

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**ZONING BOARD OF APPEALS MEETING**  
*Thursday, July 28, 2022*  
2009 Township Drive  
Commerce Township, Michigan 48390

**A. CALL TO ORDER:** Rusty Rosman, Chairperson called the meeting to order at 6:59pm.

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

Chairperson Rosman also explained that because McKeever was absent from the last meeting, he would not be sitting in on Items F1. and F2. Therefore, those items would require approval by 3 out of 4 voting members. The final item, G1. would be heard by and voted upon by all 5 members.

**B. APPROVAL OF MEETING AGENDA**

**MOTION** by Sovel, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting Agenda for July 28, 2022, as presented.

**ROLL CALL VOTE:**

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

**NAYS:** None

**ABSENT:** Grever

**ABSTAIN:** McKeever

**MOTION CARRIED**

**C. APPROVAL OF MEETING MINUTES:**

**MOTION** by Sovel, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting minutes of May 26, 2022.

**Discussion –**

Rosman inquired about statements made; Page 5, Mr. Kabrick, *The builder I bought the house from bought this house...*; and, Page 6, Mr. Stephenson, *...endowment*.

These statements were verified as spoken and the minutes were approved unedited.

**ROLL CALL VOTE:**

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

**NAYS:** None

**ABSENT:** Grever

**ABSTAIN:** McKeever

**MOTION CARRIED**

**D. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA:**

None.

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

Bill McKeever – Planning Commission

- Most of our time has been involved with updating the Zoning Ordinance and doing a lot of verbiage revisions.
- Options Furniture was approved to do an addition to their existing building at 2121 Easy Street. That was at the June 6<sup>th</sup> meeting.
- At the July 11<sup>th</sup> meeting, we approved a 1,320 square foot accessory structure in the rear of the property at 5980 Ford Road on a 5-acre parcel.
- The rest involved text amendments, and we did a couple of condominium recommendations to be approved:
  - One was at the Reserves at Proud Lake, which is a 36-acre site located on the north side of Wixom Road, west of Glengary.
  - There was also an amendment recommended for approval for the Commerce Towne Place (CTP) site condominium, where the DDA was requesting a Fifth Amendment to the CTP condominium Master Deed.

Rick Sovel – Township Board

- Tuesday is the election. If you have not registered to vote, I'm not sure if you have any time left. You'd have to talk to the Clerk's Department.
- Three precincts are in a different location while the schools are under construction. You may want to check the Commerce Township website to see if your precinct is affected by that.
- At Tuesday's Township Board meeting, we approved to build eight pickle ball courts at the Richardson Center. That should be done this fall.

**F. OLD BUSINESS:**

**ITEM F1. PA22-01 – SCOTT RUNDELL – Tabled from May 26, 2022**

Scott Rundell of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a 6-foot privacy fence in the front yard where only 4-foot ornamental fences are permitted, located at 3980 Benstein Road. Sidwell No.: 17-16-226-004

**MOTION** by Sovel, supported by Mills, to remove Item PA22-01 from the table.

**ROLL CALL VOTE:**

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

**NAYS:** None

**ABSENT:** Grever

**ABSTAIN:** McKeever

**MOTION CARRIED**

Chairperson Rosman – Mr. Rundell would like to withdraw his request.

**MOTION** by Sovel, supported by Mistele, to accept withdrawal of Item PA22-01.

**ROLL CALL VOTE:**

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

**NAYS:** None

**ABSENT:** Grever

**ABSTAIN:** McKeever

**MOTION CARRIED**

**ITEM F2. PA22-03 – LAWRENCE KABRICK – Tabled from May 26, 2022**

Lawrence Kabrick of Commerce Township MI is requesting two variances from Article 33 of the Commerce Township Zoning Ordinance to construct a detached garage for his home at 201 Annison. The first variance is for a detached accessory structure in the front yard where such structures are only permitted in the side or rear yards. The second variance is for two detached accessory structures (the proposed new garage, plus the existing shed to remain) combining to exceed the maximum ground floor area of 900 square feet. Sidwell No.: 17-02-101-037

**MOTION** by Mills, supported by Mistele, to remove Item PA22-03 from the table.

**ROLL CALL VOTE:**

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

**NAYS:** None

**ABSENT:** Grever

**ABSTAIN:** McKeever

**MOTION CARRIED**

**Chairperson Rosman opened the public hearing.**

Mr. Kabrick – Do you want me to go over what we talked about initially?

Chairperson Rosman – Tell us what your variance request is tonight.

Mr. Kabrick – Okay. My variance request; after the last meeting we had two months ago, I met with Jay and Paula and they were very helpful in coming up with an alternative plan for the garage. Instead of having it where it is right now, to move it to the opposite side of my property, and also further back and closer to the house itself. Jay provided a very nice picture here that I think should be included.

Chairperson Rosman – Yes, we all have that.

Mr. Kabrick – Thank you. When we talked over that, I said, that sounds great. I'm happy to make that work as well. I'd also like to add that I'm more than open to dropping the second part of the variance to keep the shed structure. I'll work with Building to make it smaller and bring everything to within the 900 square feet as well. The only concern and wish that I have is to be able to put a second garage structure in front of the house, and now keeping it on the side. I would also add that between then and now, one of the other things I did, even though I know that the committee mailed out everything to my neighbors, I took it upon myself to write a letter and I walked around to all of my neighbors. It's included in the packet. I showed them plans for what I was planning to do, where it started and where we're at now. Everybody was very supportive. It's a wonderful neighborhood and I'm grateful to be living there.

Chairperson Rosman – May I have that letter?

Mr. Kabrick – You sure can.

Chairperson Rosman – Thank you. I'm going to read it right into the record.

Mr. Kabrick – I do have a very unique piece of property, which is a big L-shape. There might be ways that I can work it doing something in the back of the house. If that's what

it turns out to be, then I will work with Jay. I will not bother this Zoning Board anymore. I appreciate your time and I'm sorry for all of the hassles that we went through this week. The challenge that I have back there is the addition. I won't say it's a hardship; it's just challenges that maybe I can find a way to work over. I'm a very creative guy. The thing that makes it harder is the main area that I would have where I could possibly do this has been made a backup for the septic system. Beyond that, I have land that drops down. I won't say it's impossible, but challenging.

Chairperson Rosman – Thank you very much. Is there anybody here from the public who would like to address this? (No comments.) Paula, did anybody write to us?

Paula Lankford – No.

Chairperson Rosman – Okay, let me read this into the record.

*Subject: 201 Annison Drive, Commerce Township, Approval of garage addition in front of the home, to the right side (Parcel # E-17-02-101-037)*

*Homeowner: Lawrence Kabrick*

*This document: Supporting signatures from my surrounding neighbors*

*To My Neighbors on Annison Drive, Commerce Township;*

*As you probably know, I'm currently working with the city [Township] of Commerce to approve and grant me a permit to build an additional garage structure on my property in order to house and protect classic cars that are very important to me. I'll be completing my discussions on 7-28-2022 (Thursday evening, 7pm) with the board and strongly felt it would help my request with signed approvals from my adjoining neighbors that you're ok with my plans.*

*Attached are site plans for my property, showing the planned location of my garage as well as plans for the actual garage. It will be located closer to my home which is set back on my property and will consequently be out of view for most of you. I'd greatly appreciate your support by signing next to your address below.*

*Thank you very much for your help. Please know that I wouldn't hesitate to do the same for each of you.*

<u>Address;</u>	<u>Homeowners;</u>
151 Annison Drive	Jerry & Kathy Agne
208 Annison Dr.	Paul Stants
209 Annison Dr.	Katherine VanDyke
212 Annison Dr.	Jason Stanley

Chairperson Rosman acknowledged that the four signatures appeared on the letter for the names listed above.

**Chairperson Rosman closed the public hearing.**

**There were -0- returns and -1- letter, which is included herein above.**

**Board Comments:**

Sovel – So, 888 square feet, is that what you ended up with?

Mr. Kabrick – Yes, that's where I'm at, but that's based on a 3-car garage. I should have just made that change ahead of time that I'll shrink that all down. Everything would be done within the codes and the height and everything. All I really want is just coverage.

Sovel – But you also want to keep the other shed, correct?

Mr. Kabrick – I would like to. But, I will throw this out there too; if it means I can have a little larger garage, but I need to sell the shed in the back, I will work with them on all of that. I'm not here to have an argument over it. I love the shed, but I would love the garage more. I'd be grateful to have that. I would like to have the garage first, and then I'll sell the shed, or whatever is acceptable to the Board.

Sovel – I know we generally make the shed disappear when we approve, but he's within the 900 square feet.

Paula Lankford – That's what I wanted to bring up. The last time his plan was reviewed, it was reported that he was allowed to have 900 square feet of accessory structure. On detached structures, you can have 100% of your first-floor level, or 900 square feet, whichever is less. He can have 100% of his first-floor level of his home, which is only 755 square feet. He isn't afforded the 900 square feet. When he was reviewed in the Building Department, that was missed. He is allowed 755 square feet, so he would actually be over by 253 square feet, instead of 114.

Sovel – What did we advertise?

Paula Lankford – We didn't advertise any sizes. We just said he was over.

Sovel – Okay.

Paula Lankford – I apologized for that error in our report. He is allowed to have 755 square feet total with the shed, so he would be over 253.

Chairperson Rosman – He needs another 145 to get to his 900?

McKeever – The 900 doesn't apply.

Sovel – It's 888. We're using 888 minus the 755?

Paula Lankford – Yes, 888 is what he's asking for, along with 120 square feet of shed, less the 755. He's over 253.

Sovel – Are you good with the placement?

Paula Lankford – Of the new garage?

Sovel – Yes.

Paula Lankford – It was an alternative that Jay actually came up with, looking at something other than the rear yard, because of the well. However, we came up with the fact that there is sufficient room to get between the well and the house to get to the back yard. The problem with the back yard is that he does have the reserved septic area, and he does have the wetlands. It's hard for us to tell without having it surveyed. Jay determined that he could have a smaller garage back there, but he probably wouldn't be able to get 888 square feet.

Sovel – So this is the best compromise you could come up with?

Paula Lankford – Yes. It's not ideal in the back. This is better than what he asked for the first time. If you look at the aerials, you can see that he's set behind this house, and for the most part behind this house also. He's not out in front of anybody's house anymore. It is less intrusive than it was.

Sovel – Mr. Kabrick, the letter that you had your neighbors sign, was it based on this new 888?

Mr. Kabrick – Yes, I included that.

Sovel – Are these the neighbors here tonight?

Mr. Kabrick – No.

Sovel – I appreciate you working with us. Thank you.

Chairperson Rosman – Mr. Kabrick, when I was at your house, they were busy building something. Do you want to talk to us about that? You have now added onto to your garage. He has added on a lean-to, without a permit. How many square feet is that going to be? That needs to be considered.

Mr. Kabrick – Yes. The lean-to is attached to the house. It's a 12x22. As I explained ... Clarence and I didn't have a discussion when he came out, but as I explained to you, I was impulsive. I got a very good price to do this. I started building it. I had every intention of pulling a permit. After all of this that happened on Monday, I have been working all week with Jay and giving him everything that he has asked for. I provided everything to apply for a permit for it. I'm very sorry. It's my fault.

Chairperson Rosman – I understand all that. I'll tell you what my concerns are. One, there is a place to put it behind your house which is where it belongs. Two, the lean-to might be cutting into the area that would be the driveway to get behind your house to where the garage is legally able to go without needing a variance. Three, you're adding onto ... it's separate from the garage, am I correct? There's not a door going into the garage from your lean-to?

Mr. Kabrick – No, there's nothing going into the garage, and it's open.

Chairperson Rosman – I know, so now would it be considered an accessory building.

Paula Lankford – No. It's still considered an attached garage and he is within his square footage that he's allowed to have for an attached garage. It does meet all the ordinance requirements, and Jay did approve the permit today.

Chairperson Rosman – Okay, thank you. That concerns me. I know what you want, but our job is need versus want. I want to see it in the back, and whatever size it needs to be, it is.

Mills – The question I had on your proposed new plans is whether or not it can be moved farther back from where you're planning on putting it right now. You moved from one side of the driveway to the other. Can it be moved toward the house?

Mr. Kabrick – Where it is right now, Clarence, is right at the edge of the cement portion of my driveway. Even if that lean-to wasn't there, it would be extremely difficult to move it any closer. I can try, and I'm more than open to working with the Building Department to whatever works. If you noticed, the ground starts sloping down even more, the closer you get to the back yard.

Paula Lankford – He has to stay at least 10 feet from the home per the building code and the ordinance.

Mills – From the front side?

Paula Lankford – Yes, any portion of that new garage has to be 10 feet from the house.

Chairperson Rosman – Including the attached garage, because it's attached to the house.

Mistele – I don't see a need to exceed the maximum at all. In the area, I didn't see any other detached 3-car garages and 2-car attached. For the second variance allowing extra square footage, I don't think that's ...

Chairperson Rosman – He's going to stay at the amount.

Mistele – As far as the detached garage in the front yard, one of my main concerns with that on the previous plan was that it was so close that people would see it. Where it is now, I don't think it will have much visibility, for the neighbors or for anyone coming down the road, which is a huge plus. I agree with Clarence; I'd like to see it as close to the house as possible. I think walking into the back yard, looking at the heavy vegetation and the ponds, the wetness – it would be a bad place for a garage. I don't have a problem with it going up front.

Sovel – I want to clarify something. He's allowed 755 square feet, and he's asking for 888 square feet. He's asking for a 253 square foot variance.

Paula Lankford – 755 is what he's allowed with all his accessory structures.

Sovel – So 755 ...

Paula Lankford – Minus the 120 for his shed.

Sovel – Minus the 120 ... is 635, minus 888?

Paula Lankford – 635 is all he would be able to build if you were going to hold him to what he's allowed.

Sovel – So the difference between that and 888 is 253. I came up with 253. The variance would be from the 888 to the 755, plus he already has the 120.

Paula Lankford – He's got 888, plus the 120, minus 755.

Sovel – I've got 253.

Paula Lankford – Okay.

**MOTION** by Rosman to deny PA22-03, the request for a variance of 253 feet, because there is a place on the property that a garage could be placed without a variance.

Discussion –

Paula Lankford – Did you want to add to that, you're denying having it placed in the front yard as well?

Chairperson Rosman – Yes, I would add to that, *this includes denial to place it in the front yard because there is a place where it's possible to have the garage without a variance.*

**MOTION DIED DUE TO LACK OF SUPPORT**

**MOTION** by Sovel, supported by Mills, to approve PA22-03, **with conditions**, the request by Lawrence Kabrick of Commerce Township MI for two variances from Article 33 of the Commerce Township Zoning Ordinance to construct a detached garage for his home at 201 Annison. The first variance is for a detached accessory structure in the front yard where such structures are only permitted in the side or rear yards. The second variance is for two detached accessory structures (the proposed new garage, plus the existing shed to remain) combining to exceed the maximum ground floor area of 900 square feet. Sidwell No.: 17-02-101-037

Based upon the presentation and comments we have heard, I believe the applicant has satisfied the criteria of Section 41.09 of the Township Zoning Ordinance for granting dimensional variances and therefore I make a motion to approve the request for two variances from the requirements of Section 33.01 of the Commerce Township Zoning Ordinance for a new detached accessory structure as follows:

1. To construct and allow a detached garage in the non-required front yard where detached accessory structures are only allowed in the non-required side or rear yards; and,
2. A 253-foot variance to allow the new detached accessory structure to exceed the maximum square footage permitted for detached accessory structures when the floor area of the proposed garage is combined with that of the existing shed to remain.

Approval is for the following reasons:

- A. The request is the least variance that will put the applicant on equal footing with others in the same zoning district.
- B. The problem is not self-created and will not cause significant adverse impacts to the neighborhood.



**Approval is subject to the following conditions:**

1. Administrative review for improving the proposed building's aesthetics; and,
2. The accessory structure shall not be used for any purpose other than those principally permitted in the R-1A zoning district, including but not limited to operating a commercial business within the structure.

**Discussion –**

Mistele – Are we sure we want to allow the shed and the garage, and he has the additional lean-to. That's my only concern.

Sovel – I was going to allow it. He's allowed ...

Paula Lankford – The lean-to is attached.

Sovel – We're not counting the lean-to, right?

Chairperson Rosman – We're not counting the lean-to.

Sovel – You're talking about the 120-square foot shed?

Mistele – Yes.

**ROLL CALL VOTE:**

**AYES: Sovel, Mills, Mistele**

**NAYS: Rosman**

**ABSENT: Grever**

**ABSTAIN: McKeever**

**MOTION CARRIED**

**G. NEW BUSINESS:**

**ITEM G1. PA22-05 – VALERIE MCDERMOTT – PUBLIC HEARING**

Valerie McDermott of Commerce MI is requesting variances from Article 33 of the Commerce Township Zoning Ordinance to construct a privacy fence that exceeds the maximum height allowed in a side yard, to allow a privacy fence to remain in the rear yard that exceeds the maximum height allowed and to allow the unfinished side of the fence to face the adjacent lots located at 4883 Halberd. Sidwell No.: 17-10-178-016

**Chairperson Rosman opened the public hearing.**

Valerie McDermott, 4883 Halberd Street, Commerce Township, MI, was present to address the request.

Ms. McDermott – As Rusty stated, I'm requesting a total of three variances. The rear yard already has a fence existing and we added to it, unbeknownst a permit was required. That is my responsibility as the homeowner. I've since come to learn that was required and my apology for ignorance on my behalf. My roommate said it wasn't. It made sense to me because it didn't require a structure over a human head, and it didn't support human weight. I now know that it is required.

Then, requesting a height variance exception because the existing 6-foot fence isn't sufficient for privacy based on the height of the neighbor's yard behind us. It's built up excessively and that's creating a privacy problem, which I've outlined in a personal letter. When I bought the home in May of 2019, the good side of the fence was facing us.

The third variance is for the north side of my back yard to put in a privacy fence at a height of 7 feet, because the neighbor's yard is also on a steep incline. It's a very high incline in the neighbor's yard facing north, as illustrated in that picture.

Those are three variances being requested from the Zoning Board, please. I believe three of my neighbors wrote in separately. I haven't seen any of those communications, but they did share with me.

Chairperson Rosman – I have them, and I will read them before I close the public portion.

Ms. McDermott – Thank you. I included most of the personal details in my letter about the request for the privacy fence in the back. I understand it exceeds the 6-foot ordinance by 1 foot in some areas, and then by 3 feet in the other areas. Hopefully there was enough detail in my personal letter, without getting into some other personal information. There's just some awkward circumstances that were personally directed at me from the neighbor behind us. It's comforting to have that barrier between us and what I call a nuisance neighbor. I call it a psychological shield as well as a physical shield from the activity in that yard.

Chairperson Rosman – Is there anyone here who would like to address this issue this evening? You, sir?

Unidentified Speaker – No, I'm fine, other than the fact that it looks like a nice fence.

Chairperson Rosman – Okay, thank you very much. I'll read the letters into the record.

1. *To Whom it may Concern,*

*I have received your letter PA22-05 Sidwell No.: 17-100178016*

*My neighbor Valerie McDermott has requested a variance to her privacy fence. We live next door to the south at 4865 Halberd Street and we have no problem with the fence she has. We also do not mind if she wants to do more with her fence. They are great neighbors, and their house always looks very good. They take good care of their yard also.*

*I do not know why anyone would complain, that fence was put up years ago by the previous owners. We have lived here for over 30 years and that house is one of the best kept houses on our street.*

*Sincerely,*

*Gregory J Beagle and Molly M Beagle*

*4865 Halberd Street, Commerce Township, MI 48382*

2. *In regards to the fence that has been installed on this property, it really does not bother me as I am not looking at it being I am across the street from her residence however, as per city requirements a permit should be obtained for the fence being installed.*

*Thank you,*

*David Bradshaw*

*4882 Halberd St, Commerce Twp, MI. 48382*

3. *We love the fence. The fence is great. Please keep it.*

*Matt Portenga*

*4884 Sundew St., Commerce Township, MI*

4. *Hello, I received the notice in the mail about my neighbor wanting to build a taller privacy fence on his side yard (and keep up the one at the back of his property). This new fence will border my property - I own 4901 Halberd St. I have no issues with the zoning exception for him. At the edge of my lot, there is a slope down to his yard. I would easily be able to see over a 6' fence and it would not offer them*

*any privacy. Assuming the new fence looks reasonable and is a comparable height to the back fence that was already raised, I support the exception. In fact, my family would enjoy the privacy it offers as well. Please let me know if I can offer any other clarification.*

*Thanks,*

*Dan Seidelman*

*4901 Halberd St, Commerce Township, MI*

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

**There were -0- returns and -4- letters included herein above.**

**Board Comments:**

McKeever – I have a couple of issues with the request. One is, the wrong side is facing out toward your neighbors, coupled with the way you have the extension raised up above. It's a very cobbled look. The pretty side of the fence is in your yard, and your neighbors have to look at the unsightly side of the fence.

I would be open to taking into the account the grade changes in the yard. In fact, I know we've done that in the past where a neighboring piece of property was elevated above the people's yard who wanted to put a fence in, and we made that allowance. However, I can't wrap my head around the fence being built backwards and cobbled together.

Ms. McDermott – The existing fence that we added to had the good side facing us when I bought the home, so we just added height.

McKeever – I can't speak to the fact that it was built without permits and incorrectly. But now you're the one who has to rectify it.

Ms. McDermott – Okay. We did check with the neighbors before the extra height was added and they said it was no problem to them.

Paula Lankford – If I can say something, Bill, just so you have the right information. If you're looking at that drawing up there, that's facing east, so you would be in the neighbor's rear yard looking at her fence; she attached the fence to the other fence with the bad side facing the neighbor, but you can't see the bad side because it's below the older fence. He is only seeing the new pickets. He's not seeing posts and beams. Dave and I took a long look at this. He's also got a row of pines, so he's not really seeing the fence that was existing. The fence that was there that she nailed the new fence to was there prior to permits being required or good side facing out.

McKeever – Okay. Those were my concerns.

Sovel – Has the neighbor behind complained at all?

Paula Lankford – No, he actually sent one of the letters in.

Sovel – Right, so he's living with it and he seems to be okay with it. Why 7 feet?

Ms. McDermott – Their yard is inclined dramatically. I included a picture. I did a demonstration for Bob when he was at my home. I went and stood in the neighbor's

yard and I was considerably taller than Bob when I stood in the neighbor's yard. Their toddler is taller than me when they stand in their yard. You can see the steep incline. As Dan Seidelman put in his letter, a 6-foot fence doesn't really provide any privacy between our two homes due to the incline there between our two yards.

Sovel – So you didn't just pick 7 feet. You actually stood out there to try to come up with a height.

Ms. McDermott – We were hoping that would be sufficient with the least amount of variance in that area.

Sovel – Thanks.

Mills – I really don't see any problem.

Mistele – I agree. It's definitely a lot lower than all the neighbors, so no issues.

Chairperson Rosman – I don't love how it all looks, but I understand. I did speak to your neighbor to the right, facing your back yard, and he was very in favor of all of it. I'm getting the feeling from the neighbors that they're comfortable with it. I did hear the dog and all of what was going on, and I understand what you're talking about.

**MOTION** by Mills, seconded by McKeever, to approve Item PA22-05, the request by Valerie McDermott of Commerce MI for variances from Article 33 of the Commerce Township Zoning Ordinance to construct a privacy fence that exceeds the maximum height allowed in a side yard, to allow a privacy fence to remain in the rear yard that exceeds the maximum height allowed and to allow the unfinished side of the fence to face the adjacent lots located at 4883 Halberd. Sidwell No.: 17-10-178-016.

Approval is for a total of three (3) interrelated variances relative to Section 33.02.A.3 & 33.02.B of the Commerce Township Zoning Ordinance, as follows:

1. A variance of 1 foot to construct a 7-foot privacy fence along the northerly side yard where the maximum height for a privacy fence is 6 feet.
2. A variance of 3 feet to allow a recently-constructed 9-foot privacy fence to remain in the rear yard (west side).
3. A variance to allow the unfinished side of the privacy fence to face out to the adjacent neighboring property.

Approval is for the following reasons:

- A. The variance requested is the least variance that will put the applicant on an equal footing with others in the same zoning area; and,
- B. The variance is needed because of the unique feature of the land, which is the slope of the land.

**ROLL CALL VOTE:**

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

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

Ms. McDermott – Thank you!

Chairperson Rosman – Happy building. You did a good job and you were very helpful to walk us all around.

**H. OTHER MATTERS:**

None.

**I. CORRESPONDENCE:**

None.

**J. PLANNING DIRECTOR'S REPORT:**

The report was provided in the electronic packet.

**K. ADJOURNMENT:**

- **NEXT REGULAR MEETING DATE: THURSDAY, SEPTEMBER 12, 2022 AT 7:00PM.**

**MOTION** by Mills, supported by Rosman, to adjourn the meeting at 7:51pm.

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

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

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Robert Mistele, Secretary