

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A SPECIAL MEETING HELD
TUESDAY, JUNE 7, 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 seconded by SLOSSON to approve the minutes of May 10, 2016 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 Ordinance Section No.
(5) RP22 Associates, LLC Permanent Parcel 08-29-226-023	Section 10.1605A.1 10.1605A.2 10.1605A.3
(6) Sunset Homes, LLC Permanent Parcel 08-23-300-024 08-22-328-017	Section 10.0704D.3.b

5. VARIANCE REQUEST FROM ZONING ORDINANCE
Section 10.1605.A.1.-Request to reduce the lot area requirement from 40,000 square feet to 35,980.56 feet;
Section 10.1605A.2.-Request to reduce lot frontage requirement from 200 feet to 157.94 feet and
Section 10.1605.A.3.-Request to reduce lot depth requirement from 200 feet to 188 feet.
Located on the southwest corner of 22 Mile Road and Romeo Plank Road; Section 29; RP22 Associates, LLC, Petitioner. Permanent Parcel 08-29-226-023.

Patrick S. Meagher, Planning Consultant, presented the findings and recommendations of May 27, 2016. They are as follows:

The property in question is located on the Southwest corner of Romeo Plank and of 22 Mile Roads. The petitioner is requesting a variance to allow a reduction of the required lot width, depth and area to allow for a lot split of the western side of the property.

The following variances will be required to facilitate the request:

- VARIANCE 1: Request to vary Section 10.1605.A.1. – Approve a variance of 4,019.44 square feet to the required 40,000 square feet (35,980.56 square feet).
- VARIANCE 2: Request to vary Section 10.1605.A.2. – Approve a variance of 42.06 square feet to the required 200 feet (157.94 feet).
- VARIANCE 3: Request to vary Section 10.1605.A.3. – Approve a variance of 12 feet to the required 200 feet (188 square feet).

The lot split in question has little functional ability as it currently sits. A building could meet the setbacks on the proposed lot.

Planner’s Recommendation: Based on the fact that a practical difficulty exists due to the limited ability to use and develop this site, we recommend approval of the variance. We recommend that any approval be subject to shared access with the 7-11 site.

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The petitioner submitted a letter dated June 1, 2016 in support of the request and was included into the record as follows:

“We are planning on selling the parcel for future development. No plans are in the works but we would like to split it from the parent parcel. The parcel will have road frontage, access to all utilities and access from 7-Eleven on the corner.”

Viktor Gjonaj, representative, was in attendance.

Member BUCCI asked Patrick Meagher about the recommended shared access agreement. He indicated that he does not want another access off of 22 Mile Road. Further, if this was something that we could indicate in our motion.

Patrick Meagher, Planning Consultant, stated that you could bring that up as a safety factor and make it a condition of any approval.

Public Portion: None.

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

MOTION carried.

Member BUCCI asked if the firm that represents this property would have an issue with the shared access that is being spoken about.

Viktor Gjonaj stated that they already have a shared access agreement on file with 7-Eleven that would give us shared access to cross their parking lot for ingress and egress.

Member BUCCI asked what the intention is with this parcel.

Viktor Gjonaj stated they would like to try and sell the parcel. He indicated that they have already been approached by people who wish to remain in the community but don't want a 5 or 10 acre parcel. They are looking for anything from a 2,000 to 2,500 square foot building that would house their business and looking at the parcel in appears it would be a good fit versus it sitting vacant. Along with a cross easement we believe we could work out any issues with access to the site.

Member BUCCI asked Patrick Meagher is there was any way to provide a screening wall with abbreviates that is aesthetically pleasing since there are residents to the west and to the north of this facility.

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Patrick Meagher stated that when the site plan comes before the Planning Commission notification will be given to the residents and when the reviews are done we will make sure that there is adequate screening between those uses.

Member TUCKFIELD asked if the variance should be worded any differently if granted in order to give the Planning Commission more lead way to be more particular in that instance.

Patrick Meagher stated the ordinance currently requires a wall and greenbelt. In addition language has been added approximately 2 years ago if we believed the impacts were going to be greater you could increase the screening requirements in general.

Chairman GALLAGHER asked if the homeowner was in attendance that lives next to the property in question.

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 10.1605.A.1.-Request to reduce the lot area requirement from 40,000 square feet to 35,980.56 feet; Section 10.1605.A.2.-Request to reduce lot frontage requirement from 200 feet to 157.94 feet and Section 10.1605.A.3.-Request to reduce lot depth requirement from 200 feet to 188 feet. Located on the southwest corner of 22 Mile Road and Romeo Plank Road; Section 29; RP22 Associates, LLC, Petitioner. Permanent Parcel 08-29-226-023. The variances were granted based on a shared access agreement with 7-Eleven and no other access off of 22 Mile Road.

MOTION carried.

6. VARIANCE REQUEST FROM ZONING ORDINANCE

Section 10.0704.D.3.b.-Request to reduce rear yard setback from 35 feet to 29.10 feet (a variance of 5.9 feet)

Located on the east side of Card Road, ½ mile south of 23 Mile Road; Section 23; Sunset Homes, LLC, Petitioner. Permanent Parcel 08-22-300-024. (21882 Christenbury Creek Blvd)

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Patrick S. Meagher, Planning Consultant, presented the findings and recommendations of May 27, 2016. They are as follows:

The property in question is located on the east side of Card Road, north of 22 Mile Road in the new Christenbury Creek Site Condominium. The petitioner is requesting a variance to reduce the required rear yard setback for the house from 35 feet to 29.1 feet (a 5.9 foot variance).

The following variance will be required to facilitate the request:

VARIANCE 1: Request to vary Section 10.0704.D.3.b. – Approve a variance of 5.9' to the required 35' rear yard setback for a principal structure.

The lot in question, as stipulated by the applicant has a “parallelogram” type shape. The building would meet the setbacks on a standard lot.

Planner’s Recommendation: Based on the fact that a practical difficulty exists due to the shape of the property and this request would not provide a special privilege unavailable to others in the same location, he property, we find this meets the spirit of the ordinance and have no objections to approval.

The petitioner submitted a letter dated June 1, 2016 in support of the request and was included into the record as follows:

“Single family home needs variance to allow for a similar size home to others in project. Practical difficulty is lot shape is a parallelogram. The home would fit on a standard lot.

Member BUCCI indicated the petitioner had contacted the office earlier in the day and that they would not be in attendance.

Chairman GALLAGHER stated it was only one corner of the home with the problem.

Patrick Meagher stated it was the southeast corner that was in need of a variance.

Public Portion: None.

MOTON by POZZI seconded by SLOSSON to close the public portion.

MOTION carried.

The following resolution was offered by TUCKFIELD and seconded by POZZI:

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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 10.0704.D.3.b.-Request to reduce rear yard setback from 35 feet to 29.10 feet (a variance of 5.9 feet); Located on the east side of Card Road, ½ mile south of 23 Mile Road; Section 23; Deerfield Park North, Petitioner. Permanent Parcel 08-22-300-024. (21882 Chirstenbury Creek Blvd). The variance was granted on the practical difficulty caused by an irregular property shape.

MOTION carried.

7. OLD BUSINESS

None.

8. NEW BUSINESS

None.

9. PLANNING CONSULTANTS COMMENTS

None.

ADJOURNMENT

MOTION by BUCCI seconded by TUCKFIELD to adjourn the meeting at 5:15 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary