

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD  
TUESDAY, MARCH 15, 2016

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

PRESENT: CHAIRMAN: EDWARD GALLAGHER  
MEMBERS: DINO BUCCI  
AARON TUCKFIELD  
DAWN SLOSSON  
KRISTI POZZI

ABSENT: NONE

ALSO PRESENT: TOM ESORDI, TOWNSHIP ATTORNEY  
PATRICK MEAGHER, PLANNING CONSULTANT  
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 5:00 P.M.

1. Roll Call.

Secretary SLOSSON called the roll. All members present.

2. PLEDGE OF ALLEGIANCE.

Chairman GALLAGHER asked all in attendance to join the 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 SLOSSON seconded by POZZI to approve the agenda as presented.**

**MOTION carried.**

4. Approval of the previous meeting minutes.

**MOTION by BUCCI to approve the meeting minutes of October 27, 2015 as presented.**

Member TUCKFIELD made note that corrections to the minutes had been placed in the front of the members at the meeting and that the motion should include the amended pages.

**MOTION was amended by BUCCI seconded by TUCKFIELD to approve the**



MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD  
TUESDAY, MARCH 15, 2016

**Planner's recommendation:** We are recommending approval of this variance request due to the fact that the property consists of two full-size lots. We are also studying a new ordinance which would allow for larger attached garages on larger size homes. Perhaps a ratio based increase related to the size of the home. This does not grant a special privilege not permissible to the surrounding properties and other properties within the same Zoning District because the situation is different with the use of two lots.

The petitioner submitted a letter dated January 26, 2016 in support of the request and was included into the record as follows:

"The proposed residence is a single family home with a four car garage and a twelve by twelve rear porch.

I originally intended to build this home at 46109 Shoal Drive, lot one, Macomb 48044. I signed a building proposal with Deprez Custom homes and hired an architect, Paul Samartino from Martine Samartino Design Group to design my home. The home was designed to complement the property and completed at a cost to me of thirty six thousand dollars. When I went back to my lender Huntington Bank for my construction loan (I had already been preapproved my representative informed me that I would need flood insurance, which turns out not be true) and consequently I would not qualify for a mortgage with the increased expense. I reluctantly cancelled my contract with Deprez Homes and set out to find another property within that community. I like the neighborhood and its proximity to my job.

When I purchased the two lots and combined them I fully expected to build by already designed dream home. But after consulting with Michael Badamo, Macomb Township Building Official, I was informed that the depth of the house was twelve inches to far set back according to the variance.

I don't believe this should be a problem due to the fact that my house doesn't back up to other houses, it backs up to Hall Road. Also, I purchased two lots and combined them so I believe this should supersede the variance because the variances are for on lot only."

Patrick Meagher, Planning Director, gave a brief introduction of the request. He noted that the applicant in this case is building on two lots and is building a home of significant size. Based on this, the planner offered a recommendation of approval for the request based on the fact that two lots were being utilized and the garage would be in proportion to the house. Therefore, no special privilege is being granted to the homeowner. It was noted that he was asked to look into creating some criteria for larger homes on larger lots being allowed larger garages.

Member BUCCI indicated that the design appeared consistent with the home size and layout and indicated that he would support this request.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD  
TUESDAY, MARCH 15, 2016

Member TUCKFIELD offered concerns regarding the size of the garage and that perhaps it would exceed what might be expected for even a larger home based on the ratios already adopted for detached homes.

Discussion ensued regarding the relationship of the size of the home and the size of the garage.

Chairman GALLAGHER asked if there was any more discussion and then called for a motion.

**The following resolution was offered by BUCCI and seconded by SLOSSON:**

**Whereas, it has been satisfactorily presented that special conditions prevail that would cause a practical difficulty 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 10.0331.5-Request to allow a 1,400 square foot garage to be built where 850 square foot is allowed (a variance of 550 square feet); Located on the south side of Hudson River Drive, west of Torch Lake Drive; Section 33; Thomas Heredia, Petitioner. Permanent Parcel 08-33-379-022. The motion is conditioned on the applicant having only one driveway to serve both garage accesses. This is not a special privilege to this owner since the request come on two lots and not one.**

**MOTION carried.**

Section 10.0311.E.f.4-Request to allow a rear yard of 26.75 feet where 35 feet is required (a variance of 8.25 feet)

The ZBA discussed the merits of this request. There was general consensus that all of the surrounding homes had met the setback and the owner could easily remove the roof over the patio. Consensus followed that the request is not based on a practical difficulty.

**MOTION by BUCCI seconded by TUCKFIELD to deny the variance request of Section 10.0311.E.f.4-Request to allow a rear yard of 26.75 feet where 35 feet is required (a variance of 8.25 feet); Located on the south side of Hudson River Drive, west of Torch Lake Drive; Section 33; Thomas Heredia, Petitioner. Permanent Parcel 08-33-379-022. The variance was denied due to the lack of practical difficulty and due to the fact that this would grant the petitioner a special**

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD  
TUESDAY, MARCH 15, 2016  
**privilege not given to surrounding homeowners.**

**MOTION carried.**

7. OLD BUSINESS

None.

8. NEW BUSINESS

None.

9. PLANNING CONSULTANTS COMMENTS

None.

**ADJOURNMENT**

**MOTION by SLOSSON seconded by POZZI to adjourn the meeting at 5:17 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Dawn Slosson, Secretary