

# CLINTON TOWNSHIP BOARD OF APPEALS

## REPORT OF MEETING

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

PRESENT: Michael Deyak, Vice-Chairperson  
Robert M. Campbell, Secretary  
Marc Alexander  
David Merrill  
Kenneth Pearl

ABSENT: Francis Marella, Chairperson  
Ronald DiBartolomeo  
Paul Zook, Alternate

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

### **SFR – LUCINDA, 35474 - (35474 Lucinda - Parcel # 16-11-29-478-007– File #21-6983)**

**To permit construction of a 7'x 9' covered porch addition to the front of the home that would be located 20 feet from the front lot line where 25 is the minimum required.**

Mr. Campbell summarized the variances being requested. He advised that notice of this public hearing was issued by regular mail to 52 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. Mr. Campbell confirmed that there were no emails or written replies received in response to the mailing.

An e-mail submitted from Ken Kopchick was read, in support of building a covered porch at 35474 Lucinda.

Mr. Campbell asked the petitioner as to whether or not he wanted to continue with the case, or postpone, for the reason that there were only five members present. The petitioner requested that the case continue.

Mr. Campbell asked the petitioner to state his name and address and state his case.

Chuck Kosmala, 35474 Lucinda Drive, Clinton Township MI 48036, stated he wants a covered porch to replace the existing front porch at his home. He has elderly parents that currently cannot use the front entrance because of the condition of the existing front porch. Kate Cherry was in attendance and submitted her approval of the front porch construction.

Mr. Pearl made a motion to approve the variance, and it was seconded by Mr. Campbell.

The question was raised concerning who was going to do the work. An e-mail from Sam Buschell was read by Bruce Thompson concerning the request for the variance and asking if any building permits were issued and construction started as in the July 22, 2020 case.

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

**SFR – Pintail, 43676- (Lot #39, Partridge Creek Village Subdivision, addressed as 43676 Pintail Dr (Parcel #16-11-05-404-01 – File #21-6986)  
To permit construction of an 18’x 27’11” covered porch addition to the rear of the home that would be located 23’5” from the rear lot line where 35 feet is the minimum rear yard setback allowed.**

Mr. Campbell summarized the variances being requested. He advised that notice of this public hearing was issued by regular mail to 47 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. Mr. Campbell confirmed that there were no emails or written replies received in response to the mailing. Bruce Thompson read the e-mail from Sam Buschell of March 15. Ken Pearl commented that the e-mail keeps referring to a restaurant.

The petitioner was asked as to whether or not he wanted to continue with the case, or postpone, for the reason that there were only five members present. The petitioner requested that the case continue.

Tom Argent, 43676 Pintail Drive, Clinton Township, MI. Mr. Argent stated that he bought the home two years ago, and the concrete porch is not useful, especially in summer, since he suffers from various health issues. He is asking for a cover. He talked to the association board, and the board is recommending a cover for the porch.

Linda Argent, 43676 Pintail Drive, Clinton Township, MI. They don't want to move, and they cannot sit outside. They want to be able to enjoy their home. Rosacea is one of their health concerns, and being out in the sun only exasperates the issue.

Larry Shaw, Exterior Renovations, 43676 Pintail Drive, Clinton Township, MI.  
Mr. Shaw spoke regarding the patio renovation. He concurred with what the owners paid for it.

Mr. Campbell commented that this is a very large addition. Mr. Shaw replied that part of the patio will have to be cut out to put in columns. Mr. Campbell went on to further say that it is close to the rear lot line. Mr. Shaw explained how he is going to have to redo the stamped concrete patio. Mr. Pearl commented that the patio is quite large, and the work would be quite involved and questioned the economic value of this project.

Mr. Merrill proceeded to ask about the gas fireplace, if it would pose a problem, and are there any other options to making it useful. Larry Shaw responded by saying that he will pull the permits, do the inspection and have the architect put in the plans. The fireplace will stay put and will be set to code. The chimney will also be extended.

Mr. Alexander asked about the neighbors' viewpoints on this issue. Mr. Argent explained that he showed the layout to one of his neighbors, and the neighbor was fine with the layout.

Mr. Campbell made a motion to grant the variance for the health and safety of the resident. Mr. Pearl seconded the motion.

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

**SFR – McKishine, 20511 (Lot #21, S/15 Mile Road, W/Little Mack, Supervisors Plat of McKishine Farm, addressed as 20511 McKishnie, Parcel #16-11-33-279-020 – File #21-6987).**

**To permit construction of a 10'x 24' carport addition to an existing detached accessory structure exceeding the maximum allowed area by 118 square feet.**

Mr. Campbell summarized the variances being requested. He 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 none of those returned as undeliverable. Mr. Campbell confirmed that there were no emails or written replies received in response to the mailing.

An e-mail submitted on March 14 from Craig Dunn was read by Mr. Campbell, in support of building a carport at 20511 McKishine. Another e-mail submitted on March 15 from Sam Buschell was read by Bruce Thompson into the record.

Mr. Campbell asked the petitioner to state his name and address and state his case.

Raymond Seska, 20511 McKishine, Clinton Township MI 48036.

Mr. Campbell subsequently asked the petitioner as to whether or not he wanted to continue with the case, or postpone, for the reason that there were only five members present. The petitioner requested that the case continue.

Mr. Sesko proceeded to state that he wants to have a carport constructed in order that he may use it to shelter his camper. There are numerous occasions where there are falling branches from trees, and he wants to prevent them from hitting his camper. He also wants to increase the square footage of his house.

Mr. Deyak asked if anyone would like to comment. Mr. Campbell went on to ask Mr. Sesko as to why he did not apply for a permit. Mr. Sesko replied, "Stupidity". He said that he submitted the plans and applied for a permit, but was advised to go the Planning Board to discuss the matter. Mr. Campbell explained where a similar situation occurred, and the petitioner was denied.

Bruce Thompson advised he had no further e-mails to read into the record.

Mr. Campbell made a motion to grant the variance for the safety and security of the resident. Mr. Merrill seconded the motion.

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

A question was posed to Mr. Campbell asking him if the garage was going to be built bigger. Mr. Campbell replied "Probably".

### **PUBLIC COMMENTS**

There was an e-mail submitted by Sam Buschell on March 17 mentioning 26 Groesbeck Highway - Parcel 16-11-15-202-009 - File #20-6940. It was read by Bruce Thompson into the record. Mr. Pearl commented that this won't have anything to do with tonight's meeting. If he wants to bring this up every time we have a meeting, are we required to hear it? Mr. Thompson replied, "Yes". Mr. Campbell commented further that maybe these type matters should be directed to the Building Department. Mr. Thompson stated that the site is under construction at the present time.

### **REPORT OF MEETING**

#### **-- APPROVAL OF FEBRUARY 17<sup>TH</sup>, 2020 REPORT**

---

Mr. Campbell requested the following corrections be made:

Page 4, fourth paragraph, change "ad" to "had". Last Page 6: Approval of 2020 annual report: put in dates of when they're postponed. Mr. Thompson explained that he wrote

down what he heard. He does not know the intent. Dates of approval or postponement will be noted in the future.

With respect to confirmation of Meeting of April 21, Mr. Thompson confirmed that there are no new cases for discussion for that date. Meeting will be canceled.

### **ADJOURNMENT**

Motion by Mr. Deyak to adjourn the meeting. Motion carried. The meeting adjourned at 7:24 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS