

# **CLINTON TOWNSHIP BOARD OF APPEALS**

*REPORT OF MEETING*  
*WEDNESDAY, JULY 25<sup>TH</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: Stephen N. Cassin AICP, Planning Consultant, Carlisle Wortman

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

## **APPROVAL OF AGENDA**

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

**PART OF LOT 34, LOTS 35-37, SUPERVISOR'S PLAT OF WOODED GARDENS SUBDIVISION (6.66 ACRES) LOCATED WEST OF GROESBECK HIGHWAY, SOUTH OF CLINTON PLAZA DRIVE, ADDRESSED AS 34244 GROESBECK HIGHWAY (SECTION 33)**

- **APPEAL: LAVDA'S SELF STORAGE (FKA FOUNTAINVIEW LANES)  
FILE #18-6837: PETITIONED BY MR. NICHOLAS LAVDAS, LEONARDO  
COMEDY LANES LLC  
REPRESENTED BY MR. JOSEPH GUIDO, GUIDO ARCHITECTS, INC.**
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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 29<sup>th</sup>, 2018 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 none of those returned as undeliverable. He added that there was one written response received from an anonymous neighbor in objection to the variance request.

Mr. Joseph Guido, 23419 Ford Road, Dearborn, Michigan, explained this is a proposal to renovate the vacant 60,000-square-foot bowling alley to a climate-controlled self-storage facility, and supplementing that with some exterior self-storage areas as well by transferring some of the parking area into grade-level storage buildings with exterior access that are not climate-controlled. He felt the bulk of their request involves building setbacks and, in terms of trying to make this project economically feasible, they are requesting for some consideration for relief from the setback issues to be able to provide both types of storage to the users. He noted there is an area on the south side of the property where it is irregular-shaped, and they would like to use that for parking storage and/or recreational vehicle (RV) storage as well. In addition to the 60,000 square feet of space in the former bowling alley, they are proposing about another 40,000 square feet of storage space in the parking areas. He indicated they will be putting in catch basins, grading, new paving, new landscaping, and they are proposing a small parking area in the front for new customers. He explained this entire facility would be controlled with security gates with access codes, so there would be security access in and out of the facility. He noted the parking in the front is for new customers only, and others would be accessing the gated area and parking in the loading/unloading areas. He explained there are two areas planned for loading/unloading into the former bowling alley: one on the north side and one on the west side. They would have canopies and be covered, and people would come in and out of those doors; however, they would already be in the secured area. They are proposing decorative fencing along Groesbeck and along Clinton Plaza Drive, with the remainder of the fencing being vinyl-coated chain link. He assured they want to make this a first-class facility in the community, and he hoped the Board will consider these variance requests to make it an economically-viable project. He indicated the although this property abuts multiple-family residentially-zoned property in the back, there are no residential buildings in the area, and it is closest to their maintenance building. They felt the proper screening was a reasonable request in that area. He offered to answer questions.

Mr. John Mighion, 34250 Groesbeck, Clinton Township, Michigan 48035, one of the owners of the Harbor House Restaurant at 34250 Groesbeck, Clinton Township, Michigan 48035, explained that Harbor House is on the corner of Clinton Plaza Drive and Groesbeck. The subject property wraps around their business, so they are directly affected by what occurs on it. He noted that the Harbor House has been at that location for forty years, owned by three families who have lived in Macomb County their entire lives, and there is a total of six families who have an interest in the property. He complained that he was not provided a copy of the proposed print, and there was no plan showing the impact of this development on the abutting businesses. He observed no studies or additional opinions as to how Lavda's will handle its own traffic on Groesbeck. He stated he is aware that Groesbeck is a heavy industrial street, but he stressed the east side of Groesbeck, from the Lavda's property to north of Metropolitan Parkway, it is commercial. He claimed Harbor House is attractive and very visible, and he does not want a neighbor destroying that visible approach. He claimed that, despite what he claimed was the lack of information provided by the Township and the architect of this project, and further claim of the lack of information provided to the owners of the surrounding properties, he cited each of the proposed ordinances and the related problems with them. He noted the 10-foot setback on Groesbeck and 0-foot setback on Clinton Plaza Drive and felt a 10-foot parking setback is acceptable but emphasized there should be no buildings or fence allowed within the required 60-foot setback. He complained that there is no staging area for those parking or removing their RV's, and he also objected to the 0-foot setback from Clinton Plaza Drive, noting there will be no green area and trees. He pointed out that Clinton Plaza Drive is a road off Groesbeck that leads to homes where there are a lot of young families, and he did not feel it is fair to have no setback from that road, forcing all the families living in that area to have to look at the industrial development. Mr. Mighion complained that allowing storage buildings to be set 25 feet back from Groesbeck will block the line of sight for motorists to see his business. He stated he is not opposed to recreational vehicle storage if they not visible from his property, and he did not feel they should be allowed to be parked adjacent to Groesbeck. He stated the easterly property line has always been adjacent to a residentially-zoned district, so he had no problem with the granting of that variance, and since the existing building has always been 40 feet from the residentially-zoned property, he had no objections to that. He felt that to allow RV ports to be located 0 feet from the residentially-zoned property further enhances the non-conformity of the property, and he could not agree with that. He felt to do this successfully, there needs to be much more landscaping to serve as a buffer. He stated he talked with someone from the Michigan Department of Transportation, who indicated they have a certain amount of road right-of-way along Groesbeck, and if the variance is granted to allow parking within 8 feet of the property line along Groesbeck, that property could eventually be taken for road widening, leaving Lavda's without the required amount of parking. He did not feel this Board can make that decision without seeing more

renderings of what this site will look like if the requested variances are granted, and seeing what could be done in the way of additional landscaping, etc. Mr. Mighion complained that the property values of the surrounding area will most likely depreciate. He complained that decorative fencing, while nice to have, blocks the view. He noted Mr. Lavda is also proposing nice fencing along Clinton Plaza Drive, but low-grade fencing abutting Harbor House, which he felt is not very neighborly. He felt there should be some green space required between his property and the subject property if the Township is going to consider this development. Mr. Mighion commented that if the petitioners are granted a variance to decrease their setback from the Harbor House property, that will limit his options in the future as part-owner of the Harbor House. He felt that is a bad precedence to set because granting that variance will increase the value of the petitioner's property while decreasing the value of the neighboring property. He once again complained about the staging area, claiming that if two RV's or trucks are driving in the same time, they will back up onto Groesbeck. He urged the Zoning Board of Appeals to deny the variances requested, noting the reason cited for the variance request is to make development of this property economically feasible. He claimed Mr. Lavda purchased this property as a "fire sale". It is a huge parcel, and he could see no reason why this must push the limits of the ordinance to be useful.

Mr. Pearl noted they have a site plan, and he inquired as to whether the buildings along Groesbeck will be enclosed.

Mr. Guido replied they are drive-up single-story buildings and are enclosed. They are more of a traditional style of self-storage.

Mr. Marella inquired as to why the petitioner did not have a display on a board, so the audience could also see what is being proposed.

Mr. Guido apologized, stating he could have brought something in but did not know it would be necessary. He felt most of the concern is with the setbacks on Groesbeck. He did not agree with the complaint about the visibility issue with a decorative fence. He believed Harbor House has parking right up to Groesbeck. He noted that does not mean they should have it as well, but he hoped there would be some relief granted because most of the buildings along Groesbeck do not meet the spirit of the ordinance. He pointed out that 60 feet is substantial, and while he understands the concern with visibility, but the buildings proposed adjacent to Harbor House are very low-profile buildings, and he was confident motorists will still be able to see the neighboring businesses and signs.

Mr. Pearl questioned as to the height of the buildings.

Mr. Guido replied the height at the eave is ten feet, and they have a 3:12 pitch roof, so it will be between 13 feet and 14 feet high. He noted there is a circulation drive around the complex, along with 10 feet of landscaped setback to the fence line.

Mr. Pearl inquired as to the distance from the existing building to the restaurant.

Mr. Guido replied the abutting restaurant building is depicted on the site development plan but admitted it does not include the dimension. He estimated it is about sixty to seventy feet back from the property line.

Mr. Pearl noted Mr. Mighion is concerned about the angle the motorists are traveling heading north on Groesbeck, and they cannot see the building because it is 33 feet rather than 70 feet.

Mr. Guido did not believe Harbor House has any landscaped setback from Groesbeck, although he understands that was grandfathered for them.

Mr. Pearl inquired as to whether all the storage buildings are the same.

Mr. Guido replied the buildings are essentially the same, although there are some that are a little deeper, but the height is within a foot or two of the other buildings.

Mr. Pearl inquired as to which of the requested variances Mr. Mighion is not opposed to.

Mr. Mighion replied he is ok with the petitioner matching the parking setback they have, as well as the fact it is adjacent to residentially-zoned property and the existing building is 40 feet from residentially-zoned property, because those are existing conditions. He stressed he has a problem with any fencing or building closer to Groesbeck than the ordinance allows. He replied to inquiry that he is agreeable with the same amount of landscaping that matches what Harbor House has and what is customary for Groesbeck to 15 Mile Road. He felt any new development should beautify property, and if a variance for the number of trees is granted along Clinton Plaza Drive, they should be required to give something in return. He stated he has no problem with parking in the front yard, if it matches their setback from Groesbeck. He cautioned that if MDOT were to take some right-of-way, Harbor House will still have some parking available, but he is not sure Lavda's will have enough parking left. Mr. Mighion replied to still further inquiry that he has a problem with the heavy decorative fence, and although he appreciates they want something decorative, he was concerned it will block the view of his property from motorists.

Mr. Pearl stated Groesbeck is going down quickly and there are a lot of vacant parcels along that stretch. He explained the businesses are moving out faster than they can find more businesses to replace them. He pointed out that almost every business is close to Groesbeck.

Mr. Mighion disagreed, pointing out that the former K-Mart is situated further back, as well as Taco Bell.

Mr. Campbell commented that Buildings E, F and G, being shown as having a 33-foot front yard setback, could be expanded to 60 feet, and he calculated that only four units would be lost on each of three buildings to meet that setback. He felt that is a small number overall to ensure no visibility issues and to be a “good neighbor” and indicated that would be a very positive move to make. Mr. Campbell stated this Board has routinely granted variances for trees, and they realize the ordinance calls for too much in the way of trees. He felt five trees would be enough along Clinton Plaza Drive, and he stated he would not want to drive into an area that will be subject to all the droppings and mess from the trees. He looked at each of the variance requests and realizing this is a repurposing of a very derelict property, he felt the overall project is a drastic improvement for Groesbeck and is something this Township sorely needs. He felt there are a few points Mr. Mighion made that merit some consideration, one being the front yard setback. He felt the point of the 25-foot setback is something he can only find in the very small section of the Fountainview property that is behind Harbor House. He cannot find a 25-foot setback anywhere else on the prints. He felt that is a front-yard setback issue.

Discussion took place regarding the request for a setback variance of 300 feet to the residentially-zoned property to the north for RV Parking. It was determined that was listed by the petitioner on his application and is referred to on the Notice of Public Hearing as being “adjacent to a residentially-zoned district, which is not allowed”.

Mr. Campbell noted that, although residentially-zoned property is adjacent to the rear of the subject property, it is obvious when driving around to the back of the existing building, all the residential buildings are very far away from the property line. It is close to residentially-zoned property, but it is quite far from any individual residences, and he did not feel it will be a problem. He added that he has more of a problem with the “derelict unregistered school busses” that Lavda’s has parked in the southern part of the lot.

Mr. Nick Lavda replied they are no longer there.

Mr. Campbell stated they were there yesterday.

Mr. Lavda, 3671 E. 12 Mile Road, Warren, Michigan, assured they are gone, and that was a temporary move to that parking lot.

Mr. Campbell suggested the petitioner move Buildings E, F and G back and eliminate four units per building.

Mr. Lavda replied that, with the way they looked at this entire project, along with the expense to redevelop it and using the existing building, they would not be able to eliminate those units. If the Township cannot approve the variances as requested, they will be forced to back out of the deal. He assured that is not a threat, but it will not work for them.

Mr. Campbell clarified that to meet the setback, they would only have to move three buildings and eliminate four units off each building, which he felt is a very small percentage of the total number of units. He felt the rest of the development looks very positive, and he hoped it will rejuvenate Groesbeck. He did not feel four units per building should make or break the deal.

Mr. Lavda requested to speak to his architect in the hallway for a few minutes.

While Mr. Lavda was meeting with his architect, Mr. Cassin stated that if the buildings were pushed further back, they would only have to eliminate two units per building and would still meet the distances required for circulation on the property.

Mr. Campbell confirmed that would only be a total reduction of six units for the entire development.

Mr. Pearl offered to advise the petitioner and his architect of the suggestion to move the three buildings back and eliminate two units per building.

Mr. Mighion stated his biggest concern is the corner which blocks visibility. The fence goes to the corner.

Mr. Campbell felt the decorative fencing is a very positive aspect of the entire project, and any development like this he would encourage a high fencing for security reasons. If it is see-through fencing, it may block a little visibility, but he did not feel it will block the view of a sign of normal height. He also pointed out that Harbor House is a taller building with a second story.

Mr. Mighion admitted his building is taller. He added his concern is partly regarding visibility, but it also regards safety for his customers existing onto Groesbeck.

Mr. Lavda returned with his architect and indicated he would be willing to move the three buildings back to eliminate the need for a setback variance for those buildings, and, to do so, is willing to eliminate two units per building.

Mr. Marella admitted this may not be the “ideal project” but Groesbeck needs a catalyst to “get it going”. He felt it is time to get Groesbeck moving in the right direction.

Mr. Campbell questioned the fencing. He noted the decorative fence is in front and questioned what will be on the side adjacent to Harbor House.

Mr. Guido replied they have proposed a vinyl-covered chain link fence along the south and east property lines. He clarified they will have decorative fencing along the three buildings that face Groesbeck, and it will turn and extend back to the automatic security gate. The chain link fence will be picked up on the north property line that is common

with Harbor House back to the existing building and back to Clinton Plaza Drive, where the decorative fence will be picked up again along Clinton Plaza Drive. He noted it will be on the frontages of both streets.

Mr. Campbell inquired as to what will be along the back property line behind Building I.

Mr. Guido replied there will be a wall in the back. They were proposing to have another storage building with 15-foot-deep units and doors in between, so that wall along the back of the buildings will be about 10 feet tall and should obscure all the back of the existing building. He noted there is a heavy tree line along the east property line, so there is a good visual screen. They will continue with a 6-foot-high wall in the RV storage area all the way back to the south property line.

Mr. Campbell explained that as far as the type of wall and the screening becomes a function of the Planning Commission to review and approve. He noted that Mr. Mighion cannot get everything he has asked for or would desire for this property, but he inquired as to whether Mr. Mighion felt it is reasonable in his view if the petitioner is required to meet the required front yard setback for Buildings E, F and G.

Mr. Mighion replied that, as a neighbor, he felt storage units are fine, but he was concerned about the ingress/egress and the fence being so close to the approach. He felt moving the three buildings back helps, but he expressed his concern about the main approach.

Mr. Guido clarified that if they shorten the buildings, they will be pushing the fence back as well, so there is no reason to have a big aisle on the east side. There would be more landscaping in the front, so he felt the visibility will be better.

Mr. Mighion admitted that will help. He stated he is not an expert on ingress/egress and does not know whether that is enough, but it would help. He added he would like to see them turn the decorative fence back toward the Harbor House, so they do not have an industrial-looking fence against their building.

Mr. Pearl pointed out that is a Planning Commission issue and is not a variance issue. He suggested Mr. Mighion bring that up at the Planning Commission meeting.

Mr. Campbell felt there is basically no change to the variances. The main front setback is dealing with the 25 feet but that was not the area being discussed because that involved the area behind Harbor House. He explained that existed at one point behind Harbor House, but the setbacks for Buildings E, F and G are a 33-foot setback, and he is changing that to 60 feet, so it is changing the length of the area where the variance applies.

Mr. Pearl felt they will need to include that condition in the grant of variance.

Mr. Campbell felt they either need a condition referring to “per discussion about the relocation” and elimination of a total of six units from Buildings E, F and G, or they can postpone this and request they come back with a revised plan. He indicated they could also stipulate that a revised plan be submitted to the Planning Department within thirty (30) days.

Mr. Pearl felt they can place the condition on the variance that they are not allowed to construct the buildings within sixty (60) feet of Groesbeck.

Mr. Campbell reminded there is still a front yard setback in front of the existing building.

Discussion took place regarding the location of the front yard setback variance.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6837 and application from Mr. Nicholas Lavda, Leonardo Comedy Lanes, LLC, 3671 East Twelve Mile Road, Warren, Michigan 48092, as represented by Mr. Joseph Guido, Guido Architects, Inc., 23419 Ford Road, Dearborn, Michigan 48128, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-q and -r, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart; Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area; and Chapter 1298.02-(a)-(30)-C, Supplementary Regulations, Uses Requiring Special Approval; Procedure, Recreational vehicle storage facilities, concerning Part of Lot 34, Lots 35 through 37, Supervisor’s Plat of Wooded Gardens Subdivision (Section 33), being 6.66 acres of land fronting the west side of Groesbeck Highway, south of Clinton Plaza Drive, addressed as 34244 Groesbeck Highway, that variance be granted to permit the development of a self-storage facility in the I-1 Light Industrial District (Lavda’s Self-Storage, fka Fountainview Lanes), with:

- 1) A 10-foot landscaped setback on Groesbeck and a 0-foot setback along Clinton Plaza Drive, which is 50 feet and 25 feet, respectively, less than the minimum required 60-foot landscaped setback along Groesbeck and 25-foot landscaped setback along Clinton Plaza Drive;
- 2) Storage buildings to be located 25 feet from the front property line, being 35 feet less than the minimum required 60-foot setback;
- 3) Recreational vehicle (RV) storage along each of the side yard property lines, which is 10 feet closer than the minimum required 10-foot distance;
- 4) The easterly property line adjacent to a residentially-zoned district, which is not allowed;
- 5) The existing building is 40 feet from residentially-zoned property to the east, being 10 feet less than the minimum required 50 feet;
- 6) The proposed new storage building and the RV ports 0 feet from residentially-zoned property to the east, which is 50 feet less than the minimum required 50 feet;
- 7) 5 trees along the front yard setback on Clinton Plaza Drive, which is 7 trees less than required; and

- 8) Parking within 8 feet of the property line along Groesbeck, being 17 feet less than the minimum required 25 feet;

Further, this grant of variance is based on claimed practical difficulty being the need to repurpose an existing derelict site, and the current building needs a front yard setback variance from the existing Harbor House Restaurant; further, this is with the stipulation that the petitioner has agreed to move Buildings E, F and G further to the east, eliminating two large storage units per each building in order to meet the required 60-foot front yard setback at that point along Groesbeck, and that the revised plans showing these changes are to be submitted to the Planning Department within the next thirty (30) days, and this variance is subject to the approval of the revised plans by the Planning Department; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, D’Angelo, Deyak, Trombley, Marella. Nays – None. Absent – Hornung. Motion carried.

**0.59 ACRE OF LAND LOCATED ON THE SOUTH SIDE OF CANAL ROAD, EAST OF HAYES ROAD, ADDRESSED AS 15680 CANAL ROAD (SECTION 7)**

- **APPEAL: SFR – CANAL, 15680**

**FILE #18-6839: PETITIONED BY TONIN & ARDIANE MARKU**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 29<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 199 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.

Ms. Ardiane Marku, 15680 Canal Road, Clinton Township, Michigan 48038, explained they are proposing construction of a barn that is larger than allowed. She noted they also have a shed in their backyard, but they intend to remove the shed once they build the barn. She explained the reason for the larger barn is because they have a boat, cars, a tractor, snow removal equipment and other equipment they would like to store in the barn.

Mr. Campbell commented that if this is approved, the total combined square footage of accessory structures would be one of the five biggest in the entire Township. He pointed out that does not even include the three-car attached garage of 972 square feet. He felt it is totally excessive and he did not know why anyone would need a total of over 2,500 square feet of accessory structures. He pointed out most of the residential property in the area is zoned R-5 One-Family Residential with smaller lots. He stated he lives in that area and does not want to see a structure of that size, so he expressed his opposition to the variance request.

Mr. Patrick Russell, 15653 Cox Drive, Clinton Township, Michigan 48038, stated he lives directly behind the subject property, and he is opposed to the variance request. He has watched that property evolve long before the current owners

have lived there. He does not want to see something that size in a residential area. He noted that he was not opposed when they sought permission to construct another residential home on their property, but he pointed out what they are asking for is a barn that is over one-and-a-half times the size of his current house. He claimed the owner deals with construction as his occupation, and he does not feel that construction equipment needs to be stored on a residential property. He agreed with Mr. Campbell's point that the petitioner already has an attached three-car garage. Mr. Russell noted that he has a two-car garage, has been in this Township for 21 years and he would like to see it remain a residential area. He complained that the petitioner's shed is elevated off the ground and there is no lattice or any other protection from animals going underneath it, so they constantly have problems with skunks, racoons, muskrats and other wildlife coming into their yard. When the petitioners put up a fence, he claimed they did not call Miss Dig. He complained that the "nice" portion of the fence faced the Marku's yard instead of facing out, which he claimed was "fixed" by the Marku's putting up single boards on his side. He indicated it did not correct the problem and does not look right. Mr. Russell recalled an incident where he lost power on Christmas Eve, and DTE wanted to gain access to the box in back; however, he claimed Ms. Marku would not allow DTE to cross her yard with the machinery necessary to do the repair. He also has trouble with the neighbor's trees dropping fruit into his yard. He reiterated that he is opposed to the large barn, noting if this was still an area with large properties and big barns, it would be different.

Mr. David Castelino, 15621 Cox Drive, Clinton Township, Michigan 48038, claimed the petitioners are running a business out of their residence and that increases the noise level in the area. He stated he is opposed to the variance request because of the excessive noise and traffic.

Mr. Russell stated his neighbor directly to the west of his property could not be present tonight but wanted to voice his objection, so he emailed a letter to Mr. Russell. Mr. Russell stated he was unable to open the attachment, so if they cannot come to a final decision tonight, he would like this to be postponed to give his neighbor the opportunity to express his concerns.

Ms. Marku felt some of these objections are based on personal issues. She explained they have four adults living in their house and they all have cars. She noted the garage fills up fast when they have a lawnmower, a tractor and a snow removal vehicle. She assured this barn is not for construction equipment, and she claimed that they do not own a construction company. She admitted her husband is handy but reiterated they do not own any construction equipment. She wished her neighbors would have come to her with their concerns. Ms. Marku did not feel she had to allow DTE to cross her property with equipment when her neighbor built his garage in front of the DTE box. She reiterated that the purpose of the barn is not for construction equipment, but it is to store their vehicles and belongings.

Mr. Marella inquired as to the size of the existing shed.

Ms. Marku estimated it to be approximately 160 square feet. She noted it has been there a long time, but they are willing to take it down once the barn is complete. She claimed the fence was installed according to the Township ordinances.

Mr. Campbell commented that Ms. Marku refers to removing the existing shed. He pointed out that she can build one accessory structure totaling 871 square feet, so if she takes down the existing shed and put up a new one, she can put up something close to 900 square feet. He felt the claimed practical difficulty does not warrant granting a variance to permit a total combined square footage being one of the five largest in the Township, in addition to a 972-square-foot three-car attached garage.

Mr. Russell complained that he did not receive plans showing the height of the garage or where it will be located on the property. He felt it is difficult to judge a proposed plan and decide when the plans are not included. He clarified that he did not have an objection when the petitioners requested their duplex because it was residential going onto residential property.

Mr. Marella inquired as to whether there were plans available in the Planning Department.

Mr. Cassin replied a set of plans was submitted with the application and available in the Planning Department.

Discussion ensued regarding the proposed plans, as well as the location and design of the proposed structure.

Mr. Campbell confirmed that notice of this hearing was mailed out to owners and occupants within 300 feet of the property in question, and it was made clear in that letter that plans are available for viewing in the Planning Department.

Mr. Russell stated the notice of this public hearing was the first he heard of this proposed barn. He stated he works during the day and was not able to get to the Planning Department to view the plans.

Motion by Mr. Campbell, supported by Mr. D'Angelo, with reference to File #18-6839 and application from Tonin & Ardiane Marku, 15680 Canal Road, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning 0.59 acre of land fronting the south side of Canal Road, east of Hayes Road, addressed as 15680 Canal Road (Section 7), that variance request to permit the construction of a second accessory structure which, when combined with the existing shed, will have a total floor area of 1,560 square feet, being 689 square feet in excess of the 871 square feet allowed (figured by one-half the size of the house, which is 1,743 square feet), be denied by reason that the structure would be very large in addition to

an already attached three-car garage, and there was no practical difficulty demonstrated to merit the variance. Roll Call Vote: Ayes – Campbell, D’Angelo, Deyak, Pearl, Trombley, Marella. Nays – None. Absent – Hornung. Motion carried.

**LOT 66, SUPERVISOR’S PLAT OF McKISHNIE FARMS SUBDIVISION,  
GENERALLY LOCATED ON THE SOUTH SIDE OF McKISHNIE, EAST OF BARRIS,  
ADDRESSED AS 20134 McKISHNIE (SECTION 33)**

**- APPEAL: SFR – McKISHNIE, 20134  
FILE #18-6840: PETITIONED BY MR. THAD DRUM**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 29<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 38 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. Thad Drum stated he and his wife, Karen, live at 20134 McKishnie, Clinton Township, Michigan 48035. He explained they are new residents of the Township, having purchased this home six weeks ago. He added they are nearing fifty years old and anticipate this will be their final house. They were not able to find a house with a basement, sizeable yard and large garage, but found this house with everything but the garage. It has an appreciable amount of yard, nearly an acre, and he did not anticipate he would have problems putting up a garage because other neighbors in the area have garages just like what he is requesting. He explained he and his wife together own five classic cars and they want to keep them in safe storage, noting most insurance policies require that the vehicles are to be stored in a locked garage overnight. They are proposing to put this garage behind the existing two-car garage, so it will not be seen from the street. He added that his property is tree-lined all the way around, so the backyard cannot be seen unless someone is in the backyard. He took some photos to show the views from various areas around his house.

Mr. Marella clarified that all the Board members have been out to the property.

Mr. Drum explained when they purchased their home, he intended to build this garage, and was disappointed to find out that he would need to obtain a variance that he had no idea he would need prior to purchasing the house. He did not know what they will do with their classic cars if they are not granted the variance, and he was confident they will not last long if they are parked in the driveway. He indicated they have invested a lot of money into the house already. He did research and discovered a lot of houses that have garages of this size on lots he claimed are smaller than his. He and his wife plan on staying in this house for many years, and his neighbors have all been very pleasant, so he wants to stay in this house. He stated some of his neighbors have come here tonight to support him in this request.

Mr. Fred Higham, 20116 McKishnie, Clinton Township, Michigan 48035, stated he lives adjacent to the petitioners, and he commended them for making the first improvements to the house they have seen in twenty years. He felt what they are proposing to do fits in well with the area. They are putting in a concrete driveway and other aspirations for this improvement. He felt it is a very ambitious improvement and they are in favor of it. He added they are with the neighbors who live on the other side of the petitioner's house, and they are in support of the variance request as well.

Mr. Rudolph Tuten, 20196 McKishnie, Clinton Township, Michigan 48035, lives two doors away from the petitioners, and he explained he was before this Board two months ago. He received a variance to build a 1,200-square-foot structure measuring 18 feet in height, which he needs for his handicapped vehicles. He noted Mr. Drum would like the variance to be able to keep his classic cars. He stated the petitioners are doing more improvements to this house than he has ever seen done at this location, and it became very run-down with the previous owners. He was glad to see a new neighbor who is improving the value of the home, which also improves the values of the surrounding homes. He claimed the existing garage was originally the home on the site, and when previous owners built the existing home, that is when the original home became the garage. He compared the total square footage of his garage and pole barn, noting the petitioner is proposing about the same, with the difference being that the petitioner's existing garage is not attached. Mr. Tuten stated his existing garage is attached so that square footage did not have to be counted when calculating what was permitted. He pointed out that the property is surrounded with trees, and he could not see why this variance would be denied. Mr. Tuten claimed his pole barn stands out more than the proposed structure will, because of the way the trees will hide the proposed structure. He reiterated this is a good improvement for the petitioners and for the area.

Mr. Campbell is sure Mr. Drum did research on sizes of garages, and the Board members also do research. He pointed out that the total square footage of accessory structures on this property, if this variance is granted, would be one of the five biggest in the entire Township as far as structures that have required variances. He clarified that there may be bigger garages, but they may be on bigger lots, noting the rule on the size of detached accessory structures is either one-half the size of the house or two percent of the total land area. He acknowledged that Mr. Drum has a good-sized land area, and they have a lot of trees. He understood that they have invested a lot into the house, but he is still bothered as to why residents continue to build larger and larger storage structures in residential areas when there is an abundance of self-storage facilities in the Township. He admitted that Mr. Drum has presented some good arguments, their neighbors like them, they have made improvements to the property, they have a lot of trees, but he questioned whether there is a possibility for the petitioner to make the structure smaller.

Mr. Drum replied that they have five classic cars and his wife has a car she drives daily as well, so if they had to reduce the size of the garage, they would end up with one of the cars outside.

Mr. Campbell commented that six cars is a bit unusual.

Mr. Drum stated classic cars are his hobby.

Mr. Pearl questioned what size structure Mr. Campbell would consider.

Mr. Campbell stated he would like to see the size limited to a combined square footage of between 1,400 and 1,600 square feet. He admitted that the property is not conducive to attaching a garage to the house.

Mr. Drum agreed the layout of his property and his house would not work for an attached garage.

Mr. Campbell stated it is difficult to rationalize separate accessory structures. He has an attached garage and feels it should still be counted as far as accessory structure footage, but that is the way the ordinance is written.

Mr. Drum noted most of the modern houses built today have three-car garages.

Mr. Marella pointed out the garage he has now is almost equivalent to a three-car garage.

Mr. Drum pointed out that it is “chopped up” so it would not accommodate a third car and it has a little workshop inside. He could possibly fit in a motorcycle.

Mr. Pearl inquired as to whether Mr. Campbell would like to see something that is around 1,000 square feet rather than the proposed 1,260 square feet.

Mr. Campbell stated he would like to see the total combined square footage reduced to a point where it is not one of the five largest in the Township.

Mr. Pearl inquired as to whether Mr. Drum could reduce the size of the proposed garage from 1,260 square feet to about 1,000 square feet.

Mr. Campbell felt that, instead of coming up with a number, Mr. Drum may want to draw up plans to determine what would work. He felt possibly 30 feet wide by 30 feet in depth.

Mr. Drum stated he would make the concession to drop it down by one car to consider it a three-car garage rather than a four-car garage. He added that he would like a little room in it, so he could work on his cars.

Discussion took place regarding the size he would need to accommodate three cars as well as a work area.

Mr. Campbell questioned whether he could reduce it to 32 feet by 30 feet.

Mr. Drum replied that he would “take that over nothing”, but he emphasized this is his “dream garage”. He wants to make sure he can fit three cars, plus he likes to work on his old cars, so he would like to be able to put his cars on a hoist to make working on them easier.

Mr. Pearl suggested he put the service door to the other wall.

Discussion took place regarding the changes that could be made to the plans.

Mr. Deyak noted the proposed plan is 30 feet by 42 feet. He suggested taking 3 or 4 feet off the one side and go down to 1,170 square feet.

Mr. Campbell calculated that would be 30 feet by 39 feet. The new garage would measure 1,170 square feet plus the existing garage at 600 square feet totals 1,770 square feet.

Mr. Drum replied that will work for him, and he appreciated the Board’s compromise.

Mr. Higham noted that whichever way the garage faces will not matter to him because it will be hidden by the trees.

Mr. Campbell commented that everyone who comes in for a variance uses the reasoning that “precedence has been set” so each person coming in wants a bigger garage and cites other large structures that received variances. He felt if they do not draw the line at some point and make their variances reasonable, they will end up with a problem. He reminded it is not a popular vote of the neighbors, and there are still standards and rules that must be followed in the Township.

Mr. Tuten suggested that if they are talking about 30 feet by 39 feet, he recommended they make it 29-1/2 feet by 39-1/2 feet because with the panels in the construction of a pole barn, he will find that he will lose one-half foot with the panels on either side.

Mr. Pearl pointed out that would be the same square footage.

Mr. Tuten agreed it is the same square footage, but he found he lost one-half foot on either side.

Mr. Deyak did not feel they will be designing the pole barn tonight at the meeting but felt if they specify the proposed structure can measure up to 1,170 square feet, he can design it how he would like.

Mr. Drum thanked the members of the Board and stated he will accept the compromise.

Motion by Mr. Campbell, supported by Mr. Deyak, with reference to File #18-6840 and application from Mr. Thad Drum, 20134 McKishnie, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b) and – (j), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 66, Supervisor’s Plat of McKishnie Farms Subdivision (Section 33), located fronting the south side of McKishnie, east of Barris, addressed as 20134 McKishnie, that variance be granted to permit the construction of a second accessory structure for a single-family residence in the R-5 One-Family Residential District, measuring up to 1,170 square feet, which:

- 1) When combined with the existing garage, will have a total combined floor area of 1,770 square feet, which is 894 square feet in excess of the 876 square feet allowed (figured as 2% of the lot size of 1.01 acre); and
- 2) Will have a calculated height of 18 feet, which is 4 feet in excess of the maximum permitted 14-foot height at midspan on gable side;

Further, this grant of variance is contingent on the petitioner not cutting down a large number of trees from his yard; further, this grant of variance is based on claimed practical difficulty of providing safety and security for a large number of class cars, and recognizing that visibility on this lot is obscured by a lot of good-sized trees; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Deyak, D’Angelo, Pearl, Trombley, Marella. Nays – None. Absent – Hornung. Motion carried.

Mr. Drum commented that he will be adding more trees, not removing trees from his property.

**6.29 ACRES OF LAND LOCATED NORTH AND SOUTH OF IROQUOIS, BETWEEN NORTHBOUND AND SOUTHBOUND GRATIOT (SECTION 23)**

- **APPEAL: MINI MAXI STORAGE (NORTH AND SOUTH)  
FILE #18-6841: PETITIONED BY MR. KEN ZIELKE, MINI-MAXI STORAGE & TAYLEY STORAGE  
REPRESENTED BY MR. JOHN MONTE, PROJECT CONTROL ENGINEERING, INC.**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 29<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 45 owners and/or occupants of property located within 300 feet of the land in question, with 8 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. John Monte, Project Control Engineering, 2420 Pointe Tremble Road, Algonac, Michigan 48001, stated he is here on behalf of Mr. Zielke, who could not make it tonight. He explained this site was purchased as a whole on both sides of Iroquois, between northbound and southbound Gratiot. The project was broken into phases, with

Phase I constructed last year on the south side of Iroquois. Phase II is what they are trying to get approved on the north side of the street. He explained when they are designing sites, they try to eliminate as many entrance drives as possible and ideally off the main roads to avoid conflicts and for safety purposes. In this case, they had some very short distances at four locations on Gratiot. As a mini-storage facility, they would like one access area, so people can come to the office and enter the site through a gate to get to their unit. Their goal was to place the entrances across the street from each other on Iroquois. They are also looking at safe distances from intersections which, for a road such as Gratiot with a speed limit of 35, would be about 250 feet. Their access points work out to be approximately in the middle of the 600-foot stretch of Iroquois. He clarified they are asking for a variance for entrances to both Phase I and Phase II, nothing that Phase I is already constructed and in place, although the ordinance requires a driveway access on to a main road, not a local road. They realized this through the process of Phase II. Mr. Monte pointed out this is a unique situation because it is one owner on both sides of the street, and Iroquois is a short street between northbound and southbound Gratiot which, in a way, serves as their own driveway. It provides safe access for a low-volume business.

Mr. John Sternicki, 22752 Stair, Clinton Township, Michigan 48036, explained his house is southeast of the subject property. He was opposed Phase I when it went in, and he is still opposed to this project. He felt it is a bad use of the property, and he claimed he recalled Mr. Sowerby and Mr. Santia both stating that this is a bad location for this type of use. He questioned why he received a notice of the public hearing for this evening but did not receive a notice for the meeting that was held about three months ago. He was concerned they will want to vacate the street if their entrances are allowed to be on Iroquois. He felt there are too many storage facilities in the area already, and he had hoped this property would be used for some type of “destination” purpose.

Mr. Campbell felt this variance makes a lot of sense as far as access. He questioned whether Mr. Monte or the petitioner spoke to the Macomb County Department of Roads in terms of access from Gratiot.

Mr. Monte replied affirmatively, noting that was the original plan, but the Iroquois entrance provided the safest location for access. He noted there was talk about closing that road and using that as their driveway, but it was complicated. It was considered at one time to vacate that road because it is in poor condition; however, one of the access points for McDonald’s Restaurant is off that street, so there is no way that street could be blocked off, and the Department of Roads will not allow it. There were also complications by moving utilities, etc.

Mr. Campbell recalled the petitioner was here several months ago and although they denied the variance request for construction materials, they approved the setback variance. He inquired as to why there was no mention at that time about the access location.

Mr. Monte replied that no one realized it. He explained they had wanted to go to the Zoning Board of Appeals first, but the Planning Department had indicated the site had to go through the review process first to make sure no other variances were necessary. He assured they would have requested it when they came before this Board months ago, but it was never pointed out to him, and he added it never occurred to him that there would be a problem with the entrances as proposed.

Mr. Campbell stated his only concern relates to the handling of the original development on the south side. He felt that Mr. Monte's company deceived the Board because there was some discussion regarding the brick or stone exterior, and he felt the impression they had from what was discussed at the meeting was that it would be a first-class exterior. While it may not be stone, it would be something more than inexpensive metal and other materials and it would be attractive from the exterior. He added it was unfortunate that they did not get the agreement that was talked about in the original variance documented in the minutes or in the approval. He expressed concern with how Mr. Monte's company has dealt with them in the past, noting that left him with a "bad taste".

Mr. Monte clarified that was not his company that did that, but it was the builders who took care of the building process. He assured he had no clue that was being done.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6841 and application from Mr. Ken Zielke, Mini-Maxi Storage / Tayley Storage, 1550 Gratiot Avenue, Clinton Township, Michigan 48036, as represented by Mr. John Monte, Project Control Engineering, Inc., P. O. Box 307, Algonac, Michigan 48001, for variance to Clinton Township Planning and Zoning Code, Chapter 1278.02-(t)-(1), B-3 General Business District, Principal Uses Permitted, Mini-Warehouse or Self-Storage Facilities, concerning 6.29 acres of land located north and south of Iroquois, between northbound and southbound Gratiot Avenue, addressed as 1550 Gratiot on the south side and vacant on the north side (Section 23), that variance be granted to permit a storage facility in the B-3 General Business District (Mini-Maxi Storage – North and South) with a driveway access on to Iroquois Street which is designated as a local road, and not allowed; further, this grant of variance is based on claimed practical difficulty being that making the driveway access for both phases off of Iroquois is for the safety and security of the buildings as well as the safety of those driving on Iroquois as well as both northbound and southbound Gratiot; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Pearl agreed with Mr. Campbells earlier concerns about the quality of the construction materials used, and he also understood that it would be all brick. He noted that Phase II will be brick on the exterior.

Mr. Campbell pointed out this Board denied the request for variance to allow a different construction material for Phase II.

Mr. Pearl commented this is not what he wanted to see on that property, but no one was interested in developing that parcel. He stated it was going to be a big shopping center at one time, but a lot of retail has closed in that area and is now vacant. He recalled a Rite Aid that closed, noting that was a relatively new building. He admitted it is not the perfect situation, but he felt the variance makes sense to keep the entrances and exits off Gratiot Avenue.

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

## **REPORT OF MEETING**

-- **APPROVAL OF JUNE 20<sup>TH</sup>, 2018 REPORT**

-- **APPROVAL OF JUNE 21<sup>ST</sup>, 2018 REPORT**

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Motion by Mr. Pearl, supported by Mr. Deyak, to approve the minutes of the June 20<sup>th</sup>, 2018 and June 21<sup>st</sup>, 2018 Reports of Meetings, as written. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

-- **CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE:  
WEDNESDAY, AUGUST 22<sup>ND</sup>, 2018 AT 6:30 P.M.**

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Mr. Cassin confirmed the next Board of Appeals meeting will be on Wednesday, August 22<sup>nd</sup>, 2018 at 6:30 p.m., and there are five items anticipated to be on that agenda, including the following:

- Jax Kar Wash – looking for a variance for three wall signs
- A single-family residence on Millar – seeking size and height variances for an accessory structure
- Kensington Church – seeking variances for two pylon signs, one on Gratiot and one on Hall Road, each less than the required 15-foot distance from the driveways.
- BP Gas Station on Utica Road – seeking variance to permit outdoor storage of tires in a B-3 District, which is not allowed. Mr. Cassin noted this request is in response to a violation issued to the owner.
- A single-family residence on Marston – this was postponed from June 20<sup>th</sup>, 2018 and they are seeking a variance to allow them to keep their pet chickens.

Mr. Deyak stated he will be out of town and requested to be excused from the next meeting.

## **ADJOURNMENT**

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Motion by Mr. Campbell, supported by Mr. Deyak, to adjourn the meeting. Motion carried. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:08/10/18

ces:08/13/18

*Approved 08/22/18*