

# Charter Township of Comstock

## Zoning Board of Appeals 2020 Annual Report



## Summary

Despite being a very challenging time due to COVID-19, development activity did not slow down in 2020. The Zoning Board of Appeals (ZBA) held seven meetings. Two meetings were held in-person and five were held virtually via ZOOM.

In 2020, the ZBA considered 12 variance requests and one fence height waiver. Nearly all training and continuing education opportunities were virtual in 2020. Although networking opportunities were diminished, the virtual nature of many conferences and workshops made educational opportunities more readily available and at much reduced cost to the Township.

The seven individuals listed below made up the membership of the Comstock Charter Township Zoning Board of Appeals in 2020. There are five regular members and two alternates that serve in a formal capacity in the event that a regular member is absent or has a conflict of interest and must abstain from participating in an agenda item.

Ron Kuivenhoven, Chair

Steve Gazdag Vice Chair

Randy Beister (Liaison from the Planning Commission)

Jodi Colby

Patrick McVerry

Chris Daniels, first alternate

Marla Schwartz, second alternate

*With staff-support from*

Community Development Director Jodi Stefforia

*With legal guidance from*

Township Attorney Catherine Kaufman

## ***Variances***

The Zoning Board of Appeals reviewed a variety of variance requests in 2020 from the placement of vacuums at a new Drive & Shine on Gull Road to the size of an accessory dwelling unit in a garage on Steger Avenue. The variances considered are grouped below by type of variance.

### ***Greenspaces***

*Midwest V, LLC* – variances to allow the building and pavement to encroach on the 20-foot width of and reduced plantings within the required greenspace areas for a 9,100 square foot Dollar General on River Street. *Granted as variances are in-line with the pending Comstock Center zoning district provisions for the property.*

*Kalsee Credit Union* – variance for a reduced greenspace with along the east and north property lines for a new 2,790 square foot branch location on Gull Road. *Granted as the property is burdened with easements limiting its redevelopment and the landscaping that will be provided in the reduced greenspace areas meets the spirit of the ordinance and is an improvement to the site and Gull Road corridor, among other findings.*

### ***Setbacks***

*Midwest V, LLC* – variance to allow a reduced front setback from River Street for a 9,100 square foot Dollar General on River Street. *Granted as variance is in-line with the pending Comstock Center zoning district provisions for the property.*

*Rinehart* – variance to allow the required off-street parking space for an accessory dwelling unit to be within the required front setback area when the garage is converted to an accessory dwelling unit on Steger Avenue. *Granted as it is an existing structure that is being converted and no additional building area is proposed on the lot.*

*Drive & Shine* – variance to allow the placement of self-serve vacuums in the front setback area where the ordinance requires them to be placed behind the building for a new 81,000 square foot (approx.) vehicle wash on Gull Road. *Granted as placing the vacuums in the front allows them to be further away from the abutting residences to the north, among other findings.*

## **Lot Size**

*Nickson* – variance to allow the establishment of a car sales lot, an open air business, on a parcel less than 10,000 square feet in area. *Denied as it was determined that the lot was too small for the proposed use.*

*Cody* – variance to allow a land division resulting in a parcel that does not satisfy the requirements for an unplatted property. *Granted as the resulting parcel meets the requirements of a platted lot, is served with water and sewer and is in a neighborhood of platted lots of similar size to what is proposed.*

## **Parking**

*Midwest V, LLC* – variance to allow reduced parking of 30 spaces and a variance from the requirement of a masonry wall when parking abuts a residence or residential street for a 9,100 square foot Dollar General on River Street. *Granted as the parking variance is in-line with the pending rewrite of the parking requirements and a solid fence will be placed in areas where a masonry wall is required abutting a residence.*

## **Building Height**

*Patel* – variance to allow a height of 49 feet where 30 feet is the height limit in the B-3, General Business zoning district for a proposed hotel on Cork Street. *Granted given the hotel's placement along the Interstate and the height of existing hotels in the area.*

## **Accessory Dwelling Unit**

*Rinehart* – variance to allow the establishment of an accessory dwelling unit of 488 square feet where the limit is 350 square feet on Steger Avenue. *Granted as it is an existing garage that is being converted, no additional building footprint is proposed and it would be a burden to require part of the garage to be removed to stay within the limits or to be left as garage space.*

## **Fence Height Waiver**

*R.W. LaPine* – waiver to allow a fence height of 8 feet where the ordinance limit is 6 feet for the RW LaPine campus on ML Avenue and South Sprinkle Road. *Granted as the taller fence is preferred over use of barbed-wire on a 6-foot fence to deter crime.*

## ***Applicant Feedback***

As part of the Redevelopment Read Communities program, the Township initiated a feedback survey for applicants in 2020. The survey is sent to former applicants and asks about their experience with the development process, Township Staff and the nature of their request before the Township.

Feedback from applicants has been positive about the Community Development Director's assistance with the process and scheduling of reviews as well as the Zoning Board of Appeals' review process.

## ***Training and Continuing Education***

In 2020, Comstock Township upgraded its membership with the Michigan Townships Association (MTA) allowing all staff, boards and commission members to obtain online training through live and/or pre-recorded webinars on a variety of topics at no cost per attendee. Immediately prior to COVID, Member McVerry did attend a Planning & Zoning Essential workshop put on the Michigan Association of Planning in March.

Which members took advantage of the MTA on-line free training opportunity in 2020 is not reported, however, the Community Development Director did remind the members of the opportunity as a regular agenda item. The training opportunity will remain available in 2021 and it is anticipated that MTA will add new content. As the Community Development Director becomes aware of relevant topics being presented, the opportunity is shared.

Per Township policy, appointed board and commission members seeking re-appointment must have attended at least one hour of training per year of term length and report the attendance to the Township. For example, Zoning Board of Appeals member terms are three years long; it is expected that within the term, the individual member attend at least three hours of training on land use and/or zoning topics.