

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING
WEDNESDAY, AUGUST 24TH, 2016

PRESENT: Francis Marella, Chairperson
James D'Angelo, Vice-Chairperson
Robert M. Campbell, Secretary
David Edgar
Kenneth Pearl

ABSENT: Ernest Hornung (Excused)
Denise C. Trombley (Excused)

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m.

Mr. Marella explained that there are only five of the seven members present this evening, and any action takes a vote of at least four members. He offered the option to the petitioners present this evening to postpone their petitions if they so desire.

The petitioners all indicated they want to continue with their public hearings this evening.

Mr. Marella explained the parameters under which this Board can act and how the public hearing will be conducted. He further explained that, as stipulated in the Township Ordinances, all variances granted by the Board of Appeals are subject to several standard conditions as follows: 1) The petitioner must comply with all applicable requirements of Township ordinances; 2) The project work requiring the variance must be completed within two years of the date that the variance was granted; 3) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals; and 4) The variance is valid only for the useful life of any structure(s) on the property for which variance is granted.

APPROVAL OF AGENDA

Motion by Mr. D'Angelo, supported by Mr. Campbell, to approve the agenda as presented. Motion carried.

3.28 ACRES OF VACANT LAND FRONTING THE WEST LINE OF GARFIELD ROAD, SOUTH OF MORAVIAN DRIVE (FILE #16-6713)

- REF: APPEAL: FAR NIENTE CONDOMINIUMS
FILE #16-6713: PETITIONED BY MR. JOHN VESPER,
VESPER CONSTRUCTION COMPANY

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 100 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. John Vesper, 42100 Garfield, Clinton Township, Michigan 48038, explained that the current zoning allows up to 24 units on this site. He stated he does not like stacked units and would rather develop one-story units, so they are proposing duplexes. He acknowledged that he will be losing about 10 units on this site but stated he would rather do than build something that may be difficult to sell. He explained that in order to keep these as one-story units, he will need a front-yard setback from Garfield that is just about 5 feet less than the minimum required 50-foot setback. He pointed out, however, that the condominiums to the south are only set back 35 feet, which was what the ordinance required at the time those were constructed in 1973. Mr. Vesper stated he built Rosewood Condominiums with Mr. Caesar Badalamenti. He stated that, with the variance he is requesting, he will be constructing these slightly smaller than he would like, but he pointed out there is a water main easement, which prevents him from moving two of the units. Mr. Vesper showed the Board members the elevations, noting the units will be all brick. He assured they will be good, quality, well-built units.

Mr. Campbell stated there was a lot of material included in their packages with regard to this petition, including discussion about places to turn around. He added it appeared as though the plans have been revised to correct issues where there were objections.

Mr. Santia replied that is correct.

Mr. Vesper explained the Department of Public Works had a question about trash pick-up. He added that the Fire Department wanted a turn-around and that was incorporated at the end of the road, and they are satisfied with that change.

Mr. Campbell stated he and his wife have lived in the Township for many years in a two-story colonial-style home. In the future, they would like to buy a one-story

condominium with a garage, but there are not too many of that style available in the Township. He felt this is a good plan that meets the needs of the community.

Mr. Barry Moore, 36022 Chapel Court, Clinton Township, Michigan 48038, president of the adjacent condominium association, clarified that their development was constructed in 1976, not 1973. He stated he and his neighbors are concerned about the distance between the proposed condominiums and their units. He claimed the vacant land floods in the spring and he wanted to make sure that the run-off will not be diverted onto their properties.

Mr. Vesper stated the rear yard setback is 35 feet 3 inches from the fence line, which he stated is standard. In reference to the concern raised about flooding and the fact that the property is low, he stated the engineer will design the storm sewer so there will be a rear yard catch basin that will drain into the county storm sewer. He assured that there will be no water draining from the subject site onto the abutting properties.

Mr. Pearl noted that they are not asking for a variance in the distance between the proposed duplexes and the condominiums to the south, but only a front yard setback variance and a variance for the distance between the buildings in this development.

Motion by Mr. Campbell, supported by Mr. D'Angelo, with reference to File #15-6713 and application from Mr. John Vesper, Vesper Construction Company, 42100 Garfield Road, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-g and -h, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning 3.28 acres of vacant land fronting the west line of Garfield Road, south of Moravian Drive (Section 30), that variance be granted to permit the development of a condominium complex in the RML Multiple-Family Residential (Low-Density) District (Far Niente Condominiums) consisting of seven 2-plex buildings with: 1) A front yard setback from Garfield Road of 44.4 feet, being 5.6 feet less than the minimum required 50 feet; and 2) A distance of 20 feet between buildings, being 10 feet less than the minimum required 30 feet; further, this grant of variance is based on claimed practical difficulty that the market dictates the need for single-level condominiums, this is a reduction in the number of units allowed for this property, and the setback from Garfield, even with the variance, is still greater than the abutting condominium development; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, D'Angelo, Edgar, Pearl, Marella. Nays – None. Absent – Hornung, Trombley. Motion carried.

Mr. Marella commended Mr. Vesper for reducing the density of what would be permitted on this parcel.

1.493 ACRES OF LAND FRONTING THE EAST LINE OF GRATIOT, SOUTH OF HALL ROAD (M-59), ADDRESSED AS 43920 GRATIOT (SECTION 1)

**-- APPEAL: U-HAUL
FILE #16-6714: PETITIONED BY MR. DAVID RUFF, U-HAUL
REPRESENTED BY MS. REBECCA GODIN, PHILLIPS SIGN & LIGHTING**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 26 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable. There were no written responses received in reply to the mailing. He noted that this is a separate parcel adjacent to the U-Haul facility, and there was a previous variance granted for the property to the north. This is a request for the property to the south.

Ms. Rebecca Godin, Phillips Sign & Lighting, explained her client is requesting this variance because of a lack of adequate signage, considering the size and shape of the buildings on their property. They would like to give signage to their customers, and with a total of over seven acres and six buildings, she felt the signage is not adequate. She explained the ordinance does not address multiple buildings in the B-3 zoning district. She added with the speed limit along Gratiot, she feels the signs are essential to provide their customers with visibility so they have a safe distance to make the turn.

Mr. David Ruff, petitioner, 256 Valley Stream Drive, Holly, Michigan 48442, explained this signage will be the last thing needed to complete this package.

Mr. Campbell stated he has no objection to each building having its own identification. He added this is a new development and it is very attractive. He commented that, in pulling up to the location, he could see no way to mistake that this is something other than a U-Haul because there were about 15 trucks parked adjacent to the curb, each of them advertising U-Haul. He could not add up the total square footage of the signs on the north and south lot, but it seemed like a lot. He saw no concessions to make any of the signs slightly smaller, especially those not visible from the road, which he felt could be incorporated into their pylon sign. He stated he would like to find out the total square footage of all of the signage.

Ms. Godin replied that "Building A" has a "U-Haul" sign measuring 25.25 square feet, "Building B" has a "Your Storage Space" sign measuring 150 square feet, and "Building C" has a "U-Haul" sign measuring 56 square feet.

Mr. Campbell inquired as to why the "Your Storage Space" sign has to be so large.

Mr. Ruff replied that, although the sign is quite visible and it seems as though it would be obvious what it is, they still have people stop and ask if they have any storage. He commented that the storage sign could be slightly smaller, but all of the signs have arrived. He explained that they are peaking in their busy season so there are only

about four or five vehicles parked there now. With the addition of property, they have created more customer parking and have currently rented out 160 spaces. They have added lights and electrical outlets for each of the spots. He clarified that “Building C” only has three customers, and “Building B” has four customers.

Mr. Pearl stated when he was looking for storage for his company and it was hard to find. He explained that typical storage space is close to the road with signage that says “storage”; however, these are not typical storage facilities that are easy to see.

Mr. Ruff stated that they are planting trees so they will be growing in. He assured they are committed to this site, and want it to look nice. He explained the “Your Storage Space” sign is a template and is 36 inches, although they could possibly go down to 32 or 28 inches. He added that he is anxious to get the “U-Haul” sign on the building as soon as possible so it can be seen.

Mr. Campbell reiterated not having a problem with the identification signs, but still felt the “Your Storage Space” sign is too large.

Mr. Pearl stated he used to manage a U-Haul facility in Warren, and they had to go to the Zoning Board of Appeals for signage at that location. The storage area was part of the building and easier to identify, but he commented that the storage area is not visible to customers until they pull in and go to the showroom.

Mr. Ruff assured there are security cameras, and each building has electronic gate access. He assured they spared no expense to make sure this is the nicest storage facility in Clinton Township.

Mr. Campbell agreed it is attractive and assured he has no problem with the number of signs being requested but would encourage the petitioner to reduce the size of the script for the “Your Storage Space” sign.

Ms. Godin pointed out that, because “Building A” is set so far back, she felt the lettering on the building will appear smaller from the road.

Mr. Santia replied to inquiry there is a total of 332 square feet, but the majority of that is on the back building.

Motion by Mr. Pearl, supported by Mr. D’Angelo, with reference to File #16-6714 and application from Mr. David Ruff, U-Haul, 43920 Gratiot Avenue, Clinton Township, Michigan 48036, as represented by Ms. Rebecca Godin, Phillips Sign & Lighting, 40920 Executive Drive, Harrison Township, Michigan 48045, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, “Business sign”, concerning 1.493 acres of land fronting the east line of Gratiot Avenue, south of Hall Road (M-59), addressed as 43920 Gratiot Avenue, that variance be granted to permit the installation of three (3) additional wall signs for an existing business in the B-3 General Business District (U-Haul), totaling six (6) wall

signs, being five (5) wall signs in excess of the maximum permitted one (1) wall sign, noting that this includes the two (2) wall signs for which a variance was previously granted on December 16th, 2009; further, this grant of variance is based on claimed hardship being the size of the buildings and the separate buildings being set back from the street; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Campbell stated he would encourage the petitioner that this is the maximum permitted, and whatever they can do to reduce the total square footage of signage would be a plus.

Mr. Marella did not feel it will be noticeable to people on Gratiot whether the signs are slightly smaller.

Mr. D'Angelo thanked Mr. Ruff for developing their business in Clinton Township. He commented that it is a nice building and will be a catalyst in the area.

Roll Call Vote: Ayes – Pearl, D'Angelo, Campbell, Edgar, Marella. Nays – None. Absent – Hornung, Trombley. Motion carried.

1.0 ACRE OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59), WEST OF ROMEO PLANK ROAD (SECTION 5)

-- **APPEAL: GENISYS CREDIT UNION**
FILE #16-6715: PETITIONED BY MR. THOMAS H. ALTER,
GENISYS CREDIT UNION

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 15 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. There were no written responses received in reply to the mailing.

Mr. Campbell indicated that he has been a member of this credit union for many years, but he does not feel that will affect his ability to be objective in this case.

Mr. Tom Alter, Genisys Credit Union, 2100 Executive Hills Boulevard, Auburn Hills, Michigan 48326, stated this will be the twenty-ninth location in Macomb County, and there are 1,700 members in Clinton Township alone who are waiting to have a branch nearby. He explained that they are seeking only one variance and that is for the number of waiting spaces for each of their drive-up windows and ATM. He noted that by ordinance, they are required to provide eight waiting spaces for each window or machine, and they are providing four for each. He stated a Starbucks or a McDonalds may very well need all eight waiting spaces, but financial institutions no longer need that many. He brought in data from their location in Troy serving over 6,000 members, which he felt would be comparable to the proposed location. At that location, because

people have so many other alternatives for handling their banking transactions, they have seen drive-thru banking reduced, and rarely have even three cars lined up. He explained their peak hours are between 4 p.m. and 5 p.m. on Fridays, and they average 49 transactions an hour during that peak time, but most of those are done in the lobby. If they calculate one-half of those as drive-thru, that would be 25, and the majority of tellers handle 24 transactions an hour, so there will be no problem with back-ups in the lines. He felt the variance is appropriate for this location, and having to provide more stacking space will take away parking or require them to drastically reduce the size of the building. Mr. Alter stated his architect is present tonight if the Board members wish to ask him any questions regarding the development.

Mr. Pearl felt the variance request is reasonable.

Mr. Campbell felt their ordinance requirement for stacking space is out-of-date. He stated it was adopted at a time when everyone received written paychecks and had to go to the bank to deposit or cash them. He felt, however, the traffic flow in and out of that area, especially being adjacent to Nino Salvaggio's, is a problem, and there is no stop sign along the service drive for people traveling north to exit to Hall. He felt a stop sign would improve the traffic situation, and hoped that will be addressed at the Planning Commission level when this plan is forwarded to them for their review and recommendation to the Board.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #16-6715 and application from Mr. Thomas H. Alter, Genisys Credit Union, 2100 Executive Hills Boulevard, Auburn Hills, Michigan 48326, for variance to Clinton Township Planning and Zoning Code, Chapter 1296.01-(4)-A, Space Requirements, Off-Street Parking and Loading, Offices, Banks, concerning 1.0 acre of vacant land fronting the south line of Hall Road (M-59), west of Romeo Plank Road (LA Fitness outlot), that variance be granted to permit construction of a Genisys Credit Union in the B-2 Community Business District with four (4) waiting spaces for each drive-up window or machine, being four (4) waiting spaces less than the minimum required eight (8) spaces per drive-up window or machine; further, this grant of variance is based on claimed practical difficulty that the data submitted by the petitioner reflecting the change in banking patterns indicates they do not need the additional stacking space for cars; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D'Angelo, Edgar, Campbell, Marella. Nays – None. Absent – Hornung, Trombley. Motion carried.

REPORT OF MEETING

-- APPROVAL OF JULY 27TH, 2016 REPORT

Mr. Campbell requested the following corrections:

Throughout the minutes, starting on Page 2:

Change the header to reflect "July 27th, 2016 Meeting"

For the motion to adjourn the meeting:

Change from: Mr. Hornung
Change to: Mr. D'Angelo

Motion by Mr. Campbell, supported by Mr. D'Angelo, to approve the minutes of the July 27th, 2016 Meeting with the changes as noted. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- **CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:**
WEDNESDAY, SEPTEMBER 21ST, 2016 AT 6:30 P.M.

Mr. Santia confirmed that there will be a meeting on September 21st, 2016, and there will be four items: two single-family requests, one for a storage facility on Gratiot and the other for a second lawn sign at Clinton Medical Center on Dalcoma Drive.

ADJOURNMENT

Motion by Mr. D'Angelo, supported by Mr. Edgar, to adjourn the meeting. Motion carried. The meeting adjourned at 7:09 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:08/30/16

ces:08/30/16

Approved 09/21/16

- Original to Clerks
- Excerpts
- Email