

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD  
TUESDAY, JULY 26, 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 BUCCI seconded by TUCKFIELD to approve the agenda as presented.**

**MOTION carried.**

4. Approval of the previous meeting minutes.

**MOTION by SLOSSON seconded by POZZI to approve the minutes of July 12, 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<br>Section No. |
|--|---------------------------------|
| (5) Russell Arbuckle<br>Permanent Parcel 08-32-400-020 | Section 20-6.A.1                |

5. VARIANCE REQUEST FROM ZONING ORDINANCE

Section 20-6.A.1-Request a variance of 30.48 square feet of signage to allow larger signs on each side of the proposed restaurant. Each of the two signs are proposed at 50 square feet, where 19.52 square feet are permitted.

Located on the north side of Hall Road, ½ mile west of Romeo Plank Road; Section 32. Russell Arbuckle, Petitioner. Permanent Parcel 08-32-400-020.

Chairman GALLAGHER stated the findings had been presented at the previous meeting and asked if there was anything additional to discuss.

Patrick S. Meagher, Planning Consultant, stated the applicant had removed the LED bands from the rear of the building and reduced the number on the sides. In addition, the petitioner is in attendance.

Member BUCCI asked Patrick Meagher if he had an opportunity to speak to the applicant.

Patrick Meagher stated the applicant had contacted the township via email with new information requested by the Zoning Board of Appeals. He noted he was not sure if the applicant had contacted the neighbors; however, he had spoken with one of them by phone concerned over the lighting.

Member BUCCI stated that as the building stands the westerly portion of the building is where the homes are that the residents are voicing there concern.

Patrick Meagher stated that was correct.

Member BUCCI stated that as the last meeting it had been discussed about landscaping not being completed at the medical center to the west. He asked if upon review of the file if that was correct.

Patrick Meagher, stated that upon reviewing the approved site plan there were to be four evergreens towards the eastern portion of the wall and they have not been planted.

Member BUCCI asked Joseph Maples, Building Official, who was in attendance to contact the owner and get those plants in there immediately.

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Emily Bernahl, representative, was in attendance and stated that additional information had been forwarded based upon the previous meeting and what had been discussed. The updated signage shows the removal of the cabinet signs and use channel letters which allows the letters to be more flush to the building. The LED bands have been eliminated completely on the rear and on the sides it has been dropped down to two bands and the front elevation will have what was originally proposed. (Patrick Meagher stated that the LED bands have nothing to do with the signage request and does not want them to be a contention on this motion). Lastly, she reviewed the 3-D renderings and a proposed landscaping plan that will be submitted in with site plan approval. She brought up the issue of the neighbor not installing their landscape and noted that they have been successful in the past by adding additional landscape on neighboring property.

Public Portion:

Chairman GALLAGHER stated that he felt that the submittal to the Zoning Board of Appeals was premature. It should be at the Planning Commission for site plan approval, because anything that is done here may not fit the site.

Emily Bermahl stated that they have submitted for site plan, however, they were fortunate enough to get on an earlier meeting.

Chairman GALLAGHER stated that they can only act on practical difficulty and to him he has not seen one. He stated that people look for a monument sign when going to find a place to eat.

Member TUCKFIELD questioned Patrick Meagher that with the different type of signage that they would not be calculating the square footage of the signage different then previously.

Patrick Meagher stated it is the same sign area.

Member TUCKFIELD stated the board bears the brunt to show a practical difficulty and when one is not presented it makes it more difficult. He asked if she had a practical difficulty.

Emily Bermahl stated the building is set back 155 feet from the centerline of Hall Road, it is difficult to see the building. The past restaurant that was there they had a problem with visibility so the request being made is to maintain the identity. The practical difficulty is the building position in proximity to road right of way as well as other factors to reaction time, the speed traveling down Hall Road and how quickly the building can be identified.

Member TUCKFIELD asked if she believed the monument sign would satisfy that.

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Emily Bermahl stated she didn't feel that it would. When traveling a lot of times you are looking for a building and its position to where you are to turn into.

Member BUCCI asked Patrick Meagher how large the monument sign could be.

Patrick Meagher stated the monument sign could be 84 square feet.

Member BUCCI asked if the development of the project would be a deal breaker if the signs are not approved.

Emily Bermahl stated it possibly could be.

Member BUCCI asked Patrick Meagher what his recommendation was on this request.

Patrick Meagher stated that his previous recommendation stands and that he did not see a practical difficulty at this time. If you want to postpone until after a site plan is approved that might build some comfort level in light of the concern of the potential of losing a venue from the township.

Michael Fayhee, 45236 Heatherwood, stated his concerns with the sign being proposed and the requirement for lighting of the signage should fall under Section 10.0340.

Member BUCCI presented the renderings that had been provided by the petitioner to show what is being proposed.

Patrick Meagher stated he would like to make a recommendation to table the issue until after the site plan is handled which also allows the petitioner to meet with the neighbors and see if signage can be agreed.

Member TUCKFIELD stated he would hate to see a business to go through site plan approval with false hope that ZBA will approve the signage request. He asked the petitioner what her feelings were with postponing the issue.

Emily Bermahl stated that she does not want to be denied, however, does not want to postpone the inevitable. However, we have been tried very hard to address the concerns and come up with an alternative to what Bubbas 33 is accustomed to.

Member TUCKFIELD stated that he appreciated the effort of the team work to address the concerns brought before them.

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**MOTION by BUCCI seconded by SLOSSON to table the variance request of Section 20-6.A.1-Request a variance of 30.48 square feet of signage to allow larger signs on each side of the proposed restaurant. Each of the two signs are proposed at 50 square feet, where 19.52 square feet are permitted; Located on the north side of Hall Road, ½ mile west of Romeo Plank Road; Section 32. Russell Arbuckle, Petitioner. Permanent Parcel 08-32-400-020. The item is tabled until such time as the Site Plan has been considered by the Planning Commission.**

**MOTON carried.**

8. OLD BUSINESS

None.

9. NEW BUSINESS

None.

10. PLANNING CONSULTANTS COMMENTS

None.

**ADJOURNMENT**

**MOTION by SLOSSON seconded by POZZI to adjourn the meeting at 5:35 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

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