

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*WEDNESDAY, FEBRUARY 21<sup>ST</sup>, 2018*

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

ABSENT: None

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

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

### **APPROVAL OF AGENDA**

Mr. Campbell requested the addition of the following:

Item #9 – Election of Officers: Chairperson, Vice-Chairperson and Secretary

Motion by Mr. Hornung, supported by Mr. Campbell, to approve the agenda as amended, with the addition of Item #9 – Election of Officers. 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 LOTS 12 & 13, GLENWOOD GARDENS SUBDIVISION, LOCATED NORTH OF GLENWOOD, WEST OF HARPER, ADDRESSED AS 23515 GLENWOOD (SECTION 26)**

**- APPEAL: SFR – GLENWOOD, 23515  
FILE #18-6800: PETITIONED BY MR. MICHAEL FALLS**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated February 5<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 48 owners and/or occupants of property located within 300 feet of the land in question, with one of those returned as undeliverable. He added that there was one written reply received in response to the mailing from Mr. Frank Squeo, 23531 Glenwood, Clinton Township, Michigan 48035, adjacent property owner to the subject property. He expressed his support of the variance request.

Mr. Michael Falls, 23515 Glenwood, Clinton Township, Michigan 48035, explained that he would like to keep his accessory structure. He originally constructed it with the intent of using it for his chicken coop but was denied a variance request last year to allow the chickens to remain. He stated he has four children and a plethora of outside toys, so he would like to use the structure to store the toys. He explained that he put a lot of money into the construction of the structure, noting it is sided with windows and a metal door and roof. He added this would free up some space for him. He recalled being told by the Building Inspector when he came out to inspect the structure for the structure, he indicated that a rat wall will need to be installed. He explained he will also need to relocate it 1 foot further from his barn, which he is agreeable to doing, and he will have it on a slab with a rat wall. He assured he is willing to do anything he can to comply if he can keep the shed.

Mr. Don Miller, 35852 Tami Lane, Clinton Township, Michigan 48035, explained the back of his lot runs the length of Mr. Falls' property. He stated he has lived at this location for 14 years and has had no issues with Mr. Falls. He noted that this structure is attached to a pole barn that is very large, and he already has yet another detached structure. He acknowledged that the shed only measures 8 feet by 8 feet, but he pointed out it is a chicken coop. He claimed there is a heat light on in the building all night, and he could not see why there would be a heat light on if he is storing toys, so he suspected the chickens are still in the building. Mr. Miller admitted that he does not have a big problem with allowing the structure to remain if the chickens are removed, but he expressed concern that the applicant violated the directive of the Board of Appeals and kept the chickens. He questioned how this can be enforced. He claimed he contacted the Township but was told the inspectors cannot go on the lot, so he did not know how they will verify whether the chickens have been removed.

Mr. Hornung inquired as to whether Mr. Falls is keeping chickens on his property.

Mr. Falls assured he has no chickens, although he indicated he has two dogs.

Mr. Pearl understood the residents on Tami Lane were opposed to the chickens when they were on site. He added he is ok with the structure, but emphatically stated chickens are not allowed. He clarified that the Township can send the Ordinance Enforcement Officer to this address to confirm there are no chickens.

Mr. Campbell reminded that the petitioner, by signing the Board of Appeals application, give the right to the Board members to go onto their property. He stated when he drove to the site, he noticed a huge sign on the fence indicating “Beware of Dog” so he did not feel he could safely gain access to the rear yard, and he could not see the structure from the driveway. He stated he has observed a pattern of doing things first and inquiring about the rules later is a pattern that concerns him and is why he cannot support this request. He advised the proper thing to do is to apply for a permit prior to putting up a building. If that would have been done, the Building Department would have advised Mr. Falls that he would need to obtain a variance to proceed. Mr. Campbell felt the argument that the structure is a good quality is a moot point, and he claimed all that means to him is that the petitioner violated the law and now wants approval for what he did. He could not recall many properties in the Township, if any, that have three accessory structures, and he could see no reason to approve the variance request.

Mr. Marella agreed with Mr. Campbell, stressing that building permits need to be pulled prior to the start of construction. He indicated Mr. Falls would have then discovered that his plans were in violation of the Township ordinance. He stated he cannot support requests for variances when people do not take advantage of opportunities to use the ordinances to help them.

Mr. Falls explained the structure was in place when he requested permission to keep chickens on his property.

Mr. Marella pointed out that Mr. Falls should have learned at the time he was denied his request to keep the chickens that he has seek approval through a permit first.

Mr. Falls clarified he built the structure prior to obtaining the chickens, not after his request to keep the chickens was denied.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6800 and application from Mr. Michael Falls, 23515 Glenwood, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning part of Lots 12 and 13, Glenwood Gardens Subdivision (Section 26), generally located fronting the north line of Glenwood, west of Harper, addressed as 23515 Glenwood, that variance request to permit the continuance of an accessory structure (shed) for a single-family home in the R-3 One-Family Residential District: 1) Measuring 8 feet by 8 feet (64 square feet), which, when considering the other existing accessory structures measuring a combined 1,591 square feet on the property, the total square footage of

accessory structures is 1,655 square feet, which is 265 square feet over the maximum permitted 1,390 square feet (determined by 2% of the 1.596-acre lot size); and 2) Being a third detached accessory structure, which is one more than the maximum permitted two (2) detached accessory structures, be denied by reason that no practical difficulty was demonstrated. Discussion ensued.

Mr. Pearl inquired as to how the Building Department found out about this shed.

Mr. Falls replied that he applied for a permit for the shed after the chickens were there. When the inspector visited his house, he informed Mr. Falls as to the steps to take to apply for a variance if he was interested in keeping the chickens. At that point, he filled out his paperwork for a permit for the shed.

Mr. Pearl pointed out that Mr. Falls had applied for a permit and was told he could not keep the chickens.

Mr. Campbell reminded that Mr. Falls was provided that information, but it was after he had already erected the shed and obtained the chickens.

Mr. Pearl felt the problem is that Mr. Falls' property backs up to the rear yards of the residents' homes on Tami. He noted the subject property is a very large lot that would not normally have this problem. He pointed out that there are no neighbors present tonight to talk about the structure, and he added he cannot support the motion to deny the variance request.

Roll Call (on the motion on the floor): Ayes – Campbell, Marella, D'Angelo. Nays – Hornung, Trombley, Pearl. Absent – None. Motion failed for lack of majority votes.

Motion by Mr. Pearl, supported by Ms. Trombley, with reference to File #18-6800 and application from Mr. Michael Falls, 23515 Glenwood, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning part of Lots 12 and 13, Glenwood Gardens Subdivision (Section 26), generally located fronting the north line of Glenwood, west of Harper, addressed as 23515 Glenwood, that variance be granted to permit the continuance of an accessory structure (shed) for a single-family home in the R-3 One-Family Residential District: 1) Measuring 8 feet by 8 feet (64 square feet), which, when considering the other existing accessory structures measuring a combined 1,591 square feet on the property, the total square footage of accessory structures is 1,655 square feet, which is 265 square feet over the maximum permitted 1,390 square feet (determined by 2% of the 1.596-acre lot size); and 2) Being a third detached accessory structure, which is one more than the maximum permitted two (2) detached accessory structures; further, this grant of variance is based on claimed practical difficulty being the large size of the lot; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Trombley, D'Angelo, Hornung, Marella. Nays – Campbell. Absent – None. Motion carried.

Mr. Santia advised Mr. Falls to make sure he pulls a permit for the structure.

**LOTS 198 THROUGH 202, SUPERHIGHWAY CITY SUBDIVISION, ADDRESSED AS  
15926 CAMPERDOWN, 15918 CAMPERDOWN, 15910 CAMPERDOWN, 15902  
CAMPERDOWN AND 15894 CAMPERDOWN (SECTION 30)**

**- APPEAL: CAMPERDOWN, MULTI-LOTS  
FILE #18-6801: PETITIONED BY MR. JEFF LaFLEUR,  
LaFLEUR CONTRACTING**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated February 5<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 54 owners and/or occupants of property located within 300 feet of the land in question, with 9 of those returned as undeliverable. There was one written reply received in response to the mailing. Mr. Campbell read the letter of objection from the owner of the two adjacent lots (Parcels 16-11-30-332-014 and -015). She was concerned about the lots being too small.

Mr. Jeff LaFleur, 581 Shellbourne, Rochester Hills, Michigan 48309, stated he purchased these parcels last summer, and he would like to build five homes similar to the new construction homes on the next street. To do so, he is seeking a four-foot variance for the rear yard setbacks to accommodate the development of 1,650-square-foot colonial-style homes. He explained that the ordinance also requires the first floor to measure a minimum of 800 square feet, and he is seeking a variance to permit the first floor of each of the five homes to measure 733 square feet, although he added he may possibly be able to get close to the 800 square-foot minimum.

Ms. Jacqueline Kimberly, 15862 Camperdown, Clinton Township, Michigan 48035, stated the lots are small, and her house is situated on two lots. She pointed out that if her two lots were developed with two houses instead of the one, it would be extremely cramped. She felt the new construction homes on the next street look very crowded, looking more like a “project rather than a neighborhood”. Ms. Kimberly noted that the two homes across the street from her are crowded, and there are five cars parked at one house, with one of those cars always in the street. She complained that is on a 40-foot-wide lot, and the driveway is directly adjacent to the lot line. She claimed that the second house across the street was built so high that the neighbors next to them had to sell them 3 feet of property because the driveway encroached into their yard, so their neighbors cannot sell their home as a 40-foot lot. She stated her house is 36 feet wide and she has a 1-1/2 car garage that is situated 3 feet from her property line, and the other side of her house extends almost to the property line. She felt 733 square feet is small and the petitioners should have to develop the minimum 800 square foot first floor. She was concerned that the smaller homes so close together will decrease her property value. She recalled when she moved in to her existing house, there were only three houses on the entire block, so it felt like

they were moving into the “country”. She complained that the road is in bad shape and found it hard to believe that it will have to accommodate the traffic generated from five more houses. She stated she has lived there for forty years and recalled many times when they had to pull cars out of ditches because it is a dirt street and turns to mud when it rains. Ms. Kimberly stated they recently put in sewer and water, but she is not hooked up and is still on a well water system. She does not know whether the County has plans to pave the road.

Mr. Pearl inquired as to whether the petitioner is withdrawing his request for the variance on the minimum square footage for the first floor. He noted that Mr. LaFleur had indicated in his initial comments that he felt he may be able to meet the 800 square foot minimum.

Mr. LaFleur replied he is not withdrawing that request and would like to proceed with the original plan of providing a 733-square-foot first floor.

Mr. Pearl inquired as to whether Mr. LaFleur purchased a floor plan to that square footage.

Mr. LaFleur replied affirmatively. He agreed it can be modified.

Mr. Pearl inquired as to whether there are any houses in the Township with a first floor smaller than 800 square feet.

Mr. Santia replied he does not believe there are any houses with the first floor of less than 800 square feet. He confirmed that the ordinance requires a minimum of 800 square feet for a first floor.

Mr. Pearl stated he would not be in favor of reducing that square footage.

Mr. LaFleur explained his architect indicated they will have to pull the foyer a few feet forward to accommodate the basement stairs. He replied to further inquiry that would not require another variance on the setback.

Mr. Pearl addressed the concerns of the residents, explaining that the Township cannot deny someone from building homes on a street if he owns the lots, but the Township does not have to grant the variances. He emphasized they cannot tell a builder he cannot build on his own property. He added he has mixed feelings on the 4-foot setback variance.

Mr. Campbell stated he did not check his records prior to the meeting, but he believed the Township granted a variance on the square footage on a first floor on three or four houses in the 15 Mile Road area. He recalled them being situated on 15 Mile Road.

Mr. Marella recalled those variances as well for five or six homes in a row on 15 Mile near the corner of Kentucky.

Mr. Campbell felt it was the same situation as this request. He stated he cannot recall the total square footage of those homes, but he commented that he is impressed with the fact that these are 1,600-square-foot houses, which he felt are huge. He added that is most likely larger than over half the homes in Clinton Township, which he felt is a positive thing. He noted the lots are small, and the 100-foot depth is very shallow. Mr. Campbell explained they cannot stop the developer from building, but if he put in something very small and does not need the rear yard setback, it would have to be a much smaller house.

Mr. Marella commented that it is an impressive plan.

Motion by Mr. Campbell, supported by Mr. D'Angelo, with reference to File #18-6801 and application from Mr. Jeff LaFleur, LaFleur Contracting, 581 Shellbourne, Rochester Hills, Michigan 48309, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area; and Chapter 1292.01-d, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning Lots 198 through 202, Superhighway City Subdivision (Section 30), generally located fronting the south line of Camperdown, west of Miami, addressed as 15926, 15918, 15910, 15902 and 15894 Camperdown, that variance be granted to permit the construction of one (1) single-family home on each of five (5) lots in the R-3 One-Family Residential District, with each home having: 1) A rear yard setback of 31 feet, being 4 feet less than the minimum required 35-foot rear yard; and 2) A first floor measuring 733 square feet, being 67 square feet smaller than the minimum required 800 square feet; further, this grant of variance is based on claimed practical difficulty being the unusually small size of the existing platted lots, each measuring 40 feet by 102 feet; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, D'Angelo, Hornung, Trombley, Marella, Pearl. Nays – None. Absent – None. Motion carried.

**23.56 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59),  
WEST OF ROMEO PLANK ROAD, ADDRESSED AS 18400 HALL ROAD (SECTION  
5)**

- **APPEAL: WALMART**

**FILE #18-6803: PETITIONED BY MR. BRIAN LORENZ, WD PARTNERS**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated February 6<sup>th</sup>, 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 3 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Matt Davis, of WD Partners, 7007 Discovery Boulevard, Dublin, Ohio 43017, stated he is here tonight on behalf of Walmart. The purpose for the additional sign is that they want to add grocery pick-up service to this location, and the sign they are proposing will help promote that service and direct traffic to the proper area. He explained it will be located on the west corner of that store. He stated the proposed sign is a branding sign they are using on all their stores across the country as they are adding the pick-up service, which will help the community in a new way by being able to order their groceries on line and be able to pick them up without ever having to leave their vehicles.

Mr. Campbell inquired as to whether Mr. Davis wrote the page-and-a-half document that accompanied their application.

Mr. Davis replied he did not write it, but is substituting for Mr. Ben Dariano of WD Partners, who is the applicant.

Mr. Campbell explained he thought he understood the proposal until he read the “Justification Statement”, which he felt is full of inconsequential, irrelevant and untrue statements. He understood, in looking at the print, that they would like to add one sign with the word “Pickup” and the Walmart “spark” emblem. Mr. Campbell read portions of the documentation submitted, indicating it is untrue.

Mr. Davis stated that, because he is not the author of the letter, he could not address the contents of the letter. He confirmed they are seeking a variance for the one additional wall sign, with the “spark” that goes with it.

Mr. Pearl felt that letter may have been written with a different location in mind.

Mr. Campbell felt it is a valid request in the interest of public safety. He questioned where the people will pick up their groceries.

Mr. Davis replied on the west end of the building, there is a set of double doors, and there is existing parking just past the pharmacy drive-thru. They are seeking approval to restripe that section of parking and designate it for the pick-up, and the doors will get painted with the branding orange paint. The employees will bring the groceries out through those doors and load them into the cars parked in those spaces.

Mr. Campbell felt that makes a lot of sense.

Mr. D’Angelo indicated he will be recusing himself from voting on this issue.

Motion by Mr. Pearl, supported by Mr. Hornung, with reference to File #18-6803 and application from Mr. Brian Lorenz, AICP, LEED AP, 7007 Discovery Boulevard, Dublin, Ohio 43017, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, concerning 23.56 acres of land fronting the south line of Hall Road (M-59), west of Romeo Plank Road, addressed as

18400 Hall Road (Section 5), that variance be granted to permit installation of one (1) additional wall sign (directional in nature) for a retail business in the B-4 Regional Business District, for a total of ten (10) wall signs and a combined total of 370.65 square feet, being nine (9) wall signs and a combined total of 170.65 square feet in excess of the maximum permitted one (1) wall sign and 200 square feet; further, this is an amendment to a variance granted on ay 16<sup>th</sup>, 2012 which permitted nine (9) wall signs totaling 330 square feet; further, this variance is based on claimed hardship that the additional sign provides identification for public safety; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Hornung, Campbell, Trombley, Marella. Nays – None. Absent – None. Abstain – D’Angelo. Motion carried.

**LOT 63, SUPERVISOR’S PLAT OF McKISHINE FARMS, LOCATED FRONTING THE SOUTH LINE OF McKISHINE, WEST OF LITTLE MACK, ADDRESSED AS 20196 McKISHINE (SECTION 33)**

- **APPEAL: SFR – McKISHINE, 20196**

**FILE #18-6804: PETITIONED BY MR. RUDOLPH EUGENE TUTEN**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated February 6<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 44 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. Rudolph Tuten, 20196 McKishine, Clinton Township, Michigan 48035, explained he is seeking this variance because he is handicapped and would like this variance because he is handicapped. He slipped and fell this winter and had to have EMS come out to help him get back into his wheel chair. He would like to be able to bring his handicapped vehicles into the building and gain access to and from those vehicles while remaining out of the weather elements. He stated he has another van, but it is being worked on at this time because the lift is locked up. He noted that his pickup truck is currently outside, and it has a cap on it that raises up. The cap goes up to 13 feet 6 inches, which requires an inside height of 14 feet. A crane system comes out of the truck, picks the chair up and takes it out of the truck as well as having the ability to put it back into the truck. He explained he needs the length of the garage because they do not make a door that is 30-foot by 12-foot, so he is limited to the size of the door opening. He needs enough room for his vehicles to pull far enough forward so they can back one vehicle up without interference from the other vehicle. Mr. Tuten stated when his wife drives, she will take him in the van, and if he drives, he can get into the truck himself. He stated he has no intention of working any more other than “trying to get out and doing something” with his life. He became paralyzed in November 2015, waking up with a severe infection in his spine, affecting numerous vertebrae as well as his left shoulder and left hand.

Ms. Cynthia Tuten, 20196 McKishine, Clinton Township, Michigan 48035, stated it is very difficult to load and unload her husband into a vehicle. She stated she is a dialysis patient and has a torn meniscus and is waiting for knee surgery. She added her husband can load and unload himself from the pick-up truck, and that is helpful.

Ms. Deborah Unger, 20166 McKishine, Clinton Township, Michigan 48035, stated she lives directly adjacent to the Tutens, and she confirmed his pick-up truck is exactly as he has explained it. She witnesses him getting in and out of his truck in all types of weather. She stated the Tutens have a large lot, and she has no objection to the pole barn, noting the neighbors two doors down also have a pole barn that is not an eyesore. She added she would love a pole barn like that but emphasized that for both of her neighbors to be able to get in and out of their vehicles while out of the elements of the weather would be a godsend. She felt this will be a wonderful help to them, after seeing them struggle getting in and out of their vehicles in the rain and snow. Ms. Unger did not feel this will decrease the home values in the area, and felt if anything, the values may increase. She pointed out they all have large lots, with the subject lot being almost an acre. She reiterated her support for the variance request and added that she has not heard anyone who has voiced any objections to it.

Mr. Campbell could see no reason to not grant the variance as requested. He questioned how Mr. Tuten gets in and out of the vehicles, and whether he has a lift that moves his wheelchair.

Mr. Tuten replied the crane picks up the chair and places it in the bed of the truck, under the cap that is open, and then the cap closes.

Mr. Campbell inquired as to whether the crane can position the chair in the driver's position.

Mr. Tuten replied he does not sit in his wheelchair while in the vehicle. He explained that, although he has no feeling in his legs, he can stand and pivot and has been going to rehab enough where he has learned to stand and back into the chair of the truck, and then it takes him into the truck. He can then push himself into the driver's seat, and then he has full hand-operating controls. He explained the truck has been converted for the hand-operating controls, and that would all have to be removed before someone else could drive it. When the truck and van are side-by-side, the loading ramp comes down and there is not enough room between the two vehicles for him to get on the loading ramp, so that is why he needs the wider width. He explained the platform measures about 7 feet, and he must have room to get the chair on it.

Mr. Campbell noted that there is a storage trailer and some type of recreational vehicle in the rear yard.

Mr. Tuten replied the recreational vehicle is not useable for him and they are looking into selling it. He has been looking at a new recreational vehicle that is fully handicap-

accessible, but he reiterated they will be selling the one that is in the rear yard. He stated the utility trailer houses model trains that are one-eighth scale and large enough to ride on. He stated he used to go to different tracks and could ride them. He has not been able to do that in two years, although he stated if he could have someone build an engine that could be hand-operated, he may get back into it.

Mr. Campbell explained that those vehicles can be parked on the property if they belong to him but must be in the rear yard. He clarified they cannot be in the front yard or required side yard.

Mr. Tuten inquired as to whether he cannot have the one trailer on the side of his house.

Mr. Campbell replied it can be on the side if it is not in the required side yard. He hoped Mr. Tuten's yard is large enough that he can pull them into the rear yard.

Mr. Tuten stated his plans show a cement pad adjacent to the pole barn, and that is where he will park the trailer.

Mr. Campbell inquired as to where the RV will go.

Mr. Tuten replied the RV is being sold; however, he assured if he purchases a handicapped-accessible RV, it will go on the side of the barn. He assured it will not be stored on grass because "that's a nightmare".

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #18-6804 and application from Mr. Rudolph Eugene Tuten, 20196 McKishine, 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 63, Supervisor's Plat of McKishine Farms Subdivision, generally located fronting the south line of McKishine, west of Wurfel, addressed as 20196 McKishine (Section 33), that variance be granted to permit construction of a detached accessory structure (pole barn) for a single-family home in the R-5 One-Family Residential District: 1) Measuring 30 feet by 40 feet (1,200 square feet), which, when combined with the existing 144-square-foot shed, totals, 1,344 square feet, being 468 square feet in excess of the maximum permitted 876 square feet (based on 2% of the lot size of 1.006 acre); and 2) Having a mean roof height of 18 feet, which is 4 feet in excess of the maximum permitted 14-foot height; further, this grant of variance is based on claimed practical difficulty that the owner is handicapped and needs the additional maneuvering room to access his vehicles; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D'Angelo, Hornung, Trombley, Campbell, Marella. Nays – None. Absent – None. Motion carried.

**2.742 ACRES OF LAND FRONTING THE EAST LINE OF GARFIELD ROAD, NORTH OF HEATHER LANE, ADDRESSED AS 39880 GARFIELD ROAD (SECTION 17)  
- APPEAL: DOMINO'S PIZZA @ GARFIELD PLAZA (FKA SPRINT @ GARFIELD PLAZA)  
FILE #18-6805: PETITIONED BY MR. AARON DOLKOWSKI,  
AJD PIZZA MANAGEMENT DBA DOMINO'S**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated February 2<sup>nd</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 321 owners and/or occupants of property located within 300 feet of the land in question, with 26 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Joseph Ciaramitaro, representative, stated he has both the land owner and the franchisee owner present tonight. He explained they are seeking approval to change the name on the pylon sign from "Sprint" to "Domino's". He assured this is not creating any additional signage and they are not seeking to expand the sign. He explained the center was built in the 1970's and that sign has been in existence since the 1970's.

Mr. Shaun Mansour, attorney, 45709 Rathmore, Macomb, Michigan 48044, representing his father, Eddie Mansour, who is the business owner of the Mr. Pita/Papa Romano's located in the Garfield Plaza. He pointed out there is no valid justification for this request. The square footage requested far exceeds the Township ordinance requirements, not only in total square footage but also in height. He referred to the parameters Mr. Marella had outlined in the beginning of the meeting and the conditions to which all variances are subject. He could not see the practical difficulty, pointing out that there is available signage without utilizing the large portion at the top of the sign. He did not feel it is burdensome because Domino's does not have a sign at this point and they are still in the process of creating their signage, so he claimed this is a self-created hardship. Mr. Mansour stated his family has been in business in Clinton Township since 2001, and in the Garfield Plaza since 2006, and he stressed they have never been late with a payment, adding they had a good relationship with the owner of the plaza for a long time. He stated without any prior notification to the tenants, Domino's moved into the plaza. He explained that, while they do not have restrictions in their lease that prevent two pizza businesses from going in to the same shopping center, he felt the owner of the plaza should have reached out to his tenant to let him know there would be another pizza business opening in the plaza. He claimed that Domino's locating in this plaza has resulted in the volume of their sales dropping substantially. He asked the Board to consider these concerns and deny this variance based on no hardship.

Mr. Campbell felt the most important aspect was in the documentation provided to the Board members. He explained in 1993, the Township enacted a new sign ordinance which dramatically changed the sizes of signs. The ordinance stated that existing non-conforming pylon signs would be allowed a one-time change of up to but not exceeding

one-third of the existing sign. He stressed that was 25 years ago and based on a picture of the subject sign that a Township employee took in 1995, and he pointed out that, since that time, the sign has completely changed 100%. He felt it is time that they enforce the ordinance and bring the sign into compliance with a maximum size of 80 square feet and a maximum height of 15 feet. He pointed out that other strip malls in the area have met these requirements, and he cited the example of the sign at 17 Mile and Garfield, where all the businesses are represented on a reasonable-sized sign. He stated his wife referred to the subject sign as an “eyesore”, and not an “icon”. He also agrees with his wife on her comment that “to allow the continuance of that sign is a total slap in the face to every business owner in the Township that has complied with the sign ordinance”.

Mr. Pearl stated that he does not disagree with Mr. Campbell. He recalled approving the Sprint sign for the side of the building because it was blocked by trees. Mr. Pearl questioned whether Domino’s is permitted to have the same square footage as Sprint.

Mr. Campbell explained that variance was granted specifically to Sprint and was to become null and void if Sprint moved out.

Mr. Pearl agreed with the owner of Papa Romano’s that it is unfair to have that large sign for Domino’s. He questioned why Domino’s would get the large square footage and no one else in the plaza gets that type of advertising on the sign. Mr. Pearl suspected that other businesses in the plaza will also want large signs, and it is a bad precedent. He stated he does not have a problem with Domino’s taking the space of the small Sprint sign, but he was not in favor of Domino’s having the large panel at the top of the pylon sign.

Mr. Campbell commented that Sprint had two wall signs, one in the front and one on the side, with the condition that the total combined square footage did not exceed 30 square feet and that variance became null and void if Sprint moved out. He stated that Domino’s has elected not to apply for a variance for the side sign. They have applied, received approval and installed a wall sign in front that is 45 square feet. He felt to grant a variance for a second wall sign is premature, because they have not asked for it. He clarified they are asking for a panel on the “monster” pylon sign.

Mr. Albert Santia, owner of the subject property, 37598 Paula Court, Clinton Township, Michigan 48036, stated he is not taking the sign down.

Mr. D’Angelo stated the sign is required to be brought into compliance based on Township ordinances.

Mr. Al Santia claimed if he does not touch the sign, he does not have to bring it into compliance. He claimed he did not do anything to the sign.

Mr. D’Angelo questioned whether the ordinance must be enforced every time a business goes in and out of that shopping center.

Mr. Santia replied that they are required to apply for a permit. The application is reviewed, and if the face of the sign has been changed by more than one-third of its total size, it must be brought into compliance. He believed there were changes made to the sign prior to his employment with Clinton Township, and he thought some permits have been pulled, although he could not confirm that permits were pulled for every sign change. He was confident that Sprint obtained permits for their wall signs.

Mr. Campbell noted that Sprint put the large panel on the pylon sign, and he does not know whether a permit was pulled.

Mr. Al Santia stated his family purchased the subject property in 1991, and they have owned it ever since that time. He admitted they have gone through some rough time the last four or five years. His tenant was shot and killed, he lost almost all his tenants, and he has been struggling. He talked with his mom and stressed to her that they had to remodel the shopping center. He had prints drawn up and they received the telephone call today that it has been approved. He explained he is down to \$300,000 to remodel the shopping center and he got some tenants because of the remodeling, with Domino's being one of them. He explained that, to get Domino's, he promised them they could have the top portion of the sign. He stated he did not think it would be an issue. Mr. Al Santia stated he is starting to fill the shopping center back up, and he credited that increase in business to the remodeling of the plaza. He added that he would like to "dress the sign up a little bit" as well once he is completed with the remodeling. He commented that if he has to replace the sign because of changes he makes to it, then he will leave it the way it is, claiming it is "grandfathered in".

Mr. Mansour pointed out that the top panel of the sign used to advertise "Garfield Plaza" and that is how they advertised their business, letting their customers know they are in the Garfield Plaza, and it was easier to direct potential customers to their location. He did not know if the owner obtained a Building permit to remove the top panel and replace it with advertising for Sprint, but he stressed that the names of the shopping centers should be included on the pylon signs.

The franchise owner of this Domino's location stressed the agreement that their name could go on top of the sign was a huge motivation to locate in this shopping center and move into Clinton Township.

Ms. Trombley questioned whether there is anything this Board can do to make the property owner comply with the ordinance requirements. She did not feel the existing sign is attractive, and it looks very old. She agreed with Mr. Mansour that the name of the shopping center should be included on the pylon sign, and giving Domino's the top spot for the sign, which is extremely large compared to the signs of the other businesses, is very unfair to the owner of Papa Romano's.

Mr. Al Santia offered to add “Garfield Plaza” but indicated it will be in a different spot, most likely in the location of one of the smaller signs.

Mr. Campbell commented that it does not appear as though Mr. Al Santia is willing to compromise.

Ms. Trombley inquired as to whether the Township can pursue compliance if this Board denies his variance request.

Mr. Campbell replied affirmatively. He pointed out that, based on the picture of the sign taken in 1995, 100% of the sign panels on the pylon sign have been changed.

Mr. Al Santia confirmed that those were sticker decals being used.

Mr. Campbell clarified that the business names on the sign were changed, so that is considered a sign change.

Mr. Pearl inquired as to whether Mr. Al Santia is willing to put the “Garfield Plaza” panel back up in place of the Sprint sign.

Mr. Al Santia pointed out that tenants move in and out, and he questioned why they cannot change the sign and keep the same dimensions when another business moves in.

Mr. Campbell clarified that Sprint was never approved by the Township to go across the top of the sign. He further clarified that a variance was granted for Sprint to put up two wall signs, and that variance was only valid as long as Sprint was occupying that space.

Mr. Al Santia replied to inquiry that he does not know if Sprint applied for a permit to change the pylon sign.

Mr. Campbell explained once again that the ordinance permits a one-time change of up to 33% of a non-conforming pylon sign, and that ordinance was put into place by the Township Board in 1993, which is 25 years ago.

Mr. Al Santia indicated he would be willing to compromise by using one-half of the top panel for “Garfield Plaza” and the other half of the top panel for “Domino’s Pizza”.

Mr. Campbell did not feel that is an adequate compromise.

Motion by Mr. Campbell, supported by Ms. Trombley, with reference to File #18-6805 and application from Mr. Aaron Dolkowski, AJD Pizza Management dba Domino’s, 39880 Garfield Road, Clinton Township, Michigan 48038, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-1 and -2, Signs,

Definitions and Restrictions, “Pylon sign”; and Chapter 1488.045-(b) and (c), Signs, Pre-Existing Signs, concerning 2.472 acres of land fronting the east line of Garfield Road, north of Heather Lane, addressed as 39880 Garfield Road (Section 17), that variance request to permit the replacement of a pylon sign for a business in the B-1 Neighborhood Business District (Domino’s Pizza @ Garfield Plaza (fka Sprint @ Garfield Plaza), being: 1) 102 square feet in size, which is 22 square feet in excess of the maximum permitted 80 square feet; 2) 24 feet in height, which is 9 feet in excess of the maximum permitted 15-foot height; and 3) A change in the face/faces of the sign by more than thirty-three percent, more than one time, which is not permitted, be denied by reason that undue hardship has not been presented. Roll Call Vote: Ayes – Campbell, Trombley, D’Angelo, Hornung, Pearl, Marella. Nays – None. Absent – None. Motion carried.

Mr. Al Santia questioned whether the denial means he has to keep the sign the way it is.

Mr. Campbell replied no.

Mr. Pearl stated he can come back with some other ideas, and he inquired as whether Mr. Santia has any suggestions.

Mr. Santia suggested the compromise would be to put the “Garfield Plaza” panel back on the top of the pylon sign, in the place where the proposed “Domino’s” was going, and Domino’s will then have to be advertised on a smaller panel on that pylon sign.

Mr. Pearl pointed out that most of advertising by fast-food pizza places is done by mail, and he stressed they have to be able to have the name of the shopping center visible, so they can use that in their advertising.

Mr. Al Santia stated he is willing to put the Garfield Plaza sign back on the pylon.

Mr. Campbell and Ms. Trombley both commented that they feel the sign should be brought into compliance.

Mr. Pearl suggested he get his tenant in and come back with another plan. If he puts the Garfield Plaza sign back up, it will serve as identification for all his tenants.

Mr. Santia suggested the Board can give him some time to do this.

Mr. Pearl suggested giving the owner six months to come back with a plan to remodel the sign and bring it up to date. He appreciated that Mr. Al Santia is putting money into the plaza, but he emphasized it is important to make the sign look “first class” as well.

Mr. Campbell replied to inquiry that the ordinance permits 80 square feet and a height of 15 feet.

Mr. Pearl pointed out there are a lot of possibilities with electronic signs. Mr. Pearl understood he probably cannot do that during the remodeling, but if he is willing to put up the Garfield Plaza sign to provide that identification for all his tenants and work it out with Domino's to accept a smaller sign on the pylon, he can take some time to come back with a plan.

Discussion took place regarding the length of time they are willing to give the owner to bring the sign into compliance.

Mr. Pearl felt up to a year would be reasonable. He pointed out that the owner is remodeling the entire plaza, and he recalled a location on Groesbeck where they gave the owner a certain amount of time to bring the sign into compliance, and he let the building go.

Mr. Marella felt that compromise will be progress, and he will have time to work on bringing the sign into compliance.

Mr. Pearl confirmed that the Garfield Plaza sign is to be put up right away, Domino's will take the place of the small Sprint sign on the pylon, and they then have a year to come back with a proposal for a new sign.

Mr. Hornung inquired as to whether the sign must comply with the ordinance when he comes back in a year, or can he request additional variances.

Mr. Marella replied they will have to review what he is proposing

Mr. Pearl stated he must bring in plans for a new sign, and he would have the right to ask for a variance.

Mr. Hornung cautioned that he may not get a variance.

Mr. Pearl stated he could put something together that may require a small variance, and that would be something the Board could consider. He clarified there are not guarantees, but he assured they will not make him tear down the sign tomorrow.

Mr. Hornung felt it is clear this Board is not going to grant a large variance for the sign, so he will have to be somewhat within the parameters of the Ordinance,

Mr. Pearl commented that there are a lot of nice signs going in that are smaller, especially the electronic signs, although he admitted they are costly.

Discussion took place regarding how to make another motion when the first motion was to deny. Mr. Campbell stated he did not want to rescind his motion.

Mr. Santia explained if the owner brings in plans within the year that meet the ordinance requirements, he will not have to come back to this Board.

Considerable discussion took place regarding how to word the proposed motion.

Motion by Mr. Pearl, supported by Mr. Marella, with reference to File #18-6805 and application from Mr. Aaron Dolkowski, AJD Pizza Management dba Domino's, 39880 Garfield Road, Clinton Township, Michigan 48038, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-1 and -2, Signs, Definitions and Restrictions, "Pylon sign"; and Chapter 1488.045-(b) and (c), Signs, Pre-Existing Signs, concerning 2.472 acres of land fronting the east line of Garfield Road, north of Heather Lane, addressed as 39880 Garfield Road (Section 17), that variance be granted to permit the continued existence of a 102-square-foot, 24-foot tall non-conforming pylon sign for a shopping plaza in the B-1 Neighborhood Business District (Garfield Plaza) with the following conditions: 1) The owner of the plaza is required to reinstall the former "Garfield Plaza" panel in its former position at the top of the pylon sign as soon as possible (in place of the requested location for the large Domino's sign); 2) Domino's Pizza can then advertise their business on the sign by taking the place of the smaller Sprint panel on the pylon as soon as possible; and 3) The existing sign has to be brought into compliance no later than one year from today's date, which will be February 21<sup>st</sup>, 2019. Roll Call Vote: Ayes – Pearl, Marella, Trombley, D'Angelo, Hornung. Nays – Campbell. Absent – None. Motion carried.

Mr. Campbell replied to inquiry that he does not want to rescind his previous motion.

## **REPORT OF MEETING**

### **-- APPROVAL OF JANUARY 17<sup>TH</sup>, 2018 REPORT**

Mr. Campbell requested the following change:

Page 16, Paragraph 2, Line 5:

Change from: "He explained the "M" logo..."

Change to: "Mr. Stieber explained the "M" logo..." (and begin a new paragraph)

Motion by Mr. Hornung, supported by Mr. D'Angelo, to approve the minutes of the January 17<sup>th</sup>, 2017 Meeting with the correction as noted. Motion carried.

## **CLINTON TOWNSHIP BOARD OF APPEALS ANNUAL REPORT**

### **-- APPROVAL OF 2017 ANNUAL REPORT**

Motion by Mr. Marella, supported by Ms. Trombley, to receive and file the Clinton Township Board of Appeals 2017 Annual Report, as presented; further, to forward it to the Clinton Township Board for their information and file. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

### **-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE: WEDNESDAY, APRIL 18<sup>TH</sup>, 2018 AT 6:30 P.M.**

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Mr. Santia confirmed the next Board of Appeals meeting to be held on Wednesday, April 18<sup>th</sup>, 2018 at 6:30 p.m.

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

- Maxi-Mini Storage Facility (Phase II) on Gratiot and Iroquois, noting the petitioners are seeking a front yard setback. They must meet front yard setbacks on the three streets on which they front, and that has created a practical difficulty for them, so they are seeking a variance.
- McDonald's at Hall and Elizabeth is requesting one additional wall sign measuring 14 square feet.
- Vinson Motors on Gratiot, between 14 Mile and 15 Mile Roads, are requesting to eliminate their front yard setback. Mr. Santia noted that their site development plan was approved, but they were asked to provide a 10-foot setback. They are now seeking a variance to eliminate the front yard setback.

He noted that there are a couple of days left until the deadline for applications to be submitted for the April meeting.

## **ELECTION OF OFFICERS FOR THE BOARD OF APPEALS**

- CHAIRPERSON**
  - VICE-CHAIRPERSON**
  - SECRETARY**
- 

Mr. Hornung nominated the three current officers to serve for another year in their capacity.

Mr. Marella, Mr. D'Angelo and Mr. Campbell accepted the nominations to serve as Chairperson, Vice-Chairperson and Secretary, respectively.

Motion by Mr. Hornung, supported by Mr. Pearl, to reappoint Mr. Frank Marella as Chairperson, Mr. James D'Angelo as Vice-Chairperson and Mr. Robert Campbell as Secretary for another year. Motion carried.

## **ADJOURNMENT**

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Motion by Mr. Campbell, supported by Mr. Pearl, to adjourn the meeting. Motion carried. The meeting adjourned at 8:06 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:02/27/18

ces:03/01/18

*Approved 03/21/18*