

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

*Thursday, September 26, 2013*  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Rusty Rosman, Chairperson  
Jorge Pacheco, Secretary  
Clarence Mills  
Rick Sovel  
Bill McKeever  
Absent: Clarence Mills (excused)  
Also Present: Kathleen Jackson, Township Planner

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson. 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 applicant present that the site of the proposed variance had 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. She added that in order to have a variance approved this evening; applicants would need the approval of 3 out of the 4 Zoning Board of Appeals members present.

**APPROVAL OF MEETING MINUTES**

**MOTION** by Sovel, supported by, Pacheco, to approve the Zoning Board of Appeals Special Meeting minutes of August 8, 2013, as presented.

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

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

- We are almost ready to begin the budget review.

Chairperson Rosman added that the Library is having a Strategic Planning Meeting.

Bill McKeever – Planning Commission

- We are discussing the Master Plan.

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

None

**ITEM I: PA13-0008 – NADHIR BAJAWA – PUBLIC HEARING**

Nadhir Bajawa of Commerce MI is requesting a variance from Article 32 of the Commerce Township Zoning Ordinance to construct a deck that will encroach into the required setback from a wetland located at 2975 Ivy Hill. Sidwell No.: 17-05-129-003  
Chairperson Rosman expressed her appreciation for the wetland report that was provided in the packet and paid her compliments to the gentleman who had prepared it.

Kathleen Jackson – I would like to add that I visited the site and paced off the distance to the wetlands, which were flagged by Atwell. The distance is actually 21 feet, and therefore a variance of 4 feet is required. The report reflected figures that were taken from the survey, however the wetlands have receded, thereby further reducing the variance he would require.

Rosman – So we would change the request to read as a 4 foot variance from Article 32.02, Protection of Wetlands and Bodies of Water.

Kathleen Jackson – Yes, and the engineer did flag the wetlands so I would defer to the engineer.

Chairperson Rosman opened the public hearing.

Mr. Nadhir Bajawa, 2975 Ivy Hill, Commerce Township, MI, was present to speak regarding the variance, along with Tim Curtin, 950 Sheraton, Ypsilanti, MI.

Mr. Bajawa discussed the staking of the property and confirmed that all Board members had visited the site. He explained the request to build a deck. He currently has a boarded up window on his home where the deck should be, and it is dangerous, especially with a child in the home.

He wants to build the deck to make his home nice, and his is the only house in the neighborhood without a deck. He is uncertain as to why the deck was not built by the previous owner, which could have been done over eight years ago under the old zoning ordinance. He does know that the bank was in possession of the house for about two years and the property was vacant during that time.

Mr. Curtin discussed the engineer's letter that was included in the packet, along with the photos and comparisons.

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

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

**Board Comments:**

Pacheco – Am I correct in the understanding that the house was built before the ordinance was changed?

Rosman – Yes, it was built under the old ordinance.

Pacheco – So they could have built a deck at that time and they didn't do it, but if they had...

Rosman – If they had built the deck then, we never would have met the homeowner here tonight. He is the second homeowner, and during the time that the bank

possessed the property, the ordinance was changed as it relates to wetlands. If the deck were originally built with the home, a variance would not have been required.

Pacheco – Okay, I am comfortable with this.

Sovel – No questions.

McKeever – No issues.

**MOTION** by Sovel, supported by McKeever, to approve Item PA13-0008, the request by Nadhir Bajawa of Commerce MI for a 4 foot variance from Article 32.02, Protection of Wetlands and Bodies of Water, of the Commerce Township Zoning Ordinance to construct a deck that will encroach into the required setback from a wetland located at 2975 Ivy Hill. Sidwell No.: 17-05-129-003

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**

##### **Kathleen Jackson – Downtown Development Authority Update**

Kathleen Jackson – I spent a couple of hours today walking the DDA property with the DEQ for the Shapiro offer. The DEQ was very impressed with the quality of the wetlands and the mitigation we have done. It was nice to hear that they're pleased with the way we have kept up with the wetland conservation, and the signage throughout the site. The wildlife was abundantly obvious as the six of us walked the grounds. The DEQ took several plant samples and were quite impressed with the ecosystem.

Rosman – Please tell us a bit more about the developments.

Kathleen Jackson –

- The southwest quadrant has an accepted purchase agreement for multiple family.
  - The developer is in their due diligence period.
  - They received a 60-day extension.
  - The developer was taking note of the groves of trees to determine which ones could be kept in this area.
- The northwest quadrant has an accepted purchase agreement for single-family homes.
  - They are also in their due diligence period.
  - This area may also include some small commercial component with neighborhood businesses.

Randy Thomas is doing a great job of marketing the property. He is taking the project to New York in October, Chicago in December and to Las Vegas in May.

### **Kathleen Jackson – Planning Department Updates**

Kathleen Jackson and the Board members discussed the status/progress on various projects throughout the Township, including the following:

- The butcher shop in the Village.
  - Rosman – I love the windows.
  - Kathleen Jackson – The builder was in for a permit and we are waiting on the paving to be completed.
- Kathleen Jackson discussed Tim Horton's and the adjacent property near Dick Morris Chevrolet.
- Rosman and Kathleen Jackson discussed the synagogue and the Rabbi's frequent visits to the Planning Department to discuss his plans. The age of his variance approval and extension was also addressed.
- Rosman inquired about Speedway.
  - Kathleen Jackson stated that they are scheduled to reopen by the first of next year.
- Kathleen Jackson discussed the new Kroger store and the closure of the Kroger in West Bloomfield.

Rosman suggested having a police presence during the grand opening at Kroger for safety reasons and to ensure traffic flows smoothly. Kathleen Jackson noted that the grand opening is scheduled on a Sunday, and she would notify the authorities of the event. Rosman also discussed the awnings and related ordinance requirements.

- Kathleen Jackson discussed the Haggerty Road construction:
  - Haggerty Road will be shut down completely between Richardson and Oakley Park Roads, north of Pontiac Trail, between approximately June through November of 2014.
  - Reroutes will be made through Welch and Martin.
  - I am working with the RCOC on the timing of the lights at Union Lake and Richardson Roads.
  - The RCOC is well aware of the current traffic problems in the Township.
  - This closure will be communicated extensively with the local businesses, residents, throughout the community and with adjacent communities through public hearings and utilization of the billboard, the Township website, etc...
  - We need to have a joint meeting with West Bloomfield. They have had some staff changes so this meeting will provide an opportunity for coordination between the two Townships and the RCOC.
  - There will be some widening of the road, but not much, and curb and gutter will be installed. Although sidewalks will not be installed at this time, a lot of the drives there along Haggerty Road will now have defined approaches.

- The DDA is taking some of the drainage from the roadway which helps the RCOC.
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Kathleen Jackson continued discussion of the details regarding the engineering for the project, potential funding through earmarks, Tri-Party funds, contracts in April 2014, and the businesses that will be impacted during the construction.

Ordinance Violations and Enforcement

General open discussions ensued and the following topics were reviewed at length:

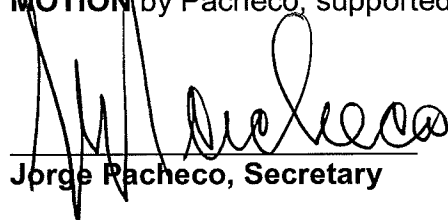
- Strip center occupancy as it relates to parking requirements, and the mix of tenants which is dictated by use
- Valet parking, shared parking, options and related issues
- Landscaping requirements and developments
- The property on Newton has been brought into compliance with the installation of the required circular drive, as required by the Zoning Board of Appeals.

**NEXT REGULAR MEETING DATE: THURSDAY, NOVEMBER 21, 2013.**

ADJOURNMENT

**MOTION** by Pacheco, supported by Sovel, to adjourn the meeting at 7:48pm.

**MOTION CARRIED UNANIMOUSLY**

  
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Jorge Pacheco, Secretary