

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD
JULY 13, 2010

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: ALL PRESENT

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

Call Meeting to Order.

Chairman BUCCI called the meeting to order at 7:00 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members were 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 CAMPION seconded by SLOSSON to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes.

MOTION by FREITAS seconded by SLOSSON to approve the meeting minutes of May 11, 2010 as presented.

MOTION carried.

PURPOSE OF HEARING:

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

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Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Section No.	Ordinance
(5) Rudolph F. Cusamano Permanent Parcel 08-35-129-002		10.0704(D)(3)
(6) Armin Pridoehl Permanent Parcel 08-25-276-002		14.27(a)
(7) Lombardo Homes Permanent Parcel 08-30-431-020		10.0341 (Part C)
(8) Lombardo Homes Permanent Parcel 08-23-428-031		10.428-031 (Part C)

5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: Section 10.0704 (D)(3) – Request to reduce the rear yard from 35 feet to 31.5 feet.
Located at 46870 Farmall Trail, Lot # 46 of the Beaufait Farms Subdivision;
Located on the east side of Farmall Trail, 100 feet south of Massey Lane (300 feet south of 21 Mile Road and east of Card Road); Section 35. Rudolph F. Cusmano, Petitioner. Permanent Parcel No. 08-35-129-002.

Jerome R. Schmeiser, Planning Consultant, read the findings and recommendations of July 7, 2010. They are as follows:

On May 11, 2010 the Zoning Board of Appeals considered the above mentioned item and tabled the matter to July 13, 2010 at the request of the petitioner. The petitioner indicated that he would ask the Building Department to review the matter in terms of the foundation, electrical and any other permits that were never issued. The Building Department indicated that the petitioner contacted them. The Building Department indicated that they would review the situation based upon inspection of the foundation, and the interior construction at the specific request of the petitioner. To date no request has been made.

(The Building Department also advised the petitioner even if they do find compliance with the codes the department could not recommend the setback variance as requested since no practical difficulty exists for the construction of the sunroom with the rear yard setback.)

The petitioner is requesting permission to retain a sunroom patio on the above described property. The proposed patio projects approximately 3.5' into the rear yard.

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The Assessing Office notified the Building Department regarding the construction of the sunroom patio.

The Building Department has no record of any permits or inspections for a sunroom patio for the above described property. It is further noted that the original plot plan approved for the building permit did not indicate the addition as subsequently built.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the rear yard setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same rear yard setback requirement which is evidence that the proper setbacks would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the rear yard setback requirement. As a result the other property owners do not have the opportunity to make use of 50% of their rear yard for structural purposes.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the rear yard setback from being met. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

There was no petitioner in attendance.

Public Portion: None.

MOTION by FREITAS seconded by GALLAGHER to deny the variance request of Section 10. 0704 (D)(3) – Request to reduce the rear yard from 35 feet to 31.5 feet; Located at 46870 Farmall Trail, Lot # 46 of the Beaufait Farms Subdivision; Located on the east side of Farmall Trail, 100 feet south of Massey Lane (300 feet south of 21 Mile Road and east of Card Road); Section 35. Rudolph F. Cusmano, Petitioner. Permanent Parcel No. 08-35-129-002. The variance was denied based upon the recommendation as follows:

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1. **Compliance with the strict letter of the rear yard setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same rear yard setback requirement which is evidence that the proper setbacks would not be unnecessarily burdensome.**
2. **The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the rear yard setback requirement. As a result the other property owners do not have the opportunity to make use of 50% of their rear yard for structural purposes.**

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the rear yard setback from being met. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

MOTION carried.

6. **VARIANCE REQUEST(S) FROM ARTICLE II RESIDENTIAL FENCE AND REGULATIONS:**
Permission to vary Section 14.27(a)-Request to reduce the property line from 7 feet to 3 feet.
Located at 48120 Fairchild Road, Located on the northeast corner of Fairchild Road and Hunt Road; Section 25. Armin Pridoehl, Petitioner. Permanent Parcel 08-25-276-002.

Jerome R. Schmeiser, Planning Consultant, read the findings and recommendations of July 7, 2010. They are as follows:

The petitioner is requesting a variance from Article II, Residential Fence and Regulations, Section 14.27 (a), to reduce the property line from 7 feet to 3 feet.

The petitioner submitted the following information on the application:

“A fence had existed 6 feet inside easement for approximately 25 years. Without realizing a permit was necessary. Applicants rebuilt the fence 7 feet inside of the easement which still leaves 6 feet of space between the fence and the roadway which still leaves room for the swale which abuts the roadway. Applicants have met with a Representative of Sewer and Water who recommended that a point 227 feet from the front of Applicants’ property

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the fence be placed 3 feet inside the easement. This change will not affect a swale located in that area.

The fence does not interfere with the ingress or egress of the dominant property owners located at the rear of the easement. A variance will not affect the rights of any other dominate easement users of the zoning district because every easement is created for a specific use for a specific piece of property. A variance granted by this Board will not place any restriction on the Board to consider variances for other easements in the district.

Applicants request that a variance be granted in accordance with the proposed drawings as submitted to the Zoning Board.”

A property owner notified the Building Department regarding the erection of the fence.

The Building Department has no record of any fence permit being issued.

The Township Consulting Engineers have reviewed the request and submitted a letter dated June 21, 2010, as follows:

“The petitioner is requesting a variance from the Zoning Ordinance (Section 14.27 (a)), which would allow the existing fence to remain located within a 30’ exclusion for Hunt Drive.

Upon review of this request, we recommend that this variance be denied and that the fence be removed from the exclusion and placed at the property lines. This will allow for better maintenance of Hunt Drive including drainage and utilities in the future.”

RECOMMENDATION:

It is recommended that the variance request be denied based upon the Township Consulting Engineers letter dated June 21, 2010, as follows: that this variance be denied and that the fence be removed from the exclusion and placed at the property lines. This will allow for better maintenance of Hunt Drive including drainage and utilities in the future.”

The petitioner submitted a letter dated April 29, 2010 in support of the request and was included into the record as follows:

“A fence had existed 6 feet inside easement for approximately 25 years. Without realizing a permit was necessary, applicants rebuilt the fence 7 feet inside of the easement which still leaves 6 feet of space between the fence and the roadway which still leaves room for the swale which abuts the roadway. Applicants have met with a Representative of Sewer and Water who recommended that at a point 227 feet from the front of Applicants’ property the fence be placed 3 feet inside the easement. This

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change will not affect a swale located in that area.

The fence does not interfere with the ingress or egress of the dominant property owners located at the rear of the easement. A variance will not affect the rights of any other dominate easement users for the zoning district because every easement is created for a specific use for a specific piece of property. A variance granted by this Board will not place any restriction on the Board to consider variances for other easements in the district.

Applicants request that a variance be granted in accordance with the proposed drawings as submitted to the Zoning Board.”

Paul Messano, representative, was in attendance to answer any question and stated that understanding that there are many types of easements. This particular easement is a private drive and the total easement is 30 feet wide. There is a roadway there that is approximately 13 feet wide at the present time. This easement is for the benefit of the three property owners which are located at the rear of the petitioner’s property. Subsequently, to the old fence being there the gas company has put a gas line in the easement. The property owners who are petitioning the Zoning Board of Appeals granted the easement, which was convenient for the property owners to the rear since they could place the gas line in the easement and not go to the property across the road.

There does not appear to be any plans for the property to be developed other than the houses that already exist. There is sufficient room for the ingress and egress of those property owners and their guests. Furthermore, the petitioners’ just bought the property and looking at the fence that they recently erected and the trees and shrubs that have grown in the easement over the past twenty five years, there have been no complaints filed over that. There is a swale that currently exists (pictures provided) up to the line of the fence and there is room for drainage to occur. The variance does not affect any other easements that are within the township. Also, we do not feel that under these circumstances the strict enforcement need apply, this is a unique piece of property. The granting of the requested variance would not be injurious to anyone. Lastly, he stated that his clients would, at their own cost be willing to remove the fence should the fence be allowed to stay should the township deem necessary.

Chairman BUCCI stated that there had previously been a fence there for the past 25 years and at some point your client decided to move and/or erect a new fence.

Paul Messano stated that there had previously been a chain linked fence and they thought that the fence that is now erected would be more attractive/harmonious and would improve the look of the area.

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Chairman BUCCI stated that erecting such a fence would be an expensive endeavor and asked why they would not go to the Township and see what permits were necessary.

Paul Messano stated that was a correct statement. However, his clients figured that since there had already been a fence they could tear the fence down and replace it. Had there not been a fence then they would have recognized that it was not allowed. Since the fence had already been there, they thought they were making an improvement.

Chairman BUCCI stated that Member SLOSSON had raised an excellent question to him as to why was the fence not erected in the same location.

Armin Pridoehl, petitioner, stated he had offset the fence by one foot. The previous fence posts had been cemented in and that he had sawzalled the posts off at ground level. In order to avoid the cement post when erecting the new fence he offset it by one foot.

Chairman BUCCI stated that in your presentation your client would be willing to move the fence at anytime to adjust for anything that may happen, so why not erect the fence in the correct location and there would not be a need for a variance.

Paul Messano stated he had been advised that the requested easement could not be granted and would have to go before the Zoning Board of Appeals. He then filed an application to try to obtain a variance.

Chairman BUCCI ask Jerome R. Schmeiser if the homeowners could move this fence where it would be acceptable with the Building Department and the Planning Department.

Jerome R. Schmeiser, Planning Consultant, stated that he would have to review that with engineering.

Chairman BUCCI asked what the legal issue was.

Colleen Oconnor, Township Attorney, stated the legal issue was that there was a group of homeowners that have sued the current applicant to remove the fence. The judge is waiting for a ruling from this body to see if a variance will be granted. However, the Board is not involved in the legal lawsuit.

Member CAMPION stated she herself had been involved in a lawsuit over a fence within the township. There is an ordinance in place over fences, no permits were pulled and to go through court with this situation is not what needs to happen. Lastly, she

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stated the Board should vote in accordance with the Planning Consultants recommendation.

A discussion was held over the drawings that had been submitted for clarification of the fence placement.

Chairman BUCCI stated we need to discuss what is believed to be the hardship.

Armin Pridoehl stated if the fence were built where the ordinance requests, it would not look correct being built 12 feet from the road.

Public Portion:

William Listman, Attorney for impacted property owners, stated that he objected to the variance request. The petitioners did not seek a permit when they constructed the fence and they did not comply with the ordinance. In fact, they were aware of the problem associated with their property from the day they purchased the property. Within their deed it has an exclusion for this 30 feet associated with the road way easement and they have known about it since they purchased their property. However, they ignored it, did not seek a permit and instead went ahead and built their fence. He stated that he agrees with the township engineers review letter to deconstruct the fence and construct it on the property line.

MOTION by SLOSSON seconded by CAMPION to close the public portion.

MOTION carried.

MOTION by CAMPION seconded by GALLAGHER to deny the variance request of Section 14.27(a)-Request to reduce the property line from 7 feet to 3 feet. Located at 48120 Fairchild Road, Located on the northeast corner of Fairchild Road and Hunt Road; Section 25; Armin Pridoehl, Petitioner. Permanent Parcel 08-25-276-002. The variance request was denied based upon the Planning Consultants recommendation as follows:

It is recommended that the variance request be denied based upon the Township Consulting Engineers letter dated June 21, 2010, as follows: that this variance be denied and that the fence be removed from the exclusion and placed at the property lines. This will allow for better maintenance of Hunt Drive including drainage and utilities in the future.”

Member CAMPION stated she denied the variance request since there is a fence ordinance in place pertaining to the construction which should be followed and there were no permits applied for.

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Member GALLAGHER stated he denied the variance since the fence belongs on the property line and there has been no hardship shown to show why they built the fence where it was built.

Member FREITAS stated he denied the variance based on there was no physical hardship shown.

Member SLOSSON stated she denied the variance since there was no practical difficulty as well as no permits were submitted and the ordinance was not followed.

Chairman BUCCI stated he denied the variance since the hardship is not there and that the practical difficulty is not there.

MOTION carried.

7. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary Section 10.0341(Part C)-Request from finished floor curb height relationship (a .59' variance)
Located on the southeast corner of Gloede Road and Peace Valley Court, (north of 21 Mile Road and west of Garfield Road; Section 30. Lombardo Homes, Petitioner. Permanent Parcel No. 08-30-431-020

Jerome R. Schmeiser, Planning Consultant, read the findings and recommendations of July 7, 2010. They are as follows:

The petitioner is requesting a variance from the Zoning Ordinance, Section 10.0341 – Part C – which would allow the finished floor of the proposed house to be 0.59' above the allowable limit of 5.0' feet higher than the lowest adjacent top of the curb.

The Township Consulting Engineers have reviewed the request and have determined that the variance is required for development of the property due to the existing road grades surrounding this corner lot.

RECOMMENDATION:

It is recommended that the variance request be approved based upon the Township Engineers review for the following reason:

The existing grades of Gloede Road and Peace Valley Court adjacent to this property make meeting the specific zoning ordinance requirement concurrently with other grading requirement infeasible.

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The petitioner submitted a letter dated May 5, 2010 in support of the request and was included into the record as follows:

“Please accept this letter and accompanying information as a request to appear before the Macomb Township Zoning Board of Appeals (ZBA) on Tuesday, July 13, 2010, for consideration of a variance from the above referenced township ordinance. Specifically, a request to allow a finished floor elevation to be approximately 0.59 feet (7”) height than the allowable five foot difference between finished floor elevation and the lowest top of curb elevation on the adjacent roadway along the parcel’s frontage.

Due to a variety of circumstances such as being a corner lot, proposed grades on the adjacent parcel to the south and the slope of the existing abutting streets, a variance is necessary to avoid this lot being a non-buildable lot. To assist in your review, an excerpt of the applicable ordinance is attached as well as a copy of the plot plan proposed for this lot. Although a specific plot plan is proposed, it is important to note the ordinance non-compliance situation would result to any home, regardless of size, style (colonial or ranch), location on the lot or whether slab on grade or basement.

This variance of 0.59 feet, if granted, would be nearly identical to the variance of 1.58’ granted by the ZBA on January 12, 2010, for 47578 Gloede Road, located at the northeast corner of Gloede Road and Peace Valley Court. The subject parcel is located at the southeast corner, with the drop of elevation of Peace Valley Court causing the need for a variance for both parcels. No other lots in Gloede Par or future Gloede Park Estates have a similar challenge.

As required, a completed Application Packet for Zoning Board of Appeals (ZBA) Variance is enclosed including the appropriate fee. Additionally, the four specific explanations required on page 1 of 6 of the application are addressed as follows:

1. Very simply, a strict enforcement of the provisions of this ordinance would deprive the owner rights enjoyed by all other owners of property within the same zoning district by making this lot un-buildable.
2. The circumstances creating this challenge (significant grade transition of abutting streets, corner lot and proposed grades on adjacent lot) are unique to this lot in that there is no practical way to address them without causing other challenges or ordinance violations. As examples, forcing the finished floor elevation low enough to comply with the 5-foot criteria, creates an extremely flat front yard area which would be problematic (if possible) to provide adequate surface drainage; and, could result in the finished grade elevation of this home being greater than one foot lower than the future home to the south. It is also notable the conditions of the ordinance ARE MET along Gloede Road, which the home will front. The area where the ordinance will not be met is the easterly most 15+/- feet along

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Peace Valley Court; said area being as must as 70 feet from the proposed home.

3. Conditions causing this situation were not created by the current owner, as this lot was purchased as part of an overall land purchase within Gloede Park involving several vacant lots and vacant future development area. It is uncertain whether the prior owner created this situation. However if so, it would have been totally inadvertent and something that was not foreseen by either the prior owner or township staff or consultants during various reviews or permitting actions.
4. No special privileges will be conferred by granting this variance. The variance, if granted, will only serve to make this a buildable lot. There will be no adverse impact on the future adjacent home owner, homeowners within Gloede Park or future Gloede Park Estates (current or future), or elsewhere in the township.

I look forward to discussing this with the ZBA in July. In the mean time, should you have any questions or need any additional information, please feel free to contact me at your convenience. As always, your assistance and cooperation are greatly appreciated.”

Greg Windingland, representative, was in attendance to answer any questions.

Member CAMPION asked if this was a continuation of the grade change to the developing area.

Greg Windingland stated yes.

Member GALLAGHER asked why there was an issue.

Greg Windingland stated that Gloede Drain which runs predominately on the east side of the development which predominately runs north and south is at a lower elevation than the surrounding land. Also, there was an issue with floodplain and floodplain elevation that the original developer was challenged with to obtain as much buildable area as possible.

Public Portion:

Laura Stone, 16472 Violet Court, stated she wanted to make sure that this was an elevation issue and not a property line issue.

Chairman BUCCI stated this was an elevation issue.

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MOTION by SLOSSON seconded by CAMPION to close the public portion.

MOTION carried.

The following resolution was offered by FREITAS 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 10.0341(Part C)-Request from finished floor curb height relationship (a .59' variance); Located on the southeast corner of Gloede Road and Peace Valley Court, (north of 21 Mile Road and west of Garfield Road); Section 30; Lombardo Homes, Petitioner. Permanent Parcel 08-30-431-020.

MOTION carried.

8. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary Section 10.0341(Part C)-Request from finished floor curb height relationship (a .44' variance)
Located at 46930 Cranberry Creek Drive, Located on the northwest corner of Cranberry Creek Drive and Sable Creek Drive; Section 33. Lombardo Homes, Petitioner. Permanent Parcel No. 08-23-428-031.

Jerome R. Schmeiser, Planning Consultant, read the findings and recommendations of July 7, 2010. They are as follows:

The petitioner is requesting a variance from the Zoning Ordinance, Section 10.0341 – Part C – which would allow the finished floor of the proposed house to be 0.44' above the allowable limit of 5.0' feet higher than the lowest adjacent top of the curb.

The Township Consulting Engineers have reviewed the request and have determined that the variance is required for development of the property due to the existing road grades surrounding this corner lot.

RECOMMENDATION:

It is recommended that the variance request be approved based upon the Township Engineers review for the following reason:

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The existing grades of Cranberry Creek Drive and Sable Creek Drive adjacent to this property make meeting the specific zoning ordinance requirement concurrently with other grading requirement infeasible.

The petitioner submitted a letter dated June 2, 2010 in support of the request and was included into the record as follows:

“Please accept this letter and accompanying information as a request to appear before the Macomb Township Zoning Board of Appeals (ZBA) on Tuesday, July 13, 2010, for consideration of a variance from the above referenced township ordinance. Specifically, a request to allow a finished floor elevation to be approximately 0.44 feet (5 ¼”) higher than the allowable five foot difference between finished floor elevation and the lowest top of curb elevation on the adjacent roadway along the parcel’s frontage.

Due to a variety of circumstances such as being a corner lot, proposed grades on adjacent parcels and the slope of the existing abutting streets, a variance is necessary to avoid this lot being a non-buildable lot. To assist in your review, an excerpt of the applicable ordinance is attached as well as a copy of the plot plan proposed for this lot. Although a specific plot plan is proposed, it is important to note the ordinance non-compliance situation would result to any home, regardless of size, style (colonial or ranch), location on the lot or whether slab on grade or basement.

This variance of 0.44 feet, if granted, would be nearly identical to the variance of 1.58’ granted by the ZBA on January 12, 2010, for 47578 Gloede Road, located at the northeast corner of Gloede Road and Peace Valley Court. The subject parcel is located at the northwest corner of Cranberry Creek Drive and Sable Creek Drive, with a the dop in elevation of Sable Creek Drive causing the need for a variance.

As required, a completed Application Packet for Zoning Board of Appeals (ZBA) Variance is enclosed including the appropriate fee. Additionally, the four specific explanations required on page 1 of 6 of the application are addressed as follows:

1. Very simply, a strict enforcement of the provisions of this ordinance would deprive the owner rights enjoyed by all other owners of property within the same zoning district by making this lot un-buildable.
2. The circumstances creating this challenge (significant grade transition of abutting streets, corner lot and proposed grades on adjacent lot) are unique to this lot in that there is no practical way to address them without causing other challenges or ordinance violations. As examples, forcing the finished floor elevation low enough to comply with the 5-foot criteria, creates an extremely flat front yard area which would be problematic (if possible) to provide adequate surface drainage; and, could result in the finished grade elevation of this home being greater than

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one foot lower than the future home to the south. It is also notable the conditions of the ordinance ARE MET along Cranberry Creek Drive, which the home will front. The area where the ordinance will not be met is the northerly area along Sable Creek Drive; said area being almost 40 feet from the proposed home.

3. It is uncertain whether the prior owner created this situation. However if so, it would have been totally inadvertent and something that was not foreseen by either the prior owner or township staff or consultants during various reviews or permitting actions.
4. No special privileges will be conferred by granting this variance. The variance, if granted, will only serve to make this a buildable lot. There will be no adverse impact on the existing adjacent homes, other homeowners within the Parc at Riverside, or elsewhere in the township.

I look forward to discussing this with the ZBA in July. In the mean time, should you have any questions or need any additional information, please feel free to contact me at your convenience. As always, your assistance and cooperation are greatly appreciated.”

Greg Windingland, representative, was in attendance to answer any questions. He stated that the front of the home which will front on Cranberry Creek Drive has no issues, it is at the rear most corner of the lot.

Public Portion: None.

MOTION by SLOSSON seconded by CAMPION to close the public portion.

MOTION carried.

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

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;

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Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.0341(Part C)-Request from finished floor curb height relationship (a .44' variance); Located at 49630 Cranberry Creek Drive, Located on the northwest corner of Cranberry Creek Drive and Sable Creek Drive; Section 23; Lombardo Homes, Petitioner. Permanent Parcel 08-23-428-031.

MOTION carried.

9. OLD BUSINESS

None.

10. NEW BUSINESS

None.

11. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, reviewed the circumstances pertaining to the grade difference and stated that he was going to ask James VanTiflin to prepare an explanation of the request which will further help the board understand the request being made.

ADJOURNMENT

MOTION by CAMPION seconded by SLOSSON to adjourn the meeting at 7:47 p.m.

MOTION carried.

Respectfully submitted,

Dino F. Bucci, Jr., Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK