

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*WEDNESDAY, OCTOBER 17<sup>TH</sup>, 2018*

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

ABSENT: Michael Deyak (Excused)  
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.

**LOT 81, MORAVIAN ACRES SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF ROCKHILL AND CELIA, ADDRESSED AS 38015 ROCKHILL (SECTION 21)**

**- APPEAL: SFR – ROCKHILL, 38015  
FILE #18-3852: PETITIONED BY MR. MICHAEL WESTERLUND**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 21<sup>st</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 40 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. Michael Westerlund, 38015 Rockhill, Clinton Township, Michigan 48036, stated he received one letter from his neighbor, who indicated he has no objection to the variance request. He submitted that letter, along with photos showing where the neighbor's house to his north is located in relation to the proposed structure. He pointed out that the neighbor's home protrudes further back than his proposed pergola.

Mr. Campbell felt Mr. Westerlund has an obvious practical difficulty with the lot being only 110 feet in depth in an R-2 One-Family Residential District. He indicated the shallow depth is the practical difficulty for this request.

Mr. D'Angelo noted that according to the survey submitted, the petitioner's shed and fence encroach into the road right-of-way.

Mr. Westerlund confirmed that is correct, but noted it was that way when he purchased the home.

Mr. D'Angelo inquired as to whether that is allowed.

Mr. Cassin replied that is up to the Department of Roads.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #18-6852 and application from Mr. Michael Westerlund, 38015 Rockhill Road, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, concerning Lot 81, Moravian Acres Subdivision (Section 21), generally located at the northwest corner of Rockwell and Celia, addressed as 38015 Rockhill, that variance be granted to permit construction of an attached pergola in the rear yard of a single-family home in the R-2 One-Family Residential District, with a rear yard setback of thirty-six (36) feet, being four (4) feet less than the minimum required setback of forty (40) feet; further, this grant of variance is based on claimed practical difficulty that the lot depth is very shallow; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D'Angelo, Trombley, Campbell, Marella. Nays – None. Absent – Deyak, Hornung. Motion carried.

**2.221 ACRES OF VACANT LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59), EAST OF HAYES ROAD (SECTION 6)**

**- APPEAL: TACO BELL @ CLINTON HALL PROPERTIES  
FILE #18-6853: PETITIONED BY MR. KEVIN DETERS,  
METRO DETROIT SIGNS**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 21<sup>st</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 483 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. Paul Deters, 11444 Kaltz Avenue, Warren, Michigan 48089, stated their company has been asked to provide the signage for this new Taco Bell location. They secured permits for a sign on the north elevation facing Hall Road, but they would like this Board's consideration for a sign on their east elevation. He pointed out this is not a typical location for a quick-service restaurant and many motorists on Hall Road may not even realize there is a drive-thru at this location because this is a strip center with multi-tenants. The purpose for the second sign is to identify the location in time for westbound traffic to be able to safely get over to the turnaround, which is not easy to do at certain times on Hall Road. If they miss that turnaround, they will have to go quite a distance to the next turnaround and are not likely to backtrack to this location. He added that, because the sign they are proposing is located above the drive-thru canopy, it helps identify that there is a drive-thru operation, which is a vital part of their revenue.

Mr. Campbell noted they did not receive documentation of the approved sign on the north elevation in their agenda packages. He inquired as to the size of that sign.

Mr. Deters replied it is exactly the same size as the sign being requested this evening for the east elevation. He explained the only difference is that instead of having the logo, which is a bell, placed between the words "Taco" and "Bell", it is located above the letters, which are only 14 inches tall.

Mr. Campbell explained the total square footage of the sign is what the Township considers. He stated that when businesses want multiple signs when only one is authorized and this Board grants a variance, typically a condition is placed on the approval that the total combined square footage of all of the wall signs cannot exceed the square footage that would be permitted for the one sign. If the sign on the north elevation is the same as the 35.6-square-foot sign proposed for the east elevation, there would be no problem because it would be a total of under 72 square feet.

Mr. Deters stated they are exactly the same size lettering and bell logo, but the positioning is slightly different. He questioned whether this would be approved if they

could find a way to stack the letters and logo the way they are stacked on the north elevation.

Mr. Campbell replied he does not know how it is stacked on the north elevation.

Mr. Pearl questioned whether it measures 43.1 square feet or 45.21 square feet.

Mr. Deters replied that the north sign is 45.21 square feet, but they are proposing 43.1 square feet.

Mr. Campbell questioned whether the petitioner would have any problem if the variance was granted on the condition that the total combined square footage of the two signs is not to exceed 90 square feet.

Mr. Deters replied that would be terrific, and they would have no objection to that condition being placed on a variance.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6853 and application from Mr. Kevin Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, Michigan 48089, for variance to Clinton Township Building and Housing Code, Section 1488.02-(e)-(3)-(c) of the Clinton Township Sign Ordinance, concerning 2.221 acres of vacant land fronting the south line of Hall Road (M-59), east of Hayes, addressed as 15750 Hall Road, that variance be granted to permit the installation of two (2) wall signs for a fast-food restaurant in the B-3 General Business District (per Conditional Rezoning), being one (1) wall sign in excess of the maximum one (1) wall sign allowed; further, this variance is granted on the condition that the total combined square footage of the two (2) wall signs is not to exceed ninety (90) square feet; further, this grant of variance is based on claimed hardship that the building is facing two very visible sides of traffic and the second sign will help to safely direct people to the drive-thru; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Marella, D’Angelo, Trombley, Pearl. Nays – None. Absent – Deyak, Hornung. Motion carried.

**1.09 ACRES FRONTING THE EAST SIDE OF GRATIOT AVENUE, NORTH OF JOY BOULEVARD, ADDRESSED AS 43388 NORTH GRATIOT (P.C. 141 & 626 / SECTION 12)**

- **APPEAL: CROMWELL INVESTMENTS (AKA DETROIT TRUCK SALES)  
FILE #18-6854: PETITIONED BY MR. JESSE BERGER,  
CROMWELL INVESTMENTS  
REPRESENTED BY MS. STACY CERGET, FVPM LLC**
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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 27<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 276 owners and/or occupants of

property located within 300 feet of the land in question, with 82 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Jesse Berger, 43388 Gratiot, Clinton Township, Michigan 48036, explained there was a car lot at this location for many years, dating back to Mitchell Buick. It was more recently the location for Cal's Car Lot. He noted that the asphalt reaches almost to Gratiot, leaving very little setback. He explained they will be tearing out the old pavement, as well as demolishing one of the buildings, and will be reducing the amount of asphalt. They will be putting in grass, trees and shrubbery. He noted they only need a small area for display and will be limiting it to the south end; however, they are still in need of a front yard setback variance.

Mr. Campbell questioned whether this is the site with a small painted cinder-block building.

Mr. Berger replied that is correct.

Mr. Campbell stated he has looked at the site and cannot rationalize a variance for it. He pointed out the adjacent building to the south has been redeveloped and meets the setback requirements. He added there is no argument that adjacent properties do not have the setback.

Mr. Berger explained he owns the subject property as well as the property to the south, and he pointed out the asphalt extends all the way to the sidewalk on that parcel. There is a trailer sales business to the north of the subject property, and he claimed their trailer display extends all the way to the sidewalk. He also noted they have a fence almost at the road. He pointed out he will be set back further than either of the abutting properties with this plan. He stressed he is looking to have five parking spots for retail display in the event he decides to put something out there, although he added he is not planning on putting a lot out there.

Mr. Campbell commented the petitioner must have a lot of land north of the building, and he said it seemed like there is a lot of space between the building and where the trailer sales are located.

Mr. Berger replied he has a lot of grass in that area because he does not need to utilize that area.

Mr. Campbell felt that is not a valid argument to back up his claim that he needs to build to the street. He pointed out the ordinance regulations changed a number of years ago, and they are trying to establish setbacks. He acknowledged if there are adjacent properties with variances for smaller setbacks, that is something to be taken into consideration; however, if the adjacent developments have met the setback requirements, he could not see justification for a variance.

Mr. Berger stressed that if he cannot have vehicles for sale that are seen from Gratiot, the functionality of his business is compromised. He has improved on what existed on this property a couple of months ago.

Mr. Campbell agreed the property has been improved but pointed out that with the open space around it, he does not feel people will have trouble seeing the vehicles from the road.

Mr. Berger indicated the situation can be seen when driving up and down Gratiot.

Mr. Campbell assured he went to the site and drove up and down Gratiot.

Mr. Berger explained that, with other vehicles so close to the road, it is difficult for him to have his vehicles further back.

Mr. Pearl inquired as to the proximity of the dealerships to the road.

Mr. Cassin replied they go up to the right-of-way on Gratiot. He added that no one is 25 feet back, and if there is grass in that area, they park on it.

Mr. Pearl stated he does not have a problem with using five parking spaces for display because all of the other dealerships are closer. He reminded it is the petitioner's job to sell vehicles. He understands that there is a lot of room on the property but pointed out that dealerships all go up to the road right-of-way.

Mr. Campbell pointed out there are no dealerships adjacent to this site.

Mr. Pearl clarified that car dealerships want to be able to display in the front, so the public can see their product for sale.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #18-6854 and application from Mr. Jesse Berger, Cromwell Investments, Inc., 26159 25 Mile Road, Chesterfield, Michigan 48051, as represented by Ms. Stacy Cerget, FVPM, LLC, 45138 Cass Avenue, Utica, Michigan 48317, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.02-(29), Supplementary Regulations, Uses Requiring Special Approval; Procedure, concerning 1.09 acres of land fronting the east side of Gratiot Avenue, north of Joy Boulevard, addressed as 43388 North Gratiot (P.C. 141/626, Section 12), that variance be granted to permit a business (Cromwell Investments, aka Detroit Truck Sales) with parking spaces encroaching 11 feet into the required 25-foot front yard setback, resulting in a front yard setback of 14 feet, being 11 feet less than required; further, this grant of variance is based on claimed practical difficulty being that Gratiot is a very wide road with traffic travelling at fast speeds, and there is a public safety issue in properly identifying the location of the business; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D'Angelo, Trombley, Marella. Nays – Campbell. Absent – Deyak, Hornung. Motion carried.

**LOT 5, CLINTON TECHNICAL PARK INDUSTRIAL SUBDIVISION, LOCATED EAST OF MACOMB INDUSTRIAL DRIVE, SOUTH OF HALL ROAD (M-59), ADDRESSED AS 44660 MACOMB INDUSTRIAL DRIVE (SECTION 2)**

**- APPEAL: FALCON INDUSTRIES  
FILE #18-6855: PETITIONED BY MR. JOE AZZOPARDI,  
FALCON REAL ESTATE HOLDINGS, LLC  
REPRESENTED BY MR. ERIK AZZOPARDI,  
FALCON REAL ESTATE HOLDINGS, LLC**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 27<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 50 owners and/or occupants of property located within 300 feet of the land in question, with 9 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Joseph Azzopardi, of Falcon Real Estate Holdings LLC, 44660 Macomb Industrial Drive, Clinton Township, Michigan 48036, stated he is president of Falcon Industries. They are a tool and die shop and purchased a press to improve their capacity. The press is 26 feet in height, and with the necessary crane over the top and the structural design of the roof to accommodate this, they are seeking a 3-foot variance.

Mr. Marella stated he was unable to download the print that he received by email.

Mr. Azzopardi explained the building is 80 feet in width, and they are proposing to extend 60 feet onto the back of the building to house the press.

Mr. Pearl inquired as to whether this is the same area where this Board granted a variance for a higher building for another industrial building.

Mr. Azzopardi indicated Kuka Systems is located a short distance from them, and he recalled they have a higher building. He added that there is no residential development in the area.

Mr. Marella stated that from what he observed, and the conditions required by this company, he stated he is in support of the variance request.

Motion by Mr. Marella, supported by Mr. Pearl, with reference to File #18-6855 and application from Mr. Joe Azzopardi, Falcon Real Estate Holdings, LLC, 44660 Macomb Industrial Drive, Clinton Township, Michigan 48036, as represented by Mr. Erik Azzopardi, same address, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, concerning Lot 5, Clinton Technical Park Industrial Subdivision, fronting the east side of Macomb Industrial Drive, south of Hall Road (M-59), addressed as 44660 Macomb Industrial Drive (Section 2), that variance be granted to permit

construction of an addition to an existing industrial building in the I-1 Light Industrial District (Falcon Industries, Inc.) with a height of 38 feet, being 3 feet greater than the maximum 35 feet allowed; further, this grant of variance is based on claimed practical difficulty that accommodating the equipment the petitioner needs to be able to continue with their business requires the additional roof height; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Marella, Pearl, Trombley, Campbell, D’Angelo. Nays – None. Absent – Deyak, Hornung. Motion carried.

Mr. Marella informed Mr. Azzopardi that there is a tree on the corner of Macomb Industrial Drive that has grown in a way that it hides the street sign, and he suggested that it be trimmed so the name of the street is visible.

Mr. Azzopardi replied that the tree and sign are on someone else’s property but claimed he will see what he can do.

**PART OF LOT 74 AND ALL OF LOT 75, JEFFERSON HEIGHTS SUBDIVISION,  
LOCATED NORTH OF MANILA, EAST OF HARPER, ADDRESSED AS 24135  
MANILA (SECTION 36)**

**- APPEAL: SFR – MANILA, 24135  
FILE #18-6856: PETITIONED BY MR. JAMES COCHENOUR**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 28<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 none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. James Cochenour, 24135 Manila, Clinton Township, Michigan 48035, explained he is requesting a variance to construct a garage in his side lot next to his house. He stated he is requesting the variance because he has a 60-foot right-of-way in the rear of his property for the Cottrell Drain, and he is not allowed to construct anything in that right-of-way.

Mr. Campbell questioned whether Mr. Cochenour has a full lot plus and addition to his lot. He commented it appears as though it was two lots at one time.

Mr. Cochenour replied it was originally three lots, and the center lot was split. He received the one his house currently sits on, and his sister got the other lot when she graduated from high school. He claimed she never did anything with the lot, and he was offered that lot from her this year. He now owns it and would like to build a garage on that lot. He confirmed that the adjacent lot is Lot 73 and the westly 25 feet of Lot 74.

Mr. Campbell commented that the mortgage report shows Lot 75.

Mr. Cochenour confirmed his house is on Lot 75 and 25 feet of Lot 74.

Mr. Campbell felt this request amounts to building a garage on a vacant lot, and that is typically not done. He observed a huge trailer beside the petitioner's house, and he inquired as to the purpose for the trailer.

Mr. Cochenour replied he owns a show car that has been to Autorama multiple times. He uses the trailer to take the car where it needs to go.

Mr. Campbell questioned whether the trailer is always parked in the side yard.

Mr. Cochenour replied it is there most of the time, and he was told as long as it is behind the fence in the back yard, it is not a problem.

Mr. Campbell inquired as to why the petitioner does not consider adding on to the existing garage on the east side.

Mr. Cochenour replied the existing garage is all brick, so in order to add on to that structure, he would have to continue the brick, which would be astronomical in cost compared to the cost of a stand-alone building. He would have to remove a load-bearing wall because of the structural design of the trusses. He added that they had originally looked into that possibility.

Mr. Campbell inquired as to whether the proposed garage will house the trailer and the show car.

Mr. Cochenour replied he did not request a permit to build the garage high enough to accommodate the trailer.

Mr. Campbell felt the trailer is not much higher than a normal small trailer.

Mr. Cochenour replied the inside height of the trailer is 6 feet 6 inches and stands about 9 feet tall. He would need a 10-foot commercial roll-up door, which he was not planning on, and that would require a 12- to 14-foot ceiling. When he talked to the Assistant Superintendent of Building, he was told he could go no taller than 14 feet and the way the height is calculated, he could not accommodate the trailer.

Mr. Campbell inquired as to whether Mr. Cochenour intends to continue storing the trailer outside.

Mr. Cochenour replied he may get rid of the trailer, noting he may have to rent something at the times he wants to transport his show car.

Mr. Marella pointed out that Mr. Cochenour can store his trailer offsite at a storage facility.

Mr. Campbell felt it is an unusual request to construct a garage on an adjacent parcel of land to the primary structure.

Mr. Cochenour clarified that the lots are combined by Assessing and now have one tax identification number.

Mr. Campbell questioned why the petitioner needs the additional 3 square feet of floor area in the garage.

Mr. Cochenour replied he proposed a 25-foot by 30-foot garage; however, he stated he could possibly reduce it to 25 feet by 29 feet. He replied to further inquiry that he is not building the garage from a premeasured kit.

Mr. Marella did not feel the additional 3 feet will be noticeable by anyone. He had no objection to the size of the structure being requested.

Mr. Pearl pointed out that the petitioner cannot build a garage in his rear yard, and he did not feel many homes in the Township have that problem. He added it is a dead end.

Motion by Mr. D'Angelo, supported by Mr. Pearl, with reference to File #18-6856 and application from Mr. James Cochenour, 24135 Manila, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b) and -(c), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lots 73 through 75, Jefferson Heights Subdivision (Section 36), located fronting the north side of Manila, east of Harper, addressed as 24135 Manila, that variance be granted to permit construction of a detached accessory structure for a single-family home in the R-5 One-Family Residential District: 1) Having a floor area of 750 square feet, which is 3 square feet in excess of the maximum 747 square feet allowed; and 2) Being located in a side yard, which is not allowed; further, this grant of variance is based on claimed practical difficulty being the Cottrell drain that runs in the back of the lot prohibits an accessory structure in the rear yard, and the fact that the property where the garage is to be located has been combined with the petitioner's principal dwelling to create a parcel with one tax identification number; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – D'Angelo, Pearl, Trombley, Campbell, Marella. Nays – None. Absent – Deyak, Hornung. Motion carried.

**5.465 ACRES OF LAND FRONTING THE EAST LINE OF HAYES ROAD, SOUTH OF HALL ROAD (M-59), ADDRESSED AS 43888 HAYES ROAD (SECTION 6)  
- APPEAL: ST. SHARBEL MARONITE CATHOLIC CHURCH  
FILE #18-6857: PETITIONED BY MR. PATRICK STIEBER,  
ALLIED SIGNS, INC.**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated October 4<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this

public hearing was issued by regular mail to 405 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. Patrick Stieber, Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, explained that this is a large piece of property, and there is very hectic traffic on Hayes at certain times of the day. They are proposing an electronic sign that is slightly larger than allowed by ordinance. He requested the Board take into consideration the overall size of the sign and the fact that it is an attractive brick sign. He did not feel it is excessive in size, and they are looking at 15 square feet of actual signage on the sign, noting that ratio is generally higher. Mr. Stieber explained they feel there is no detrimental effects to the area with the granting of this variance, claiming it is a high traffic area and there will be a lot of people coming in and out of the church.

Mr. Pearl could not see a problem with the request, although he admitted he does not know how it came out that they need an additional 4.71 square feet.

Mr. Campbell inquired as to why the sign is proposed to be larger, and whether it has to do with the components.

Mr. Stieber replied that is part of the reason, but there is also a framework for the actual sign. The Township calculates outside-to-outside dimensions of the frame, and because of that reason, it puts the actual overall size of the sign over the limit. He stated it is very difficult to not exceed the 20 square feet allowed because the panels are actual standard-size tiles. To jump down to one size lower would make the sign drastically smaller. He emphasized they cannot have the sign that small.

Mr. Campbell questioned whether the technology has changed over time.

Mr. Stieber admitted the technology has changed; however, it is more with the LED lighting, but the technology is the same with the actual tiles all fitting together to make up the viewing sizes. These tiles fit into the framework, so they would have wasted space and the sign display area would be much smaller if they were to reduce it.

Mr. Campbell inquired as to whether it is like a large television screen.

Mr. Stieber explained it is an electronic board, just like all of the other electronic message signs throughout the Township.

Motion by Mr. Pearl, supported by Mr. Marella, with reference to File #18-6857 and application from Mr. Patrick Stieber, Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(s), Signs, Definitions and Restrictions, "Changeable copy", concerning 5.465 acres of land fronting the east side of Hayes Road, south of Hall Road (M-59), addressed as 43888 Hayes Road (Section 6), that variance be granted to permit the installation of a "changeable copy" electronic message center for a church in the B-2

Community Business District (St. Sharbel Maronite Catholic Church), measuring 24.71 square feet, which is 4.71 square feet in excess of the maximum permitted 20 square feet; further, this grant of variance is based on claimed hardship being the sizing of the components of the “changeable copy” portion of the sign, and the high traffic volume on Hayes Road; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Marella, Trombley, Campbell, D’Angelo. Nays – None. Absent – Deyak, Hornung. Motion carried.

Chorbishop Alfred Badawi, of St. Sharbel Maronite Catholic Church, thanked the Board for consideration of this request. He indicated they are having difficulty exiting their church due to the high volume of traffic on Hayes. They would like an easement, so they can take advantage of the traffic light on Hayes in front of the adjacent property. He stated they have approached the neighboring property owner to the north, but without success. He expressed concern that the situation is not safe for his parishioners.

Discussion took place regarding the situation with regard to the easement.

Mr. Pearl assured he will let Mr. Cannon, the Township Supervisor, know about the problems the church is experiencing with regard to the traffic situation on Hayes. He informed that they have a new Planning Director who will be starting next week.

**PART OF LOTS 1 AND 2, EAST POINTE INDUSTRIAL SUBDIVISION, LOCATED NORTH OF CAPITAL, EAST OF GRATIOT, ADDRESSED AS 24201 CAPITAL AND  
PART OF LOT 9, EAST POINTE INDUSTRIAL SUBDIVISION, LOCATED SOUTH OF CAPITAL, EAST OF GRATIOT, ADDRESSED AS 24800 CAPITAL (SECTION 1)  
- APPEAL: DRAKE ENTERPRISES  
FILE #18-6858: PETITIONED BY MR. JASON BENETEAU,  
DRAKE ENTERPRISES**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 27<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 36 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. Jason Beneteau, of Drake Enterprises, 24800 Capital and 24201 Capital, Clinton Township, Michigan 48036, explained that their company recently purchased the building at 24201 Capital, which is one-quarter mile from their existing building at 24800 Capital. He stated they are a high-tech C & C machine shop and need high-speed communication between both buildings. They looked at the possibility of stringing wire between both buildings, but because the buildings are each on opposite sides of Capital, they would be forced to extend the wire all the way to Gratiot, then cross the

street and continue it all the way back down the street on the other side, He pointed out that they need the high-speed communication higher than the trees, and they approached a local company in Clinton Township to make the towers. They have determined 40 feet in height is the safe distance because they want to be above anyone who would be doing any kind of repairs or work on the roofs of any of the neighboring properties. The maximum height permitted is 35 feet, so they are requesting an additional 5 feet for each of the two towers.

Mr. Marella inquired as to whether it has to be above the tree line of any of the trees in the area.

Mr. Beneteau replied affirmatively and noted that one of their neighbors has a Torit air collector on top of their building, and that would be within the line of sight if they were required to stay within the 35-foot height requirement. He assured they are trying to minimize how much they have to go over all of the neighboring buildings.

Mr. Marella inquired as to what Drake Industries does.

Mr. Beneteau replied they are a Tier 1 auto supplier for Chrysler, BMW, Mercedes, and they make car parts. They are a C & C machine shop.

Mr. Marella inquired as to whether this communication is going anywhere other than between the two buildings.

Mr. Beneteau replied no. They chose a technology that allows them to use something other than Wi-Fi. He provided some technical details as to how the towers communicate, and they are dependent upon the frequency zone they are broadcasting. In this case, the distance is just over one-quarter mile. He stated the equipment is regulated by the FCC.

Mr. Marella questioned whether these radio frequencies are dangerous to the human body if they come into contact with them.

Mr. Beneteau replied if they are pointing them at someone, there could be radiation, but that is why they want them higher. He stated prior to taking the position of IT Director for Drake, he worked for homeland security, and in setting up antennas, they had to make sure there would be no human activity able to go in front of their antennas. He stated from a practical standpoint, they do not want to point these at someone who may be standing on a rooftop.

Mr. Marella stated he has recently been reading about strange occurrences in American embassies and questioned whether that is due to radio frequencies, and whether that is what they are trying to prevent. He further questioned whether they frequencies go beyond the antennas or whether it strictly travels between the antennas and not beyond.

Mr. Pearl heard the higher, the better for the antennas.

Mr. Beneteau replied that rumor is Russia or China is sending frequencies directed at people in these buildings. He explained that, from a safety standpoint, these are directional, so they are not broadcasting in a circle but more like a laser, in a straight line. The wattage they are broadcasting between the two matching antennas will adjust their output, so they are not broadcasting an excessive amount of power. These frequencies are at 24 gigahertz, so it cannot travel through a tree leaf because it is such a high frequency and a low power. He stated anything that hits the signal will stop it.

Mr. Pearl inquired as to whether there is a problem if this is in close proximity to schools.

Mr. Beneteau replied the school is south of the site. At 24800 Capital, that antenna will be pointed to the northwest, so that is up and away from the school. At 24201 Capital, that antenna will be pointed southeast, but more east, so it is pointed more in the direction of I-94.

Mr. Pearl inquired as to the height of the cell towers the Township approves.

Mr. Cassin replied they range from 100 feet to 120 feet in height.

Mr. D'Angelo inquired as to whether it is a tower alone, or a tower with a dish.

Mr. Beneteau replied it is an aluminum tower very similar to what the Civic Center has on their roof. That tower will be 40 feet in height, and on top of that they are mounting one unit with two small antennas, one which transmits and one which receives.

Mr. Campbell questioned if a neighbor adds something to their roof, such as an air conditioning unit, whether it would exceed the 35-foot height limit.

Mr. Cassin replied anything added to the roof would still have to remain under the 35-foot height limit.

Mr. Campbell noted that the 40-foot antennas should keep them above any man-made structures.

Mr. Beneteau confirmed that is correct. He explained the standard towers come in that size range.

Mr. Pearl inquired as to what type of information they are transmitting.

Mr. Beneteau replied to inquiry it is not actually running the robots, but it is monitoring their machinery, so they can do some command and control. The computers in the machines are what is running the machines themselves. This allows them to tie in and report data in a high-speed environment back to their databases at both of these

addresses. He explained when they are machining parts, they are trying to monitor events happening in those machines at a high rate of speed in case they get some variations if they did excessive torque.

Mr. Pearl inquired as to whether they can do it with computer servers.

Mr. Beneteau replied that is not possible. They are looking to connect their computer networks together between the two sites but doing it in a way that is high-speed. He added that the internet is not reliable enough for what they need to do.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6858 and application from Mr. Jason Beneteau, of Drake Enterprises, 24800 Capital Boulevard, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1299.01-(e), General Exceptions, Area, Height and Use Exceptions, Height Limits, concerning part of Lots 1 and 2 and Part of Lot 9, East Pointe Industrial Subdivision, located north and south of Capital, east of Gratiot, addressed as 24800 Capital (part of Lot 9) and 24201 Capital (part of Lots 1 and 2), that variance be granted to permit the installation of a 40-foot-tall communication antenna at each of two buildings for an industrial business located in the I-1 Light Industrial District on the above-noted properties (Drake Enterprises), each measuring 40 feet in height, which is 5 feet in excess of the maximum permitted height of 35 feet; further, this grant of variance is based on claimed practical difficulty to ensure the safety of the people and equipment in the area and is required by this company for communications between their two buildings; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Marella, Pearl, Trombley, D’Angelo. Nays – None. Absent – Deyak, Hornung. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF SEPTEMBER 19<sup>TH</sup>, 2018 REPORT**

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Motion by Mr. Campbell, supported by Mr. D’Angelo, to approve the minutes of the September 19<sup>th</sup>, 2018 Report of Meeting, as submitted. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

### **-- CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE: WEDNESDAY, NOVEMBER 14<sup>TH</sup>, 2018 AT 6:30 P.M. (2<sup>ND</sup> WEDNESDAY)**

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Mr. Cassin confirmed the next Board of Appeals meeting will be on Wednesday, November 14<sup>th</sup>, 2018 at 6:30 p.m., which is the second Wednesday of the month, and there is one item anticipated to be on that agenda:

- Verus Development Phase II at the northwest corner of 18 Mile and Garfield – multiple variances being requested for the proposed condominium development, including setbacks, density and width of internal driveways.

## **ADJOURNMENT**

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Motion by Mr. Pearl, supported by Mr. Marella, to adjourn the meeting. Motion carried.  
The meeting adjourned at 7:26 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:10/22/18

ces:10/29/18

Approved 11/14/18