

# **CLINTON TOWNSHIP BOARD OF APPEALS**

*REPORT OF MEETING*  
*WEDNESDAY, MAY 23<sup>RD</sup>, 2018*

PRESENT: Francis Marella, Chairperson  
James D'Angelo, Vice-Chairperson  
Robert M. Campbell, Secretary  
Michael Deyak  
Kenneth Pearl  
Denise C. Trombley

ABSENT: Ernest Hornung (Excused)

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

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

## **APPROVAL OF AGENDA**

Mr. Campbell requested the addition of the following item to tonight's agenda:  
Item #6A – Discussion on Status of Acme Auto @ Carini Plaza (File #18-6917)

Motion by Mr. Pearl, supported by Mr. D'Angelo, to approve the agenda as amended.  
Motion carried.

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.

**LOT 68, DONALDSON PARK SUBDIVISION, LOCATED FRONTING THE NORTH LINE OF DONALDSON, EAST OF HARPER, ADDRESSED AS 23501 DONALDSON (SECTION 35)**

- **APPEAL: SFR – DONALDSON, 23501**

**FILE #18-6818: PETITIONED BY MR. STEVEN TROMBLEY**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 19<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 59 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies in response to the mailing.

Mr. Steven Trombley, 23501 Donaldson, Clinton Township, Michigan 48035, stated he would like to add on to his garage so he can store his personal items inside. He felt it will enhance the neighborhood, and he pointed out there is room because he has 75 feet behind his garage. He explained he has a truck, a jeep, a riding lawnmower, a motorcycle and a golf cart.

Mr. Campbell stated he drove by this house on Monday and observed a truck and other items parked in front of the garage. He questioned what other items the owner would like to store inside.

Mr. Trombley stated the truck is for sale. He reiterated the items he wants to be able to store inside.

Mr. Campbell inquired as to the use for the golf cart.

Mr. Trombley replied he uses it for “tooling around the neighborhood”. He explained he generally takes it to his cottage up in northern Michigan during the summer months.

Mr. Pearl stated there were no letters of objection received and there is no one here tonight to object, so he has no objection as long as the petitioner is not using it for commercial use.

Motion by Mr. Pearl, supported by Mr. Campbell, with reference to File #18-6818 and application from Mr. Steven Trombley, 23501 Donaldson, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 68, Donaldson Park Subdivision (Section 35), generally located fronting the north line of Donaldson, east of Harper, addressed as 23501 Donaldson, that variance be granted to permit a 440-square-foot addition to an existing 528-square-foot detached accessory structure (garage) in the R-5 One-Family Residential District, totaling 968 square feet, which is 318 square feet in excess of the maximum permitted 650 square feet; further, this grant of variance is based on claimed practical difficulty of allowing security and storage of personal items inside; further, this grant of variance is

contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Campbell, D’Angelo, Deyak, Trombley, Marella. Nays – None. Absent – Hornung. Motion carried.

**4.59 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF 15 MILE ROAD,  
WEST OF HENGESBACH (SECTION 26) (PARCEL #16-11-26-352-006)**

**- APPEAL: SARGENT APPLIANCE WAREHOUSE  
FILE #18-6828: PETITIONED BY MR. JOHN SKOLAS,  
SARGENT APPLIANCE  
REPRESENTED BY WILLIAM J. THOMPSON, LEHNER ASSOCIATES, INC.**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 25<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 156 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. There were no written responses to the mailing.

Mr. Bill Thompson, of Lehner Associates, Inc., representing Sargent Appliance, noted that the subject parcel is zoned I-1 Light Industrial and measures about 160 feet in width by 400 feet deep. It is surrounded on the east by I-1 Light Industrial property. The front half of the property is abutting I-1 to the west and a small strip of RML Multiple-Family Residential (Low-Density) and RMH Multiple-Family Residential (High-Density) property; however, to the west of those multiple-family residentially-zoned properties is more industrially-zoned property. The proposal is to put in a 41,000-square-foot building on this parcel. He added there will be a detention basin, and he reviewed the developments on the surrounding properties. Their front parking is set 25 feet from the 60 feet from the right-of-way line, and the parcel to the east has parking 18 feet from the right-of-way line. The parcel to the west, also zoned industrial, has a vacant house on it for sale, and to the west of that is another industrial parcel, with the building being 38 feet from the property line and it has a driveway right at the property line. He reiterated they are asking for a setback variance, but they will still have a 25-foot greenbelt. If they pushed the building back, their building would be overlapping the residential property.

Mr. Gerald Clark, 35093 Hengesbach, Clinton Township, Michigan 48035, owner of the abutting residential property, explained he has been there for 40 years. He has about an acre of land abutting the subject parcel. He did not feel it is fair that a building this size can be put within ten feet of his property, noting there will be semitrucks driving back and forth to load and unload. He stressed it has been a very nice place to live for 40 years. He expressed concern about flooding problems, noting there is a county ditch that runs down the property. He questioned whether they will be required to put in culverts, or whether they will be filling it in and flooding the neighbors out. He questioned whether they are proposing to put up a cement wall along the shared property line. He complained if this is permitted to be developed, it will ruin his environment. He

understands the Township needs the taxes, but he pointed out this is such a narrow piece of property for such a large building, and he stressed he does not want a warehouse 10 feet from his property.

Mr. Marella inquired as to whether Mr. Clark understood that his property, while it has a house on it, is zoned I-1 Light Industrial.

Mr. Clark stated after he dies, they can use it any way they wish, but he reiterated it is residential at this time. He added that the Township “may have made it industrial” but he claimed he has been there for 40 years and insisted his property is zoned residential. He stated it was rural when he moved in 40 years ago, and he farmed the land. He felt the Township should be considering the County’s ditch running through that property, and the effect of closing that in and the effect this development will have on surrounding property values.

Mr. Pearl asked Mr. Clark to show them where his house is located on the map.

Mr. Clark pointed out the location of his house. He claimed they rezoned everything except the two lots where his house is situated, which he further claimed is residential.

Mr. Santia clarified the property is zoned I-1 Light Industrial up to two lots north of the Shadowwoods building, including the property owned by Mr. Clark.

Mr. Clark was insistent that his property is zoned residential and will remain zoned residential until he dies.

Mr. Santia stated he can live there as long as he wants, but it is zoned industrial.

Discussion took place regarding how far the building will be from Mr. Clark’s property line, and it was determined Mr. Clark lives on the east side of the property.

Mr. Campbell pointed out that is not the side that is 10-feet from the property line.

Mr. Clark inquired as to the distance of this building from his property.

Mr. Santia calculated that the building will be 47 feet away. He replied that he is required to be 50 feet from residential, but he reminded the abutting property is zoned light industrial.

Mr. Clark once again insisted his property is zoned residential.

Mr. Santia confirmed that if the abutting property is zoned residential, the petitioner will be required to put in a wall between the two properties, but if it is zoned light industrial, no wall between the two properties is required.

Mr. Colin Capek, 35433 Hengesbach, Clinton Township, Michigan 48035, questioned the location of the driveway. He explained he received notification in the mail of tonight's public hearing, but it does not explain what is being proposed.

Mr. Santia replied that the driveway is proposed for the east side of the lot.

Mr. Capek felt the biggest problem is the drainage, and he questioned whether the ditch is being filled in.

Mr. Santia felt the engineer will be able to better answer that question. He ensured that the ditch will be maintained because the water must flow.

Mr. Capek commented that the ditch is not straight and currently wanders through the property.

Mr. Santia stated they can straighten it out, and there is a provision for a detention basin in the rear out to the Forsythe Drain.

Mr. Thompson replied that is correct. He explained there is a ditch that is currently 2-1/2 to 3-feet in depth and runs from the Forsythe Relief Drain. He noted it is an old County ditch and it was abandoned several years ago so it bears no water. He replied to further inquiry that the ditch will be filled in. He indicated nothing comes from the Forsythe Drain to the south. When they grade the site, they are required to keep the site lower than the adjacent site, so they do not block any water flow. He commented there will not be water sitting on the property line because it will be graded in such a way as the subject property will be lower and will take on that water flow; however, he added if there is water standing 50 feet into the abutting property, there is nothing he can do about that.

Mr. David Orsini, 35116 Hereford, Clinton Township, Michigan 48035, stated he is the homeowner on the west side of the subject property. He complained that they want to put a building ten feet from his property. He took photographs of the property, showing the ditch running across the site onto Glenwood. He claimed there is about three to four feet of standing water in it now. During the heavy rain about three weeks ago, he claimed the water backed up to 15 Mile Road and he got water in the back of his property. Mr. Orsini stated he purchased his property seven years ago and selected this location for its seclusion. He feeds the animals and has inquired about the property to the north of him but was told that property belongs to the County with expectations of possibly putting a park there in the future. He stated he can sit in his yard and enjoy his country setting in the city. He wants to stay here, and his son wants to eventually inherit the property. He assured he is not opposed to having something constructed on the subject property and is not against anyone making a living, but he questioned whether the Board of Appeals members would like to

have this adjacent to their back yards. He measured the ditch and it is 20 feet from his property. He questioned what happens when they close it in.

Mr. Pearl inquired as to whether Mr. Orsini is looking at the subject property.

Mr. Orsini replied affirmatively.

Mr. Santia explained the building will stop about 28 feet from Mr. Orsini's property line.

Mr. Orsini commented he will still have the nuisance of the noise.

Mr. Pearl commented that, while Mr. Orsini is looking at that vacant property, he does not own it. He added that no one wants to see vacant property developed, but the owner has a right to build on his land.

Mr. Orsini insisted he is not against progress and he has nothing against Sargent Appliance, but there were several reasons why he purchased his property, and he does not want that infringed upon.

Mr. Pearl noted that if Mr. Orsini had purchased the subject property when he purchased his own property, it would have been his and he could have chosen to leave it vacant.

Mr. Orsini claimed he could not afford the \$200,000 plus taxes that he was asking.

Mr. Clark stated he is on the opposite side of the subject property. He owns an acre which is divided into seven lots. He was concerned there will be trucks coming behind his house all the time and questioned what will happen if they unload deliveries at night, because this will be directly behind his property line.

Mr. Pearl asked for clarification as to the Township-owned property.

Mr. Santia replied the Township owns property just north of the property zoned RML Multiple-Family Residential (Low-Density). It is just west of the lot and north of the Forsythe Drain. He replied to further inquiry that, although the abutting property is being occupied as a single-family residence, it is zoned I-1 Light Industrial.

Mr. Pearl inquired as to whether the petitioner could construct this building without the variances.

Mr. Santia replied it could be built, but the building would have to be made a little shorter.

Mr. Pearl pointed out that even if this Board denies the request, the petitioner can still build the warehouse because it is zoned industrial. He questioned where the building is proposed on the property, and how it will affect the abutting residents.

Mr. Thompson pointed out the locations on the site plan where the two abutting residents live. He noted that the building will be even longer if they do not get the variance to accommodate the square footage they need.

Mr. Santia pointed out he is approximately 20 feet from the residential property, so he would have to go another 22 feet.

Considerable discussion took place regarding the proposed building and the options that would be available to the owner.

Mr. Thompson pointed out that if they must maintain a 50-foot setback on both the east and west sides, the building could only be 60-foot wide, so they would have to add another 300 feet to the length of the building because the petitioner needs a 40,000 square foot building.

Mr. Pearl explained to the homeowners that if this variance is denied, the building can still be constructed on that property, but it would be narrower and 300 feet longer. He assured the petitioner must do whatever is required by the Township regarding drainage, and the water cannot flow onto the neighboring properties. He assured that the petitioner cannot flood any of the neighboring properties because of this development. He inquired as to whether the abutting residents would rather see a narrow, longer building or whether they would like it wider but closer to their lot lines.

Mr. Clark stated he does not want anything there. He stated he wants it kept away from his property.

Mr. Santia explained they can eliminate the variance by knocking out the building on the west side and adding a narrower portion measuring 60 feet beyond that. He pointed out that most of the building can remain at the 100-foot width and a smaller portion of the building can measure 60 feet in width.

Mr. Pearl cautioned that the residents may still end up with the building because the property is zoned accordingly.

Mr. Clark stressed he does not want the petitioner to disrupt his life, so he wants the building far enough away so as not to disrupt his residential environment.

Mr. Marella pointed out that the petitioner can go forward with the project as long as he meets ordinance requirements, but he cautioned that could result in a longer building.

Mr. Campbell agreed the petitioner can construct a warehouse on the property because it is zoned I-1 Light Industrial. He reminded that they still have a front yard setback to

consider, and a denial does not address the off-street loading and unloading space in the side yard partially abutting residential property. If he is denied the variance, he cannot build without relocating the loading and unloading area.

Mr. Orsini stated he would personally prefer to see a longer building if that means the building would be set further back from his property line.

Mr. Pearl stated he would like to postpone this to the next meeting, so they can get more information.

Motion by Mr. Pearl, supported by Mr. Deyak, with reference to File #18-6828 and application from Mr. John Skolas, of Sargent Appliance, 15950 Gratiot Avenue, Clinton Township, Michigan 48035, as represented by Mr. William J. Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Suite 3, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-o, -q and -r, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning 4.59 acres of vacant land fronting the north line of 15 Mile Road, west of Hengesbach (Section 26), that further consideration of request for variance to permit the construction of a 41,144-square-foot warehouse on vacant land in the I-1 Light Industrial District, to be used by Sargent Appliance, with: 1) An off-street loading and unloading space partially located in a side yard abutting residential property, which is not allowed; 2) A front yard setback of 25 feet, being 35 feet less than the minimum required 60 feet; and 3) A side yard setback of 10.04 feet, being 39.96 feet less than the minimum required 50-foot distance from residentially-zoned property, be postponed to the next Board of Appeals Meeting scheduled for Wednesday, June 20<sup>th</sup>, 2018 so that more information can be obtained. Roll Call Vote: Ayes – Pearl, Deyak, D'Angelo, Trombley, Campbell, Marella. Nays – None. Absent – Hornung. Motion carried.

Mr. Pearl inquired as to whether the residents present this evening will be notified of the next meeting.

Mr. Santia replied affirmatively.

Mr. Thompson assured he will work with Mr. Santia, and he appreciated the Board of Appeals working with them.

**2.221 ACRES OF VACANT LAND LOCATED SOUTH OF HALL ROAD, EAST OF HAYES ROAD (SECTION 6) (PARCEL #16-11-06-126-009)**  
**- APPEAL: CLINTON HALL PROPERTIES (FKA PALM PALACE)**  
**FILE #18-6822: PETITIONED BY DAN HEILEMAN, HEILEMAN SIGNS**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 25<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 43 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 replies received in response to the mailing.

Mr. Robert Miller, 4640 Clinton Drive, Clarkston, Michigan, offered to answer questions. He understood that they are allowed 100 square feet, but he pointed out they are only 17 square feet more than that amount. He noted his client needs two additional tenant panels.

Mr. Atisha, 2200 Bloomfield Woods Court, West Bloomfield, Michigan, stated he can speak to the design of the sign. He relayed that Mr. Heileman apologized for not being present this evening, but he had a schedule conflict with one of his children's events. He noted that this is not a conventional property and is scheduled to have two buildings on it. They are in the process of building one retail center but there will be a 7,900-square-foot additional retail building toward the back of the property. He explained they do not know if the second building will be that size, but they are asking for 17 additional square feet to their sign, so they can provide that building with the signage they need, especially since it will sit further back and will not be visible from the road. He added they are also requesting a variance on the under-clearance of the sign. They intend to use some of the existing underground structure and he assured it will be a nice-looking sign.

Mr. Campbell inquired as to whether the seven panels on the sign will cover both buildings in the end.

Mr. Atisha replied affirmatively. He replied to further inquiry that they will not be coming back to ask for additional signage.

Mr. Campbell questioned why they would go to all the trouble of spending the money for only 17 square feet extra. He commented that there are a lot of large signs in the Township, but there are none within the two miles of Clinton Township along M-59 (Hall Road), between Hayes and Romeo Plank Roads.

Mr. Atisha replied that the owners are very design-conscious and do not want to put up something very large and obnoxious. They worked on this for some time before they selected this sign.

Mr. Campbell inquired as to why they feel they should be the only piece of property along M-59, between Hayes and Romeo Plank Roads, that should have a variance for over the amount of signage allowed.

Mr. Atisha replied they have a special circumstance in that they will have a second building behind the first building. He questioned whether all the other buildings along Hall Road have additional buildings in the back.

Mr. Campbell replied the other buildings on Hall Road most likely do not have additional buildings behind them.

Mr. Atisha stated he learned today that the existing signage is larger than what is being proposed.

Mr. Santia replied he could not recall, but they may have checked it out.

Mr. Campbell commented that if there are seven tenants, this provides minimal square footage for each one, and in the interest of safety, he felt it is appropriate to allow the variance. He felt the petitioner kept it at a reasonable amount. He pointed out the ordinance for the under-clearance was to make sure cars coming in and out of driveways have adequate visibility, but he added the sign is to the east of the driveway so no one coming in or out of their driveway will be looking in that direction when it comes to traffic.

Mr. Atisha replied that is changing because they are being forced to put in a new approach and just got the approval for that this morning.

Mr. Campbell inquired as to whether that is different than what was submitted to this Board.

Mr. Atisha clarified the sign is not different, nor is the location, but the approach is being relocated.

Mr. Campbell questioned why they cannot provide the six-foot under-clearance.

Mr. Atisha replied they probably can provide that under-clearance if they go back to design.

Mr. Santia inquired as to whether the sign will stay where it is.

Mr. Atisha replied affirmatively.

Mr. Campbell inquired as to the distance of the sign from the new approach.

Mr. Atisha estimated it will be 50 to 55 feet from the approach.

Mr. Santia stated he does not have the information with him on the current sign.

Motion by Mr. Campbell, supported by Ms. Trombley, with reference to File #18-6822 and application from Mr. Dan Heileman, of Heileman Signs, 4797 Gratiot, St. Clair, Michigan 48079, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-1 and -3, Signs, Definitions and Restrictions, "Pylon sign", concerning 2.221 acres of land fronting the south line of Hall Road (M-59), east of Hayes, addressed as 15750 Hall Road (Section 6), that variance be granted to permit the installation of a pylon sign for a retail development in the B-2 Community Business District (Clinton Hall Properties, fka Palm Palace), which is:

- 1) 117 square feet, being 17 square feet in excess of the maximum permitted one hundred (100) square feet; and
- 2) Clearance from bottom of the face of the sign to grade level being less than six (6) feet, which is not allowed;

Further, this grant of variance is based on claimed hardship of providing public safety by allowing identification of a development with seven occupants, and regarding the under-clearance, the sign will be a considerable distance from the entrance of the property. Roll Call Vote: Ayes – Campbell, Trombley, D’Angelo, Deyak, Marella. Nays – None. Absent – Hornung, Pearl. Motion carried.

**LOT 60 AND PART OF LOT 61, GROESBECK-NUNNELEY SUBDIVISION (SECTION 28), BEING 2.366 ACRES FRONTING THE WEST LINE OF GROESBECK, SOUTH OF METRO PARKWAY, ADDRESSED AS 36333 GROESBECK HIGHWAY**

**- APPEAL: UNITY INVESTMENT GROUP SIGN (FKA DANIEL TIRE / HYDROPONICS)  
FILE #18-6823: PETITIONED BY KHALEEL SUHRAWARDY,  
UNITY INVESTMENT GROUP  
REPRESENTED BY JOHN QUINLAN, QUINCO PROPERTIES**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 25<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 79 owners and/or occupants of property located within 300 feet of the land in question, with 13 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. John Quinlan, 471 Colonial Road, Grosse Pointe Woods, Michigan, property manager for the owner, explained the reason for the request is that this is an existing sign for property the owner purchased. One of the tenants, without the permission of the Township or the landlord, installed an additional panel to the pylon sign without a permit. The Township ordered him to take it down, but he claimed that triggered this sign “falling out of the grandfather clause” and it was required to be brought into conformance. The owner is now proposing to take off the top tenant panel, which reduces the size of the sign, although he noted it is still more than what is permitted by ordinance, so they are seeking a variance to allow the remainder of the sign to remain.

Mr. Campbell clarified that this sign “fell out of grandfather status” long ago. He explained the sign ordinance was changed in 1993, allowing a one-time one-third change, after which time, the sign must be brought into compliance with current ordinance requirements. He commented that this sign has been the beneficiary of remaining non-compliant for twenty-three years. In previous cases, this Board has allowed the immediate change to a sign, with the condition that the entire sign must be brought into compliance within one year from the grant of variance. He felt the same action is appropriate for this sign.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6823 and application from Mr. Khaleel Suhrawardy, of Unity Investment Group, 36333 Groesbeck, Clinton Township, Michigan 48035, as represented by Mr. John Quinlan, of Quinco Properties, 20789 Harper Avenue, Harper Woods, Michigan 48225, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(6)-A, Signs, Definitions and Restrictions, “Business sign”, and Chapter 1488.02-(e)-(1)-B-1 and -2, Signs, Definitions and Restrictions, “Business sign”, “Pylon sign”, Maximum Size and Maximum Height, concerning Lot 60 and part of Lot 61, Groesbeck-Nunneley Subdivision, located fronting the west line of Groesbeck Highway, south of Metro Parkway, addressed as 36333 Groesbeck Highway (Section 28), that a **temporary variance** be granted to permit the modification of an existing sign for businesses in the I-2 General Industrial District (Unity Investment Group sign) by removing the top panel, with the sign being:

1. A pylon sign, which is not a type of sign permitted in the Industrial Districts;
2. 25.75 feet in height, which is 7.75 feet in excess of the maximum permitted 18 feet permitted for a pylon sign at this location; and
3. 151.46 square feet, which is 51.46 square feet in excess of the maximum permitted 100 square feet for a pylon sign at this location;

Further, this **temporary variance** is granted on the condition that the top panel of the sign (“Auto Hospital Auto Repair”) be removed within sixty (60) days, and the entire sign is to be brought into compliance with existing Township ordinances within one (1) year. Roll Call Vote: Ayes – Campbell, Marella, D’Angelo, Deyak, Trombley. Nays – None. Absent – Hornung, Pearl. Motion carried.

## **2.651 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF HAYES AND AMORE, ADDRESSED AS 40700 HAYES ROAD (SECTION 18)**

- **APPEAL: HAYES PLAZA**

**FILE #18-6824: PETITIONED BY LARRY WORDEN, GALAXY SIGNS  
REPRESENTED BY SARAH SCHULTZ, SIGNARAMA**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 25<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 319 owners and/or occupants of property located within 300 feet of the land in question, with 29 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Bryan Duquet, of Signarama, 36886 Harper, Clinton Township, Michigan 48035, and Mr. Ron Saoud, 48904 Remer, Shelby Township, Michigan 48317, offered to answer questions.

Mr. Duquet explained they have an existing pylon sign at Hayes Plaza and they are looking to convert it to a multi-tenant sign. The sign structure is in very good condition and it is currently between the driveway and the parking spaces. They would like to maintain the 19-foot 5-inch height because it is adjacent to parking.

Mr. Campbell stated he could see no reason for granting a 19.5-foot sign.

Motion by Mr. Campbell, supported by Mr. D'Angelo, with reference to File #18-6824 and application from Mr. Larry Worden, Galaxy Signs, 36886 Harper, Clinton Township, Michigan 48035, as represented by Ms. Sarah Schultz, Signarama, same address, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-2, Signs, Definitions and Restrictions, "Business sign", "Pylon sign", concerning 2.651 acres of land located at the northeast corner of Hayes and Amore, addressed as 40700 Hayes Road (Section 18), that request for variance to permit the replacement of a pylon sign for a retail plaza in the B-1 Neighborhood Business District (Hayes Plaza) measuring 19.50 feet in height, being 4.5 feet in excess of the maximum permitted 15 feet, be denied by reason that sufficient hardship has not been demonstrated. Discussion ensued.

Mr. Duquet pointed out if they lower the sign, it is directly adjacent to a parking spot, and that is their hardship.

Mr. Campbell suggested they change the size of the sign.

Mr. Duquet commented that they would not be able to stay within the square footage for which they are allowed.

Mr. Santia indicated the sign can be lowered, but they would still have to maintain a minimum 6-foot under clearance, so they could lower it twenty (20) inches.

Mr. Duquet noted they would still be over the maximum height requirement. He noted they cannot make the poles wider without changing the footings and the structure.

Mr. Saoud clarified the sign is the same size as the previous sign, pointing out that they are not adding to it.

Mr. Campbell explained the ordinance was changed to allow nothing taller than 15 feet on Hayes. He could not recall ever having approved a new sign on a road like this at 19.5 feet in height. He pointed out there are similar strip malls on Garfield Road where there are a few "monster signs" that are in the process of being brought into compliance. He claimed there are a lot of attractive-looking signs that are well within the height and size limitations of what the Township ordinance allows.

Mr. Duquet explained they are only proposing to change the cabinet.

Mr. Campbell inquired as to whether they are leaving the same footings for economic reasons.

Mr. Saoud replied affirmatively, adding that he also has thirteen tenants who need their businesses on the sign. He explained he is trying to make his tenants happy.

Mr. Campbell stated that money is not considered an undue hardship, which is the criteria required for the Board of Appeals to grant a variance on a sign.

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

Mr. Saoud stated he will leave the sign the way it is.

Mr. Santia stated that, according to the picture submitted, it appears they intended to make modifications to the entire sign, including a rounded top.

Mr. Duquet explained the current sign is 19 feet 6 inches in height. He noted that whoever built the original sign put in one-half inch thick columns, so they are heavy and “not going anywhere”.

**4.06 ACRES OF LAND FRONTING THE NORTH LINE OF ST. FRANCIS, EAST OF ORMSBY, ADDRESSED AS 24475 ST. FRANCIS (SECTION 13)**

**- APPEAL: BOND OF PEACE MINISTRIES / PRECIOUS ANGELS CHRISTIAN ACADEMY  
FILE #18-6825: PETITIONED BY MAURICE A. MARSHALL, BOND OF PEACE MINISTRIES / PRECIOUS ANGELS CHRISTIAN ACADEMY**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated May 11<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 75 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Maurice Marshall, petitioner, 42610 Colorado Drive, Clinton Township, Michigan 48036, and Mr. Chuck Babcock, of Babcock Asset Management, 32750 South River Road, Harrison Township, Michigan, offered to answer questions.

Mr. Marshall explained they currently run a pre-school in Chesterfield Township called Precious Angels Christian Academy. They have outgrown their current building, and he has been searching for another location. They located this building on the subject property in December 2017. They understand that it is a residential area, but it allows a lot of room for growth. They want to zero in on the families of the daycare and host marriage classes, as well as counseling and parenting counseling, which will evolve into Bond of Peace Ministries. They would like to “bring life back to that corner”, and he felt the improvement of the aesthetics will make that part of the neighborhood even more beautiful.

Mr. Babcock pointed out it has been a school since the 1950’s.

Mr. Santia clarified that schools are allowed on residential property by right. Churches require Special Land Use approval. A state-licensed, for-profit day care by itself would not be allowed because it is a residential district, and that use is only allowed in commercial districts. He advised that Mr. Marshall wants to make this a church and needs a variance to located on a street not having a right-of-way of at least eight-six feet, which is why he is here tonight.

Mr. Babcock claimed precedent has been set, noting that St. Louis Church has almost 1,000 feet of frontage on Charbeneau.

Mr. Santia clarified that St. Louis Church is also fronting Harper, so there is a difference. He explained exactly where the building is located.

Mr. Babcock replied to inquiry he purchased this property approximately one year ago. He could see no problem with allowing the church and school at this location.

Mr. Campbell offered no objections, pointing out it was used as a school.

Mr. Deyak inquired as to whether this is a church today.

Mr. Marshall replied it is not yet a church.

Mr. Deyak inquired as to whether Mr. Santia has received all the required paperwork.

Mr. Santia replied that Mr. Marshall will have to provide Articles of Incorporation as well as other information about the church, which must be provided to the Planning Department.

Mr. Marshall confirmed that he brought that paperwork with him this evening. He brought it up to the Board, so they could view it.

Mr. Santia clarified that they want a copy of the paperwork.

Motion by Mr. D'Angelo, supported by Ms. Marella, with reference to File #18-6825 and application from Mr. Maurice A. Marshall, Bond of Peace Ministries, Inc., 42610 Colorado Drive, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.02-(25)-A, Supplementary Regulations, Uses Requiring Special Approval; Procedure, Churches, temples and other places of worship, concerning 4.06 acres of land fronting the north line of St. Francis, east of Ormsby, addressed as 24475 St. Francis (P.C. 173 / Section 13), that variance be granted to permit the use of an existing building (formerly St. Mary's School) in the R-5 One-Family Residential District for a church and school (Bond of Peace Ministries / Precious Angels Christian Academy), with the ingress to and egress from the site onto a road that does not have a right-of-way of at least eighty-six feet in width, which is required; further, this grant of variance is contingent upon the petitioner providing the required documentation, including the Articles of Incorporation for the church, as well as

documentation indicating the times of the services, number of members, etc.; further, this grant of variance is based on claimed practical difficulty that the building is already existing and was previously used as a school; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – D’Angelo, Marella, Trombley, Campbell, Deyak. Nays – None. Absent – Hornung, Pearl. Motion carried.

**LOTS 34-35, SUPERVISOR’S PLAT OF KELLY-GROESBECK ACRES, LOCATED EAST OF GROESBECK, SOUTH OF 15MILE ROAD, ADDRESSED AS 33860 GROESBECK (SECTION 33)**

- **APPEAL: ACME AUTO @ CARINI PLAZA**
  - **FILE #18-6817: PETITIONED BY MR. JAMES STUART, ACME AUTO**
  - **DISCUSSION ON REQUEST TO WITHDRAW PETITION**
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Mr. Campbell indicated they received a note from the petitioner respectfully requesting to withdraw his application. He understood that a storm had blown the sign down, so withdrawing the application has the effect of removing any issue with the sign. He noted this is another one of the older signs in the Township that owners think is “grandfathered”, but they have been changed over and over and need to be addressed.

Mr. Santia explained there is a renewed emphasis on those signs now that the economy has picked up. He indicated although they should have not been lax with them, when the economy was down, they were not as strict because of the cost involved in putting up a new sign. He emphasized they are looking at them very close now, and he stated they will be seeing a lot more of these signs with violations issued.

Motion by Mr. Campbell, supported by Mr. D’Angelo, with reference to File #18-6817 and application from Mr. James Stuart, Acme Auto, 33860 Groesbeck Highway, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-1 and -2, Signs, Definitions and Restrictions, “Pylon sign”; Chapter 1488.02-(e)-(6), Signs, Definitions and Restrictions, “Business sign”; and Chapter 1488.045-(c), Signs, Pre-Existing Signs, concerning Lots 34-35, Supervisor’s Plat of Kelly-Groesbeck Acres (Section 33), located east of Groesbeck, south of 15 Mile Road, addressed as 33860 Groesbeck, that, in light of the fact that the sign in question has blown down recently in a storm, this Board will accept the petitioner’s letter to request withdrawal of his application for variance; further, this is contingent upon the petitioner submitting an appropriate application to the Building Department for a new sign. Roll Call Vote: Ayes – Campbell, D’Angelo, Deyak, Trombley, Marella. Nays – None. Absent – Hornung, Pearl. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF APRIL 18<sup>TH</sup>, 2018 REPORT**

Mr. Campbell stated he has a revision to the April 18<sup>th</sup> meeting minutes on Page 7. He recalled that in the motion he made, he included a stipulation that the total combined square footage of the signs cannot exceed 200 square feet. He indicated that was not included in the Certificate of Approval and felt that both the minutes and the Certificate need to be revised to reflect that condition.

Motion by Mr. Campbell, supported by Mr. D'Angelo, to approve the minutes of the April 18<sup>th</sup>, 2018 Meeting as amended. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

### **-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE: WEDNESDAY, MAY 16<sup>TH</sup>, 2018 AT 6:30 P.M.**

Mr. Santia confirmed the next Board of Appeals meeting to be held on Wednesday, June 20<sup>th</sup>, 2018 at 6:30 p.m.

He noted the following items are anticipated to be on that agenda:

- A single-family home on Marston, where the owners would like to be able to keep their chickens.
- A single-family home on Dale Allen, with a driveway approach wider than permitted.
- Disabled American Veterans (D.A.V.) Thrift Store, with petitioner requesting a permanent extension of the 5-year parking variance that was granted five years ago.
- J.D.M. Industrial Building, with petitioner seeking a variance to allow parking in the front yard setback.
- A single-family home on Willis Court, with petitioner seeking a variance for an oversized garage.
- Jax Car Wash (formerly America's Finest Car Wash), with petitioner seeking a variance for an oversized LED panel on a sign.
- Sargent Appliance, which has been postponed from tonight's meeting.

Discussion took place regarding that is seven items for one agenda, with some of those having the potential of resulting in rather lengthy discussion. It was the consensus of the Board of Appeals that they would prefer these split up over two meetings.

Mr. Santia indicated the next meeting is scheduled for Wednesday, June 20<sup>th</sup>, 2018 and indicated if that is the wishes of the Board, that a second meeting could be scheduled for Thursday, June 21<sup>st</sup>, 2018.

Motion by Mr. Campbell, supported by Mr. Marella, that the items scheduled for the Board of Appeals Meeting in June be split up over two meetings to be held on

Wednesday, June 20<sup>th</sup>, 2018 and Thursday, June 21<sup>st</sup>, 2018. Roll Call Vote: Ayes – Campbell, Marella, Trombley, D’Angelo, Deyak. Nays – None. Absent – Hornung, Pearl. Motion carried.

## **ADJOURNMENT**

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Motion by Mr. Campbell, supported by Mr. D’Angelo, to adjourn the meeting. Motion carried. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:06/04/18

ces:06/07/18

*Approved 06/20/18*