

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD
THURSDAY, SEPTEMBER 3, 2020

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
TOM ESORDI, TOWNSHIP ATTORNEY
(Additional attendance record on file with Clerk)

1. Call Meeting to Order.

Chairman TUCKFIELD called the meeting to order at 7:10 P.M.

2. PLEDGE OF ALLEGIANCE.

3. Roll Call.

Chairman TUCKFIELD called the roll. All members were present.

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

Chairman TUCKFIELD lead the Pledge of Allegiance.

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

MOTION by POZZI seconded by PIEPER to approve the agenda as presented.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

5. Approval of the previous meeting minutes.

MOTION by SLOSSON seconded by DECOSTER to approve the minutes of August 6, 2020 as amended.

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Page 2 though Page 14 – the heading needs to have August instead of July.
Page 14 Adjournment – 8:52 p.m. instead of 7:52 p.m.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

6. New Business:

A. **VARIANCE REQUEST FROM ZONING ORDINANCE**

Section 20.-7(A)-To allow a ground sign to be closer than 10 feet from right-of-way when 10 feet is required and to allow the sign to be 21 square feet in size when ordinance limits size to be 20 square feet

Located at 23401 23 Mile Road, north of 23 Mile Road and ¼ mile east of North Avenue; Section 13; Ascension Lutheran Church, Petitioners. Permanent Parcel No. 08-13-300-025.

Josh Bocks, Planning Director, gave a background on the variances being requested.

The petitioner submitted a letter of practical difficulty dated July 30, 2020 as follows:

“Ascension Lutheran Church is glad to make Macomb Township our new home, we recently purchased this church property on 1/20/2015. Shortly after moving into the property we were asked by the Township Clerk’s department to become a polling site for the Township which we were happy to do. We also have improved the property with approximately \$75,000 worth of renovations to the building mostly cosmetic including new flooring, painting, cabinets, cameras, etc. In 2019 we spent an additional \$75,000 to upgrade and beautify the property by building a new garage and a dumpster enclosure. We would like to upgrade our existing ground sign but are in need of assistance from the Township Zoning Board of Appeals to complete this project, thus our request for the following variances.

1. Explanation for variance 20-7(A)(-minimum setback from right-of-way-10 feet

Recently 23 Mile Road was widened to five lanes by Macomb County Dept. of Roads, this widening project made our existing 10-foot wide ground sign a legal non-conforming sign as it is now only 4 feet from the right-of-way. We would like to upgrade our old sign with a new electronic message board sign, but due to the location of the foundation which abuts our parking lot, we cannot meet the 10-foot setback requirement. As you can see on the map, we would have to redesign the vehicle circulation path, drive lanes and parking spaces, losing several parking spaces in the process. There would be significant costs associates with the redesign also.

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We are reducing the current 10-foot sign to an 8-foot sign in an effort to get closer to the ordinance required ten feet setback. The new sign will be 5 feet from the right-of-way and significantly farther from the driving lanes of the road at 33 feet. To make the sign any smaller would not look aesthetically pleasing and would not fit the size of the property which is 11 acres and 300 feet of road frontage.

Therefore, we respectfully ask that you grant our request.

2. Explanation of variance 20-7(A)4 – 40% of sign area or 20 sq ft maximum.

Since we are reducing the size of the sign as noted above, we would like to maximize the size of the electronic message board portion of the sign. Of the proposed 72 sq ft sign, 40% is allowed to be message board (28.8 sq ft), but we are limited to the 20 sq ft maximum allowed by the code. We are proposing a 3'x7' or 21 sq ft message board. We feel this still meets the spirit and intent of the ordinance and gives the church more visibility in displaying our message. Because the church building sits back 200 feet from the road, we need as much visibility as possible, and again this is a large property of 11 acres and 300 feet of road frontage. The LED boards come in 12"x12" panels so we cannot simply take off 1 square foot, we would have to take of 3 square feet which would significantly reduce the viewing area of the message board.

Therefore, we respectfully ask that you grant our request.”

Mark Kukahan, petitioner, was in attendance.

Chairman TUCKFIELD asked if this was a square footage or a percentage issue.

Josh Bocks, Planning Director, stated it was a square footage but it's based on percentage of the overall sign.

Timothy Muller, representative, was in attendance and reviewed the variances being requested.

Public Portion: None.

Member POZZI stated the Township Clerk's Office works with Ascension Church with using their location as a polling location and that it is difficult site to find with the current signage and that overall the approval would help in many ways.

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

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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 20-7(A)-To allow a ground sign to be closer than 10 feet from right-of-way when 10 feet is required. Located at 23401 23 Mile Road, north of 23 Mile Road and ¼ mile east of North Avenue; Section 13; Ascension Lutheran Church, Petitioners. Permanent Parcel No. 08-13-300-025. The approval is granted based upon the Planning recommendation that a practical difficulty exists. The setback is 5 five feet from the right-of-way line of 23 Mile Road.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

The following resolution was offered by DeCOSTER 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 20-7(A)-To allow the sign to be 21 square feet in size when ordinance limits size to be 20 square feet. Located at 23401 23 Mile Road, north of 23 Mile Road and ¼ mile east of North Avenue; Section 13; Ascension Lutheran Church, Petitioners. Permanent Parcel No. 08-13-300-025.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

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B. VARIANCE REQUEST FROM ZONING ORDINANCE

Section 10.0354-To allow an air conditioner in a front yard due to this being a corner lot rather than in the rear yard as required by ordinance.

Located at 51379 Quadrate, northwest corner of Quadrate and Angelo Drives; Section 18; Century Plastics/CIE USA, Petitioner. Permanent Parcel 08-18-474-001.

Josh Bocks, Planning Director, gave the background on the variance being requested.

The petitioner submitted a letter of practical difficulty dated July 31, 2020 as follows:

- “
- Addition of (1) HVAC unit to exterior south wall of subject building. New unit is located on grade. (New additions to site plan are reflected on attached sketch)
 - New HVAC unit is located between the existing subject building and sidewalk on the greenbelt area
 - New HVAC unit is located east of Detroit Edison building service transformer. (Pictures of site condition are attached)
 - East and west site areas next to subject building would not accommodate new unit. North site area is the parking lot area.”

David Smith and Ron Cites, representatives, were in attendance.

Member POZZI asked if any screening was going to be added to make it aesthetically appealing since it would be located in the front yard.

David Smith, representative, stated that they were open to that and was waiting to see what the board might place upon them.

Joe Maples, Building Official, asked why a permit had not been applied for prior to placing it in its current location.

Ron Cites, representative, stated they were limited on the location due to parking lot, front and rear yard abilities. We thought that since DTE had been sitting in the side we believed it was the obvious location to place the unit and the thought of placing it on the roof had been looked at but because the buildings structural support would have to be modified significantly a judgment call had been made with CIE that this was the location and would work best for them. In addition, a mechanical permit had been filed and a description had been included with that permit.

Chairman TUCKFIELD asked if he had an issued permit number.

Ron Cites stated he did and read the number which is PM 191133.

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Joe Maples, Building Official, stated they did have a permit for an air conditioner, however, they did not indicate how large a unit it would be. He reviewed the process for applying for residential and commercial permits

Discussion took place on applying for a building permit and possibly amending some duct work due to a lack of a building permit and the location.

Public Portion: None.

Chairman TUCKFIELD indicated that it is not good to ask for forgiveness instead of permission.

Member PIEPER stated that he does have reservation on granting this request since the process had been by-passed.

Chairman TUCKFIELD stated the petitioner had indicated that they would be open to screening the unit and asked Josh Bocks, Planning Director, what his recommendation would be on the screening.

Josh Bocks, Planning Director, stated the variance could be contingent upon a arborvitae wall or being that its not a residential neighborhood you could indicate panel fencing.

The following resolution was offered by DeCOSTER 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. 0354-To allow an air conditioner in a front yard due to this being a corner lot rather than in the rear yard as required by ordinance. Located at 51379 Quadrate, northwest corner of Quadrate and Angelo Drives; Section 18; Century Plastics/CIE USA, Petitioner. Permanent Parcel 08-18-474-001. The variance is grated to allow the unit in the front yard due to the practical difficulty of the other sides of the building being parking lots and driveways. This variance is contingent upon the screening being approved by the Planning Department.

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FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

7. Old Business:

A. VARIANCE REQUEST FROM ZONING ORDINANCE

Section 10.1305 (G) – Request to allow a wall of arborvitae as screening between property that abuts to residential in place of six foot masonry wall
Located on the north side of Hall Road between North Branch and Deneweth;
Section 35; Sensusone, LLC, Petitioner. Permanent Parcel 08-35-476-045.

Josh Bocks, Planning Director, indicated that Precision Surgery has been working with residents along North Branch and Deneweth and they are asking to remove this variance request as they will no longer be needing the variance for the wall.

Chairman TUCKFIELD asked Tom Esordi, Township Attorney, if the correct protocol would be to make a motion to accept the withdrawal of this variance request and if there was any specific wording that needed to be used.

Tom Esordi, Township Attorney, stated as long as the motion indicates that the request was made directly to Mr. Bocks and that they want it withdrawn at their request.

MOTION by PIEPER seconded by SLOSSON to remove item 7A per the petitioner's request based on his conversation with Mr. Bocks this morning.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

8. PUBLIC COMMENTS:

None.

9. ZBA Member Comments.

Chairman TUCKFIELD stated that Member DeCOSTER had asked about different ways of holding meetings and updated the members on different ways to hold Township meetings and that conversations had been had but the township is not ready to move forward at this time.

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He also mentioned that the Master Plan is getting closer to be worked on and that there will be seminars and workshops will be held in the near future.

Member PIEPER stated that on September 19, 2020 from 10:00 a.m. to 1:00 p.m. at the Facility and Ground location (Wade Nursery) there was going to be a book signing by the author who created a pictorial book on the history of Macomb Township.

Member SLOSSON asked how communication was going to be sent to the other boards and how those meetings would be held.

Chairman TUCKFIELD stated the seminars and public groups are generally public events but most of the Zoning Board of Appeals participation would be as public comments.

Josh Bocks, Planning Director, reviewed the various types of meetings that would be held and how each one would be conducted.

10. PLANNING DIRECTOR COMMENTS

Josh Bocks, Planning Director, indicated that there may not be an October meeting due to a lack of agenda items.

11. ADJOURNMENT

MOTION by POZZI seconded by SLOSSON to adjourn the meeting at 8:08 p.m.

FOR THIS MOTION

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

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

Respectfully submitted,

Aaron Tuckfield, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary
Bk