

FINAL
CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING
Thursday, September 22, 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
Bill McKeever
Sarah Grever, ZBA Alternate Member
Absent: Rick Sovel (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 Rick Sovel 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 Mistele, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting Agenda for September 22, 2022, as presented.

ROLL CALL VOTE:

AYES: Mistele, Mills, McKeever, Grever, Rosman

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MEETING MINUTES:

MOTION by McKeever, supported by Mills, to approve the Zoning Board of Appeals Regular Meeting minutes of July 28, 2022, as written.

ROLL CALL VOTE:

AYES: McKeever, Mills, Mistele, Rosman, Grever

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

D. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA:

None.

E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:

Bill McKeever – Planning Commission

- At our last meeting we dealt with some text amendment issues, with signage being one of them.
- We also approved the request by Crossroads Presbyterian Church of Commerce, a Special Land Use for a private cemetery at the existing church. They have a memorial garden where they have been interring ashes, and they wanted to become compliant with what was required to keep that in perpetuity.

Township Board Update – In Sovel's absence, Jay James provided the following update:

- Township Board is getting ready for budget meetings, which are starting in two weeks.
- The Board also approved the development, Shepherd's Grove.
- They also approved my contract.

Jay James – And, as for the Building Department:

- This time of year, everybody wants to hurry. They're in a big rush on a nice, fall day like this.
- Projects like The Space Shop are finishing up.
- Ashton Park, on Newton and Richardson, is close to being done. There are a few lots left there.
- Some of these sites are starting to wrap up, and hopefully we get them all landscaped and seeded before the weather turns on us.

F. OLD BUSINESS:

None.

G. NEW BUSINESS:

ITEM G1. PA22-06 - SCOOTER'S COFFEE – PUBLIC HEARING

Springfield Sign of Springfield MO representing Scooter's Coffee is requesting sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to exceed the maximum number of wall signs and square footage allowed for the newly constructed drive-through coffee shop located at 2745 Union Lake Road.

Sidwell No.: 17-12-276-010

Chairperson Rosman opened the public hearing.

Scott David, Signs by Tomorrow, 33251 Gratiot Ave, Clinton Township, MI, was present to address the request, along with Jay Beck, Owner of Scooter's Coffee, 10237 Reese Road, Clarkston, MI.

Scott David – This is an out of state manufacturer, and they're asking for multiple signs on their building. We are a local sign company that is contracted to install their signs. I'm here on their behalf, to put up multiple signs on their building and try to get that approved.

Chairperson Rosman – Okay, do you want to tell us about the signs? Paula has it on the overhead, if you want to refer to them as A and B, et cetera.

Scott David – Yes, B and B are channel letter signs on each side of the building, and also one facing the street, which would be ... I guess it would be A.

Jay James – It should be B; B faces Union Lake Road. The other B faces what would be Planet Fitness.

Chairperson Rosman – Yes, the B to your left faces Union Lake Road.

Jay James – Correct.

Scott David – Yes.

Jay James – Signs labeled A are on the north and south ends. B signs are on the east and west sides.

Scott David – At every one of these locations, they're asking for a sign. We're just seeing what would be approved.

Chairperson Rosman – Is there anything else you'd like to share with us?

Scott David – No, I'm just here on their behalf. I'm a local sign installation company.

Jay Beck – I will be the owner of Scooter's coffee, along with my wife Angela. Thanks for your time tonight. I know the typical Township Ordinance is one sign, and we're asking for an additional three signs, mainly for just business identification purposes I think. A typical Scooter's is going to be opposite of what this is, so the north side is going to be facing the road. That would be considered the front of the building, where the sign would be. Obviously with this layout, and our drive-through lane, if we turned that it would have went way too far into the parking lot at Planet Fitness and Defy Gravity. Given how this is, the front of the building is B, and if our Scooter's Coffee sign is on that front, given the trees on the north side along Union Lake Road, it's really not visible to the public there.

Also given that we're in a parking lot like we are, we're going to potentially have customers on each side of our building. There will be people on the side of Planet Fitness, Kroger to our south, across the street to the businesses on Union Lake Road. With only one sign on the front of the building, it's really not identifiable. We feel like having a sign saying Scooter's Drive-through Coffee on the east and west side, and then we'll have a Scooter's Coffee emblem on the north and south sides. They're professionally done and they're great looking signs. It really would help our business, just for people driving down Union Lake Road; it would be simple for them to see the business and see what it is without having to slow down, gawk and take their eyes off the road. Also, the Scooter's brand, they're also asking to increase the size of the signs to be greater than what's allowed, so that's also in the request. That is important to me; maybe not as important, although I would not want them so small that we can't see them. Whatever side people are driving by, hopefully they can be visible without too much strain.

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

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

Board Comments:

Mistele – I don't think I see the need for four signs on this building. When I was driving down Union Lake Road, the building stood out to me. With the sign on it, I think it would be very visible from the road. Turning in, you're instantly directed to it. I think the flow of traffic is really good. I don't think additional signage is needed. You're not going to lose it when you turn into the shopping center, like maybe in some other instances where it is set farther back from the entrance. This is right at the entrance.

The bank, Burger King, and all of those other stores don't have additional signage on the back. I have personally gone to that Chase and I haven't had an issue finding it. I don't see the need for additional signage.

Mills – The question I have is where would the address be on the building itself? It looks like a Union Lake Road address, but physically where on the building is the street number to be?

Jay Beck – I do not know the answer to that question, where it's intended to be.

Jay James – Clarence, I would expect it to be on the Union Lake Road side, or the west wall. I'm sure the Fire Department will require it to be on the Union Lake Road side so it is visible from the road.

Mills – That's one of the reasons why I was asking that question. So that would be on the C side of the print.

Jay James – Correct. C is their monument sign, which they're entitled to, and I don't think we had any variance request for that.

Paula Lankford – No, the monument sign is actually smaller.

Mills – I also have concerns about so many signs on such a small building. I agree with Bob; if you had one sign over there on the Union Lake Road side, people are going to see that. It's not going to take too long, and they're going to know exactly where your coffee place is going to be.

Rosman – You are asking for five times the allowable square footage of signs. You're asking for 161.6 more square feet. I take a look at the Starbucks sign on Kroger, and I'm amazed how people are always lined up at Starbucks. You can't see that sign very well from the road, but believe me, when it comes to coffee, they find their coffee. I can't vote for this because you do have the monument sign, which you're allowed, and one wall sign. We did have a request put to the Planning Commission, two months ago, to please take a look at the requests that we are receiving as a Zoning Board of Appeals for interior traffic signs. They looked at it and they said no, so I am also saying no. I'm sorry I can't help you with that this evening.

Grever – I'm in line with everyone's opinions right now. I don't think that there is a need for more signage on that lot. I do know that our community is very excited about this. The branding is on point, I think it's apparent as to what it is. That monument sign will

definitely be visible, being 6' tall and bright tomato red. I think with the Ordinance we have right now, we're fulfilling enough of what is needed for signage.

McKeever – I'm in agreement with everything that has been brought up. I don't see where this variance request meets any of the criteria that is required to be met for having a variance granted. I would be opposed to granting this.

Chairperson Rosman – Paula? Jay?

Jay James – No, I'm good.

Paula Lankford – I want to point out that in our report, we did state that they could make the monument sign bigger. They only utilized 17 square feet, and we allow 32. If he wanted to get more signage that way, he could make the monument sign bigger.

Jay Beck – It is still only allowed to be 6' tall, correct?

Paula Lankford – Yes, correct.

MOTION by Mills, seconded by McKeever, to deny Item PA22-06, the request by Springfield Sign of Springfield MO representing Scooter's Coffee for sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to exceed the maximum number of wall signs and square footage allowed for the newly constructed drive-through coffee shop located at 2745 Union Lake Road.

Sidwell No.: 17-12-276-010

Based on the presentation and the comments we have heard, I do not believe the applicant – Springfield Sign – has satisfied any of the standards of Section 30.09 of the Township Zoning Ordinance, and therefore, I move to deny the request for an exception from the Zoning Ordinance.

ROLL CALL VOTE:

AYES: Mills, McKeever, Grever, Rosman, Mistele

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

Chairperson Rosman – I'm sorry that you didn't get what you asked for, but we look forward to you coming. My husband was excited.

Jay Beck – We're excited to be here. Thank you very much.

Chairperson Rosman – The very best to you. Thank you for coming.

ITEM G2. PA22-07 – PAUL REGER – PUBLIC HEARING

Paul Reger of Commerce Township MI is requesting a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a detached garage that exceeds the maximum square footage allowed located at 2005 Glencoe Street.

Sidwell No.: 17-23-200-017

Chairperson Rosman opened the public hearing.

Paul Reger, 2005 Glencoe Street, Commerce Township, MI, was present to address the request.

Paul Reger – I'm basically requesting a variance of 220 square feet over the 900 square feet that is allowed. The main purpose is, the six residents of the two roads are responsible for maintenance, plowing and upkeep of the roads. You approved a variance for the first person on the road, that was Joe. He moved out last year, so he is no longer taking care of the road. My main reason is that I need the additional square feet to house the tractor blade for plowing, the grader to grade the road, the trailer to take the tractor in for maintenance. I truly tried to keep the variance as small as I could. You approved a bigger variance for the first person who did this. I kept it smaller than that because I think I can fit it all in there. There's good tree cover. I'm not going higher, so I'm not going to be blocking anybody's views. One neighbor on one side is probably the only one who can see the barn.

Chairperson Rosman – Good job staking it out. Thank you. Did you buy the equipment from the other fellow?

Paul Reger – No. We didn't know he was moving until he had already moved.

Chairperson Rosman – Is there anyone here from the public who would like to address this?

Ron Main, 1900 Viking Circle, Commerce Township – I live directly behind Paul. I'm concerned, is Paul really going to be honest, or is he going to put some machinery in there and start running lathes and drills? If he does, obviously he's breaking the rules because that wasn't why he was here. So, if I hear obnoxious noise from a machine shop or something, am I to call the city hall, is that where I start?

Chairperson Rosman – Well, let's start with, we're a Township, so we're not a city hall, we're a Township Hall. You'd have to talk to Jay about what's allowed and not allowed in garages. A lot of people work on their cars.

Jay James – I can tell you that they're allowed to use their detached structure for anything in a single-family use. So, he could work on his own cars. He could have a wood shop in there. He cannot run a business out of his garage, but he can do anything you could do out of your garage.

Paul Reger – I'm not looking to run a business.

Ron Main – Well, it better stay that way. My other concern, along with another neighbor that's here; Paul, for the last year or two, I don't know how long you've been there, but there used to be a privacy fence that ran from east to west. He has torn that down and he has created several piles. They're now 6' tall of treated wood fences. They're falling over and creating habitats for animals. We are seeing more racoons and opossums. Beyond that, Paul has clear cut many trees to make room for this pole barn.

Paul Reger – I'd like to point out that I didn't clear cut.

Chairperson Rosman – We are not doing that.

Ron Main – So, Paul has created this massive pile. It seems like every day, he's running his tractor, pushing and moving, and the piles just don't stop. Then to the north and southwest corner of his lot, he just keeps pushing to the fence line. My request is, clean up these piles and get them out of there. I approached Paul a year ago. I had never met him. I said, *Wow, this is some project you've got going on. What are you going to do with all of this?* His comment was to me, *Oh, this is here temporarily. I've got another project going on up front. I'm going to be getting a dumpster and getting this out of here.*

I now believe he was pulling the wool over my eyes, because it has been over a year now. My request is that these piles need to be taken out of there. My concern is rodents. These are piles that will not just degrade in days because it's treated lumber and fencing.

Greg Savoie, 1890 Viking Circle, Commerce Township – I'm at the south corner of this property. My bigger concern is safety. He has already created habitats. To clear that spot, he has created piles that are 10' tall right in the corner of our property. He keeps pushing them. They're actually over the fence now. He just brings more and pushes more. To Ron's comment, he runs machinery and his chainsaw at least 4 or 5 times a week, and the pile just keeps growing. He hasn't gotten rid of any of it. It just keeps pushing over into the property to the south of him and into my neighbor's property. He has created habitats at this point, where we have all kinds of animals and critters that we have not had. I have owned the house for years. Now we have opossums, skunks, and there's a coyote that's in our yard every day now. There are all kinds of smaller critters running around. He has clear cut his property for his barn and created a safety concern for my kids to play in my yard with all the animals that have been put back there.

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

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

Board Comments:

McKeever – What is being proposed for screening, as far as the side and rear yards?

Paula Lankford – We don't really require screening. He has a lot of landscaping. It is going to be up to you if you want to require him to plant some arborvitae or put something around the garage. You can make that a condition of your approval.

McKeever – Can we also make a condition of the approval that all of the brush piles be cleared off the site?

Paula Lankford – I don't see why not.

Jay James – That can also be handled through the Ordinance.

Paula Lankford – We can have the Ordinance Officer go out there, and anything he is in violation of, they will let him know.

McKeever – I'm looking at a picture from late July. I don't see any evidence of clear cutting.

Jay James – The picture on the screen is from July 25th I believe.

McKeever – I have the same one on my screen. Are there any signs that the brush piles are encroaching on the neighbor's property?

Jay James – It's hard to tell because of the tree growth. I could go back to April 10th, but you can't really see much. These might be the fences that one neighbor spoke of, possibly right there?

Discussion took place regarding where the piles are located.

Jay James – I did a quick measurement from the plan he provided, which shows the detached structure being 39.8' from the house. I then put in the dimensions of what he's asking for. That would leave the structure almost 153' from the property line. Unless he has cleared all of these trees, I don't see where that would be seen very often. Now, whatever piles of brush and debris might be back there, again, the Ordinance Department can handle that.

McKeever – Yes, and I would like to see that as part of a variance being granted.

Grever – I think that, if I'm understanding everything correctly, this building should help with clutter and piles. Where are the tractors being stored right now?

Paul Reger – I have it outside right now because I have nowhere else to put it.

Grever – Okay, I couldn't see it on the aerial. Yes, you don't want your equipment exposed to the elements. I know that it would be very helpful to have those stored properly. It would be less of an eyesore. I think this would benefit with any clutter that's coming into these properties and might be affecting adjacent lots and neighbors. What kind of powder coating, or what color would the steel be on your building that you're proposing?

Paul Reger – Tan walls, as close to the house as I can get, and a black roof.

Grever – Okay, yes, that's not vibrant. I think with the contingency of having the proper color on the building, to match the aesthetics of your home, I am in favor of this barn. It would definitely help with clutter and protecting everything that you need for your private road. I agree with the contingency of cleaning up brush or working with the Ordinance Department. I know it can get out of control.

Mills – When I was at your site, the first thing I noticed is that you had it well marked. I knew exactly where you were looking to put your building. I didn't pay that much attention to piles of brush or shrubs, or clear cutting, or anything else. I just didn't see any problem with the building that you want to put up and where you want to put it.

Mistele – I think the location of the garage isn't a bad location. I think it's well-screened. I would want to make sure that, if we approve something, that we make sure that

screening is maintained. We also need to make sure that the aesthetic piece is maintained. The only problem I'm having is that he can put a compliant building on there. Does the extra 200 square feet really do substantial justice to him? He's not deprived of the garage, and that's the piece I'm struggling with.

Chairperson Rosman – I understand why you want the garage. I also understand being a good neighbor. We have a new neighbor who is not, and he doesn't keep house the way the rest of us do. It is very upsetting to everybody to see his stuff everywhere. He has never put away a garbage can and the street isn't happy. It's not fair to have people unhappy with you. Cleaning up may not be something you love to do, to get the dumpster, et cetera, but as a neighbor, you have an obligation to be a good neighbor, particularly when you are asking the community to do something for you, outside of what is ordinarily given to everybody. You're asking for an exception. This evening, whomever makes the motion, if they make it to approve, I very much want to see that all of that stuff gets cleaned up. They took the time to come here and talk about things that are upsetting to them, because you're asking for an exception, then it means something to the neighbors. What you're doing for your other neighbors, by taking care of the road, is terrific. Bob, I hear what you're saying about how much room. Jay, for the equipment that he needs to store, does he need the 220 square feet?

Jay James – I don't know what size plow, or what equipment he is necessarily going to need, or intends to have. It's 40x28. He is allowed 900 square feet, which is 30x30, or any derivative of that. So, 200 more square feet is another 10x20, that you can fit an extra car in basically.

Chairperson Rosman – At the present time, besides this equipment, what else do you have outside?

Paul Reger – A trailer to haul the tractor, another towing trailer.

Chairperson Rosman – When you have the garage, what is going to be left outside?

Paul Reger – One trailer. I'm looking to fit everything else inside.

Chairperson Rosman – Where would you keep the trailer?

Paul Reger – It would be behind the barn.

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

Jay James – I would like to add, if he did not have a garage at all, this is his rear yard and he would be entitled to keep the equipment in his back yard.

Chairperson Rosman – Paula?

Paula Lankford – Nothing to add.

Chairperson Rosman – Thank you. The chair will entertain a motion.

MOTION by McKeever, seconded by Mills, **to approve, with conditions**, Item PA22-07, the request by Paul Reger of Commerce Township MI for a variance from Article 33 of the Commerce Township Zoning Ordinance to construct a detached garage that exceeds the maximum square footage allowed located at 2005 Glencoe Street.

Sidwell No.: 17-23-200-017

Move to approve PA22-07, a dimensional variance from Article 33 of the Commerce Township Zoning Ordinance to construct an attached garage, at 2005 Glencoe, that will exceed the maximum square footage allowed by 220 square feet.

Approval is contingent upon the following conditions:

1. Contingent upon removal, to the satisfaction of the Ordinance Officer, of all brush piles, debris piles and the like on the property, within granting of final construction approval; and,
2. Application of the standards that the Planning Commission would apply to a comparable structure on a property of 2 acres or greater, including standards relative to aesthetic features like building materials and landscaping, along with impacts on surrounding properties; as discussed herein, the building material colors will be compatible with the home, and screening will be maintained; and,
3. The structure shall be used only for the principal uses permitted in the R-1B zoning district, and shall not be utilized for a commercial operation.

Approval is for the following reasons:

- A. Strict compliance with the specified dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district; and,
- B. The need for the variance is due to unique circumstances peculiar to the land; and,
- C. The variance will put the applicant on equal footing with others in the same zoning district.

Discussion –

Chairperson Rosman inquired about the time frame for cleaning up debris on the property.

McKeever did not see any reason why the debris couldn't be taken care of all at once.

Jay James agreed that it could be done prior to granting the final construction approval.

ROLL CALL VOTE:

AYES: McKeever, Mills, Mistele, Rosman, Grever

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

H. OTHER MATTERS: Discussion on Article 33 – General Provisions, Sec. 33.01.A Detached Accessory Structures.

Paula Lankford – Rusty and I talked briefly about requests for garages exceeding the allowable square footage. Anne went back to 2015 and looked for similar variance requests, and we've only had two requests to exceed square footage. One was approved and one was denied.

I think since 2015, there hasn't been an overabundance of requests for it; however, there has been talk internally with staff in Planning and Building about researching ordinances of other municipalities to maybe do some type of sliding scale, or step up scale, as far as if you have an acre, 1.5 acres, or 2 acres. Right now, we allow people with 2 acres or more to get Planning Commission approval to have over 900 square

feet. However, if you have 1.5 acres, or 1.8 acres, you're not afforded the same, and 1.5 acres is a big parcel. Paul who was here tonight, he has just under an acre and it's a decent sized piece of property. So, we're having some internal discussions on possibly amending that ordinance to allow for more square footage. We do get a lot of people asking, but as far as them coming to you, I could only find two.

Jay James – In our discussions, I think what you have seen are people that have more than two acres coming in front of you asking for larger, which they're entitled to do. It seems like we've had more than two requests.

Paula Lankford – They go to the Planning Commission for over two, but the one that came to you was because it was in a front yard. It was not for square footage. And, the Planning Commission has had a couple just recently. It is something we want to look at.

Jay James – I think it's something that we need to look at, but we also need to make sure we're not providing something that would allow someone a larger garage than their house.

Chairperson Rosman – I hear you on that. I appreciate that a lot, Paula. And we're looking forward to hearing more about signs.

Paula Lankford – We will find out more.

I. CORRESPONDENCE:

None.

J. PLANNING DIRECTOR'S REPORT:

- The report was included in the Board's packet.
- There were no questions or comments regarding the report.

K. ADJOURNMENT:

- **NEXT REGULAR MEETING DATE: THURSDAY, NOVEMBER 17, 2022 AT 7:00PM.**

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

AYES: Mistele, Mills, Rosman, Grever, McKeever

NAYS: None

ABSENT: Sovel

MOTION CARRIED UNANIMOUSLY

Robert Mistele, Secretary