ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, MARCH 18, 2008
7 p.m.

ROLL CALL

PRESENT:	Mayor	Harold Haugh
	Board Members	Salvatore Aiuto John Chirkun Jan Haggerty Colleen McCartney Bill Shoemaker Robert Taylor
ABSENT:		None
OTHERS PRESENT:	City Manager	Stephen Truman
	City Attorney	Tim Tomlinson
	City Clerk	Richard Steenland

Mayor Harold Haugh called the meeting to order at 7 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

- Approval of minutes of meeting held February 19, 2008.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve minutes of the meeting held February 19, 2008.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to allow a 10´ x 42´ unscreened loading area in the side yard on the property at 20415 Erin, Macomb County Rotating Emergency Shelter Team, Jimetta Lewis, petitioner.

Jimetta Lewis, 9101 Division, Casco Twp, petitioner, appeared and made a Power Point presentation of the proposed building to the Board.

Ms. Lewis introduced Carrie Fortune, 31904 St. Margaret, St. Clair Shores. Ms. Fortune explained the Macomb County Continuum of Care ten-year plan to the Board.

Ms. Lewis introduced Charles Mesone, a homeless individual, and asked him several questions about his condition.

Mayor Harold Haugh explained to Ms. Lewis that the Board recognizes the magnitude of the homeless issue; however, the only issues the Board will consider this evening are zoning issues.

City Clerk Richard Steenland received one letter in opposition to this request.

No one from the public wished to be heard.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER ROBERT TAYLOR seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER JAN HAGGERTY seconded to adopt the resolution to deny the petitioner's request for variance to allow a 10´ x 42´ unscreened loading area in the side yard on the property at 20415 Erin due to the fact that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The finding is based upon the fact that the hardship is self-created by the petitioner's desire to construct upon a site that is not of sufficient size to accommodate the proposed development.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ALLOW A 10´ X 42´ UNSCREENED LOADING AREA IN THE SIDE YARD LOADING AREA IN THE SIDE YARD ON THE PROPERTY AT 20415 ERIN, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-426-012 VAR. #0708

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2003(1), (4) and (6) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby denied.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to allow construction of a new building with a 10´ (west) side yard setback on the property at 20415 Erin, Macomb County Rotating Emergency Shelter Team, Jimetta Lewis, petitioner.

City Clerk Richard Steenland received one letter in opposition to this request.

No one from the public wished to be heard.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER BILL SHOEMAKER seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JOHN CHIRKUN seconded to adopt the resolution to deny the petitioner's request for variance to allow construction of a new building with a 10´ (west) side yard setback on the property at 20415 Erin due to the fact that no undue hardship, unique circumstance, or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The finding is based upon the act that the hardship is self-created by the petitioner's desire to develop on a lot that does not provide sufficient size to accommodate this project.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ALLOW CONSTRUCTION OF A NEW BUILDING WITH A 10´ (WEST) SIDE YARD SETBACK ON THE PROPERTY AT 20415 ERIN, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-426-012 VAR. #0808

will not be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1202-12(b) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby denied.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to allow construction of a new building providing 27 parking spaces on the property at 20415 Erin, Macomb County Rotating Shelter Team, Jimetta Lewis, petitioner.

No one from the public wished to be heard.

City Clerk Richard Steenland received one letter in opposition to this request.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded, to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

City Attorney Tim Tomlinson explained to the Board that if this variance is granted it will stay with this parcel; if this property is sold in the future any approved variances will run with the land and future owners will have the benefit of any approved variance.

Board Member Salvatore Aiuto asked Mr. Tomlinson if an approved variance may be rescinded at any point in time. Mr. Tomlinson replied that it is difficult to rescind a variance.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER BILL SHOEMAKER seconded to adopt the resolution to deny the petitioner's request for variance to allow construction of a new building providing 27 parking spaces on the property at 20415 Erin, due to the fact that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The finding is based upon the parking deficit which may impact traffic safety and pose a burden on adjacent businesses and the variance runs with the land and can impose future use of the property.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ALLOW CONSTRUCTION OF A NEW BUILDING PROVIDING 27 PARKING SPACES ON THE PROPERTY AT 20415 ERIN, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-04-426-012 VAR. #0908

will not be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 2001 and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby denied.
MOTION CARRIED UNANIMOUSLY

4. Public Hearing and Board consideration for variance to allow construction of a new building providing adult housing, dependent care on the property at 20415 Erin, Macomb County Rotating Emergency Shelter Team, Jimetta Lewis, petitioner.

City Clerk Richard Steenland received one letter in opposition to this request.

No one from the public wished to be heard.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER JOHN CHIRKUN seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to adopt the resolution to deny the petitioner's request for a variance to allow construction of a new building providing adult housing, dependent care on the property at 20415 Erin due to the fact that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The finding is based upon the fact that granting of this variance may cause traffic safety concerns for a road that serves as the primary ingress and egress from a subdivision used for residential purposes.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ALLOW CONSTRUCTION OF A NEW BUILDING PROVIDING ADULT HOUSING, DEPENDENT CARE ON THE PROPERTY AT 20415 ERIN, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-426-012 VAR. #1008

will not be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1210-12 (c) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby denied.
MOTION CARRIED UNANIMOUSLY

III. HEARING OF THE PUBLIC

Charles O'Brien, 61776 Miriam, Washington Twp., asked the Board if the City can provide MCREST help in finding another location for this project. Mayor Harold Haugh instructed Mr. O'Brien that MCREST should first contact City Manager Stephen Truman or Building Director Glenn Sexton to find an area that is compatible for such a large building.

IV. ADJOURNMENT

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:31 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
RICHARD M. STEENLAND, City Clerk

PLEASE NOTE: A cassette tape of this meeting is on file in the City Clerk's Office for further information