

# CLINTON TOWNSHIP BOARD OF APPEALS

## REPORT OF MEETING

WEDNESDAY, FEBRUARY 17<sup>TH</sup>, 2021

PRESENT: Michael Deyak, Vice-Chairperson  
Robert M. Campbell, Secretary  
Marc Alexander  
Ronald DiBartolomeo  
David Merrill  
Kenneth Pearl  
Paul Zook, Alternate

ABSENT: Francis Marella, Chairperson

STAFF: Bruce Thompson, AICP, Director  
Department of Planning and Community Development

The meeting was called to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Deyak announced that this meeting is being held virtually via GoToMeeting. As a result of the coronavirus/COVID-19 pandemic, Public Act 228 of 2020 MCLA 15. 263, Section 3a provides authority authorizing remote participation in public meetings in order to avoid person-to-person contact. A dedicated email address has been established directing your emails to Zoning Board Members which allows them contact via email to provide input and ask questions regarding agenda items prior to the meeting. He advised the email is [zba@clintontownship-mi.gov](mailto:zba@clintontownship-mi.gov). Throughout the meeting and on agenda items, emails relating to the specific agenda item will be read prior to the Zoning Board voting on each agenda item. Following consideration of all of the agenda items, persons who have connected remotely will be permitted to speak, adhering to existing rules of participation.

Mr. Deyak addressed the procedure related to public comment. The Chairperson will acknowledge all persons wishing to address the Board during the public comment period, and they are to provide their name and address. Comments will be limited to three (3) minutes, and comments must be confined to Zoning Board of Appeals business, being topics over which the Zoning Board of Appeals has authority and which involves Zoning Board of Appeals matters. Should the Board decide that a response to a specific question raised by persons in that Public Comment section is needed, they shall refer the questions to the Planning & Community Development Department Director or his designee for review.

Mr. Deyak explained that the Board of Appeals functions as a quasi-judicial body with specific powers and limitations, as outlined in various sections of the Zoning Ordinance and state statutes. He noted the Zoning Ordinance sets the standards the Board of Appeals must use in reaching any decision, and once the decision of the Board of Appeals becomes final, only the courts can modify or reverse that decision. He stated his board is not empowered to change the terms or intent of an ordinance. Anyone who wants to amend an ordinance must petition the Township Board of Trustees.

Mr. Deyak explained that before a variance can be granted, certain requirements must be satisfied: 1) Practical difficulty must be demonstrated; 2) Whether strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for permitted purpose or would render conformity unnecessary and burdensome; 3) Whether a variance would do substantial justice to the petitioner as well as to other property owners in the district or whether a lesser relaxation would give substantial relief and more consistent with justice to others; and 4) The plight of the owner is due to unique circumstances of the property.

### **APPROVAL OF AGENDA**

Motion by DiBartolomeo, seconded by Merrill to approve the agenda as submitted  
Motion carried unanimously.

**SFR – HARPER, 38644 - (38644 Harper - Parcel # 16-11-24-108-027 – File #21-6981)  
To permit construction of a 50'x40' Pole Barn with the height of 15' 7.5" for  
storage of personal property, located in the Northeast corner of the rear yard with  
10' setbacks from the property line.**

Mr. Campbell summarized the variances being requested. He advised that notice of this public hearing was issued by regular mail to 39 owners and/or occupants of property located within 300 feet of the land in question, with 11 of those returned as undeliverable. Mr. Campbell confirmed that there were no emails or written replies received in response to the mailing.

Deyak asked the petitioner to state his name and address and state his case.

Jeff Bremerkamp, 38644 Harper, Clinton Township MI 48036, stated the actual request should be for a height of 17'5" not 15'7.5". He stated the reason for the building was for storage of boats, snowmobiles, and other items. He wanted the height so he can work on his boat and wants to secure all of his items. He has an empty lot on one side of him and a bar/restaurant on the other.

Deyak asked if there was anyone from the public that wanted to speak on this item and asked if there were any emails. There was none.

Deyak opened it to the Board.

Campbell asked for clarification of the height.

The petitioner indicated that he was requesting a height of 17'5" and the overall height of the building would be 21'5".

Campbell suggested that the item be postponed so that the petitioner may submit accurate drawings reflecting the request.

The petitioner indicated he went door to door in the neighborhood and they were all in favor.

Campbell asked where all the equipment to be stored in the pole barn is being stored now.

The petitioner stated his big boat is off-site, the little boat is in the garage and everything else is being stored in the backyard.

Campbell confirmed that the petitioner is requesting a height of 17'5" and the overall height of the building would be 21'3". He stated he would be willing to approve the variance contingent upon the petitioner submitting revised drawings to the Planning Department.

The petitioner indicated that his contractor, Orchard Construction, can get the drawings.

Merrill asked if the petitioner had talked to the neighbor behind him and asked if the evergreen trees would block his view of the structure.

The petitioner indicated he had spoken with the neighbor and he was ok with the proposal. His neighbor would be taking down the evergreen trees as they are in the power lines.

Merrill stated he was pleased with the petitioner being concerned with a sense of community.

Pearl asked who owns the vacant lot next to him.

The petitioner indicated it is Matthew Shafer, (aka Uncle Cracker) and they mow and maintain the lot.

Motion by Pearl, seconded by Campbell to approve the request due to the number of vehicles needing to be stored and for the safety and security of the petitioner's property.

Zook stated that the agenda indicated the wrong Parcel ID number for the property.

Thompson indicated it was a typo on the agenda only.

Deyak asked if there were any emails regarding this item.

Thompson responded none.

Roll Call Vote: Ayes – Pearl, Campbell, Merrill, Alexander, Deyak, DiBartolomeo, Merrill, Pearl, Zook. Nays – None. Absent – Marella. Motion carried.

**RANDAZZO FRESH MARKET (36800 Garfield Road – Parcel #16-11-29-105-001 – File #21-6982) To permit installation of two 42.36 square foot electronic message signs on the wall of the building and to permit a 15 foot tall ground sign.**

Mr. Campbell summarized the variances being requested. He advised that notice of this public hearing was issued by regular mail to 144 owners and/or occupants of property located within 300 feet of the land in question, with 15 of those returned as undeliverable. Mr. Campbell confirmed that there were two email replies received in response to the mailing neither of which had an address and read emails from:

1. Cheri Lopez
2. Joel Robbins

Deyak recognized the petitioner and asked him to state his name and address for the record and state his case

Paul Deters, Metro Signs, 11444 Kaltz, Avenue, Warren MI 48089. He also introduced Mr. Frank Aragona, owner of the shopping center, who stated his address as 37020 Garfield, Clinton Township MI 48036

Mr. Deters stated the owner was making an investment to provide an upgrade to the site. He wants to take down the existing large, dated 400 sq. ft. sign which is not in character with the Township ordinance or the shopping center. He further stated that moving the new sign to the corner will free up some area for much needed additional parking and provide greater visibility for the shopping center tenants as it will be closer to Garfield and have a north/south orientation. The CVS building sits closer to the road than the center and blocks the view of the tenants in the south end of the center. The two proposed EMB signs would be installed to replace the larger manual sign. They are needed as the products sold at Randazzo's change frequently and it is impractical and unsafe to change the existing manual sign.

Mr. Aragona stated the signs would be a great improvement for the corner by eliminating a large outdated sign with something more modern.

Deyak asked if there was anyone in the audience that wished to speak or if there were any emails. There was none.

Deyak opened the discussion to the Board.

Campbell stated that he agrees with taking down the old sign stating that the current one was even cut down in size and that the previous variance was granted with the understanding that the sign would be replaced overall in the future. He felt that a 15 foot sign was a reasonable approach and asked if the EMB signs would be one line only.

Mr. Deters stated that the new signs give them a lot more flexibility.

Campbell stated, if approved, these would be the third largest EMB signs in the Township. He stated that a larger sign is warranted.

Merrill greeted Mr. Aragona and stated he agrees with replacement of the pylon sign and that it would be helpful to the whole plaza. He has personal experience in trying to get a message out with one line of text on a sign.

Pearl stated that he looked at the proposal and agrees the existing sign needs to come down. He has no problem with the request for digital signs as they are far from the road.

DiBartolomeo agreed with Campbell, Merrill and Pearl.

Campbell asked the petitioner why, as there are fewer business utilizing the one-line red letter EMB signs, were they not going with the “TV” style signs.

The petitioner indicated the owner wanted to keep the signs understated as he is sensitive to the potential concerns of neighbors and that he just wanted to display text and red gives the best visibility.

Campbell referred to the concern expressed in the email submitted regarding the intensity of the existing EMB sign and felt that it was not an issue.

The petitioner stated the new signs would have auto-dimming technology.

Campbell asked if the existing sign had the same.

The petitioner stated he was not sure but that he would have the tenant investigate it.

Zook confirmed that the sign would now be oriented north/south versus the current east/west configuration and asked of the sign would be for Randazzo’s or the other tenants.

The petitioner indicated it would be for the other tenants only.

Motion by Pearl, seconded by Campbell, to grant the variances requested due to the undue hardship of needing to replace an outdated, existing non-conforming sign at a height of 15 feet to allow adequate identification of all tenants to be sure it is visible for the high speed intersection that creates long sight lines.

Deyak asked if there were any emails regarding this item.

Thompson responded none.

Zook asked about the sign meeting setbacks for safety reasons.

Thompson stated it met the setback requirements of the ordinance.

Roll Call Vote: Ayes – Campbell, Pearl, Alexander, Deyak, DiBartolomeo, Merrill, Zook.  
Nays – None. Absent – Marella. Motion carried.

### **APPROVAL OF THE 2020 ANNUAL REPORT TO THE BOARD**

Campbell reviewed the report.

DiBartolomeo suggested adding the dates of approval/postponement in the future.

Campbell stated it was too much detail and that the information is provided in spreadsheet form to the Planning Department.

Motion by Pearl, seconded by Merrill, to approve the 2020 Annual Report and forward it to the Township Board. Motion carried unanimously.

### **ELECTION OF OFFICERS**

Pearl stated that Mr. Marella was not interested in running for Chairman.

Motion by Pearl seconded by Alexander to nominate Mr. Deyak for Chairman, Mr. Di Bartolomeo for Vice-Chairman and Mr. Campbell for Secretary.

Deyak asked if there were any emails regarding this item.

Thompson responded none

Roll Call Vote: Ayes – Pearl, Alexander, Campbell, Deyak, DiBartolomeo, Merrill, Zook.  
Nays – None. Absent – Marella. Motion carried.

## **PUBLIC COMMENTS**

There were no comments from the audience or via email.

## **REPORT OF MEETING**

### **-- APPROVAL OF JANUARY 20<sup>TH</sup>, 2020 REPORT**

---

Mr. Campbell requested the following corrections:

Page 4, third paragraph, change “her” to “he”. Page 6, top paragraph, line 3, change “Ailing” to “Pulling”.

Motion by Campbell, seconded by Alexander to approve the January 20<sup>th</sup>, 2020 Report of Meeting, as amended. Motion carried.

## **ADJOURNMENT**

Motion by Campbell, supported by Merrill, to adjourn the meeting. Motion carried. The meeting adjourned at 7:23 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS