

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**ZONING BOARD OF APPEALS MEETING**  
*Thursday, July 22, 2021*  
2009 Township Drive  
Commerce Township, Michigan 48390

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

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|--------------------------|-----------------------------|---|
| <b><u>ROLL CALL:</u></b> | <b><u>Present:</u></b>      | Rusty Rosman, Chairperson<br>Robert Mistele, Secretary<br>Rick Sovel<br>Bill McKeever<br>Sarah Grever, ZBA Alternate Member |
|                          | <b><u>Absent:</u></b>       | Clarence Mills, Vice Chairperson (excused)  |
|                          | <b><u>Also Present:</u></b> | Jay James, Engineer/Building Official<br>Paula Lankford, Assistant to the Planning Director                                 |

**Welcome to new ZBA Alternate Sarah Grever**

Chairperson Rosman welcomed Sarah Grever to the Zoning Board of Appeals as the new Alternate Member. She also explained that Sarah would fill in on the Board this evening in Clarence Mills' absence.

In addition, she indicated that Bill McKeever cannot vote on a ZBA item if he has already voted on it at the Planning Commission meeting.

**Introduction**

Chairperson Rosman introduced the Members of the Board to those present, as well as Jay James and Paula Lankford. She reviewed the requirements for receiving a 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, and she thanked the applicants for staking the property. 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.

In addition, she explained that in order to receive a variance, three out of four, or three out of five members, would need to vote in favor. If a petitioner is concerned about a three out of four vote, and would prefer to wait until another meeting when potentially all five members would be present, they could request to table an item. However, Clarence Mills would not be able to vote on the item at the next meeting since he was not here for the public hearing tonight, and some items may exclude Bill McKeever's vote as explained above.

**B. APPROVAL OF MEETING AGENDA**

**MOTION** by Sovel, supported by Grever, to approve the Zoning Board of Appeals Regular Meeting Agenda for July 22, 2021, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MEETING MINUTES:**

**MOTION** by Mistele, supported by Sovel, to approve the Zoning Board of Appeals Regular Meeting minutes of May 27, 2021 as presented.

**MOTION CARRIED UNANIMOUSLY**

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

**Chairperson Rosman opened to Public Discussion of Matters not on the Agenda.**

Dr. Patrick Qatsha – I own Dream Dental Group at 9600 Commerce Road. I wanted to make a quick intro. We might be having a variance request coming to the Board. We are looking to do an expansion to the office, toward the road or the south side of the building. We're having it surveyed to see if the variance is really going to be a necessity. We hope not, but if it is, it might be a 5' variance. It will look really nice. When the time comes, I will have full plans and evidence as to why you should approve it.

Chairperson Rosman – Thank you very much. We hope you'll stay and listen to the meeting this evening.

Dr. Qatsha – I will.

**Chairperson Rosman closed to Public Discussion of Matters not on the Agenda.**

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

Rick Sovel – Township Board & Library

- We had our long-time firefighter and Fire Marshal, Todd Martin, retire after 44 years.
- The Township Board is moving forward with the Byers Farmhouse restoration. We're trying to get someone to work on that and provide bids.
- Union Lake Road is going to be closing at Wise Road. I think now it's scheduled for July 26<sup>th</sup>. It will be closed for about 2 to 3 months. For those of us who live in that area, it's going to be a nightmare, right Paula?

Paula Lankford – Correct.

Sovel – And we hired two ordinance officers.

Chairperson Rosman – Yay!

Bill McKeever – Planning Commission

- On June 7<sup>th</sup>, we approved a Special Land Use, as well as a site plan for the Culver's at 485 Haggerty Road.
- On July 12<sup>th</sup>, we approved an accessory structure of 1492 square feet at 2115 Sunnybrook Road. It's almost a 6-acre site.

Chairperson Rosman – Where is Sunnybrook Road?

McKeever – It's off of Glen Iris, on the Huron River. We also approved some revisions to the sign ordinance.

**F. OLD BUSINESS:**

**ITEM F1. PA21-04 – ROBERT LUSCOMBE – Tabled from May 27, 2021 – REMAIN TABLED**

*Robert Luscombe of Commerce Township MI is requesting a variance from Article 6 of the Commerce Township Zoning Ordinance to demolish an existing home and construct a new home that will encroach into the required roadside front yard setback located at 4181 Lake Pointe Lane. Sidwell No.: 17-15-126-001*

Chairperson Rosman – Have we heard anything from that gentleman?

Paula Lankford – Yes, he is actually getting his plans revised and looking into abandoning that stub. He did say he wanted to wait until September.

Chairperson Rosman – That's great. I'm delighted that he is moving along.

**G. NEW BUSINESS:**

**ITEM G1. PA21-07 – DEAN ELLIS – PUBLIC HEARING**

Dean Ellis of Commerce Township MI is requesting variances from Article 6 of the Commerce Township Zoning Ordinance to construct an attached garage that will encroach into the required roadside front yard and total side yard setbacks located at 9457 Boncrest. Sidwell No.: 17-11-451-004

**Chairperson Rosman opened the public hearing.**

The petitioner, Dean Ellis, was present and spoke to the variance.

Mr. Ellis – This is my wife Erica. We're grateful to have this opportunity to present our request to the Board. It's awesome that you all came by to look at the place. I don't think that happens in most municipalities.

As you've noticed, we're renovating and fixing up a very dilapidated old house. We absolutely love the neighborhood. We're excited to have lakefront property. As you can see, our lot is narrow, even at the street, and it gets narrower as you go back. It's pretty much impossible to have a garage without breaking the rules. I couldn't see how it could have been any other way.

In order to get a garage, we tried to concoct a plan that's just a single car garage, and still have a place where we could park our car out of site and get some of things out of the yard. As you can see from the drawing, we've requested a variance on the front and side. The reason for that is if we can push out to 17' from the street, then the part of our garage that's a little bit wider, there's more of it. If we come back to the 20', or 19.5', the neighborhood average, then we have less of our garage that's 12' wide, and more of it that's only 10' wide. If we did that, the corner that comes closest to the side yard would be 4.4', a little bit closer.

That's our request, and we feel like it gives us the opportunity to use our property the way everybody else on the street does. They all have garages, and most have 2-car garages but we just don't have room for it. It would also make it so we can make our place look more attractive and clean, keep our stuff out of sight. Because we're in the process of renovating right now, it would be great if we could get the garage built at the same time, and then the roof, siding and everything would all have a chance to match. Thank you.

Chairperson Rosman – Erica, do you want to add anything?

Erica Ellis – No.

Chairperson Rosman – Is there anyone here from the public who would like to address this? (No comments).

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

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

**Board Comments:**

Mistele – Driving around in there, I did notice that most of the homes do have garages. I really don't think the requested garage is excessively large. I think he has done the most he can to minimize the impact.

Sovel – I agree with Bob. He did a very good job of trying to keep it to a minimum. We appreciate it. The property is unique, as most of them are around the lake. It's very difficult with the shape of the lot and being so small and narrow. I also don't have any issue with this request.

McKeever – I recognize the hardships on this parcel of property, and I do appreciate that they have requested a minimal garage.

Grever – I agree, no issues. I feel like you were christened into the lake life right away, realizing how narrow things can be. I do appreciate the proposed plan. The house to the east is newer, so it seems they shouldn't be having any construction in the near future. So, there shouldn't be any qualms. That was a great point you brought up in your letter to us. The eastern house is quite open with 26'.

Chairperson Rosman – Thank you, and I don't have any issues. I'm thrilled that you're going to put away the toys and clean things up so they're not out on the lawn.

Jay James – The applicant was very helpful through the entire process. We looked at every possibility of fitting a garage in. We looked at moving it to the lakeside and attaching it, but the septic field is there. We looked at doing it more to the front, and this was really the only thing that would work.

Chairperson Rosman – Thank you for all the help with that.

**MOTION** by Sovel, seconded by Grever, to approve PA 21-07, the request by Dean Ellis of Commerce Township MI for variances from Article 6 of the Commerce Township Zoning Ordinance to construct an attached garage that will encroach into the required roadside front yard and total side yard setbacks located at 9457 Boncrest.

Sidwell No.: 17-11-451-004

Motion to approve two dimensional variances from Article 6 of the Zoning Ordinance to construct an attached garage onto an existing home at 9457 Boncrest:

1. A dimensional variance from Section 6.03.A of 2.6 feet relative to the minimum roadside front setback requirement, and

2. A dimensional variance from Section 6.01 of 5.0 feet relative to the minimum total side yard setback requirement.

Approval is for the following reasons:

- A. It meets all of the conditions as called for in the standards, and,
- B. It was not self-created, and,
- C. Approving this variance will give the petitioner equal footing with the other residents in the area.

**MOTION CARRIED UNANIMOUSLY**

**ITEM G2: PA21-08 – SUMITOMO BAKLITE NORTH AMERICA – PUBLIC HEARING**

Sumitomo Baklite North America of Novi MI is requesting a sign exception from Article 30 of the Commerce Township Zoning Ordinance to construct a freestanding sign that will encroach into the required front yard setback located at 4400 Haggerty Road.

Sidwell No.: 17-13-400-029

**Chairperson Rosman opened the public hearing.**

David Kowalczyk, Owner's Representative, Sumitomo Baklite North America, 4400 Haggerty Road, Commerce Township, MI, was present along with John DeBruyne, SDA Architects, 42490 Garfield, Ste 204, Clinton Township, MI.

Mr. DeBruyne – We're requesting an dimensional exception to the ordinance to locate a ground sign in front of the building, between the building and Haggerty Road. The original building that is there now was built in 1967 when the roadway was a 66' wide right-of-way. Currently, it is 120' wide master planned right-of-way width. To meet the current setback requirement for the master planned width, the sign would be located behind the building.

Since Haggerty is still physically a two-lane road, we're proposing to locate the sign as if it were setback from the original 66' wide right-of-way width, at 15' from the right-of-way. You can see by the dimensions on the site plan, if we were to locate it 15' from the master planned right-of-way, it would be behind the building.

The hardship is that the building was built based on old standards, and locating the sign to meet the current ordinance would not be visible to motorists. We're just asking for a sign that would be visible.

Chairperson Rosman – Is there anyone here from the public who would like to address this? (No comments).

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

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

**Board Comments:**

McKeever – I have no issues with this request, given the circumstances. The one thing I would point out is, if this passes, with the sign being in the right-of-way, should any right-of-way work need to be done or the sign need to be removed, it is solely at the owner's cost.

Sovel – Agreed.

Grever – I completely agree, and I appreciate the staking out of the sign at your site.

Chairperson Rosman – That helped a lot.

Mistele – Ditto.

Chairperson Rosman – As Bill said, if it needs to be removed, it is at your cost.

**MOTION** by Mistele, supported by Grever, to approve PA21-08, the request by Sumitomo Baklite North America of Novi MI for a sign exception from Article 30 of the Commerce Township Zoning Ordinance to construct a freestanding sign that will encroach into the required front yard setback located at 4400 Haggerty Road.

Sidwell No.: 17-13-400-029

Based on the presentation and comments we have heard, I believe the applicant, Mr. David Kowalczyk of Sumitomo Baklite North America, has satisfied the standards of Section 30.09 of the Township Zoning Ordinance for granting a Sign Exception to the required front yard setback for a freestanding sign along Haggerty Road, and therefore I make a motion to approve the request for the Exception of 27 feet relative to the front setback requirement of Section 30.03.F of the Zoning Ordinance.

**Approval is conditional upon the following:**

1. All other signage on this site shall comply with the standards of the Zoning Ordinance, and,
2. The sign shall be removed and replaced at the owner's expense if and when necessary for work within the planned right-of-way of Haggerty Road.

**MOTION CARRIED UNANIMOUSLY**

**ITEM G3: PA21-09 – CULVER'S – PUBLIC HEARING**

Paiko Properties, LLC of Milford MI is requesting four sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to allow two additional wall signs that will exceed the maximum square footage allowed, to allow signage on the non-addressed north & west sides of the building, and to allow a freestanding sign that will exceed the maximum height allowed for a monument sign, for the newly approved Culver's located at 485 Haggerty Road. Sidwell No.: 17-36-400-019

Chairperson Rosman – Bill is going to step down because he voted on this item at the Planning Commission meeting, and the rules don't allow him to vote again as a Zoning Board of Appeals member.

**Chairperson Rosman opened the public hearing.**

Leslie Accardo, Engineer, PEA Group, 2430 Rochester Ct, Ste 100, Troy, MI 48084, was present representing the petitioners, Brent Bridgewater, Culver's Franchisee, and Matt Swantko, Prospective Landowner, both of Commerce Township, MI.

Ms. Accardo – A typical Culver's building would have a large 15' monument sign with a reader board. If you've ever driven by a Culver's you've seen the menu with the flavor of the day. We are requesting an allowance to have an 8' sign instead, without the reader board, understanding that that's no longer allowable.

We're also requesting some additional signage on the building. We understand that typically only one is allowed, however we are in an existing shopping center that has been well-established, and as a result, if you're entering that area for the first time, it

won't be very apparent where the Culver's is because there wouldn't be any signage from the shopping center side.

There's also a great deal of trees in front of the center along Haggerty. As a result, even an 8' monument sign is going to be a little bit hard to see from the street.

Mr. Swantko – This is my partner, Brent Bridgewater, who will be the operator of the restaurant. This is his second career after 24 years of Ford Motor. He is starting his first Culver's. He also lives in Commerce. We used to be neighbors and we've been friends a long time.

Just to get into the signage aspect of it. First of all, we're really excited to come to Commerce. We get to build a store in our own Township. We've both lived in Commerce since 1997, and we're just really thrilled that there wasn't one built here prior to now and we get to bring this. I'm excited because it's on my way to and from work, and my wife works at 14 Mile and Haggerty. I think there's going to be a lot of people very excited to have this as part of the community. It's a very community oriented restaurant, and the owner-operator participates in the community. You'll see Brent very active.

In terms of why we're here tonight, the signage, obviously you've heard it a thousand times that signage is really important to the success of business because it helps identify the business to the public. In this particular case, to Leslie's point, there are a lot of trees in front of the site. We are going to be able to remove some of them, but there will still be a lot of very mature trees in front of the sign that will be prohibiting visibility to traffic that is travelling at 45mph down Haggerty Road. We think it's important for them to be able to see the sign, and it's literally sandwiched in between two other businesses, Applebee's on one side and McDonald's on the other. Applebee's does have an 8' sign also. I'm not sure what their reason was for getting that approved, but we're looking for a sign that would be the same size as what they have.

On the building sign, I have two different points to relay. One is what Leslie said; my wife shops at Costco and Target, and I shop Home Depot. We come in from the M-5 side all the time. If there is no sign on that side of the building, I feel like the business could be hurt because people aren't going to be able to identify what the business is without that signage. Or, to find out what it is, they'll have to drive out onto Haggerty Road and drive by it to see what it is. I think you could call the drive that runs behind everything a street because it runs from one street to the entrance drive that comes in the center of the shopping center. We feel like it's almost a street in itself and so we felt like having a sign on the back would be really helpful in identifying the business to the customers coming from the west to the east. I think of all the signs, we feel most strongly about that one.

The sign over the door is more aesthetic to us. Our partner owns several locations. I think one of his Howell locations has two signs, one on the front and one on the back. It's very similar to this. Without the sign over the door, it just looks like a big blank space above the door.

Mr. Bridgewater – Without the sign over the door, it really dulls the building down without knowing what it is. I think it classes the building up.

Chairperson Rosman – Thank you.

Chairperson Rosman – Is there anyone here from the public who would like to address this? (No comments).

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

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

**Board Comments:**

Sovel – I definitely agree, it makes sense for the front and back to have signs. I have no issue with that. The 2' height; I'm on the fence on that one. Does anyone remember the Applebee's sign, is it 8'?

Chairperson Rosman – I do. It was 8', and they're allowed 6'.

Paula Lankford – The motion is on the back page of the minutes in your packet. It was for an 8' sign.

Chairperson Rosman – Because of the trees. I'll tell you why, because when you go through that drive that will take you to the Home Depot, and you've got Staples over here, when those trees were planted, way back when, they were small trees and they've grown. Applebee's had no control over those trees, so they were not able to cut them back. This gentleman has trees on his property that he does control. I drove back and forth on Haggerty several times, and you couldn't see the Applebee's sign until you almost cleared the trees.

Sovel – Why does he have control versus ...

Chairperson Rosman – Applebee's did not own the trees that were blocking them, and Culver's owns the trees. The Planning Commission gave them permission to take down some trees.

Paula Lankford – 8 trees, but they had to replace them on the site. There are 13 trees and they were allowed to take away 8.

Chairperson Rosman – Okay, so it's a matter of control versus no control.

Sovel – As far as the sign over the door, I totally agree it makes sense but I'm not sure I can approve that part. I would agree with the rest of it.

Chairperson Rosman – The shopping center was built in the 1990s. McDonald's has been there. Applebee's has been there. Staples has been there. None of them have a sign on the back of the building. As you say, people come in from the west, but the ordinance says that you get one sign, and they have all chose to put it on the Haggerty side. It is my understanding that you're going to have a drive-through. People know what a drive-through means and they know that's food. From the people I've talked to, they're all excited that Culver's is coming and it's a big thing they're talking about on Facebook.

Regarding the sign over the door, Culver's will have a sign in the front. Anybody going there knows and they know what a front door is, so I'm not concerned about that sign. The 8', I get that, but I also understand, Paula am I correct, that they need to replant elsewhere on their land.



Paula Lankford – Correct.

Chairperson Rosman – It will still be 13 trees, but they will be in a different location. I understand what you're saying because I drive that all the time. For this, I drove it 5 times each way. I get it and I can live with the 8'. However, three wall signs where one is permitted; I'm good with one. The total combined area, 42 square feet is permitted. I think you can find a way to make 42' work. A wall sign on the non-addressed side of the building, I don't agree with that. The 2' exception with the monument sign, I agree with that.

Grever – I drove by it as well. I was hoping on the aerial to have clarification on what trees you're removing. As of right now, I would rather not have an 8' tall sign. But also, bottleneaking is a real thing when you're trying to find your destination. There is a change in elevation on Haggerty Road so it's a little skewed when you're driving. Do you know what trees are coming down?

Ms. Accardo – It's almost every other one so they're spaced very nicely apart. We're trying to leave a gap in the middle. As you said, when you drove by, you can't even see the building.

Grever – Thank you. I am for the 2' additional height on the monument sign along Haggerty Road, and the front top sign facing Haggerty Road. I agree, it is very on-brand for Culver's. As a Midwesterner, a lot of people know Culver's when they see those types of colors. It's a good brand.

I also have a question about the drive-through. What kind of drive-through are you doing? Is it a curb overhang? Or are you just having a freestanding sign?

Mr. Bridgewater – There's a freestanding sign, but there is a small awning that goes over the top.

Grever – That will also make it very apparent that it's a drive-through and you're getting fast food, so I'm opposed to the rear signage. I don't see a need for it. I'm in favor of the north signage where there is the façade. It is asking for something to be framed there with the brickwork.

Mistele – As far as the 8' sign in front, I don't see that as necessary. I think the 6' sign would be plenty visible. As far as the sign on the north side, the main entrance, as Rusty said, the ordinance allows one sign. I'm not opposed to, if you wanted to move the sign from the east side, which faces Haggerty, onto the north facing side. As far as the back side, or the west side, I understand why that would be beneficial, and I think the Planning Department has probably mentioned options regarding directional signage that would get the message across that you're Culver's.

Discussion took place regarding the number of members voting, potential to table, Clarence being unable to vote at the next meeting due to his absence for the public hearing tonight, and Bill's inability to vote on the item as he voted at the Planning Commission. Mr. Swantko expressed his desire to have the four members of Zoning Board of Appeals vote this evening on the request.

**MOTION** by Rosman, regarding PA21-09, to allow one wall sign where it is permitted, even though three signs are being asked for. Based on the applicant's presentation and the comments I have heard, I do not believe that the applicant has met all of the criteria of Section 41.09 of the Township Zoning Ordinance, and therefore, I move to deny the request for a variance from Section 30.05.D.2, for just this one item. We are talking about the three wall signs that were requested. The reason I am only agreeing to approve one sign is because:

1. The property can be used in the same manner as others, such as McDonald's and Applebee's, in that same zoning district, can use their property without the proposed variance, and,
2. There is no unique feature to the applicant's land that does not apply to the other land in the zoning district; and,
3. The problem is self-created by the applicant, and the practical difficulty and the hardship sought to be cured is merely an inconvenience or a desire for higher financial return.

**MOTION FAILED DUE TO LACK OF SUPPORT**

Sovel – To make this a little easier, we know they're going to get at least two signs.

Chairperson Rosman – I'm just going for the one sign.

Sovel – No, I'm making an assumption that they will, because most of us said we would allow two signs. The difference is that we're not all agreeing on the same two signs.

**MOTION** by Sovel, supported by Rosman, regarding PA21-09, to approve a sign exception from Section 30.05.D.1.c to exceed the allowable maximum height by 2-feet and allow an 8-foot freestanding monument sign.

Based on the presentation and comments we have heard, I believe the applicant, Paiko Properties, LLC, has satisfied the standards of Section 30.09 of the Township Zoning Ordinance for granting a Sign Exception from Article 30 of the Zoning Ordinance.

Approval is for the following reasons:

1. Without the variance, the sign would not be visible to passing motorists, and,
2. The exception is allowed due to site problems based upon trees.

**ROLL CALL VOTE**

**AYES: Sovel, Rosman, Grever**

**NAYS: Mistele**

**ABSENT: Mills**

**RECUSED: McKeever**

**MOTION CARRIED 3-1**

**MOTION** by Sovel, to approve all three wall signs.

**MOTION FAILED DUE TO LACK OF SUPPORT**

Jay James – Rick, if I could point out that we would allow up to 10 square feet of directional signage on the west side of the building.

Chairperson Rosman – Such as McDonald's has to enter and exit.

Sovel – But they don't need a variance for that.

Jay James – No, I'm just making you aware.

Discussion continued regarding directional signage as permissible on the west side, either on the building, or in the median along the drive-through, and visibility concerns were addressed.

Sovel – This is a little unconventional, but let me ask this. We know it's not three signs, and we know it's not one sign. The only option left is two. Can we word it in such a way that they are allowed two, and they can pick which two they want, or do we have to specify right now which two?

Paula Lankford – I would think you have to specify.

Jay James – Yes, you have to specify.

Sovel – So to make sure we're clear, the one facing Haggerty Road, what are we calling that one?

Jay James – That is the one they are allowed by the ordinance, and I would call it the front wall signage.

Paula Lankford – Front addressed wall signage.

Sovel – And the one that is on the back?

Jay James – The west elevation.

Sovel – Okay, from hearing what they said, to me that one made sense, but it sounds like Sarah is not in favor of that one.

Chairperson Rosman – I'm not.

Mistele – I'm fine with the west side.

Sovel – If we have 2-2 votes, I'm trying to figure this out.

Grever – Can I explain the west elevation signage further? There will be drive-through signage, awnings, the curvature and the menus all lit up; there is going to be a lot there. Technically, there are already things there that are similar to signage. It's just more clutter to add, and in the elevation that's there, you're lower. People are not looking there. You will have different aerial obstacles when looking at the back. I am opposed to the west sign, but I do see your reasoning. I like to shop over there as well, and people do take that drive quite often.

Sovel – I'm going to be flexible. Bob, is there one you would approve?

Mistele – I'm fine. I'd approve either one. I'm fine with an additional wall sign.

Chairperson Rosman – Are you willing to give up the west side?

Mistele – Yes.

Chairperson Rosman – So make the motion for the west side and we'll say no.

Sovel – I don't need another no, I need a yes.

Mistele – On the north?

Paula Lankford – The north.

Mistele – To allow an additional sign on the north.

Chairperson Rosman – The north side is visible when you're heading north on Haggerty, and that's where they already have the drive-through going around that way. You're going to know that's food. Then you'll also see the sign from Haggerty.

Chairperson Rosman and Ms. Accardo approached the overhead, indicated the drive-through side of the building and reviewed circulation of traffic on each side of the building.

Ms. Accardo – Our concern is from the back of the building.

Sovel – So is it the west side sign we're discussing?

Chairperson Rosman – The west side, or the side that faces Home Depot.

Sovel – Sarah, you're against the west side?

Grever – Yes.

Chairperson Rosman – And I'm against the west side.

Sovel – You're against all of it, so I know that.

Grever – I thought we were talking about the north sign, with the façade that is framing. If someone is coming south on Haggerty, they'll have the monument sign, and the sign on the façade that is facing north, and I am for the northern signage on the façade.

Mr. Swantko – We would accept that.

Sovel – Are you okay with the north sign?

Mistele – Yes, I'm fine with that.

Sovel – Okay, so I'm going to need some help. I'll make the motion for the north, but there's also another variance for the total signage. You'll need to give me the new number for the part that is in excess of 42 square feet.

Chairperson Rosman – I am opposed to the north sign.

**MOTION** by Sovel, seconded by Grever, regarding PA 21-09, to allow a second wall sign on the non-addressed north elevation. Based on the presentation and comments we have heard, I believe the applicant, Paiko Properties, LLC, has satisfied the

standards of Section 30.09 of the Township Zoning Ordinance for granting a Sign Exception from Article 30 of the Zoning Ordinance to allow an additional wall sign on the north side of the approved building.

Approval is conditional upon all other signage on this site, both permanent and temporary, being in compliance with the Zoning Ordinance.

Approval is for the following reasons:

1. The exception would be the least necessary and reasonable to accomplish the sign's purpose; and,
2. For aesthetic purposes, the exception will not adversely impact the character or appearance of the building, lot or neighborhood; and,
3. The exception does not significantly impair the intent and purpose of the Article.

Rosman – It doesn't fit all of these reasons.

Sovel – It doesn't have to fit all of them. This is not a dimensional variance and therefore it does not have to meet all of them. It says, *State all of the following that are applicable*. It doesn't say, "all".

Grever – Also, the sign will be visible to traffic coming from the south on Haggerty, and also through the shopping center.

**ROLL CALL VOTE**

**AYES: Sovel, Grever, Mistele**

**NAYS: Rosman**

**ABSENT: Mills**

**RECUSED: McKeever**

**MOTION CARRIED 3-1**

**MOTION** by Sovel, supported by Grever, to approve a total combination wall sign area in an amount of 75.79 square feet, where 42 feet is permitted.

Based on the presentation and comments we have heard, I believe the applicant, Paiko Properties, LLC, has satisfied the standards of Section 30.09 of the Township Zoning Ordinance for granting Sign Exceptions from Article 30 of the Zoning Ordinance to allow the combined wall sign area to total 75.79 sq ft, where 42 sq ft is permitted,

Approval is conditional upon all other signage on this site, both permanent and temporary, being in compliance with the Zoning Ordinance.

**Discussion –**

Lankford – You're giving them the north elevation and the east.

Rosman – East?

Grever – East is the front wall sign along Haggerty.

Sovel – They don't need a variance for that one.

Rosman – The 8 foot one we've already done. We haven't voted on the east side yet.

Sovel – They get the east.

James – They're allowed the sign on the east.

Sovel – That's automatic and we don't have to vote on the east. I just need to include the size of the east and north combined.

Lankford – That is a total of 75.79 square feet.

James – The east side is 46.67 square feet, and the wall sign on the north is...

Lankford – 29.12.

**ROLL CALL VOTE**

**AYES: Sovel, Grever, Mistele**

**NAYS: Rosman**

**ABSENT: Mills**

**RECUSED: McKeever**

**MOTION CARRIED 3-1**

#### **H. OTHER MATTERS:**

Paula Lankford –

- The developer for Bay Pointe Golf Club is still talking with us on getting a PUD approved. They're on their third traffic study as we're very concerned about the traffic there.
- They're working on getting the lights in sync at the intersections of Richardson & Haggerty, Richardson & Union, and Richardson & Martin. The light at Martin & Richardson is not a smart light, so it doesn't speak to the other lights.
- The bridge, we're still waiting for them to come up with a date when they will get the panels and lettering back up.
- We hired two ordinance officers. One will work Monday and Tuesday, and the other Wednesday and Thursday.

Jay James – They are Todd Martin, the recently retired Fire Marshal, and Terry Long a retired Oakland County Deputy who worked here in Commerce Township for a long time.

Sovel – I'm not sure who took the training. I know Clarence did. One of the things that came out was that the instructors were explicit about when a ZBA member goes to the site, other than saying hello, we're not supposed to talk to the petitioners. All discussion is to happen here in public. You could probably ask them about their dogs, but as far as asking questions about the project, you're not supposed to do that. I wanted to make sure everyone is aware.

Chairperson Rosman – Right, but you do tell them that you're there and why. I always ring the bell and have my paperwork in my hand so they know that I'm from the Township.

#### **I. CORRESPONDENCE:**

None.

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

No comments.

#### **K. ADJOURNMENT:**

- **NEXT REGULAR MEETING DATE: SEPTEMBER 23, 2021**

**MOTION** by Grever, supported by Mistele, to adjourn the meeting at 8:18pm.

**MOTION CARRIED UNANIMOUSLY**

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Robert Mistele, Secretary