

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, April 18, 2018 @ 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Chair Rick Smith called the meeting to order at 6:00pm.

Board Members Present: Steve Duell, Lynne Fricke, Kent Rozycki, Scott Swan, Rick Smith

Staff Present: Michael Green

1. Review and approval of the agenda and declaration of a Conflict of Interest

Duell said that he uses the same law office for personal business, but not the same attorney. Board members had no issue with his participation for the Public Hearing.

Rozycki moved and Duell seconded to approve the agenda as presented.

*Yeas: Rozycki, Duell, Fricke, Swan, Smith
Nays: None*

2. Election of Officers

Duell moved and Swan seconded to retain Smith as Chair, Rozycki as Vice Chair and Duell as Secretary for the 2018 year.

*Yeas: Duell, Swan, Fricke, Rozycki, Smith
Nays: None*

3. Minutes –October 18, 2017

Fricke moved and Rozycki seconded to approve the minutes of October 18, 2017 as presented.

*Yeas: Fricke, Rozycki, Duell, Swan, Smith
Nays: None*

4. Public Hearings

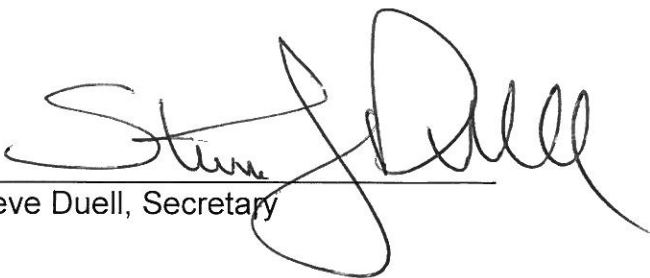
a. Petrosky Request – Comfort Center, Inc.

A request has been made by William K. Petrosky for Comfort Center, Inc. for an interpretation of Article 6, Section 613.A.1(c) of the Garfield Township Zoning Ordinance. Section 613 is entitled “Outdoor Storage”; the subsection referenced above pertains to outdoor storage in Commercial Districts or Uses and states that “The Planning Commission may approve designated areas of product display for large inventory items (boats, campers, trailers, etc.) The applicant is seeking a determination that the outdoor furniture they sell fits under the umbrella of “large inventory items.” The applicant is requesting relief from the Outdoor Sales requirements through interpretation. The property is zoned C-G General Commercial and is located at 458 N. US 31 South with a property number of 05-021-064-00. Attorney Joe Zayaz spoke and said that Petrosky is asking for a reasonable interpretation of the Garfield Township zoning ordinance – specifically provisions 765.A and 613 A. He would like to place Adirondack chairs outside the building to display for sale. He currently has chairs outside his building on Garfield Avenue in the city. Zayaz handed out pictures of similar uses in the same area and argued that Section 613.A.1 (c) states that the Planning Commission may approve the “display of large inventory items such as boats, campers, trailers snowmobiles, RV’s swingsets or similar items.” He is asking that the Board consider large Adirondack chairs to be a “similar item.” Zayaz went on to say that Section 765 also contains a clause allowing “similar items” and maintains that the board could choose to interpret the ordinance to allow the chairs in the “similar items” category. Board members said this interpretation may set a precedent and all the items named were not portable like the chairs were. Zoning Administrator Mike Green said that for 30 days per calendar year, businesses could have a “tent sale” and such items as the chairs would be allowed. Board members gave an interpretation of “Large Items” and agreed that generally large items cannot fit through a door and take up a large amount of show room space. Township Attorney Scott Howard said that the ZBA’s job is to determine what the words “similar items” mean and any other follow up questions can be directed to Staff. He said that “similar items” are generally interpreted to be of the same class or character.

Duell moved and Rozycki seconded that Section 613.A.1(c) does NOT include the display of outdoor furniture under the list of “large inventory items” as the request DOES NOT meet the intent and purpose of the Zoning Ordinance.

Yeas: *Duell, Rozycki, Fricke, Swan, Smith*
Nays: *None*

5. **2017 Zoning Department Activities – Annual Report**
Green reviewed the 2017 Annual Report with board members.
6. **Meeting Dates for 2018 Zoning Board of Appeals**
Fricke moved and Swan seconded to approve the 2018 meeting dates for the Zoning Board of Appeals.
7. **Other Business**
Board members agreed that the applicant needed to speak with Staff to determine what type of outdoor display is allowable under the ordinance.
8. **Items for next agenda**
Green mentioned that there may be one item on the next agenda asking for relief from a wetland buffer. Green mentioned that due to recent issues, the Township Engineer is conducting more thorough stormwater reviews.
9. **Public Comment**
None
10. **Adjournment**
Duell moved and Rozycki seconded to adjourn the meeting at 6:42pm.



Steve Duell, Secretary