

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

*Thursday, July 22, 2010*

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  
Bill McKeever  
Rick Sovel  
Clarence Mills  
**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 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. She added that in order to have a variance approved this evening; applicants would need the approval of 3 out of the 5 Zoning Board of Appeals members present.

**APPROVAL OF MEETING MINUTES**

**MOTION** by Sovel, supported by McKeever, to approve the Zoning Board of Appeals Special Meeting minutes of May 27, 2010, as written.

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Bill McKeever – Planning Commission

- There were a few language issues addressed with the Zoning Ordinance.
- Parking issues were also reviewed for the shopping center at Carroll Lake and Commerce Roads.

Rick Sovel – Township Board & Library

- A reminder... the primary is August 3<sup>rd</sup> and there are a lot of items on the ballot.
- The Police and Fire Special Assessment Districts appear on the ballot. Increases are necessary to make up for lost revenue and to bring service back up to required levels. There were layoffs last year in both departments.
- The Board approved the budget to repair water damage at the Library. This work will be underway soon.

Zoning Board of Appeals Meeting

**UPDATE OF ACTIVITIES (continued)**

- The Drain Commission presented recommendations to build a water storage tank in the Township.

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

None

**ITEM I: A10-03 – TONY SEAGRAVES – PUBLIC HEARING**

Tony Seagraves of Commerce MI is requesting a variance from Article 33 Section 33.01 of the Commerce Township Zoning Ordinance to construct a detached garage that will encroach into the required front yard setback located at 567 Sherbrooke.

Sidwell No.: 17-10-409-016

Chairperson Rosman opened the public hearing.

The petitioner, Tony Seagraves, 567 Sherbrooke, Commerce Township, MI, was present and spoke to the variance.

Chairperson Rosman – Thank you for properly staking the property.

Tony Seagraves – Yes. I assume that you have all had a chance to look at the property. It is a triangular shaped lot with frontage on Sherbrooke and the river. There are actually three front yard setbacks on the property. It's a nice lot, but when you try to lay it out, it really doesn't work.

I am strongly against having garages on the front entrance of a home as it tends to display litter; so I've chosen a side yard entry to the garage instead.

We have a well that is located 15' back from the front of the existing garage, which goes 10.5' into the side yard. It's impossible to move the garage into the right position as it would not be usable. The subdivision association has approved the project as presented with the side entry and stone. I am also working on a building permit to put a 2<sup>nd</sup> floor on top of the house. This would incorporate stone as shown with the condition of the garage.

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

There were -2- returns and -0- letters.

**Board Comments:**

Pacheco –

- Basically, I don't have any problems with what he is suggesting.

McKeever – Fine with the proposed.

Rosman – The 2<sup>nd</sup> story will not be over the garage will it?

Zoning Board of Appeals Meeting

**ITEM I: A10-03 – TONY SEAGRAVES – PUBLIC HEARING (continued)**

Tony Seagraves – No, it will be on the house.

Sovel – Are you changing the footprint of the home? (No.)

Kathleen Jackson – The Building Department will get a copy of the site plan if the variance is approved by the ZBA tonight. They will ensure that the garage would be at a depth scaled to the existing house.

**MOTION** by Mills, supported by McKeever, to approve Item A10-03, the request by Tony Seagraves of Commerce MI for a 15' (side street) front yard variance from Article 33 Section 33.01 of the Commerce Township Zoning Ordinance to construct a detached garage that will encroach into the required front yard setback located at 567 Sherbrooke. Sidwell No.: 17-10-409-016

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 II: A10-04 – WASHOVIA TEMPORARY HOUSING – PUBLIC HEARING**

Washovia Temporary Housing representing Kathleen Moore of White Lake MI is requesting variances from Article 6 of the Commerce Township Zoning Ordinance to allow two principal structures on a single lot that will encroach into the required front yard setback located at 3530 Newton Road.

Sidwell No.: 17-14-100-005

Chairperson Rosman opened the public hearing.

The petitioner, Phil Morse, Washovia, 2981 Treat Hwy, Adrian, MI, was present, along with Kathleen Moore, Owner. Phil Morse spoke to the variance.

Phil Morse – Washovia deals with addressing temporary housing in three states. We assist people who are out of their homes due to fire, tornados, etc. and they are put out for three months or more. The insurance company hires us to provide temporary housing and offers the homeowner the choice of living on their property. On this particular piece of land, there is not quite enough space within the setbacks for the trailer and house to exist, and there would be two principal structures on the lot. This would be a temporary situation while the house is being rebuilt. The trailer would be temporarily hooked up to water/sewer and power.

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

**ITEM II: A10-04 – WASHOVIA TEMPORARY HOUSING – PUBLIC HEARING**

**(continued)**

There were -2- returns and -0- letters.

**Board Comments:**

McKeever – No issues. In agreement with the bond to ensure cleanup of the site and trailer removal when the home is finished.

Sovel – No problem.

Mills – Do you anticipate how long the mobile home will be on site?

Kathleen Moore – I have not chosen a builder yet, but the ones I have spoken with said roughly six months as the home is being completely torn down. One builder said the home could be move-in ready in four months if things went as well as planned. I will be making a final decision on the choice of builder within the next 10 days, at which time permits will be pulled. I want to proceed as soon as possible.

Mills – What exactly does the bond cover? Does it include a certain period of time?

Kathleen Jackson – The Township Attorney recommended that a bond be required to ensure removal. The Attorney will draw up an agreement which can include a time frame. That time frame can be specified by the ZBA, or left up to the staff and Attorney to determine. The bond will allow for the building to be taken down if it is not properly removed as agreed.

There would also be a second draft agreement between the Attorney and Petitioner.

The bond may cover the costs of these agreements and the language of the bond.

There is leeway to draw up an agreement ensuring removal of the trailer. It is not a large structure. I'm assuming that there will not be any variances on the new house so I'm not aware of anything outstanding that would delay progress.

Pacheco – I am in agreement that I would also like to see some statement in the agreement as to the specified time frame.

Kathleen Jackson – We will definitely include a time frame. It is up to the ZBA Members whether you would like to specify that time frame, or leave it up to the Attorney and staff to decide.

Kathleen Moore – I can let the trailer go when the deadline arrives.

Pacheco –

- This discussion has eased my mind that you can work out the time frame arrangements.
- Are there any objections to the trailer from the neighbors?

Kathleen Moore – I have not heard any.

Zoning Board of Appeals Meeting

**ITEM II: A10-04 – WASHOVIA TEMPORARY HOUSING – PUBLIC HEARING**

**(continued)**

Rosman – And we have not received any objections.

Sovel – All were notified.

Rosman –

- There were two letters returned. We have done everything we are supposed to in order to notify adjacent residents.

**MOTION** by Pacheco, supported by Sovel, to approve, with a condition, Item A10-04, the request by Washovia Temporary Housing, representing Kathleen Moore of White Lake MI, for two variances from the Commerce Township Zoning Ordinance; the first is to allow a 42' front yard variance from Article 6, Dimensional Standards, to allow the structure to encroach into the required front yard setback; and the second variance is from Article 6 to allow for two principal structures to exist on a single lot located at 3530 Newton Road. Sidwell No.: 17-14-100-005

Approval is subject to the condition of a bond and an agreement being arranged with the Township Attorney, which will include a specified time frame for removal of the mobile home and cleanup of the site. This time frame will be subject to Administrative Approval.

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, and in consideration of the discussions regarding the proposed detailed above within the minutes.

**MOTION CARRIED UNANIMOUSLY**

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**ITEM III: A10-05 – CORNELL SIGN CO. – PUBLIC HEARING**

Cornell Sign Co., Inc. representing Rick Jackson of Commerce 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 1111 Oakley Park Road. Sidwell No.: 17-22-104-041

Chairperson Rosman opened the public hearing.

Mark Johnson, with Cornell Sign Co., was present and spoke to the variance.

Mark Johnson – This situation requires a 15' setback and 60' from the centerline of the right-of-way. The proposed sign will be considerably closer. If we meet the 75' setback, the sign would end up in the middle of the parking lot.

We are proposing to place the sign 20' from the centerline in the landscaped area, centrally located between the two entrance driveways as shown on the drawings. The existing blue spruce there will be transplanted.

Zoning Board of Appeals Meeting

**ITEM III: A10-05 – CORNELL SIGN CO. – PUBLIC HEARING (continued)**

The sign is otherwise conforming with height and square footage. It would also be in keeping with the neighborhood.

There is no signage on the actual building other than the address and small vinyl clings on the door. If wall signage were used on the building, it would be a very narrow sightline due to the trees on the east side property line which act as a buffer for the residential. We would prefer to not eliminate landscaping just to increase visibility of the building for this purpose.

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

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

Kathleen Jackson – For the record, two residents called the Township to say that they cannot see when pulling out of Roselawn. This is due to the “For Lease” sign that is on the site which blocks the view of the road for motorists. This will need to be relocated. In addition, there are two also temporary signs on the parcel that should be brought into compliance with the Ordinance.

If the Board is so inclined as to approve the request tonight, these signage issues to be addressed should be included as a condition of the motion.

**Board Comments:**

McKeever – Were there any permits pulled for the real estate sign?

Kathleen Jackson – Permits are not required for a leasing sign.

McKeever – Even when it's in the right-of-way?

Kathleen Jackson – They are not permitted in the right-of-way. We tried to call the owner of the sign but could not make contact; however, it will be taken care of. He is usually responsive when we've contacted him in the past.

McKeever – If there is work in the right-of-way in the future, the sign will have to be relocated at the owner's expense.

Mark Johnson – I would also add that the sign is actually on the elevated landscaped median, about 2-3' back so it's not right on the edge. We will hand dig the area so as not to disturb it, and transplant the spruce.

Mills – I noticed in the picture on the last page, on the top right, there is a spruce tree. If you move the sign back, is the tree blocking part of it?

Mark Johnson – There is a large deciduous tree but there is enough room for the sign. The tree is actually set back a couple feet. The sign is 6' long and will be visible.

If they ever do anything in the right-of-way, we would relocate the sign.

Zoning Board of Appeals Meeting

**ITEM III: A10-05 – CORNELL SIGN CO. – PUBLIC HEARING (continued)**

Kathleen Jackson – The actual requirement is 75' from centerline in the future right-of-way, but not in the actual prescribed right-of-way.

Pacheco – So is the variance 28' or 47' from the centerline?

Kathleen Jackson – 47'

Pacheco – Also concerned with removal of the sign in the right-of-way.

Rosman – Administrative staff will take care of that.

Mark Johnson suggested relocation areas for the lease signs where they would be just as visible.

Rosman –

- I have no problem with the proposed.
- What type of plantings will be used? They will look different two years from now – will they block view of the sign eventually?
- Where are you are moving the spruce?

Mark Johnson – We are moving the spruce elsewhere on the lot into the buffer area near the residential property. Plantings around the sign will be selected with care for growth reasons.

Kathleen Jackson – If you desire, the plantings can also be subject to Administrative Approval to ensure that they are shorter and require less maintenance, depending upon sunlight, irrigation, etc...

**MOTION** by Sovel, supported by McKeever, to approve, with conditions, Item A10-05, the request by Cornell Sign Co., representing Rick Jackson of Commerce MI, for a 47' variance from Article 30 of the Commerce Township Zoning Ordinance to construct/install a monument sign that will encroach into the required front yard setback located at 1111 Oakley Park Road. Sidwell No.: 17-22-104-041

Approval is subject to the following conditions:

1. The two temporary signs located on the premises must be brought into compliance with the Zoning Ordinance; and,
2. The leasing sign must be moved so as not to obstruct the sightline for motorists; and,
3. Administrative Approval of the landscaping at the base of the signs as discussed; and,
4. The sign and all appurtenances will be removed/relocated at the owner's expense as necessary to accommodate future road work, utility work in the right-of-way, etc.
5. Relocation of spruce tree currently located on the island elsewhere on the site, subject to administrative approval.

Zoning Board of Appeals Meeting

**ITEM III: A10-05 – CORNELL SIGN CO. – PUBLIC HEARING (motion continued)**

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**

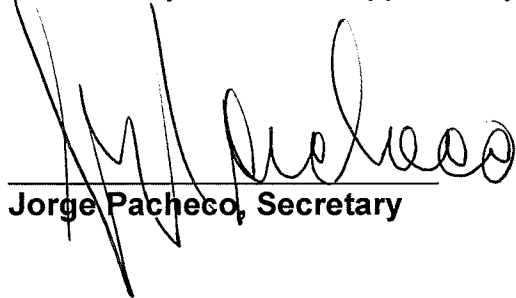
None

**NEXT MEETING DATE: THURSDAY, OCTOBER 28, 2010.**

**ADJOURNMENT**

**MOTION** by Pacheco, supported by Mills, to adjourn the meeting at 7:46 pm.

**MOTION CARRIED UNANIMOUSLY**



**Jorge Pacheco, Secretary**