MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A SPECIAL MEETING HELD ON
NOVEMBER 23, 2004

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

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
DAWN SLOSSON

ABSENT: VICTORIA SELVA

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

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:02 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. Member SELVA absent.

2. PLEDGE OF ALLEGIANCE.

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

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

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by POPOVSKI seconded by GALLAGHER to approve the meeting minutes of November 9, 2004 as presented.

MOTION carried.

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.	Salvatore Biondo Permanent Parcel No. 08-33-400-043	Section 10.1405(G)
6.	RCM Land Development Permanent Parcel No. 08-23-201-003 08-23-251-001 08-23-276-008	Section 10.0504(A) 10.0504(B) 10.0504(1)
7.	Elder Automotive Macomb Land Company Permanent Parcel No. 08-33-352-032 08-33-352-034 08-33-353-003 08-33-353-004	Section 10.1805(I) 10.1805(G) 10.1805(G) 10.1805(G)
8.	Sapienza/Pirrone Development Company Permanent Parcel No. 08-06-200-037 08-06-200-048	Section 10.1805(A)(2) 10.1805(A)(4) 10.1705(A)(1) 10.1705(A)(2) 10.1705(A)(4)

5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
Section 10.1405G-Request to eliminate a required 6' wall along the west property line.
Located on North side of Hall Road, approx. 1/2 Mile West of Heydenreich Road; Section 33; Salvatore Biondo, Petitioner. Permanent Parcel No. 08-33-400-043.

Chairman FLORENCE read the findings and recommendations of November 18, 2004. They are as follows:

The petitioner is requesting that the required 6' wall to be erected along the west propety line of the parcel in qustion be eliminated. Recently, the Planning Commission approved an office building on the property in question with one of the requirements being that a 6' wall be erected along all property lines that abut residentially zoned parcels. The property to the west is zoned R-1 and therefore a wall is required. The master plan indicates that the property to the west, although zoned residential, is planned for commercial purpose. Since it is planned for commercial purposes, it is reasonable to expect that petitions will be

submitted to rezone it from R-1 to a commercial zoning classification. Further, it must be noted that the subdivsion to the north did not provide for a stub street to the south to connect with subject property. However, it is possible that the land would be developed for residential puposes as has happened in several other places along Hall Road.

RECOMMENDATION:

It is recommended that the variance request be approved since the master plan provides that the adjacent property is planned for commercial purposes. However, this recommendation is made with the understanding and condition that should the property be developed for residential purpose, that the petitioner would be responsible for the construction of the wall.

A letter of support was read from the petitioner dated October 19, 2004 into the record.

Tom Treppa, representative, was in attendance, and agreed with the recommendation that had been read stating that there was a possibility for residential to the east but that it was a very remote possibility. He agreed that if it was developed as residential that they would construct the wall on the east property line.

Discussion followed seeking an abeyance vs. a variance.

Public Portion: None.

MOTION by GALLAGHER seconded by POPOVSKI to close the public portion.

MOTION carried.

The following resolution was offered by POPOVSKI 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 pursuant to the action of the Board that Section 10.1405(G)-Request to eliminate a required 6' wall along the west property line. Located on North side of Hall Road, approx. 1/2 Mile West of Heydenreich Road; Section 33; Salvatore Biondo, Petitioner. Permanent Parcel No. 08-33-400-043. The approval was granted on the following conditions:

It is recommended that the variance request be approved since the master plan

provides that the adjacent property is planned for commercial purposes. However, this recommendation is made with the understanding and condition that should the property be developed for residential purpose, that the petitioner would be responsible for the construction of the wall.

MOTOIN carried.

6. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
Section 10.0504A: Request to create a parcel in which the depth exceeds the width.
Section 10.0504B: Request to reduce the North Avenue frontage to 80'.
Section 10.0504E(1): Request to reduce building setback from 90' to 68.4'.
Located on South side of 23 Mile Road, approx. 1/2 Mile West of North Avenue; Section 23; RCM Land Development, Petitioner. Permanent Parcel No. 08-23-201-003.

Chairman FLORENCE read the findings and recommendations of November 18, 2004. They are as follows:

The petitioner is requesting pemission to develop a subdivision by combining 3 parcels, none of which have adequate frontage on a major road. Accesses will be provided to the parcel via a stub street from the existing Parc-at-Riverside and an 80' parcel from North Avenue.

The petitioner's property sketches indicate that the south portions of parcels which currently front on 23 Mile Road, as well as a parcel measuring 80.09' x 1359.13' extending to North Avenue will be assembled to provide the area for the proposed subdivision.

The petitioner is also requesting permission to reduce the building setbacks from 90' to 68.4' for a newly created parcel fronting on 23 Mile Road and to allow an adjacent parcel to be created in which the depth exceeds 3 times the width.

It is also noted that the petitioner plans to utilize 23-276-008 as an 80' access to North Avenue instead of the requirement of 300' of frontage. It is pointed out that should 23-276-008 be utilized as a street, it will create corner parcels out of the two adjacent properties and in fact, make those two parcels non-conforming.

It is further noted that the development of a subdivision as apparently proposed by the petitioner, will necessitate for stub streets along the east portions of the property in accordance with the Land Division Act.

RECOMMENDATION:

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

1. While the undersigned may agree that the ultimate outcome as presented seems reasonable, we cannot agree that the appropriate venue for hearing and disposition of such a serious matter should be before the Zoning Board of Appeals. It is the opinion of the undersigned that the Township Board must be directly involved in the crafting of the decisions relating to the parcel in question.

2. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential developments planned in Macomb Township will be required to comply with the same frontage requirements which are evidence that the proper standards would not be unnecessarily burdensome.

3. 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 300' of frontage requirement. As a result the other property owners do not have the opportunity to make use of smaller frontages for access to a residential area.

A letter of support was read from the petitioner dated October 29, 2004 into the record along with a ZBA Variance Request Summary dated November 23, 2004.

Jeff Allegot, representative, was in attendance and stated the parcel was unique since the Clinton River runs through the center. It is a very large river with a lot of flows and there will be wetlands and floodplains associated with this proposed development. If the 22 acre parcel were to be developed there would already be two separate developments on the site. One to the north of the river and one to the south because of the infrastructure that is required and work within the floodplain. Anytime a bridge is built over a river it will impact the floodplain in some way, that is why we are trying to access North Avenue.

Further, he indicated that they tried to acquire the property to the north and south of 08-23-276-008 to make this a wider development. He stated the purpose of the request being made to develop a single family development as the Master Plan indicates.

Chairman FLORENCE asked if any consideration had been given to construction of a bridge over the river.

Jeff Allegot stated it had been considered and when they visited the floodplain there would be approximately 200 feet that would be expanded in the floodway. In addition there will be a lot of impact on the wetland and would not be feasible.

Public Portion:

Roger DeWolf, 50545 North Avenue, asked how high the property would be brought up.

Jeff Allegot stated that they would only be building outside the floodplain area. They would not be touching the floodplain.

Roger DeWolf, further indicated that he had been told by the Township that he could not bring any fill to fill up his property unless he created a pond which was for floodplains. He stated the proposed development is on the floodplain and asked where the dirt would come from.

Jeff Allegot stated the dirt could be hauled in or a pond could be dug.

Chairman FLORENCE stated that all the discussion be held on the floodplain would be looked at during the approval process given by the Planning Commission.

Jessica DeHate, 50211 North Avenue, asked where the road was going to be constructed. She stated she had received no notice and when she came today there were all sorts of stacks in her backyard. She also wanted to know how this was going to affect her house.

Jeff Allegot stated that the stacks were identifying her rear property line. Jeff gave a brief explanation of the development of the site and that they would be responsible for maintaining the water on site should they receive approval. Lastly, she went on record that she was not for the variances.

James Mastalier, 50449 North Avenue, stated he has 160 feet of frontage on North Avenue along with five acres and stated that he and at least one other neighbor would be interested in selling. He also indicated that he has a pond on his property which floods when there are heavy rains.

Robert Walker, 50075 North Avenue, stated it did not seem proper to him.

MOTION by POPOVSKI seconded by SLOSSON to close the public hearing.

MOTION carried.

Jerome R. Schmeiser, Planning Consultant, stated that there would be issues with the flood and drainage and would be resolved by the engineers. Our concern is also with additional access (stub streets) to the unusual long narrow parcels fronting on North Avenue. He stated the overall plan to develop the property is fine, but this may not be the proper way to do it. Lastly, we just can't support the 80 foot of frontage. It would adversely affect several other people in this area.

Member GALLAGHER stated there was no advantage to the Township whatsoever. You would be impacting residents in an unfavorable manor, especially the ones to the north. The river is not new, when they bought the property they know the river was there and knew they would have to cross the river somehow. It's a good idea but has to be done in a different manor.

MOTION by GALLAGHER seconded by SLOSSON to deny Section 10.0504(A)- Request to create a parcel in which the depth exceeds the width; Located on South side of 23 Mile Road, approx. 1/2 Mile West of North Avenue; Section 23; RCM Land Development, Petitioner. Permanent Parcel No. 08-23-201-003. The variance was denied based upon the following

1. **While the undersigned may agree that the ultimate outcome as presented seems reasonable, we cannot agree that the appropriate venue for hearing and disposition of such a serious matter should be before the Zoning Board of Appeals. It is the opinion of the undersigned that the Township Board must be directly involved in the crafting of the decisions relating to the parcel in question.**

2. **Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential developments planned in Macomb Township will be required to comply with the same frontage requirements which are evidence that the proper standards would not be unnecessarily burdensome.**

3. **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 300' of frontage requirement. As a result the other property owners do not have the opportunity to make use of smaller frontages for access to a residential area.**

MOTION carried.

MOTION by GALLAGHER seconded by POPOVSKI to deny Section 10.0504(B)- Request to reduce the North Avenue frontage to 80 feet; Located on South side of 23 Mile Road, approx. 1/2 Mile West of North Avenue; Section 23; RCM Land Development, Petitioner. Permanent Parcel No. 08-23-201-003. The request was denied since to was not taking into consideration the neighbors on either side of the parcel which would be adversely impacted. In addition this may not the best solution for the Township, we are not solving anything, but are only shifting the problem areas. Lastly, the rear portions of the properties fronting on North Avenue may be impacted, should someone want to assemble them for a development.
MOTION carried.

MOTION by GALLAGHER seconded by SLOSSON to deny Section 10.0504(1)- Request to reduce building setback from 90 feet to 68.4 feet; Located on South side of 23 Mile Road, approx. 1/2 Mile West of North Avenue; Section 23; RCM Land Development, Petitioner. Permanent Parcel No. 08-23-201-003. The variance was denied based upon the following:

1. **While the undersigned may agree that the ultimate outcome as presented seems reasonable, we cannot agree that the appropriate venue for hearing and disposition of such a serious matter should be before the Zoning Board of Appeals. It is the opinion of the undersigned that the Township Board must be directly involved in the crafting of the decisions relating to the parcel in question.**

2. **Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential developments planned in Macomb Township will be required to comply with the same frontage requirements which are evidence that the proper standards would not be unnecessarily burdensome.**

3. **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 300' of frontage requirement. As a result the other property owners do not have the opportunity to make use of smaller frontages for access to a residential area.**

MOTON carried.

7. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
Section 10.1805(I): Request permission to erect 3 ground signs. One is permitted by the zoning ordinance.
Section 10.1805G: Request to eliminate 6' wall on portions of the site.
Section 10.1805G: Request to reduce 50' greenbelt to 8' on portions of the site.
Section 10.1805G: Request to eliminate 50' greenbelt on portion of the site.
Located on North side of Hall Road, approx. 500' East of Romeo Plank Road; Secton 33; Elder Automotive Macomb Land Company, Petitioner. Permanent Parcel Nos. 08-33-352-032, 08-33-352-034, 08-33-353-003 and 08-33-353-004

Chairman FLORENCE read the findings and recommendations of November 17, 2004. They are as follows:
The petitioner is requesting variances from the zoning ordinance for the development of a automotive dealership on the above described property.

The variances involve sign number and sizes, and walls and greenbelts where the property abuts residential development.

The petitioner is requesting permission to erect three ground signs instead of one allowed by the zoning ordinance. The petitioner indicating that the total area of the three ground signs is less than one allowed by the zoning ordinance. However, the calculations made by the archictect are based on the square foot area of each letter rather than the entire sign as prescribed by the zoning ordinance. Therefore, the total being requesting by the petitioner is approximately 150 square feet rather than 64 square feet as allowed. The balance of the variances requested are made because of the unusual existence of a wetland and the Luchtman Drain running along the north and east property lines.

RECOMMENDATION:
It is recommended that the variances involving the walls and greenbelts be approved with the understanding that the petitioner will satisfy the Macomb Township Engineering Department with respect to construction standards.

With respect to the variance request for the sign(s), it is recommended that they be denied as presented by the petitioner. In accordance with the standards of the zoning ordinance, the petitioner is requesting three 50-square foot signs on average, instead of one at 64 square feet—an increase of 2.3 times more signage than would be allowed by the zoning ordinance.

The Consultant would suggest that three signs could be allowed if each would be limited to 21.3 square feet for a total of 64 square feet as provided by the ordinance.

The Planning Consultant feels that:

a) Compliance with the strict letter of the sign square footage would not unreasonably prevent the owner from using the property as zoned. Other car dealerships and commercial structures planned in Macomb Township are and will be required with the same sign square footage would not be unburdens.

b) The granting of the variance as requested would give the applicant the advantage or benefit not received by any property owners of car dealerships or other commercial development in Macomb Township. The other owners are or will be required to comply with the 64 square feet for signs. As a result, the other property owners do not have the opportunity to make use of 2½ times more the square footage of signage for their property.

c) There is nothing unusual about the parcel in question as it fronts on Hall Road that sets it apart from other parcels in the area or in Macomb Township. There is nothing to prevent any part of the signage from being maintained at 64 square feet. For example, there are no significant grade differences or natural features to prevent full vision of the signs in accordance with the ordinance as written.

d) The variance would amount to providing the petitioner with approximately 230% more signage than other car dealership or commercial uses would have in

Macomb Township.

A letter of support was read from the petitioner dated October 29, 2004 into the record.

Bob Kirk, representative, was in attendance and asked in the signage could be tabled to explore other alternatives or have a chance to view the signs should they size them down. He also presented a visual handout to the members and reviewed in extent the topography of the site which would aid in the granting of the variances and the wetlands and floodplains that encompasses much of the site.

In summary he noted the property as it exists is very unique. There are some features that are natural with regard to the drain that they would like to take advantage of. He felt they were leaving a larger buffer than required.

Nabeel Naom, engineer, was present.

Member GALLAGHER asked were the low walls were going to be located.

Nabeel Naom reviewed the drawing and pointed out where they would be located.

Member GALLAGHER stated the walls were to built on the property line.

Nabeel Naom stated if that were done they would be impacting the floodplain if they did that.

Jerome R. Schmeiser, Planning Consultant, presented a red line sketch showing the walls and then reviewed the location of the wetlands. He also noted the Township Engineer has tentatively reviewed in a meeting the site and recommends with engineering approval the elimination of the walls.

Chairman FLORENCE stated his question was with the central wetland that is located underneath the Jaguar, Rover portion of the property. It is considerably lower than the Hall Road frontage at that point. How do you plan on dealing with that portion of wetland.

Nabeel Naom, stated that this would be a mitigated wetland.

Member GALLAGHER stated that he wanted to know what portions are being requested.

Jerome R. Schmeiser, Planning Consultant, stated all those areas not indicated by red in the handout are where the walls would be eliminated.
Member GALLAGHER stated he wanted linear feet of the walls being varied not portions.

MOTION by GALLAGHER to table until we have dimensions on the plan that we could vote on.

Bob Kirk asked if the item could be passed through to allow for the scaling of the request.

Chairman FLORENCE moved to item no. 8 to allow for the scaling of the site.

8. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
10.1805A2 – Permission to create a C-4 parcel with 15' and 115.01' of frontage rather than 200'.
10.1805A4 – Permission to allow a parcel whose depth will exceed 3 times its width.

And Permission to rezone a C-4 parcel to C-3 with the following variances:

Section 10.1705A1 – To create a C-3 parcel of less than 5 acres.
Section 10.1705A2 – To create a C-3 parcel with a width of less than 300'
Section 10.1705A4 – To create a C-3 parcel whose depth will exceed 3 times it width.
Located on the Southwest corner of 26 Mile and Romeo Plank Roads; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037

Chairman FLRORENCE read the findings and recommendations of November 18, 2004. They are as follows:

The petitioner is requesting variances to allow the transfer of a portion of the property noted above zoned C-4 to an abutting parcel zoned C-3.

The situation exists that the pacel being transferred does not meet the standards for either zone, including size, dimensions, or zone. therefore, a series of steps must be taken in order to acomplish the proposal of the petition as follows:

1. The parcel must be split;
2. The parcel must be rezoned; and
3. The parcel must be combined.

Since there is no one step that accomplishes all three steps, it would appear that all of the steps must be denied in order that formal direction can be given by the Township Board as to how to proceed.

The petitioner is requesting that an L-shaped 1.054 acre parcel, zoned C-4 with 115.01' on

26 Mile Road and 15' on Romeo Plank Road be split from an existing service station site and added to an adjoining parcel zoned C-3. Five variances are necessary for that to be accomplished and include:

a) To create a C-4 parcel with 15' and 115.05' of frontage rather than 200'.
b) To allow a parcel whose depth will exceed three times its width.
c) Permission to rezone a C-4 parcel to C-3 creating a C-3 parcel of less than 5 acres.
d) To create a C-3 parcel with a width of 300'; and
e) To create a C-3 parcel whose depth will exceed three times its width.

RECOMMENDATION:

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

1. While the undersigned may agree that the ultimate outcome as presented seems reasonable, we cannot agree that the appropriate venue for hearing and disposition of such a serious mater should be before the Zoning Board of Appeals. It is the opinion of the undersigned that the Township Board must be directly involved in the crafting of the decisions relating to the parcels in question.

2. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other commercial developments planned in Macomb Township will be required to comply with the same standards which are evidence that the proper driveway setback would not be unnecessarily burdensome.

3. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the standards for frontage, depth to width radio and parcel size.

   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 standards from being maintained. 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.

A letter of support was read from the petitioner dated November 10, 2004 into the record.

Tom Brennan, representative, was in attendance, and stated that his client was in a hardship position. The property on the southwest corner of 26 Mile Road and Romeo Plank was developed as a gas station on a C-4 parcel. At the time there were no sewers

and was set up to be serviced by septic field. The Township had recommended at the time the property be increased in size should the septic field fail, that there would not be enough room to extend or rebuild the field. The parcel was increased in size as requested. Since that time the Township has installed a sewer which services the property and the original septic field had been abandoned. The additional land that had been added to the parcel is now vacant property and will never be used as far as the gas station property is completed.

He then reviewed in detail the attempt to split of the additional property and have it combined with the adjacent C-3 property.

Member GALLAGHER questioned the request to rezone the property from C-4 to C-3 and stated the board did not rezone property.

Jerome R. Schmeiser, Planning Consultant, stated he could not rezone to C-3 unless the property is 5 acres. In order for that to happen a variance is needed to allow a parcel of property to be considered for rezoning that's less than the size of the zone being asked for.

Member GALLAGHER stated this body does not rezone property.

Colleen O'Connor, Township Attorney, stated he was not asking for a rezoning. He is asking that the parcel be considered to be rezoned.

Tom Brennan stated they were asking for a split. If the Township had granted the split, then he would have had a parcel that's C-3, although non-conforming. Then it would have been rezoned it combined it with the adjoining parcels.

Jerome R. Schmeiser, Planning Consultant, stated the petitioner must ask if the board would allow the creation of a C-3 parcel less than 5 acres in size. If that happens, he then takes the petitioner to rezone to C-4 and combine it.

Discussion was held on granting and denying the requested variances.

Public Portion: None.

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

MOTION carried.

MOTION by GALLAGHER seconded by SLOSSON to deny Section 10.1805(A)(2)- Request permission to create a C-4 parcel with 15 feet and 115.01 feet of frontage rather than 200 feet; Located on the southwest corner of 26 Mile Road and Romeo

Plank Road; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037 and 08-06-200-048. The variance was denied to seek alternate ways to handle this request.

Member POPOVSKI stated he was going on the record as a denial that it does not meet the 200 foot of requirement as laid out in the ordinance.

Member GALLAGHER stated that under the Ordinance we can't approve a parcel with these dimensions. For this body to grant an approval of that request would not give the Township any guarantee that it would be developed in a fashion that it says it would. Whereby, if they go by other means, a Consent Judgment or whatever they do, there is some guarantee the property will be used as proposed to us. There is no practical difficulty.

Member SLOSSON voted to deny based that it does not meet the ordinance requiring the 200 foot frontage.

Chairman FLORENCE also denied citing the 200 foot frontage requirement and that the other recommendation reasons also be included that do not indicate that the property can not be currently used as a C-4.
MOTION carried.

MOTION by GALLAGHER seconded by SLOSSON to deny Section 10.1805(A)(4)- Request permission to allow a parcel whose depth will exceed 3 times its width; Located on the southwest corner of 26 Mile Road and Romeo Plank Road; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037 and 08-06-200-048. The variance was denied to since there is no practical difficulty and that the petitioner can seek alternative ways to do this.

Member POPOVSKI voted denial since there was no hardship being shown and that there was no guarantee to the Township on how the parcel would be used.

Member GALLAGHER reiterated his statement from his motion.

Member SLOSSON denied the variance since there was no practical difficulty or hardship.

Chairman FLORENCE denied the variance as stated in the recommendations and findings and that it can be used as a C-4 property.
MOTION carried.
The following resolution was offered by GALLAGHER and seconded by POPOVSKI:

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 pursuant to the action of the Board that Section 10.1705(A)(1)-Request permission to create a C-3 parcel with less than 5 acres; Located on the southwest corner of 26 Mile Road and Romeo Plank Road; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037 and 08-06200-048. The variance was granted stipulated that the property must be combined with the C-3 zoned property. Lastly, the Township Board must review and approve the rezoning application.

MOTION carried.

The following resolution was offered by GALLAGHER 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 pursuant to the action of the Board that Section 10.1705(A)(2)-Request permission to create a C-3 parcel with a width of less than 300 feet; Located on the southwest corner of 26 Mile Road and Romeo Plank Road; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037 and 08-06-200-048. The variance was granted stipulated that the property must be combined with the C-3 zoned property. Lastly, the Township Board must review and approve the rezoning application.

MOTION carried.

The following resolution was offered by GALLAGHER 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 pursuant to the action of the Board that Section 10.1705(A)(4)-Request to create a C-3 parcel whose depth will exceed 3 times it width; Located on the southwest corner of 26 Mile Road and Romeo Plank Road; Section 6; Sapienza/Pirrone Development Company, Petitioner. Permanent Parcel No. 08-06-200-037 and 08-06-200-048. The variance was granted stipulated that the property must be combined with the C-3 zoned property. Lastly, the Township Board must review and approve the rezoning application.

MOTION carried.

Item No. 7 was revisited – Chairman FLORENCE stated the discussion had already been gone through.

The specifics were reviewed that Mr. Gallagher had regarding the dimensioning the particular portions of the site.

Bob Kirk came back and reviewed the various dimensions the board had asked for prior in the meeting.

Discussion was then held among the board members and the petitioner's representatives with regards to the wetlands, grade differences, wall elevations and natural features of the site.

Public Portion:

Mike Giroux, 45330 Romeo Plank Road, asked about the elevation and were the wall was going to be built along with were the water was going to go.

Nabeel Naom stated the site would have to be balanced.

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

MOTION carried.

Irma Elder, petitioner, stated the main consideration has not only been the proposed dealership but also the neighbors because they may be future clients. She stated she feels that they must live in peace with everybody. Every consideration and every assignment they have done they have considered the water (she had driven past the site after the heavy rain) and wants to do everything possible to accommodate our neighbors. Also,

we want to do everything possible to make the site (dealership) as beautiful as it can be. Lastly, she indicated that they like to be unique and as environmentally friendly as they possibly can be. We like to work with you and you with us.

Colleen O'Connor, Township Attorney, stated that given the uncertainty, the different dimensions presented should be in the request and as far as wording with regards to the motion to be made the appropriate way should be tabled.

MOTION by GALLAGHER seconded by SLOSSON to table the variance request of Section 10.1805(I)-Request permission to erect 3 ground signs. One is permitted by the Zoning Ordinance; Located on the north side of Hall Road, approximately 500 feet east of Romeo Plank Road; Section 33; Elder Automotive Macomb Land Company, Petitioner. Permanent Parcel No. 08-33-352-032, 08-33-352-034, 08-33-353-003 and 08-33-353-004. The variance was tabled at the petitioners' request. MOTION carried.

MOTION by GALLAGHER to grant Section 10.1805(G)request to eliminate 6 foot wall on portions of the site; Located on the north side of Hall Road, approximately 500 feet east of Romeo Plank Road; Section 33; Elder Automotive Macomb Land Company, Petitioner. Permanent Parcel No. 08-33-352-032, 08-33-352-034, 08-33-353-003 and 08-33-353-004. The variance is for a four foot wall versus a six foot wall. The reason is because of the floodplain. The intention of the screening wall

Member GALLAGHER withdrew his motion.

Nabeel Naom stated that he felt the residents would rather look at trees versus a six foot wall.

MOTION by POPOVSKI seconded by GALLAGHER to table Sections 10.1805(G)-Request to eliminate 6 foot wall on portions of the site, Section 10.1805(G)-Request to reduce 50 foot greenbelt to 8 feet on portions of the site and Section 10.1805(G)-Request to eliminate 50 foot greenbelt on portion of the site; Located on the north side of Hall Road, approximately 500 feet east of Romeo Plank Road; Section 33; Elder Automotive Macomb Land Company, Petitioner. Permanent Parcel No. 08-33-353-032, 08-33-352-034, 08-33-353-003 and 08-33-353-004. The variances were tabled since the written request was not clear and the petitioner resubmit the specifics that have been asked for, which will give us additional time to understand the proposal. The item is tabled until January 11, 2005.

MOTION carried.

9. OLD BUSINESS

None.

10. NEW BUSINESS

Jerome R. Schmeiser, Planning Consultant, stated the next regular meeting was scheduled for January 11, 2005.

11. PLANNING CONSULTANTS COMMENTS

None.

12. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN CONNECTION WITH THIS AGENDA.

MOTION by POPOVSKI seconded by SLOSSON to adjourn the meeting at 9:15 P.M.

MOTION carried.

Respectfully submitted,

_____
Brian Florence, Chairman

_____
Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK