

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD  
THURSDAY, FEBRUARY 4, 2021

LOCATION: VIRTUAL MEETING

PRESENT: CHAIRMAN: AARON TUCKFIELD  
DAWN SLOSSON, SECRETARY  
MEMBERS: DAVID PIEPER  
DAVID DeCOSTER  
KRISTI POZZI

ABSENT: NONE

ALSO PRESENT: JOSH BOCKS, PLANNING DIRECTOR  
BEN ALOIA, TOWNSHIP LEGAL COUNSEL

1. Call Meeting to Order.

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

2. PLEDGE OF ALLEGIANCE.

Chairman TUCKFIELD lead the Pledge of Allegiance.

3. Roll Call.

Chairman TUCKFIELD called the roll. Member POZZI was marked absent at this time.

Connection was made with Member POZZI and she stated when the roll call is called that each member needs to state that they are remote and that are from Macomb Township, County of Macomb, State of Michigan.

Chairman TUCKFIELD recalled the roll with each member indicating they were remote and where they were from as requested by Member POZZI.

All members were present.

Chairman TUCKFIELD had the township staff that were attending the meeting introduce themselves and at department they were with.

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

**MOTION by PIEPER seconded by SLOSSON to approve the agenda as presented.**

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**FOR THIS MOTION**

**AYES: PIEPER, SLOSSON, DeCOSTER, POZZI, TUCKFIELD.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

5. Approval of the previous meeting minutes.

Member DeCOSTER asked for an amendment for Page 6 of the meeting to correct a typographical error in the 2<sup>nd</sup> line of the 5<sup>th</sup> paragraph.

**MOTION by DeCOSTER seconded by PIEPER to approve the minutes of December 3, 2020 as amended.**

**FOR THIS MOTION**

**AYES: DeCOSTER, PIEPER, TUCKFIELD, POZZI, SLOSSON.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

6. New Business:

- A. Election of Officers

Chairman TUCKFIELD stated that there were three positions open.

**MOTION by PIEPER seconded by POZZI to nominate Member SLOSSON as Secretary.**

Nominations closed.

**FOR THIS MOTION**

**AYES: PIEPER, POZZI, TUCKFIELD, DeCOSTER.**

**NAYS: NONE.**

**ABSTAIN: SLOSSON.**

**ABSENT: NONE.**

**MOTION carried.**

**MOTION by POZZI seconded by SLOSSON to nominate Member DeCOSTER as Vice Chairman.**

Nominations closed.

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**FOR THIS MOTION**

**AYES: POZZI, SLOSSON, PIEPER, TUCKFIELD.**

**NAYS: NONE.**

**ABSTAIN: DeCOSTER.**

**ABSENT: NONE.**

**MOTION carried.**

**MOTION by SLOSSON seconded by DeCOSTER to nominate Member TUCKFIELD as Chairman.**

Nominations closed.

**FOR THIS MOTION**

**AYES: SLOSSON, DeCOSTER, POZZI, PIEPER.**

**NAYS: NONE.**

**ABSTAIN: TUCKFIELD.**

**ABSENT: NONE.**

**MOTION carried.**

**A. VARINCE REQUEST FROM ZONING ORDINANCE**

Section 10.0704(a)(3)(d)-Lots where public water and sanitary sewer are available: All lots shall not be three (3) times longer than their width. Both lots are proposed with a depth to width ratio of approximately 4:1, rather than the acceptable 3:1

Located on the north side of 25 Mile Road, east side of Romeo Plank Road; Section 5; Diverse Real Estate, LLC, Petitioner. Permanent Parcel 08-05-301-009.

Josh Bocks, Planning Director, gave the background on the variance being requested and noted the development in which they are located within. All applicable departments have reviewed the request and are recommending approval of the variance being sought. However, he did note this concern that an accessory structure could be built up to 900 square feet where typically a 150 square foot accessory structure would be allowed on a standard lot within a subdivision.

Member PIEPER asked if restrictions could be placed on accessory structures.

Ben Aloia, Township Legal Counsel, stated that when a variance is granted you can add conditions to the variance if desired.

The petitioner submitted a letter of practical difficulty dated December 3, 2020 as follows:

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“The proposed purpose /use of the property is for Wolverine Country Club Estates II. This is a proposed 281-unit single family site condominium development. This development will have public roads, with the water and sanitary connecting into the Township’s infrastructure. Although, the development was designed with lot sizes larger than required by the zoning ordinance that meet the depth to width ratio requirements, Lot 4 and Lot 5 exceed the requirement, requiring a request for variance on these lots.

Written Explanation of the Difficulty:

1. Strict enforcement of the ordinance would result in the area in excess of the 3 to 1 ratio becoming general common element open space, which would be of little value to the Association. It would create a practical difficulty by adding significant cost in weed mowing, debris removal and insurance coverage for the Association and future owners in the community.
2. There are unique circumstances with this property such as the Consumers Power easement and the non-rectangular overall configuration of the parcel that are typically not encountered on similarly zoned parcels.
3. The conditions and circumstances unique to the property were not created by the owner. This difficulty is based on the current shape of the parcel in relationship to where the existing westerly property line abuts our parcels, the Consumers Power easement to the south and the limited connection point of Juliana Road to Romeo Plan Road.
4. Just as we feel our request is reasonable, we believe it would be reasonable to grant a similar request to a future applicant, but only upon their demonstrating a similar hardship.”

Jennifer Thomas, representative, was in attendance and presented an overhead presentation of the variance being sought and if the variance were granted they would be open to the restrictions that may be asked of them and add them into the Master Deed for those two lots.

Public Portion: None.

Ben Aloia, Township Legal Counsel, stated for a point of clarification from the petitioner is this was going to be condo or by declaration and restrictions development.

Jennifer Thomas, representative, indicated that this would be in the Master Deed.

Ben Aloia, Township Legal Counsel, asked if she knew what the requirement was going to be in the Master Deed for accessory structures, because many times its already a prerequisite that there are no accessory structures.

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Jennifer Thomas, representative, stated that at the current moment she was not aware of what the Master Deed would state since they are at the entry level, but that they could make sure that was placed in the documents.

Chairman TUCKFIELD stated his concern with the parcel stems from the design of the development and that it may construed as the need for the lots to be shaped the way they are. He felt there was a risk if granting the variance, it would be granting a variance based on self-induced hardship.

Ben Aloia, Township Legal Counsel, stated that when looking at variance to see if there is a hardship, you need to look at every single situation and the characteristics of this particular lot and as a board its your discretion to weigh those and determine whether or not the hardship determined by the petitioner is sufficient.

Chairman TUCKFIELD asked if there had been any other design layouts for this parcel which would have eliminated the odd shaped lots.

Jennifer Thomas, representative, stated they had but with the road configuration and the consumers easement location it made it difficult to make it that behind these two lots that there would not be land locked area behind them or the odd shape larger parcel. Lastly, she stated that there was floodplain located on the lots under consideration and that when an accessory permit were to pulled for either of the lots in question it would have to be shown on the plan which also makes it much harder to build a larger structure.

Lyle Winn, representative, stated the other downside to leaving a small parcel of land back in the corner is that essentially the rule to split property would not allow you to create the parcel behind those lots because there is no road frontage.

**The following resolution was offered by DeCOSTER and seconded by PIEPER:**

**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;**

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**Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.0704(a)(3)(d)-Lots where public water and sanitary sewer are available: All lots shall not be three (3) times longer than their width. Both lots are proposed with a depth to width ratio of approximately 4:1, rather than the acceptable 3:1; Located on the north side of 25 Mile Road, east side of Romeo Plank Road; Section 5; Diverse Real Estate, LLC, Petitioner. Permanent Parcel 08-05-301-009. The variance is granted conditioned to allow to the extent permitted under the proposed master deed up to 150 foot accessory structure.**

**FOR THIS MOTION**

**AYES: DeCOSTER, PIEPER, POZZI, SLOSSON, TUCKFIELD.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

7. OLD BUSINESS:

None.

8. PUBLIC COMMENTS:

None.

9. ZBA Member Comments.

Member PIEPER stated it was nice to everyone back in person.

Member SLOSSON thanked the members for their vote for Secretary.

Chairman TUCKFIELD thanked the members for their vote for the position of Chairman. He also noted that the Master Plan is still in the process of being worked on and asked the members if they thought there was anything that needs to be addressed to let him know.

10. PLANNING DIRECTOR COMMENTS

Josh Bocks, Planning Director, stated the Township was going to be issuing Township emails to the board members and that future ZBA packets and all Township business would be coming through those assigned email accounts.

11. ADJOURNMENT

**MOTION by SLOSSON seconded by PIEPER to adjourn the meeting at 7:43 p.m.**

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**FOR THIS MOTION**

**AYES: SLOSSON, PIEPER, POZZI, DeCOSTER, TUCKFIELD.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

Respectfully submitted,

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Aaron Tuckfield, Chairman

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Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary  
Bk