

FINAL
CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING
Thursday, May 26, 2022
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Rusty Rosman, Chairperson
Clarence Mills, Vice Chairperson
Robert Mistele, Secretary
Rick Sovel
Sarah Grever, ZBA Alternate Member
Absent: Bill McKeever (excused)
Also Present: Paula Lankford, Planner
Jay James, Engineer/Building Official

Chairperson Rosman introduced the Members of the Board to those present, as well as Jay James and Paula Lankford. She explained that Sarah Grever would be sitting in for Bill McKeever tonight. 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.

B. APPROVAL OF MEETING AGENDA

MOTION by Mills, supported by Mistele, to approve the Zoning Board of Appeals Regular Meeting Agenda for May 26, 2022, as presented.

ROLL CALL VOTE:

AYES: Mills, Mistele, Grever, Sovel, Rosman

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MEETING MINUTES:

MOTION by Sovel, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting minutes of January 27, 2022, with one correction; on Page 1, Sovel, remove reference to "*Library*" under *Update of Activities in Commerce Township*.

ROLL CALL VOTE:

AYES: Sovel, Mills, Mistele, Rosman, Grever

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

D. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA:

None.

E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:

Bill McKeever – Planning Commission

- No report in McKeever's absence.

Rick Sovel – Township Board

- The Township Board contracted with a company called Nixle for cell phone alerts, through text messages or email, and you can register for free. You can go to the Township website for instructions. This will send alerts to your cell phone or email if there is a road closure, boil water emergency, or any other major incident going on in Commerce Township, it will give you an immediate notification directly to you. I encourage everybody to sign up for it.

Chairperson Rosman – Thank you. I just want to tell everybody how wonderful our Library is, and it has a drive-through window. It's terrific. COVID money was used for that drive-through.

F. OLD BUSINESS:

None.

G. NEW BUSINESS:

ITEM G1. PA22-01 – SCOTT RUNDELL – PUBLIC HEARING

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

Richard Linnell, Attorney – Is it possible that we could move my item back on the agenda? I've been able to have some discussions with adjacent property owners, and I'm not promising anything, but I'd like a moment if I could to have those discussions.

Chairperson Rosman – Of course. We will put you last.

Mr. Linnell – Thank you. I appreciate it very much.

ITEM G2: PA22-02 – GITTLEMAN CONSTRUCTION – PUBLIC HEARING

Gittleman Construction of Farmington Hills MI representing owner's James & Fran Cikalo is requesting variances from Article 6 of the Commerce Township Zoning Ordinance to construct an addition onto an existing home that will encroach into both required front yard setbacks located at 1553 Grinshaw, corner of Cooley Lake Road. Sidwell No.: 17-01-204-006

Chairperson Rosman opened the public hearing.

Scott Gittleman of Gittleman Construction – I'm here with Fran Cikalo who is the owner. We're looking to add a small addition to a house that is existing nonconforming to the front setback. The hardship is that we have two front yard setbacks, and one is on the main road so it's a much larger setback. We feel that this addition will make this house the same as what another neighbors might enjoy as far as size, the right size for a family. We have two setbacks. It's not self-created. The house was existing like that. We are adding an addition that matches the style of the house and materials. It doesn't affect the harmony of the neighborhood and it's not deleterious to the neighbors. There's only really one neighbor to the north. There is no neighbor to the south. This has not been self-created. Fran Cikalo did not build the house. It was built in the

position that it's currently in. We're looking for two variances to build a small addition for a kitchen and a bathroom which the house desperately needs.

Chairperson Rosman – First, I want to thank you for staking it out so well. It was easy to see what you wanted. I want to direct everyone's attention to the overhead. Okay, is there anything the homeowner wants to add?

Fran Cikalo – The home houses a family of five, and sometimes six, with two grandchildren who are adopted into the scheme of things. They could really use the room. It would be unobtrusive to anybody else. And, you get your taxes raised so it's more money for the Township.

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

No comments.

Chairperson Rosman – All right, then turning to the record; no one has written to us or called us.

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

Chairperson Rosman closed the public hearing.

Board Comments:

Sovel – I don't have any questions.

Grever – What would the percentage of coverage be with this addition?

Jay James – Sarah, I can tell you that the lot coverage will be well under the allowable 35%.

Mr. Gittleman – I think the lot coverage is 15% and I think we're allowed 20%.

Grever – Okay, that's great. Thank you.

Mills – I don't have any problems.

Mistele – I agree. Corner lots are always a challenge. I don't think this addition is of concern to me.

Chairperson Rosman – Okay, thank you, and I am in concurrence with that. Jay, is there anything you'd like to share with us?

Jay James – Just the fact that our Ordinance does provide a provision that allows people to build closer, if there are other structures within the same block which are closer to the road. We average those. In this case however, there is only one other house recently built, which we made them build back. If this house was on the other side of Cooley Lake Road, they would be allowed to do that.

Chairperson Rosman – Paula, anything to add?

Paula Lankford – No.

MOTION by Mills, supported by Sovel, that the Zoning Board of Appeals approves Item PA22-02, the request by Gittleman Construction of Farmington Hills MI, representing owner's James & Fran Cikalo, for variances from Article 6 of the Commerce Township Zoning Ordinance to construct an addition onto an existing home that will encroach into both required front yard setbacks located at 1553 Grinshaw, corner of Cooley Lake Road. Sidwell No.: 17-01-204-006

Based on 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 Article 6 of the Commerce Township Zoning Ordinance, as follows:

1. To provide a 3.4-foot variance from the minimum front setback along Grinshaw Street; and,
2. To provide a 20.5-foot variance relative to the minimum front setback requirement along Cooley Lake Road.

Approval is for the following reasons:

1. It was not self-created;
2. Granting of the variance will put them on equal footing with others in the same zoning district.

ROLL CALL VOTE:

AYES: Mills, Sovel, Mistele, Rosman, Grever

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

ITEM G3: PA22-03 – LAWRENCE KABRICK – PUBLIC HEARING

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

Chairperson Rosman opened the public hearing.

The petitioner, Lawrence Kabrick, was present and spoke to the variance.

Lawrence Kabrick, 201 Annison, Commerce Township –

- I am the homeowner.
- I just bought this property almost a year ago. It's a new construction home in an older neighborhood. Most of the homes in the neighborhood were built in the 60's. The homes across from me are all on Carroll Lake, and I'm on the opposite side of Annison Drive.
- This is what I would like to call a unique piece of property, which is what appealed to me when I first saw it. There are two new parcels; I think they were

all wooded and they were cleared out. The builder I bought the house from bought this house, and my neighbor next door is currently in the process of finishing his home. This is a 1.5-acre parcel.

- The home itself has an existing two-car garage. The house is setback quite a ways, leaving a huge front lawn area.
- In a nutshell, what I desire is ... my whole life I have been a huge car fanatic. I have four classic cars, and currently I have a total of seven cars, and my kids' two cars. I take care of my cars. In fact, I'm somewhat of a perfectionist because I like things a certain way, and I take very good care of my properties. The home I moved from had a three-car garage. The home before that in Farmington Hills, I had a two-car garage that I made into a four-car garage. I've had these cars all that time. It's something that makes me very happy.
- The location that I've selected is an optimal position in the front of the house, because there's absolutely nothing else there. It is wide open. The property itself is at the very end of a dead-end street, so there's no traffic. I discovered quickly that my driveway has become a turnaround for everybody, including a delivery trucks, and even neighbor's guests. If I have a structure there, that's all going to stop.
- I want the structure to take care of my cars. I want to have them inside. I'm proposing a three-car garage, which gives me ample room, in addition to the garage that's on the house.
- There is no room to put a garage on either side, because of where it's at. It's very minimal. What I can possibly do is add one extra stall to the side of the existing garage. In the back of my house now, the property is like a big letter "L", and on both sides, there are a lot of wetlands there. It limits what I can do to build a structure in the back. Eventually, I'd like to add on to the house. This is something that's very important to me.
- Also, I would like to add that part of the reason why I can't put this structure in the back of the house ... there might be possibilities, and I'm certainly open to doing that, but the spot I've selected in the front of the house is optimal. I'll put it wherever the Board would like me to put it if it's not exactly in the right spot.
- In the back of the house also, on the survey, there's an additional area that was set aside for a backup septic field in the event that I need it. That takes away from space that I have. That's the primary thing.
- The garage I'm proposing is 893 square feet, so it's less than 900, but last year, I put a 12x10 shed in the back. I love sheds. I've never been able to have a shed because I've always lived in neighborhoods that have homeowners associations that tell you what you can and can't have. I had the opportunity to put the shed in and it has given me a lot of extra space that I don't have in the house now. That's incredibly important.

Chairperson Rosman – I want to share with you that each one of us has physically been to each property. I have walked your property and I'm familiar with it. Is there anybody here from the public who would like to address this issue this evening?

Edward Stephenson, 525 Fairbrook Street, Condo #209, Northville, MI –

- I am one of Larry's very good friends, and I'm his realtor. I was actually with him through the whole experience, I believe even calling Jay and leaving messages for the city, but everybody I think was going on with COVID.
- The first thing I noticed when I came in here, other than very nice people and everybody was cheery, and it felt a lot better than a normal courthouse which is beautiful, was this – the windows. This stuff outside was the first thing I noticed and that's why it feels good in here. Everybody sees this out here and all of our cheery faces.
- That's what makes his neighborhood and his house so amazing. If you look at this picture, Larry's house ... you've all walked the property. If you look into his backyard, that is all beautiful woods. No one wants to touch that. There are trails, and I think there's three other homes. When they look out their back, each one of these neighbors, they see that. They wake up and love it. I don't think there's a day that goes by that Larry doesn't look out and see somebody walking those trails with their dog. He doesn't care. He loves his neighbors. The last thing he wants to do is start tearing up or messing with anything back there to start building a garage.
- His property, I would like to say, is an endowment and his neighbor is amazing. No problem with him having a garage. But if that was scrolled down a little bit, you'll notice where Larry's garage is going to be; if somebody is staring at it, I think this building right to the left of it is probably going to be farther out than his garage would even be.
- The biggest thing I'd like to say is the woods; everybody likes that there. He likes looking at his backyard, plus all the nature walkers and their dogs. It feels good, just like it feels good looking out here.

Chairperson Rosman – Thank you very much. Is there anybody else 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 –

- I agree that there is definitely some difficulty on where a garage that size can be placed. With the pond and the septic fields, I think there's difficulty on the location of it.
- However, I think the garage will be extremely visible from the neighborhood, and that's something we definitely need to consider.

Mills – The question I have is what is the height of the garage? If it's in the paperwork, I must have missed it.

Mr. Kabrick – It's within ... I altered it.

Jay James – We discussed this when he came in and it will not exceed the allowable 14-foot mid-peak.

Mills – Okay, thank you.

Chairperson Rosman – How to make it fit within the Zoning Ordinance? That's what I'm after. I did ask Jay to go take a look. Jay, could you tell us what you saw and what you think?

Jay James –

- I did go out and took some measurements, because Larry provided us with some documents that I believe he got when he purchased the house.
- I know there's a lot of hand drawn sketches on here. I'll zoom in. This is his house. According to Property Gateway and all the surveys we have, it's 85 feet from property line to property line before it expands out into the vast rear yard. The well, which is this little x right in here; he had given us a distance of 13 feet.
- I measured from the house. There is an air conditioner right next to his house, which sticks out about 5 feet. From the house to the well is 19 feet, and then there's 11 more feet to the property line, which gave me cause to wonder. He gave us a distance of 13, and I know he wouldn't give us a false distance. So, on the survey that came with the house, there seems to be some discrepancies in the actual distances. I think if you measure from the east property line over to the well, you get 11 feet. When you deduct that from what the as-built said, you get 13. It's actually 19 feet, which would provide 14 feet clearance if you were to try to get between those.
- As he said, it is a wooded, beautiful lot. There's no doubt about it.
- In the back where you see this hatched area, roughly, is a reserved septic field which the Health Department requires when they provide a septic permit. Not only your actual field, but they look for a reserve field if you ever need it in the future. That does take up some area.
- You do have a wetland present on the site. You can see this area here that is darker. When Larry first came in, we looked at this and tried to determine if that was actually a body of water, because then that would be considered a waterside front yard setback and he wouldn't be able to put any structures on that side, but that area does dry up throughout the year. There is standing water at times, but it is called out as wetlands on their original building plans, and I believe by the State.
- We do have a 25-foot setback from the wetland boundaries, which does eat up more of the property back here.
- It does limit what he could put back here. A structure of 900 square feet could fit back here, if he can get access alongside his house, between the house, the well and the air conditioner. The structure itself could go there, but there would be numerous trees that would have to come down.

Chairperson Rosman – Okay, thank you. There is a place he could put it on his property without needing a variance.

Jay James – There is, in the rear yard, if he can get his driveway through there, yes.
Sovel – What's the inside ceiling height of your current two-car attached garage?

Mr. Kabrick – That’s a good question. It’s standard ...

Chairperson Rosman – Do you have lifts in there for your cars?

Sovel – Is it 8 feet?

Jay James – It’s 8 or 9 feet.

Sovel – I wanted to see if there was space for a lift. You had mentioned that you could have another one-car space.

Mr. Kabrick – Possibly on this side.

Sovel – Is there a way you could do that, and get enough height so you could have a lift?

Mr. Kabrick – No. In the existing garage?

Sovel – I thought you said you could add one more space, closer to the road I'm assuming. Could that be done in such a way that you could have maybe no attic or minimal attic, to keep the roofline the same, and have a lift in there?

Mr. Kabrick – It’s possible. Right now, the master bedroom is above the garage right now.

Sovel – Right, you couldn’t do anything with it currently.

Mr. Kabrick – Yeah, I couldn’t do a thing with that. It would be the added cost of tying it into the existing house, because it’s not really made for it, but anything is possible if you really wanted to.

Sovel – I have one other concern. Could you zoom out? The house to your west; if you put it where you want to, do you think it will impact their view?

Chairperson Rosman – It certainly will.

Sovel – I can’t really tell from here where it is.

Jay James – If I recall, when I was out there, and correct me Larry if I'm wrong; isn’t the proposed ...

Sovel – Is it the minimum setback from the road? Is that where you placed it?

Mr. Kabrick – No, I actually went way further back off the road.

Jay James – His septic field is up in this area, Rick. So, he had to get out past that. I don't think he went much past the existing septic field.

Sovel – If that’s the location, or something close to that, my concern is that will inhibit ...

Mr. Kabrick – And that's the side of his three-car garage. He's got no view. The view he has behind the roofs there in the front, that's his master bedroom in back, so he's got a clear view there. But, those are his three garages.

Jay, can I say one thing? On the survey, I didn't put any of those numbers on at all. Those are all from the ...

Jay James – Yes, I know Larry.

Jay James and Rick Sovel reviewed the overhead.

Sovel – My concern is the sight line here. You're coming way closer to the road from where the rest of these are. I'd like to see if there is a way that we can get you to have a garage. I'm all for it. I don't feel comfortable exceeding the 900, which means you may have to give up a shed. Your property is just not that big to have that many different buildings. So, I'm not a yes, but I'm not a no.

Chairperson Rosman – Okay, we can come back to you. Sarah?

Grever –

- Jay answered a lot of my concerns.
- I was worried about the soil type that's in the rear yard.
- The reserve field is weighted heavily when you're designing anything.
- And then the wetlands; the first thing I thought about was that a formal wetland is another added cost to make sure that you're not impacting that.
- During this discussion with Rick about the views, I don't really know what view the neighbor is going to lose if it's in the front. They're just going to lose the view of the eastern neighbor, which I don't think many people care about it.
- It's not going to be a giant wall. It's not a 35-foot building.

Chairperson Rosman – Sarah, take a look to the right. The property to the right. You take an average of that and those two are pretty much at the same point.

Grever – Yes, the average setback.

Chairperson Rosman – Yes, so by putting his garage in front, he's changing all the dynamics. Also, the Zoning Ordinance says you can't have it in the front, and it's not little. It's a very big structure.

Grever –

- I was just wondering what view would be lost, that was my question.
- The last thing I was concerned about that wasn't fully addressed is that square footage that covers the property; there is a reason that's there. It could cause flooding issues, maybe not for you, but possibly within the neighborhood. There needs to be permeable soils available. We're covering a lot of the property, and how is that going to impact everyone in the area? Especially when roads in Oakland County rely heavily on having rain runoff flow into your yard. I don't know if you have seen an accumulation of water. I know you have the wetland back there that's probably absorbing everything.

Mr. Kabrick – Yes.

Grever – I think Jay answered most of those. I'm definitely at a crossroads with your situation. It's very unique with your lot size and shape, and what you want to do.

Chairperson Rosman – We can come back. Bob, anything else you'd like to add or ask?

Mistele – No, I think we've covered some really good points.

Mills – My main concern is another structure on the property, in addition to the shed that you said you like and you want to keep. I have a concern with that, if we were to approve the garage. I think that would be too many structures on the property.

Chairperson Rosman –

- Well, it's want versus need. I understand what you want.
- I drove the neighborhood. I counted garages on your side of the street, in the front yard, and I didn't find any. You're going to be changing the essential character of the area, which concerns me.
- I would like to see it in the backyard, but now I'm very concerned. Jay brought up many good points regarding the drainage and so-forth.
- I just don't see that being on that property. I know you bought it with the intent that you would do more with it, but the property talks and it's telling us what it could and shouldn't do.
- I am not going to vote to put your garage in the front yard. I'd like to see it in the back yard, and of course the shed would have to go, or else you decrease the size of the garage. I don't know that putting it back there is the smartest thing for your property. I'm not happy, along with you.

Sovel – I'm just wondering, Mr. Kabrick, if you would be willing if we were to consider tabling this to give you time to work with your team and Jay to see, after you've heard all of our comments and concerns, if there are any better options that you have. You could come back to us. Our next meeting would be in two months.

Paula Lankford – July 28th.

Chairperson Rosman – I'd like to add to that, you may want to get a certified survey. Not a mortgage survey, but a certified survey which will then tell you exactly how much land you have, especially on the east side of your property.

Mr. Kabrick – I do have a certified survey. It was given to me.

Chairperson Rosman – Bring that when you come to see Jay.

Mr. Kabrick – We filed it too.

Sovel – Would you be willing to have us do that, or do you want us to vote yes or no tonight?

Mr. Kabrick – No, I would be willing to table it.

Chairperson Rosman – Sarah, anything else you would like to add?

Grever – I love the idea of tabling.

MOTION by Grever, supported by Rick, to table Item PA22-03, until the next meeting.

ROLL CALL VOTE:

AYES: Grever, Sovel, Rosman, Mills, Mistele

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

ITEM G4: PA22-04 – MARK COLONE – PUBLIC HEARING

Mark Colone of Commerce MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a detached accessory structure in a front yard of his single-family home located at 6080 Ford Road. Sidwell No.: 17-06-200-032

Chairperson Rosman opened the public hearing.

Mark Colone, 6080 Ford Road, Commerce Township – I understand you've been at my house.

Chairperson Rosman – Yes, all of us come out and look at what you're asking for.

Mr. Colone – Could you pull up the satellite view of my property, please?

Jay James – Absolutely.

Mr. Colone –

- I'm just going to explain a couple things about the property and how unique it is.
- The proposed barn location is here, where it's the driest on my property. I have wetland and flooding issues in the back yard, with trees and access to get in there. I had a flood in the basement twice last summer in the monsoons. I have very bad drainage back there.
- My yard is flag shaped. My address and the front of the road is up here. My mailbox is up here. You can see that my house faces the south.
- The barn location is here, which is technically not in front of the house. If we look, this is my neighbor's backyard, so my barn would be in their backyard. The other neighbor, it would be in their backyard. If we go down to the neighbor to the south of me, it's in their backyard. If we scroll up to the north, again, my yard is in their backyard.
- Now the only place you're supposed to put a barn is in your backyard, which is 40 feet to the property line, and it would be in my neighbor's front yard. It's a very unique shaped yard where it is.
- My septic field is right here, and it's very hilly terrain down here. Not to mention, it would be right out my front window.
- So, off to the side of the yard here, out of the way, I have very good screening here. I was approved through the Planning board unanimously for the location, as well as we agreed that I would put extra screening here along the property line.

- I went to every one of my neighbors and got a signed letter, which you all have. They all agreed that they have no problems.

Chairperson Rosman – We never got that letter.

Paula Lankford – Those letters were for the public hearing at the Planning Commission, so we felt they would not be appropriate to put in here; but, he did have full support from all of his neighbors.

Chairperson Rosman – Okay, thank you.

Mr. Colone –

- So, offset right here, I'm able to put a driveway into the barn which would make it easy to pull into the barn.
- There is a barn to the south here. There are numerous barns in Commerce Township that are bigger than my barn that I'm proposing, in their yards and front yards, not right in my neighborhood, but down the street not far from me.
- It's not unusual to have a barn in the location I'm asking for. It's not technically in anybody's view, anybody's front yard or any problem with any of my neighbors.
- It's the most level and driest spot to put it. The septic field is here. There's my front yard view, and you can't get into the backyard with the trees and drainage. This is the most likely spot.
- I think everybody did come out and see where I had it staked. That was pretty clear, right?

Chairperson Rosman – Yes, you did a good job.

Mills – Yes.

Mr. Colone – Okay, so that's what I'm proposing for a barn to put my stuff in. If you've been to my house, you might have seen that I need to put some stuff inside the barn. The barn will also double as a hobby shop for my son and I. We're going to work on some classic cars, along with storage in there. The barn will help out a lot. I don't think I'm asking anything unreasonable. Technically, this is the front yard with the mailbox, but as you can see, I'm in everybody's backyard, and all of my neighbors said yes.

Chairperson Rosman – Thank you. Would anyone like to add anything?

No comments.

Chairperson Rosman – All right, we understand that you went to the Planning Commission, and that their recommendation is incumbent upon what we decide tonight. You agreed to the size that they wanted, the screening, and so-forth.

Mr. Colone – And matching the house color. I agreed to put wainscoting on the barn to match my house.

Chairperson Rosman – Yes, and we understand you agreed to all of those things.

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

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

Board Comments:

Grever –

- Thank you for your description and explanation of what's going on.
- When we were handed the packet and we read about your flag shaped lot, I was not picturing what you have. Your house is right in the middle of your parcel.

Mr. Colone – When they put it up, the board approved it and the zoning board approved it back in '81 when they built it, so they approved the location where it's at, and crooked as it is, facing the south. It's not completely square on the property. It's also a big issue to push it way down there because I'd have to look at it out my front window. It would cause a lot of problems around the house because she doesn't want to look at it.

Chairperson Rosman – I'm going to say need versus want.

Mr. Colone – It's much drier up here.

Grever – As of right now, with the points that you've made and the checklist that went through my head while reviewing, I don't have any issues with your design and building as specified to be built in this location. I would love to hear what brilliant minds also have to mention.

Chairperson Rosman – Rick, let's hear your brilliant mind.

Sovel – What utilities are you planning to put in the barn?

Mr. Colone – Just electricity for lighting. Nothing special.

Sovel – Heating?

Mr. Colone – I don't know if I'm going to do much for heating; possibly kerosene or radiant heaters, but not planning to put a furnace in there.

Sovel – How about running water?

Mr. Colone – I don't know if I'll be able to get water to it. Then I would have to put in a well. That's not planned because it would be very expensive.

Sovel – When people make applications to us, a lot of things aren't planned until after they get approval and then it changes what they do.

Chairperson Rosman – You also have to think about future owners.

Sovel – Jay, would it change anything if you were to put water?

Jay James – No. You can have water and heat to the garage.

Chairperson Rosman – Can he have a bathroom?

Jay James – He can have a bathroom in the garage, but he obviously can't have any living space in the garage.

Sovel – Okay. Yes, I'm fine with it.

Chairperson Rosman – I'm not. You do have a place to put it that does fit the Zoning Ordinance, and you would not need a variance to do it. That's our job, to give the least amount of variance possible. I know your wife is not happy. I know she doesn't want to look out the window and see it, but there is a place on your property that you wouldn't even need a variance. I'm going to have to vote no because there is an option under the Zoning Ordinance. Again, it's need versus want. I have sympathy, because I wouldn't want to look at it either; however, the property can hold it where it needs to go.

Mills – You indicated there are already some trees along the one side, and you indicated that you intended to put some additional trees there. If this was approved, at what point in time, during construction or otherwise, would these additional trees be planted?

Mr. Colone – I agreed with the Planning and Building Departments that I would get the trees in before the building permit was finalized. As construction was going on, I would put the trees in.

Paula Lankford agreed.

Mills – The other thing that I agree with is that you certainly do have a unique lot there, especially with that driveway that's far away from the road.

Mr. Colone – It's 600 feet so it's quite the plowing job.

Mistele – I think there are some challenges. As you said, in back, you have wetlands. I was out there today and it looked very muddy. I didn't walk all the way.

Mr. Colone – The water comes around and it went in through my sliding glass doors. If I put anything in the backyard, it's going to drag more water into the house which is a walkout. It flooded the whole basement.

Mistele – Yes, to me, that would take extensive topographical changes to try to make that a spot to place this. I felt the area you chose to put it is actually the most hidden area. If you attempted to put it behind the septic in that back corner, way down the hill...

Mr. Colone – Well the driveway to get to it, and it wouldn't look right on the property. It wouldn't make the property look better.

Mistele – I agree. I think it would look weird in that corner, and once again, it's going downhill. I don't think that's necessarily a good thing. I don't have a problem with it.

Chairperson Rosman – Jay, is there anything you'd like to add?

Jay James – Not unless you have any questions for me.

Paula Lankford – No.

Chairperson Rosman – Thank you. Then the Chair will call for a motion.

MOTION by Grever, seconded by Mills, that the Zoning Board of Appeals approves Item PA22-04, the request by Mark Colone of Commerce MI for a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a detached accessory structure in a front yard of his single-family home located at 6080 Ford Road.

Sidwell No.: 17-06-200-032

Based on 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 a variance from Sec. 33.01.5.a of the Zoning Ordinance to allow a 3,200 square foot detached accessory structure in front of the front building line of the principal dwelling at 6080 Ford Road, where detached accessory structures are only permitted behind the front building line.

Approval is for the reasons that the variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the Township, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare. **The applicant must satisfy the conditions of the Planning Commission's approval.**

ROLL CALL VOTE:

AYES: Grever, Mills, Mistele, Sovel

NAYS: Rosman

ABSENT: McKeever

MOTION CARRIED

>>This item was deferred to the end of the meeting at the request of the petitioner:

ITEM G1. PA22-01 – SCOTT RUNDELL – PUBLIC HEARING

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

Chairperson Rosman – Hi.

Richard Linnell, Attorney – Hi. We very much appreciate your indulgence this evening. After much discussion, we would request that this matter be adjourned over to the next meeting so that we can finalize some the things that my client and this nice group right here have talked about and the agreements that we've made.

Chairperson Rosman – The petitioner has asked us to table it; however, I need to open the public hearing because it has been advertised.

Mr. Linnell – No problem. Thank you.

Sovel – We still have to have the public hearing if anyone wants to speak.

Chairperson Rosman opened the public hearing.

No comments.

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

Paula Lankford – You can keep the public hearing open, and adjourn it to the next meeting. That gives the public time to be able to come back and voice their opinions.

Chairperson Rosman – I will adjourn the public hearing and carry it over to the next meeting and you'll have your opportunity then.

MOTION by Sovel, supported by Mills, to table Item PA22-01.

ROLL CALL VOTE:

AYES: Sovel, Mills, Mistele, Rosman, Grever

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

H. OTHER MATTERS:

Paula Lankford explained that the Planning Commission reviewed the recent text amendments suggested by the ZBA. They approved the amendment for averaging ground signs for nonconforming buildings, however, they did not want to do the amendment for signs on internal roads.

I. CORRESPONDENCE:

None.

J. PLANNING DIRECTOR'S REPORT:

Dave Campbell's report was included in the packet. Chairperson Rosman stated that she had not received it. Paula Lankford would provide it to her for review.

K. ADJOURNMENT:

NEXT REGULAR MEETING DATE: July 28, 2022

MOTION by Mills, supported by Rosman, to adjourn the meeting at 8:06pm.

AYES: Mills, Rosman, Grever, Sovel, Mistele

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

Robert Mistele, Secretary