

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD
WEDNESDAY, JULY 3, 2019

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

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

ABSENT: KRISTI POZZI (excused)

ALSO PRESENT: THOMAS ESORDI, TOWNSHIP ATTORNEY
(Additional attendance record on file with Clerk)

Call Meeting to Order.

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

1. Roll Call.

Chairman TUCKFIELD called the roll and Member POZZI was absent and excused.

2. PLEDGE OF ALLEGIANCE.

Chairman TUCKFIELD asked all in attendance to join in 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 DeCOSTER seconded by SLOSSON to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes.

MOTION by PIEPER seconded by DeCOSTER to approve the minutes of June 6, 2019 as presented.

MOTION carried.

5. Old Business:

None.

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6. New Business:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(a) Hall Road Properties Permanent Parcel 08-35-476-042	Section 10.1305B.2.
(b) I Signs and Designs Permanent Parcel 08-18-300-039	Section 20-6.1
(c) Justin and Lauren Cattaneo Permanent Parcel 08-17-202-115	Section 16-28(f)
a. VAIRNACE REQEUST FROM ZONING ORDINANCE Section 10.1305B.2-Request a increase of maximum height from 25 feet to 30 feet. Located on the north side of Hall Road, between Deneweth and North Branch; Section 35; Hall Road Properties, Petitioner. Permanent Parcel 08-35-476-026 and 08-35-476-042.	

Chairman TUCKFIELD presented the findings and recommendation of June 28, 2019 and they are as follows:

The property in question is on the North side of Hall Road, between N. Branch and Deneweth. The petitioner is requesting a variance to allow an office building to exceed the height limitation of 25 feet by 5 feet (Proposing 30').

The following variance will be required to facilitate the request above:

VARIANCE 2: Request to vary Section 10.1305.B.2 – Allow the height of the office at 30' where only 25' is permitted. A 5' variance is requested.

The applicant indicates that they are complying with the 2-story requirement of the O-1 Zoning District, but due to the use requirements are unable to meet the overall height requirement. In essence, the construction and use dynamic for a surgical center and rehab facility require the applicant to have higher ceiling plans for the uses.

Planner's Recommendation: The applicant's use apparently will not practically allow conformance with the Ordinance standard for height at two stories. If this is substantiated during the hearing, we find the request for a variance to be warranted in that a practical difficulty involving the unique use prevents the applicant from sharing the same two-story right as other users in the district. We also find this request does not promote a privilege

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unavailable to others in the District, nor does it deter from the intent of this ordinance provision. We recommend approval of the variance for these reasons.

Mike Piette, representative, was in attendance and indicated the request was for a 5 foot variance.

Thomas Esordi, Township Attorney, asked for the petitioner to give summary of the specific items based on the medical nature of the building that would be different from a general commercial building.

Indicated that based on mechanical the duct work would be between 12 to 18 inches. In a normal they would be spiral at 8 to 10 inches and since we are not industrial our mechanical work is not exposed and are looking for a nice ceiling. Discussion also took place on the height of ceilings concerning the x-ray rooms and physical therapy rooms with the activity that takes place.

Public Portion: None.

Chairman TUCKFIELD asked for some height clarification and trying to find the need for the variance being sought.

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

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an 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 10.1305B.2-Request a increase of maximum height from 25 feet to 30 feet; Located on the north side of Hall Road, between Deneweth and North Branch; Section 35; Hall Road Properties, Petitioner. Permanent Parcel 08-35-476-026 and 08-35-476-042. The granting of the variance is based on the discussion and what he feels is a practical difficulty with the use of the building and how it is a medical use and seeing how they require higher ceilings.

MOTION carried.

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b. VARIANCE REQUEST FROM ZONING ORDINANCE

Section 20-6.1.-Request a 29 square foot variance from approximately 30 square feet to 59 square feet.

Located on the northeast corner of 23 Mile Road and Hayes Road; Section 18; I Sign and Designs, Petitioner. Permanent Parcel 08-18-300-039.

Chairman TUCKFIELD stated that this was a rehearing and presented the findings and recommendations of May 10, 2019 and they are as follows:

Mark a representative, from I Signs and Designs, was in attendance and indicated that part of the hardship was the traffic traveling west bound on 23 Mile Road since it's a busier intersection of Macomb and having a real small 30 square foot sign would make it hard to read the building front. In addition, by the time its read, the building will be passed by and then scrambling to turn and make it into the lot. That is the reason for the request of a 59 square foot sign as well it would look aesthetically nice with dual size signs on both walls. It makes it tuff to identify a building without the appropriate signage as well.

Loretta Adams, landlord, stated they have done everything in the design of the building per the current ordinance at the time, however, it has since changed and understands that they want to keep a clean look throughout the township. However, there is a struggle for the retailers since Amazon is taking over the marketplace. She indicated that municipalities and the landlords need to work together to ensure the success of the retailers.

Public Portion: None.

Chairman TUCKFIELD stated that when considering a variance there needs to be a practical difficulty and he indicated that he looked at several similar strip centers within Macomb Township and remembers the last time they granted a variance for a wall sign which was along Gratiot for Burger King. He went on to indicate that there comes a time when public safety is served by having proper signage and can't think of another example where the predominant road faces a blank wall of a building without any signage. He noted that this request honors the intent of the ordinance and that it provides safe observational ability to know what the company is and recognize which way the building is and who the tenants are. Lastly, he felt that this met the practical difficulty standard and that is good for health and safety if the variance were granted.

Member PIEPER indicated that he had visited that area as well and that the allotted size sign would not be seen and could be a safety issue.

The following resolution was offered by PIEPER 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 20-6.1.-Request a 29 square foot variance from approximately 30 square feet to 59 square feet; Located on the northeast corner of 23 Mile Road and Hayes Road; Section 18; I Sign and Designs, Petitioner. Permanent Parcel 08-18-300-039. The variance is granted since there is a practical difficulty concerning the health and safety concerns of pedestrians and vehicular traffic.

**NAY-DeCOSTER
MOTION carried.**

- c. VARIANCE REQUEST FROM ZONING ORDINANCE
Section 16-28(f)-Request to increase impervious surface from 50% to 59%
Located on the south side of 24 Mile Road, east of Romeo Plank Road; Section 17; Justin and Lauren Cattaneo, Petitioner. Permanent Parcel 08-17-202-115.(needs to be withdrawn; ZBA is not authorized to act on this ordinance provision)

Chairman TUCKFIELD stated that he had been informed that this item will have to be withdrawn from the agenda since this provision was under the concrete ordinance and the zoning ordinance.

Thomas Esordi, Township Attorney, stated that a motion would be needed to remove the item from the agenda since the agenda was approved as presented. The ZBA board understands what the application requests is under the Concrete Ordinance and not under the Zoning Ordinance, so there could be no variance granted by the ZBA Board with the way the process works. The Building Official would make a determination of the appropriateness of this request and if the homeowners wanted to appeal that decision they would then make application if they are not satisfied with the outcome from the Building Official.

Discussion took place on the application fees paid and the refunding of those fees.

MOTION by PIEPER seconded by SLOSSON to withdraw the variance request of Section 16-28(f)-Request to increase impervious surface from 50% to 59%; Located on the south side of 24 Mile Road, east of Romeo Plank Road; Section 17; Justin and Lauren Cattaneo, Petitioner. Permanent Parcel 08-17-202-115. The variance was withdrawn for lack of authority by the ZBA to act on the issue.

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MOTION carried.

7. Public Comments.

None.

8. ZBA Member Comments.

Chairman TUCKFIELD suggested having Vice-Chairman DeCOSTER chair a meeting in the upcoming future.

9. PLANNING DIRECTOR COMMENTS

None.

ADJOURNMENT

MOTION by SLOSSON seconded by DECOSTER to adjourn the meeting at 7:45 p.m.

MOTION carried.

Respectfully submitted,

Aaron Tuckfield, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary
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