

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING
WEDNESDAY, AUGUST 22ND, 2018

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

ABSENT: Francis Marella, Chairperson (Excused)
Michael Deyak (Excused)
Ernest Hornung (Excused)

STAFF: Stephen N. Cassin AICP, Planning Consultant, Carlisle Wortman

The meeting was called to order at 6:41 p.m.

APPROVAL OF AGENDA

Motion by Mr. Pearl, supported by Mr. Campbell, to approve the agenda as submitted.
Motion carried.

Mr. D'Angelo 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.

Mr. Pearl inquired as to whether a petitioner who does not get four votes tonight in favor of a variance is able to appeal at the next meeting since there are only four members present this evening.

Mr. Cassin replied they can ask to be tabled. He noted that state law indicates that a majority vote of the membership of the Zoning Board of Appeals is required for approval of any variances. If a petitioner feels their odds are such that one member may vote against it, he/she may wish to ask to be postponed to the next month's meeting where there may possibly be more members present.

Mr. Pearl inquired as to whether the petitioner would have to request a postponement before the vote is taken.

Mr. Cassin suggested is for any petitioners interested in having consideration of their request postponed, they should make that request at this point. He felt that is the fair way.

Mr. Campbell objected to offering that alternative in advance, noting that at least two of the cases this evening appear to be a result of violations that have been issued by the Township. By postponing further consideration of the variance, they are given another month to be in violation of the ordinance. He noted they have a set agenda, and there may be residents who have shown up tonight to express their support of or opposition to an agenda item.

Mr. D'Angelo inquired as to what happens if there are only three votes to approve or deny a variance.

Mr. Cassin replied the motion fails for lack of majority votes.

Mr. Pearl noted that is why everyone should have the right to request to be heard before a full board.

Mr. D'Angelo explained to the audience that for any variance to be approved, four votes are needed. If there are not four votes, the motion fails. He inquired as to whether anyone on tonight's agenda is interested in postponing to next month's agenda to be heard by a full board, or more than four members.

No one in the audience indicated a desire to postpone until next month.

**1.255 ACRES OF LAND FRONTING THE SOUTH SIDE OF HALL ROAD (M-59),
WEST OF GROESBECK HIGHWAY, ADDRESSED AS 22950 HALL ROAD
(SECTION 2)**

**- APPEAL: JAX KAR WASH (FKA AMERICA'S FINEST CAR WASH)
FILE #18-6843: PETITIONED BY MR. HAITHAM SITTO,
SITTO INDUSTRIES, INC.**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated July 26th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 172 owners and/or occupants of property

located within 300 feet of the land in question, with 17 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Haitham Sitto, of Sitto Industries, the engineer working on the project, 44731 Woodward, Pontiac, Michigan 48341, explained his client wants to take the existing signage and reduce the square footage and improve the appearance. There is an existing “America’s Finest Auto Wash” across the front, and they are trying to reduce the signage by replacing it with “Express Car Wash” and “Free Vacuums”. He noted there is an existing 9-foot-diameter “Auto Wash” entrance sign. They are proposing to remove that and include their logo, which is reducing the size of the overall sign. He explained at the far right of the property, there is a large triangular area that previously had “Express Care” and “Valvoline” on it, and he would like it changed to say, “Express Car Wash”. Mr. Sitto stated the building is very large, measuring approximately 225 to 230 feet in length, and it is not straight noting sections of it are offset. They are proposing to utilize the same areas where the signs already exist, make the verbiage clearer and more concise, and remove all the high-voltage neon letters and replacing it with all LED illuminated lighting, which is much safer and better for the environment. This will eliminate a lot of the corrosion they see now because all the letters are aluminum. He concluded that the current location of the signs works out well, and they are proposing to slightly reduce the overall square footage.

Mr. Campbell claimed the petitioner’s submission uses a very creative way of calculating the square footage. He considered that the petitioner is requesting four wall signs, not three as indicated in the application. He considered that the “Express Car Wash” sign and the “Free Vacuums” signs should be considered two separate signs because they need to square off the individual sign to calculate total square footage.

Mr. Sitto understood Mr. Campbell’s point, but they worked with the Township before they submitted their application, and they were told it would be three signs, so that is why he presented it that way.

Mr. Campbell commented that they are separate signs. He calculated four signs and roughly 360 square feet. He explained that in many cases where they are asked to grant a variance to allow more signs than allowed, the total combined square footage of all the signs is limited to the maximum permitted square footage that would be allowed for the one sign. He acknowledged that this is a longer building and it is already predetermined as to the outside appearance of the building, so he did not have a problem with the four signs, although he added that they seem a little big in his opinion. He suggested that the “Free Vacuums” sign could be reduced in size. He questioned as to whether the signs have been built.

Mr. Sitto replied the signs have not yet been fabricated, noting they respect the Township’s opinion and decision.

Mr. Campbell stated he would be willing to recommend to the Board that they approve this for a total combined square footage of the four signs not to exceed 350 square feet.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6843 and application from Mr. Haitham Sitto, Sitto Industries, Inc., 44731 Woodward Avenue, Pontiac, Michigan 48341, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-e-(2), concerning 1.255 acres of land fronting the south side of Hall Road, west of Groesbeck Highway, addressed as 22950 Hall Road, that variance be granted to permit the replacement of four (4) wall signs for a business in the B-3 General Business District (Jax Kar Wash, fka America's Finest Car Wash), which is three (3) wall signs in excess of the maximum allowed one (1) wall sign ("Express Car Wash", "Free Vacuums", the Jax logo sign, and "Exterior Car Wash"); further, this variance is granted on the condition that the total combined square footage of the four signs is not to exceed 350 square feet; further, this grant of variance is based on claimed hardship being the existing shape of the building, the position of the signs and the desire to safely identify to traffic on both Hall Road and on the property as to where to go for the various services; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, Trombley, D'Angelo. Nays – None. Absent – Marella, Deyak, Hornung. Motion carried.

PART OF LOT 15, MORAVIAN HEIGHTS SUBDIVISION, LOCATED FRONTING THE SOUTH SIDE OF MILLAR, WEST OF MORAVIAN, ADDRESSED AS 18144 MILLAR (SECTION 20)

- **APPEAL: SFR – MILLAR, 18144**
FILE #18-6844: PETITIONED BY MR. FRANK BAYER

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated July 27th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 30 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. Frank Bayer, 18144 Millar, Clinton Township, Michigan 48036, stated he is requesting the variance to allow the larger accessory structure because he recently sold his woodworking shop, which he used as a contractor, and he now wants to be able to do the woodworking as a hobby. He needs approximately 1,200 square feet for his equipment. Part of the total square footage includes the 600+ square foot two-and-a-half car garage in front of the proposed structure. He noted they can get one smaller car in the side entry garage they currently have, but he added that parking two full-size vehicles in a side-entry garage is difficult. He explained there are four adults living in the house, and they have four vehicles, so they are currently parking in the front of the house. Mr. Bayer added that he is proposing a gable-style roof with a little storage above, so he can stand up for easier access.

Mr. Dean Dibasio, 18198 Millar, Clinton Township, Michigan 48036, explained he is the homeowner immediately to the east of the subject property, which the

petitioner just purchased last year. He stated his wife, Darcy, is present with him tonight, and they would like to request that this variance be denied. He felt the size of the building being requested does not fit in with the nature of a single-family district. He stated he has owned his home and paid his taxes at this location for over forty years. He complained that the proposed structure would be visible from his property for at least six months of the year, when the leaves are off the trees. He noted that, according to the petitioner's application, he wants all his cars under one roof, but he explained he parks his car outside all year and has never had a problem with it. He complained about a personal workshop measuring 1,200 square feet, which is a larger footprint than most houses in the Township. He understands it would be used for personal work, but in the application, Mr. Bayer had indicated the property is "not usable" without the variance. He pointed out that Mr. Bayer just purchased this property a year ago, and there are many properties around Macomb County that would better accommodate the need for an accessory structure of this size. He felt the practical difficulty is self-inflicted. He calculated, based on the proposed size of the structure, that they could fit three dump trucks in the building, and still have an additional 700 square feet to use as a workshop or for storage. He noted there is already a shed on the property, and the petitioner can use that for storage. He commented that he was friends with the previous owners, and they have a nice finished basement, a nice garage and a lot of room. He acknowledged that, although this is a structure the petitioner may want, he claimed it is certainly not something he needs. He reminded the Board that the ordinance requires a variance cannot be granted unless it is found that the "zoning ordinance would cause practical difficulty and deny the owner of rights that are enjoyed by all other property owners". He could see no practical difficulty presented, noting that the petitioner could arrange for commercial storage long-term. He encouraged the Board to keep the character of the neighborhood as a single-family residential area and deny the request.

Mr. Dan Eppler, 18306 Millar, Clinton Township, Michigan 48036, stated he has only been in the neighborhood for about a year, and he is not for or against this request, but he urged the Board to consider property values in the area. He would like to know whether a structure like this will help or hurt the property values of the surrounding area.

Mr. Kenneth Flood, 37772 W. Horseshoe Drive, Clinton Township, Michigan 48036, stated the reason they bought in that specific area seven years ago is because they are very large pieces of property with very wide-open spaces. He looked at the plans for the proposed structure, noting it measures 25-feet wide by 75-feet long, which is huge. He has heard that practical difficulty or hardship must be demonstrated for a variance to be granted, and he could not see where practical difficulty has been demonstrated on the land where there has been a house for forty years. He pointed out that the petitioner bought his house a year ago, and at that time, the property lines and the building were already in place, so when the petitioner bought it, he should have known the rules. He pointed out

that a nearly 1,200 square foot building is permitted within the parameters of the ordinance, and that would allow a 25-foot by 48-foot building, which he felt is still very large. He hoped the Board will deny this request, and he anticipated if it is permitted, it will bring property values down in the area. He added that it is proposed to be a “barn structure”, which will have a second floor and result in double the storage.

Mr. Dibasio stated that he, like his neighbors, is concerned about property values.

Mr. Bayer stated it was not his intent to upset his neighbors, and he talked with many his neighbors who indicated they had no objection to his request. After hearing that his next-door neighbors do not want this, he stated he would like to withdraw his request.

Mr. Campbell pointed out that the petitioner can construct a 1,190-square-foot accessory structure based upon the size of his property. He noted that would measure 25 feet in width by 47-1/2 feet in depth. He noted another factor that may have been missed in the Building Department’s denial was the fact that Mr. Bayer intended to have storage upstairs and wanted it to be tall enough to walk around. Mr. Campbell noted that is considered a second story, which is not permitted on accessory structures.

Mr. Bayer clarified it would just be the center of the attic.

Mr. Campbell pointed out the petitioner is seeking a height variance, and if that is being asked for so there is adequate space to walk in the attic, that is considered a second story. He stated he would not be in favor of a variance for a second story.

Mr. Cassin replied to inquiry that a motion would be in order to accept the petitioner’s request to withdraw his application.

Motion by Mr. Pearl, supported by Mr. Campbell, with reference to File #18-6844 and application from Mr. Frank Bayer, 18144 Millar, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b) and -(j), concerning part of Lot 15, Moravian Heights Subdivision, located fronting the south side of Millar Road, west of Moravian Drive, addressed as 1814 Millar, that the petitioner’s verbal request at this meeting to withdraw his application be accepted. Roll Call: Ayes – Pearl, Campbell, Trombley, D’Angelo. Nays – None. Absent – Marella, Deyak, Hornung. Motion carried.

30.99 ACRES OF LAND LOCATED SOUTH OF HALL ROAD (M-59), EAST OF GRATIOT AVENUE, ADDRESSED AS 25000 HALL ROAD (SECTION 1)

**- APPEAL: KENSINGTON CHURCH
FILE #18-6845: PETITIONED BY KENSINGTON CHURCH
REPRESENTED BY MR. SHAWN AMIDO, SIGNS BY CRANNIE**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated July 26th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 34 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. Shawn Amidon, Sales Representative for Signs by Crannie, 4145 Market Place, Flint, Michigan 48507, explained that the sign process for this site has been about four years long, although his company just got involved. They were given an approved plan showing where the signs were going to be located based on easements granted. They applied for the permits and discovered the variances were needed. He noted Signs by Crannie has been working in this region for thirty-five years, and he has been with their company for five of those years. He believed both signs will fit within the spirit of the ordinance. He noted their biggest obstacle is that the development is set very far back from both Gratiot and Hall Road, and they need high-visibility signage for motorists to make a good determination to slow down and safely turn without causing any hardship for other motorists. He addressed the request for the sign on Gratiot, noting the island at the entrance has always been part of the plan, and it was recently changed to allow for better visibility and access. There is 20 feet on one side, and 35 feet on the other so, while the proposed location of the sign does not meet the ordinance, he assured there is no visibility issue. Mr. Amidon explained the issue with the sign on Hall Road is that an easement was granted, and it only gives 12-1/2 feet from the driveway, so there is no way to meet the minimum 15-foot distance because it is on someone else's property. He noted it is on the right-hand side of the road on the right side of the turn out, so they do not have speed or visibility issues. He felt these are both very reasonable requests for the placement of both signs, but they do not feel the placement will have any negative impact.

Mr. Campbell stated that he could see no issue with the sign on Hall Road, noting it is a one-way traffic flow, and there is no safety issue. He explained the main reason for the 15-foot setback from the driveway is to ensure visibility. He did not understand how Mr. Amidon can state a case of clear visibility for traffic exiting the church onto Gratiot. The top of the proposed sign is 44 inches off the ground and that is on top of a base that adds another few inches. He felt there are still cars on the road that would have a tough time seeing over that sign, noting his wife has a Ford Fusion and the eye level for the driver is below 44 inches.

Mr. Amidon explained they had charted out the angles of the sight lines, and he noted that the sight line of any motorist exiting onto Gratiot would be far in excess of the sign, so they will have a clear view of the vehicles as they look to their left on Gratiot Avenue.

Mr. Campbell inquired as to how many vehicles exiting onto Gratiot will have clear visibility. He felt it may be only one. He explained he and his wife go to a church on Hayes with very large attendance, and there have been people killed in accidents leaving church. He felt it would be good if they could make that sign lower.

Mr. Amidon explained that, for safety reasons, they must have both the height for visibility but also for snow. If it is lower, whenever someone is making the decision to turn in to the church, they must be able to see where that sign is located. He indicated from the speed at which the traffic flows from that direction creates a big challenge to provide a clean message that can be read and understood if the sign is lower. He stated he does not want to speak for the church as to whether that is a “deal-breaker”, but as a sign manufacturer, a smaller sign is never good for safety reasons when trying to decide when to slow down, stop or turn.

Mr. Campbell stated his concern is the traffic existing the church. He inquired as to whether the sign has already been built.

Mr. Amidon replied this sign is not built, however he noted it is smaller and further from the road than the sign they have at their Troy location on John R.

Mr. Pearl stated he never had a problem with the location on John R when he was there.

Mr. Campbell hoped that they are open to the idea of changing the height of the sign if there are severe accidents at that location.

Mr. D’Angelo asked Mr. Campbell how much lower he would like to see the Gratiot sign.

Mr. Campbell replied he would like to see it lowered four to six inches.

Mr. D’Angelo calculated that the proposed sign is at 52 inches, which includes the base.

Mr. Campbell stated he would prefer to see a height of 46 inches to 48 inches.

Mr. Amidon explained that it is about geometric proportion, noting that once they lower the sign, to make the visible area high enough above the snow line, they must reduce the square footage of the lettering.

Mr. Campbell pointed out there is 10-1/2 inches of blank space above the line that says “Kensington”, and he suggested that 6- to 8-inches of that be removed.

Mr. Amidon agreed to reduce the height of the sign by 4 inches, so it would make the sign 40 inches rather than the proposed 44 inches, not counting the base.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6845 and application from Kensington Church, 25000 Hall Road, Clinton Township, Michigan 48036, as represented by Mr. Shawn Amidon, Signs by Crannie, 4145 Market Place, Flint, Michigan 48507, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-1-A-3, concerning 30.99 acres of land located south of Hall Road, east of Gratiot Avenue, addressed as 25000 Hall Road, that variance be granted to permit construction of two (2) lawn signs for a church in the B-3 General Business District (Kensington Church), one on Hall Road and one on Gratiot, with each being twelve (12) feet from the respective entrance drive, which is three (3) feet less each than the minimum required fifteen (15) feet; further, this variance is granted on the condition that the Gratiot entrance sign be reduced to 40 inches in height rather than the 44-inch height as requested (not including the base of the sign, which is another 8 inches); further, this grant of variance is based on claimed hardship that the driveways need to be clearly identified to provide safety to motorists in entering and exiting the property; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, D'Angelo, Trombley. Nays – None. Absent – Marella, Deyak, Hornung. Motion carried.

0.724 ACRE OF LAND LOCATED AT THE SOUTHWEST CORNER OF UTICA ROAD AND MORAVIAN DRIVE, ADDRESSED AS 35891 UTICA ROAD (SECTION 30)
- APPEAL: BP GAS STATION / EXPRESS QUICK LUBE
FILE #18-6846: PETITIONED BY MR. SAM ALIAHMED, BP GAS STATION

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 29th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 67 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Sam Aliahmed, 35891 Utica Road, Clinton Township, Michigan 48035, explained that his family purchased this property in 2009, and they are trying to run a successful business. He explained they have no room in the facility to store the tires, so they have been storing forty to fifty tires outside on their property. He claimed they have never had complaints, and he added they have them picked up by a recycling company about every two to three weeks. He assured they try their best to keep the site clean, and they are asking for a variance to permit them to remain.

Ms. Donna Wallace, 35947 Fiermonte, Clinton Township, Michigan 48035, stated she lives in the condominiums across the street. She expressed concern that the tires, if allowed to be stored, could rot and the chemicals from the tires could seep into the ground water. She questioned whether there are regulations

in place that would require the petitioner to have these picked up every two to three weeks. She expressed concern that if there is a fire on the site, these tires would become an environmental issue, noting they can burn for extended periods of time. She questioned whether there would be storage units for these tires and where they would be located, and pointed out that, due to the proximity of the river, the tires could create a habitat for animals to nest. Ms. Wallace noted they already have raccoons, coyotes and deer. She questioned why the owner cut the trees down in front of their gas station if they are trying to keep the property looking nice.

Mr. Aliahmed replied they removed the trees for visibility reasons.

Ms. Michelle Tucker, 35901 Fiermonte, Clinton Township, Michigan 48035, expressed concern about the environmental hazard if the tires were to catch on fire. She questioned whether the Fire Department approved this plan.

Ms. Sharon Lonskey, 35949 Fiermonte, Clinton Township, Michigan 48035, questioned whether the tires are new or used. She questioned as to the type of surveillance, if any, they have on their property. She noted there is a play area on the abutting church property that is near the gas station, and she inquired as to whether this will create a hazard for them. She inquired as to the enclosure in which the tires will be stored, and whether it is a type of shelving or whether they will be completely enclosed in a locked structure.

Mr. Campbell inquired as to whether the residents who spoke live in relation to the gas station.

Ms. Wallace replied they live to the west of Great Baraboo, across Moravian from the gas station.

Mr. Campbell stated he drove by the subject site, and in addition to the tire racks being full, there were about 80 tires laying on the ground, which was pointed out by the neighbors that these could be a health issue because they can collect water which can become stagnant and become a breeding ground for mosquitoes. He did not feel this variance should be approved. He understood there is a storage issue and he would like to deny this request, noting that if the owner has an alternative proposal to put up an accessory structure for storage purposes, he would be willing to listen to that request. Mr. Campbell was certain that an accessory structure on site would require a variance because it must be a minimum of 10 feet from the main building and at least 3 feet from the property line. He reiterated he would like to deny this request but would be open to reconsideration if there is a plan for an indoor accessory structure.

Mr. Pearl inquired as to whether Mr. Campbell felt this should be postponed.

Mr. Campbell replied and stressed the tires currently on the property need to be removed. He suggested if the petitioner wishes to keep them, he may want to consider renting a storage facility to store them.

Mr. D'Angelo inquired as to why Mr. Sitto has so many used tires.

Mr. Sitto replied they try to carry a certain amount of tires for all size vehicles. He clarified they are used tires.

Mr. D'Angelo inquired as to where Mr. Sitto obtains the used tires.

Mr. Sitto replied they get the tires from dealership and salvage yards, and they are called "take-offs". He replied to further inquiry that they resell the used tires, after they verify a certain thread depth when measuring, and if they are ok, they are sold as used tires.

Mr. Pearl indicated he frequently stops in to Mr. Sitto's gas station, although he has only been around the back of the building one time and cannot recall that there is not much room in the back for storage.

Mr. Sitto assured he can have his architect draw up some plans.

Mr. Campbell reiterated there is some room, but he felt a variance would be needed. He added that he would be willing to suggest the petitioner request a reconsideration hearing when he comes up with a plan so that he does not have to pay another application fee.

Mr. Cassin offered to meet with the petitioner and look at his plans to try to come up with a solution.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6846 and application from Mr. Sam Aliahmed, BP Gas Station, 35891 Utica Road, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.03-(c), concerning 0.724 acre of land located at the southwest corner of Utica Road and Moravian Drive, addressed as 35891 Utica Road, that the variance request to permit the outdoor storage of tires at a gas station in the B-3 General Business District (BP Gas Station / Express Quick Lube), with the on-site storage area measuring approximately 6 feet tall and 32 feet wide, which is not permitted by the ordinance, be denied by reason that this represents a health and safety hazard, allowing for the retaining of stagnant water which could result in the breeding of mosquitoes in the area. Roll Call Vote: Ayes – Campbell, Pearl, Trombley, D'Angelo. Nays – None. Absent – Marella, Deyak, Hornung. Motion carried.

Mr. Campbell stated, once the petitioner comes up with another option, he can elect to fill out a new application and pay the fee, and he would be placed on the next meeting agenda for consideration of the variance request. He stated he would be willing to

entertain a request for reconsideration from the petitioner, but he cautioned that takes an additional meeting, because it would be placed on one agenda for the Board to determine whether they will reconsider the request, and if so, it would be placed on the next agenda to listen to the proposal and decide.

Mr. Cassin recommended that Mr. Aliahmed meet with him in the Planning Department at 2:00 p.m. on Friday, August 24th, 2018.

Mr. Aliahmed thanked Mr. Cassin for the appointment, indicating he will be there on Friday.

**LOT 55 & OUTLOT D, HARPER METROPOLITAN PARKWAY SUBDIVISION,
LOCATED FRONTING THE NORTH SIDE OF MARSTON, EAST OF TESSENS,
ADDRESSED AS 23921 MARSTON (SECTION 26)
FILE #18-6826: PETITIONED BY MS. NICOLE SATTERFIELD**

Mr. Campbell summarized the variance being requested and indicated this was postponed from the June 20th, 2018 meeting. He stated notification of this item on tonight's agenda was sent by regular mail to the one neighbor who spoke at that meeting.

Ms. Nicole Satterfield, 23921 Marston, Clinton Township, Michigan 48035, provided an update on the violation she received from the Township regarding her pet chickens. She stated the District Court Judge has dismissed her case, and she has since spoken with Mr. Barry Miller, Superintendent of the Building Department. She claimed that, because of her case and other previous similar cases, he will be writing and presenting a new ordinance for consideration to allow chickens in the Township, although she added that he indicated this will not be occurring right away because they are currently dealing with a Medical Marihuana ordinance.

Mr. Campbell stated at this stage, he would prefer to give deference to what Mr. Miller is doing in terms of proposing an amendment to the Township ordinances. He felt if they approve the request for a variance, they are approving something that is good forever. He felt the proposed solution is to deny Ms. Satterfield's request for variance, but to give her a period up to ninety (90) days after the enactment of an updated Township ordinance, or six (6) months, whichever is longer, to come into compliance with the new ordinance. He commended Ms. Satterfield for doing a good job on raising awareness of allowing chickens in certain residential areas. He felt the Township is working on coming up with a fair ordinance to accommodate people who want chickens, as well as protecting neighbors who may not want them.

Mr. Pearl inquired as to whether they would be grandfathered in.

Mr. Campbell replied no, indicating that implies that whatever exists at the time an ordinance is put into effect, they can continue. He pointed out that they do not validly exist now according to the current ordinance.

Ms. Satterfield claimed Mr. Miller had informed her that “the Township laws are muddy and are not clear”. She indicated this is why they are rewriting the ordinance to make it clear. She added that he had advised her they should not run around free in the yard, so she has put up a makeshift fencing around the chicken coop. She requested to be grandfathered in because she has been going through this for a year.

Mr. Campbell stated there is nothing to “grandfather” because it is not a legal use now.

Mr. Pearl inquired as to whether they are better off tabling this.

Mr. Campbell preferred to deny it but give her thirty to ninety days after the updated Township ordinance is enacted to come into compliance with whatever is outlined in the new ordinance, or six months from today, whichever is longer. He explained he is trying to create a considerable period for her to come into compliance with the new ordinance. He reminded that they still have neighbors who are opposed to chickens, noting this came about because of a complaint, and he felt there should be recognition of that.

Mr. Pearl inquired as to whether Ms. Satterfield will be cited again.

Mr. Campbell replied she should not be cited a violation because this Board is giving her a certain amount of time to come into compliance. He stressed he is not interested in creating any more violations.

Mr. Cassin stated Mr. Miller has forwarded a copy of the proposed ordinance to him, so he is aware Mr. Miller is working on it. He felt it will be presented soon.

Mr. Campbell pointed out if nothing happens and the Township “drops the ball”, Ms. Satterfield will get to keep the chickens.

Motion by Mr. Campbell, supported by Mr. D’Angelo, with reference to File #18-6826 and application from Ms. Nicole Satterfield, 23921 Marston Street, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1250.07-(46), General Provisions and Definitions, Definitions, “Farm”, concerning Lot 55 and Outlot D, Harper Metropolitan Parkway Subdivision, located fronting the north side of Marston, east of Tessens, addressed as 23921 Marston Street, that request for variance to permit the continuation of chickens to be kept on her single-family residential property in the R-3 One-Family Residential District, which is not allowed on residentially-zoned property, be denied based on the fact that the Township does not have an ordinance that allows chickens in residential areas; further, this variance is granted on the condition that the petitioner has a period of up to sixty (60) days after the enactment of an updated Township ordinance, or six (6) months from today, whichever is longer, to come into compliance with the new ordinance. Roll Call Vote: Ayes –

Campbell, D'Angelo, Trombley, Pearl. Nays – None. Absent – Marella, Deyak, Hornung. Motion carried.

REPORT OF MEETING

-- APPROVAL OF JULY 25TH, 2018 REPORT

Mr. Campbell requested the following corrections:

Page 6, Paragraph 1, last line:

Change from: "He felt that is a technical ordinance."

Change to: "He felt that is a front-yard setback issue."

Page 7, Paragraph 6, Line 1:

Change from: "Mr. Mighion stated he stated his biggest..."

Change to: "Mr. Mighion stated his biggest ..."

Page 7, Paragraph 7, Line 2:

Change from: "...he would encourage a positive height fencing..."

Change to: "...he would encourage a high fencing..."

Page 8, Paragraph 2, Line 4:

Change from: "He noted there is a heavy tree ling along..."

Change to: "He noted there is a heavy tree line along..."

Page 11, Paragraph 1, fifth line from bottom:

Change from: "...Ms. Marku would not allow DTE to cross hear..."

Change to: "...Ms. Marku would not allow DTE to cross her..."

Motion by Mr. Pearl, supported by Mr. Campbell, to approve the minutes of the July 25th, 2018 Report of Meeting, as amended. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE: WEDNESDAY, SEPTEMBER 19TH, 2018 AT 6:30 P.M.

Mr. Cassin confirmed the next Board of Appeals meeting will be on Wednesday, September 19th, 2018 at 6:30 p.m., and there are three anticipated to be on that agenda, including two single-family residences and one sign variance request for a business on Garfield.

ADJOURNMENT

Motion by Mr. Pearl, supported by Mr. D'Angelo, to adjourn the meeting. Motion carried. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:09/01/18

ces:09/05/18

Approved 09/19/18