, from a viewpoint of what I am legally bound to go by when somebody requests a variance, you don't meet it. So, I think there are some concessions, at the very least, that need to be made here. I don't understand ... It was mentioned that the shed was built without a permit. Same builder?

Ray Blanchet – No, Jim passed away. The second builder is also a handy man who has done buildings in the area.

McKeever – There's mention of connecting the shed to the pool house.

Paula Lankford – That's correct. There isn't a proper amount of distance between the two structures. A 10 foot separation is required. The only way to rectify that is to connect them.

McKeever – Then wouldn't we be increasing the amount of square footage over the amount that we noticed for?

Paula Lankford – No-

Chairperson Rosman – Only if you leave the barn. If you take the barn away and they connect, it still fits. What he has now is between the shed and the pool house, he has 601 feet. If you take that off the 900 he's allowed, he only has 299 left.

Paula Lankford – We don't notice an amount. I only state in the notice that he is exceeding it.

McKeever – So it's not the fact that he is requesting a 611-foot variance?

Paula Lankford – Correct.

McKeever – And it doesn't affect the noticing in any way?

Paula Lankford – No.

Sovel – It's unfortunate when we are put in this type of situation. Whether you knew or you didn't know, suspected or didn't suspect, whatever. Are you willing to work with the Township to try to find a solution?

Ray Blanchet – Yes, I am, obviously. I'm a Commerce Township resident. I'm building a 30,000 square foot building in Commerce. I definitely want to work with Commerce Township any way I can.

Sovel – It sounds like you're a great neighbor to have. Unfortunately, we don't judge on character. We have to deal with the facts and the black and white issues. The last thing I want to do is ever have anyone have to remove any kind of a structure. Obviously you don't want to, and your neighbors don't want you to have to either. At the same time, we have to be careful. We can't have people thinking that they can just build without a permit and ask forgiveness afterwards. I'm sure you can understand that.

Ray Blanchet – Right, absolutely.

Sovel – Clearly, I don't believe that was your intent.

Ray Blanchet – No, not at all. I can assure you it wasn't.

Sovel – The last thing I want to do is have you remove something, other than the garbage around the yard. You've agreed to clean that up.

Ray Blanchet – Yes, that would be cleaned up in the spring.

Sovel – I'd like to see if we can find a way to give you the minimum variance possible to try to find a solution and a compromise to make this work.

Chairperson Rosman – Commerce Township is very specific in the Zoning Ordinance that a property under 2 acres can only have outbuildings to a maximum of 900 square feet. It has been in the ordinance for years. When we count up all of your buildings, you equal 1,511 square feet. So, we have a shed, a pool house, and a barn. Your barn is 910 square feet. You've got one building too many and it's an issue.

Chairperson Rosman discussed the need for setting building standards for the neighborhood and the community. She also explained that she has similar issues and she has a storage unit because there are things that just don't fit, and she can't build another building on her property. She has empathy and sympathy, and she agrees that Mr. Blanchet is a wonderful neighbor; however, something has to go as it is not equitable to the neighborhood to allow the additional buildings.

Mills – The first question I have probably goes to Paula. In the middle of our packet, it says Section 33.01. Down toward the last sentence, it says, ... *provided that the Building Official and the Planning Director shall both administratively review and*

*approve the site plan of the premises to reduce the negative effects.* Has that review happened?

Paula Lankford – That's only on parcels of 2 acres or more. He only has 1.3 acres. This was put in there so that you understand what we go through, or what the Building and Planning Departments go through to review something over 900 square feet on a parcel of 2 acres or more. If you were so inclined to approve a variance, we would want you to look at the same things we look at on a parcel of that size. That was just in there for reference.

Mills – Okay. The second question is, with all of your construction materials around that property, is it your intent that all of that construction equipment is going to be relocated into your building?

Ray Blanchet – Yes, and some of it I'm going to get rid of.

Mills – Okay.

Mistele – I basically agree with all of the other Board members that this is a very large request. Something has to go. I will give you some thoughts on some of the buildings. The pool house, I would be a little bit more lenient on that because I'm assuming ... Well, can you confirm what's in there?

Ray Blanchet – It's really just the furniture and the mechanicals. I could relocate that to the other building. If we had to give up a building, we'd give up the pool house. That's one we wouldn't need for storage of equipment.

Chairperson Rosman – The pool house is 194 square feet. It still doesn't fit. We're getting closer.

Mistele – So you do use that for storage as well as the mechanicals.

Ray Blanchet – Yes. You would have to take down two buildings to meet your requirements.

Chairperson Rosman – Or take down the barn. The barn would do it. That would bring you into compliance.

Ray Blanchet – I'm not going to take the barn down. I'll take the other two buildings down before I did that.

Chairperson Rosman – Can he do that for the mechanicals? For the pool house?

Paula Lankford – There is no requirement to have a pool house.

Chairperson Rosman – All right, if he takes down the 407 and the pool house ...

Paula Lankford – He would be at 910 square feet. He would still need a variance of 10 square feet.

Sovel – I have no interest in having him take down 2 buildings, or the barn.

Chairperson Rosman – Okay, I have no interest in him keeping 3 buildings, so there's an impasse.

Sovel – I think there was some discussion about removing the 194. He needs a variance no matter what.

Chairperson Rosman – He said he would take down the pool house and the shed, and those 2 equal ...

Sovel – Well then he would need the 10.

Paula Lankford – The pool house and the shed are 601 square feet.

Sovel – The barn is 910, so if that is the only structure there, it's 10 over the 900.

Paula Lankford – Right.

Chairperson Rosman – So if he took down the pool house and the shed, he is 910 feet and he would need a 10 foot variance to keep the barn.

Paula Lankford – Correct.

Chairperson Rosman – And Rick, you have no interest in him taking down the pool house and the shed?

Sovel – Not 2 structures, no.

Chairperson Rosman – What about you, Bill?

McKeever – I'm torn.

Mistele – Because of the mechanicals, if he tears down the pool house, I don't believe he would move the pool filter. He's probably going to leave them close to the pool, so I think that's actually going to be more of an eyesore to neighbors.

Chairperson Rosman – He could put a plastic cover over it, the way you do with a pump.

Mistele – I would be inclined to allow the pool house to stay and the garage.

Chairperson Rosman – You would keep the pool house and the garage. That would total 1,104.

Mistele – Yes, which would be a 204 square foot variance.

Mills – I'm tempted to agree with Bob.

Chairperson Rosman – I am not. I want to get closer to the 900 square feet. I am looking at not just his property, but any future person who comes along as they would also want 1,100 square feet if he can have it. How do I justify that to the next one? Not to blame anybody, but we know in today's world, you need a permit for everything. I get that you trusted the guy and you didn't check. You paid him, but it's still on your head. Had you come in here for a building permit, they would have said no, and you would have gone to Plan B. Anyone in your neighborhood who comes in for a permit is going to be held to the 900 square feet. I could not vote for that in good conscience, and based on our criteria about self-created, because these are self-created.

**MOTION** by Sovel, seconded by Mills, to approve, with a condition, Item PA23-08, the request by Ray Blanchet of Commerce Township for a variance from Article 33 of the Commerce Township Zoning Ordinance to allow a detached garage & shed to remain that exceeds the maximum square footage allowed located at 4775 Rayfore.

Sidwell No.: 17-09-151-004

Move to approve the variance as requested, with the condition of removal of all debris in the back yard within 90 days.

Discussion –

Rosman – I disagree with you because it is totally against what we are required to do, which is uphold the Zoning Ordinance. And, the fact that this was done in error, which I know is true, it's an error for you, and I understand that, but it is our job to uphold the ordinance.

Sovel – Or to find the least amount of variance ... And that's the part that is subjective. What is unique about this, and I don't necessarily mean in a good way, but usually we are dealing with one structure or they want to put on an addition. We're not used to dealing with 3 different structures. This is more of a challenge. I don't disagree, but at some point, somebody has to make a motion.

Rosman – I'm going to vote no on that. I have all the empathy in the world, as well as respect for you, running around with your Bobcat. What you do is fabulous, but that's not our job. Any other discussion?

Mills – I have a question here.

Rosman – Based on the motion?

Mills – No, not on the motion. Based upon this information here.

Mistele – Just to clarify, this motion is for the full 611 square feet?

Sovel – Yes, and to clean up the debris.

Rosman – Your motion is for the entire variance requested, plus cleaning up all of the stuff.

Sovel – Keeping the 3 buildings as is, and cleaning up the debris.

**ROLL CALL VOTE:**

**AYES:** Sovel, Mills

**NAYS:** Mistele, Rosman, McKeever

**MOTION FAILED 3-2**

**MOTION** by Rosman, seconded by Mistele, to deny Item PA23-08, the request by Ray Blanchet of Commerce Township for a variance from Article 33 of the Commerce Township Zoning Ordinance to allow a detached garage & shed to remain that exceeds the maximum square footage allowed located at 4775 Rayfore.

Sidwell No.: 17-09-151-004

Move to deny the variance requested for 611 square feet, based on the following:

1. The property can be used in the same manner as others in the zoning district;
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 does not apply to other land in the zoning district;
4. The problem is self-created by the applicant or its predecessors;
5. Granting the variance will cause significant adverse impacts, such as other neighbors saying that, *if he can do it, I can do it too*;
6. The practical difficulty and hardship sought to be cured is merely an inconvenience for the homeowner.

Discussion –

Sovel – You're saying he has to take down the 910 square foot barn.

Rosman – I'm saying no to everything.

Sovel – Which means, in essence, you're saying the only buildings he can keep to stay under the 900 square feet is the 407 square foot shed, and the pool house. You're saying he has to take down his main structure. That's what you're saying because you're not willing to give even a 10 foot variance to allow him to keep his barn. That's what you're saying, Rusty.

Rosman – That's what I am saying, so I would like to amend my motion.

**MOTION WITHDRAWN**

**MOTION** by Rosman, seconded by Mistele, to approve a variance for Item PA23-08, the request by Ray Blanchet of Commerce Township for a variance from Article 33 of the Commerce Township Zoning Ordinance. Move to approve a variance of 10 feet only, to allow the 910-square foot barn to remain, that exceeds the maximum square footage allowed, located at 4775 Rayfore. Sidwell No.: 17-09-151-004.

**Approval is conditional upon the following:**

1. Removal of the 407-square foot shed and the 194-square foot pool house;
2. Removal of all debris in the back yard within 90 days;
3. Review of the 910-square foot detached garage (barn) to ensure that it is built to code and is in compliance.

Discussion –

Sovel – Mr. Blanchet has offered as a compromise to remove the 194-square foot pool house if he has to remove anything. He would like to keep the shed and the detached garage. Am I correct?

Ray Blanchet – Correct.

Rosman – You also offered the shed.

Ray Blanchet – No, I didn't. I only offered the pool house.

Rosman – I beg your pardon. My error.

Sovel – That's his second request, after the first request to keep everything. I'd like you to at least consider doing that and not make him have to take down two structures.

Rosman – I will think about it, but at the present time I'm not willing to do that.

Sovel – The other option is to consider tabling.

Rosman – Don't put the table out yet. That stops everything.

Sovel – I know but if you vote on something, there's nothing to table.

Rosman – I still want to hear this. What did you want to say, Bob?

Mistele – Should we add any conditions, since it was built without a permit, to have Jay take a look to make sure the garage is good?

Rosman – I will amend my motion to make sure that the barn is built to Commerce Township code and is complied with.

Mills – Part of my concern and discussion has to do with what Bob just said; what is the status of no permits on these buildings being built. Nobody has inspected them and there have been no permits.

McKeever – The pool house only.

Mills – But you have a couple other buildings.

McKeever – I agree with Clarence.

Sovel – I understand, but at least the one does have a permit and was approved.

Mills – Okay.

Rosman – But this motion is now requiring that he get a permit and have it inspected.

McKeever – I'm on the same page as Clarence. If either of the non-permitted structures are to remain, I would want to make a requirement that they get the full permit application process, inspection and everything. They have electrical in them. They are both heated. There's too many things that the Township doesn't know about those buildings.

Rosman – Am I right that my motion only covered the barn?

Mistele – Yes, the garage.

Rosman – Not the other two.

McKeever – I'm just saying.

Rosman – I understand completely. The motion I am making is that the two buildings come down, and the barn be allowed with a 10 foot variance, and a permit and inspection, and everything according to Commerce Township be complied with.

Lankford – And the property to be cleaned up.

Rosman – And the property to be cleaned up.

**ROLL CALL VOTE:**

**AYES: Rosman, Mistele, Mills**

**NAYS: Sovel, McKeever**

**MOTION CARRIED 3-2**

Chairperson Rosman – The motion has passed. It says that you can keep the barn, but the pool house and the shed need to go. You said that you would be willing to say goodbye to those two to keep the barn. We're also giving you the 10 feet because your barn is 910 square feet. All of this, sir, is because there was not a permit and no one came in to learn what was allowed and what was not allowed. It was all done, and we just can't give you permission after you chose to do what you wanted to do, because we have sworn to uphold the Commerce Township Zoning Ordinance. You heard me read all of the things that we have to follow and I couldn't vote for that because it didn't fit all of the criteria. We had to do all six of the criteria, and you did not fit. Paula, what is next in this?

Paula Lankford – He would have to demolish the pool house and the shed, and come in and apply for permits for the garage.

Chairperson Rosman – Sir, you have 365 days to apply for a permit. After that, the variance expires and you have to start all over again. My best advice to you is to go into the Township in the next 10 days with the letter you will get from the Planning Department and talk to Jay James, who is the Building Official. You figure out the timeline with him, and Paula will let him know what we're talking about. This can't go on for another year, because anybody and everybody wants to do what you're doing. Everybody wants to do what they want on their own property, and it would be total chaos.

Ray Blanchet – I understand what you're saying. Can I ask a question?

Chairperson Rosman – Yes.

Ray Blanchet – What you're telling me is that you don't normally give variances in Commerce Township, is that correct?

Chairperson Rosman – No, sir. What I am saying is that we do give variances that meet the requirements. I read these to you.

Chairperson Rosman read the six criteria, all of which are required to be met in order to grant a variance.

Chairperson Rosman – We are required to find that the applicant has met all of the criteria in Section 41.09 of the Commerce Township Zoning Ordinance. When we were sworn in, we all agreed to do that. I know, it's not what you want and I'm sorry.

Ray Blanchet – So it makes no difference on a variance on what it's used for? It isn't like I'm using it personally.

Chairperson Rosman – Sir, it's a square footage thing.

Ray Blanchet – I understand that. But all I'm saying is that there are never any exceptions.

Chairperson Rosman – I can't say that, but what I can say is that we are required on a case by case basis. That's why we go out to look at the property. We talk to Paula. We read, we talk and you heard us work this out. You've seen five different opinions.

Ray Blanchet – I understand, but I don't think a motion came up to keep just the pool house and the barn, that's been there for almost 30 years.

Chairperson Rosman – There was a motion that allowed you to keep all of them, and that one went down.

Ray Blanchet – But not the two that have been there 30 years.

Chairperson Rosman – No, I made a motion just to do the one, and that one passed.

Ray Blanchet – So basically, this is done.

Chairperson Rosman – It's done.

Ray Blanchet – Okay. Well, thank you for your time.

Chairperson Rosman – I'm sorry we couldn't make you happy.

Ray Blanchet – It is what it is.

Chairperson Rosman – Thank you. Goodnight. The next item ... Sir, we're all done with that.



Donald Brancheau – No, we're not. I reserve the right to speak in his behalf and me as being a neighbor in the continuance of this program. Now, I want to be heard-  
Chairperson Rosman – Sir, you had your opportunity-

Donald Brancheau – I want to be heard that the present position of the Board, all of you, is antiquated. You need to move forward, and each and every one of you have got homes that you do not have enough room in, and Ray does not have enough room, and I'm his next door neighbor, and I find that building appealing. I reserve the right to make my determination against this Board for their determination. You have no justification-

Chairperson Rosman – Then I suggest you go to the Township Board on Tuesday. Check with the Township as to when the Township Board meets. They are the ones who regulate all of the different ordinances. That is where you need to go.

Donald Brancheau – As I said to you and I'm overstepping, your system is antiquated. Each and every one of you, five of you, have outgrown your capacity of your homes, and Ray elected to put these buildings in, and I'm his next door neighbor and I don't find them offensive. As a matter of fact, their appearance is appealing. And you need to step forward-

Chairperson Rosman – Sir, we're going to move on now.

Donald Brancheau – You need to step forward-

Chairperson Rosman – Sir, we are moving on with our meeting.

Donald Brancheau – Thank you.

Chairperson Rosman – Thank you very much. I appreciate that. Sir, I appreciate your point of view.

Donald Brancheau – No you don't. You don't appreciate my point of view.

Chairperson Rosman – I really do. You don't want to hear mine-

Donald Brancheau – Your system is antiquated. Get in the real world!

Chairperson Rosman – Thank you.

### **ITEM G3. ZONING BOARD OF APPEALS 2024 BYLAWS**

Chairperson Rosman – I have a question on the Bylaws, second paragraph, 3.6 Site Inspection on Page 4; *To the extent possible, each ZBA member shall, on an individual basis, visually inspect all properties.* My question was, when we say this, do we mean visibly or physically? Visibly means we could look at it on a map.

Mills – Well that's what we did in this case, part of it. Visually or in-person.

Paula Lankford – I think it's fine the way it's worded. You had issues with the snow.

Chairperson Rosman – Yes, we did.

Sovel – The reality is, if the week before, we get a 3-foot snow storm, you can only do what you can do.

Chairperson Rosman – Okay, that’s fine.

Mistele – I have one more question. On Page 10, 4.7, the very bottom and very last sentence, it says; *The Secretary shall have the authority to delegate this responsibility to the Planning Department.* This is great. Paula does a wonderful job. The only thing I'm wondering is if we need to think about adding that into the minutes, because it says I should be taking minutes and I don't.

Paula Lankford – On Page 4 (under 3.9 Minutes) ...

Chairperson Rosman – Minutes, *The ZBA shall keep minutes of each meeting ...*

Paula Lankford – On Page 5 ...

Chairperson Rosman – *The Secretary shall record every meeting. The Secretary may delegate this responsibility to ... staff ...* So, we’re good. Paula, do we need a motion to accept the Bylaws for 2024?

Paula Lankford – Yes, please.

**MOTION** by Mistele, seconded by McKeever, to approve the Commerce Township Zoning Board of Appeals Bylaws as written.

**ROLL CALL VOTE:**

**AYES:** Mistele, McKeever, Mills, Rosman, Sovel

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**ITEM G4. 2024 ELECTION OF OFFICERS**

**MOTION** by Mistele, seconded by McKeever, to retain Chairperson Rusty Rosman, Vice Chairperson Clarence Mills, and Secretary Bob Mistele as the officers of the Commerce Township Zoning Board of Appeals for the year 2024.

**ROLL CALL VOTE:**

**AYES:** Mistele, McKeever, Mills, Rosman, Sovel

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**H. OTHER MATTERS:**

None.

**I. CORRESPONDENCE:**

None.

**J. PLANNING DIRECTOR’S REPORT:**

The report was included in the packet. Paula noted that no applications have been received yet for the March ZBA meeting.

Unidentified Resident – You might see us in March.

Chairperson Rosman – Oh, we'll see you in March? We will look forward to it.

McKeever – It's not for something that's already built, is it?

Unidentified Resident – Yes.

Chairperson Rosman – With a permit?

Unidentified Resident – No. It's a deck.

Paula Lankford discussed the following with the Board from the Planning Department's report:

- We have Taco Bell interested in a site on Pontiac Trail, next door to Sonic. They came in with a concept plan to the Planning Commission.
- We have a storage building that might go up on Clarenton in our industrial district.

Sovel – What is the cutoff date for March ZBA?

Paula Lankford – Soon.

Sovel noted that the Township is closed on Fridays for the unidentified residents.

Paula Lankford – The deadline is February 22<sup>nd</sup> for the March meeting, so there's time.

Chairperson Rosman – Okay.

**K. ADJOURNMENT:**

- **NEXT REGULAR MEETING DATE: THURSDAY, MARCH 21, 2024, AT 7:00PM.**

**MOTION** by Rosman, supported by Mills, to adjourn the meeting at 8:18pm.

**ROLL CALL VOTE:**

**AYES:** Rosman, Mills, Sovel, McKeever, Mistele

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

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Robert Mistele, Secretary