

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A SPECIAL MEETING HELD
APRIL 6, 2009

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, DINO BUCCI
MEMBERS: EDWARD GALLAGHER
CLIFFORD FREITAS
TERRY CAMPION
DAWN SLOSSON

ABSENT: NONE

ALSO PRESENT: COLLEEN O'CONNOR, TOWNSHIP ATTORNEY
JEROME R. SCHMEISER, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman BUCCI called the meeting to order at 7:03 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail.

MOTION by GALLAGHER seconded by SLOSSON to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes.

MOTION by GALLAGHER seconded by SLOSSON to approve the meeting minutes of March 10, 2009 as presented.

MOTION carried.

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PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(5) Rite Aid Pharmacy	10.1605(I)(6)(b)
Permanent Parcel No. 08-18-100-016	10.1505(I)(5)(a)
	10.1505(I)(5)(b)
	10.1505(I)(5)(a)
	10.1505(I)(5)(b)

5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;

Permission to vary

Section 10.1605(I)(6)(b)-Request to increase the wall signage from 16 square feet to 210.05 square feet.

Section 10.1505(I)(5)(a)-Request to increase the ground sign from 5 feet to 7 feet in height.

Section 10.1505(I)(5)(b)-Request to increase the square footage of ground sign from 32 square feet to 42.66 square feet.

Section 10.1505(I)(5)(a)-Request to increase height of the ground sign from 5 feet to 8 feet in height.

Section 10.1505(I)(5)(b)-Request to increase square footage of the ground sign from 32 square feet to 56 square feet.

Located on the southeast corner of 24 Mile Road and Hayes Road; Section 18; Allied Signs Inc., Petitioner. Permanent Parcel No. 08-18-100-016.

Jerome R. Schmeiser, Planning Consultant, gave a brief description of the property in question. He noted that on March 10, 2009, they had been before the Zoning Board of Appeals, but had asked for a tabling due to the proposed amendments relating to the sign section of the Zoning Ordinance. He noted that a Contract Rezoning had been entered into for the property to go from a C-2 zone to a C-1 zone with a Rite Aid to be constructed.

Further, he went on to review the proposed amendments being made to the signage section of the Zoning Ordinance. He noted that even though an amendment was being recommended to the Board of Trustees the Zoning Board had to consider the current ordinance.

Bob Kirk, representative, was in attendance, and agreed with Mr. Schmeiser on the history of the site. He noted that a sign was needed since the business plans to open in May. Also, he indicated that they would be withdrawing the ground sign variances and would at this time be building one ground sign at 32 square feet as permitted. He then reviewed a handout describing the signage being requested and noted that it would be 251

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square feet, which is 100 square feet less than the proposed amendment to the Zoning Ordinance. Lastly, he noted the difficulty was that a drugstore had been built in a C-1 zoning district which is permitted, however, it is not consistent with the other drugstores which are either in a C-2 or a C-3 zoning classification which are permitted more square footage for the signage.

Violet Magnan, 52673 Hunters Pointe Court, stated she is pleased with the development of the site and has no objection to the signage request. However, she questioned the floodlights in the parking lot and the angle they were at since they did shine into the residential development.

Jerome R. Schmeiser, Planning Consultant, stated he will contact the Building Department and Spalding DeDecker to make them aware of the light glare and have them complete an inspection.

Violet Magnan also inquired about the lights being left on inside the store while the construction was continuing and if they would eventually be shut off.

Chairman BUCCI asked the Planning Consultant what the square footage permitted for signage was of other communities.

Jerome R. Schmeiser, Planning Consultant, indicated that there are communities with smaller and larger signage ordinance. However, we do realize that there is an issue and are proposing an amendment to the Zoning Ordinance.

Chairman BUCCI questioned Mr. Kirk if a ground sign would be built at the site.

Bob Kirk stated there would be a 32 square foot ground sign.

Member GALLAGER asked if the request being sought was similar to that of other drugstores and if it would give the applicant any advantages over other drugstores or not.

Jerome R. Schmeiser, Planning Consultant stated if the proposed signage amendments to the Zoning Ordinance were adopted by the Township Board all stores would have an opportunity to change their signs.

Member GALLAGHER stated this was a zoning problem and the petitioner is essentially seeking what is permitted in a C-2 District.

Chairman BUCCI stated that they were not asking for anything more than what is permitted in a C-2 District.

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Jerome R. Schmeiser, Planning Consultant, stated that the petitioner is requesting less square footage than what was being proposed in the amendments to the Zoning Ordinance.

The following resolution was offered by CAMPION and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied, and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.1605(I)(6)(b)-Request to increase the wall signage from 16 square feet to 155.94 square feet for the total signage consisting of Pharmacy, Rite Aid and the Shield fronting on both Hayes and 24 Mile Roads for the Rite Aid Store located on the southeast corner of 24 Mile Road and Hayes Road in Section 18 for Permanent Parcel No. 08-18-100-016.

MOTION carried.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. PLANNING CONSULTANTS COMMENTS

None.

ADJOURNMENT

MOTION by SLOSSON seconded by CAMPION to adjourn the meeting at 7:20 p.m.

MOTION carried.

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Respectfully,

Dino F. Bucci, Jr., Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK