

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, MAY 19, 2021

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

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. There was also a moment of silence to honor the memory of Mr. Frank Marella.

APPROVAL OF AGENDA

Motion by Pearl, seconded by Campbell to approve the agenda as submitted.
Motion carried unanimously.

Deyak announced that this meeting is being held virtually via GoToMeeting. As a result of the coronavirus/COVID-19 pandemic, an emergency order by the Clinton Township Supervisor 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. 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.

ALL BRICK DESIGN – Lipke Street, 33620 - Clinton West Industrial Park Subdivision, Lot 356, addressed as 33620 Lipke Street Parcel #16-11-35-356-037– File #21-6990). To permit installation of a 6 foot high chain link fence with gate 4 feet into the front yard setback of the industrial property.

PETITIONER: Ronald Casado

Mr. Campbell summarized the variances being requested. He advised that notice of this public hearing was issued by regular mail to 23 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. Mr. Campbell and Mr. Thompson confirmed that there were no emails or written replies received in response to the mailings.

Mr. Ron Casado, the petitioner, was present at the meeting and explained the reasonings as to why a chain link fence was needed for their property. They have had property stolen from their business and feel they have a compelling need to protect it. He also presented drawings of the plan and explained as how they want the fence to be placed.

Mr. Deyak opened the discussion to the audience. No one spoke.

Mr. Deyak opened the discussion to the Baord.

Mr. Campbell asked the petitioner questions regarding placement of the fence, to which the petitioner replied that it was in the interest of protecting their property.

Mr. Zook asked the petitioner who was responsible for placing the fence in violation of the ordinance. Mr. Casado replied by saying that he could not say.

Mr. Thompson stated that he does not see any other drawings submitted and questioned the difference between the drawing and the actual placement of the fence.

Mr. Pearl stated that there are other buildings placed in the area and variances were granted. He has no problem with granting a variance.

Mr. Merrill also stated that he has no problem with the request for a variance, but his only concern was that there is a very large mountain of dirt, along with some sewer pipes on the property. Also, on the north side of the fence, there is a man entry - will that be secured? Is the man opening going to be secured?

Mr. Casado responded by saying that the dirt will be removed, as well as the sewer pipes. Completion of the fence had stopped because approval needs to be granted by the Zoning Board of Appeals.

Mr. Alexander stated that he sees no problem in granting a variance.

Mr. Thompson went on further to explain placement of the fence is the contractor's responsibility. The location of any fence is up to the property owner to be sure the fence is in the proper location - everything needs to be completed before final approval is granted including the variance.

Mr. Deyak asked if there were any further comments, and there were none presented.

Mr. Campbell commented by saying that safety and security are the main reasons as to why this variance is being requested.

Mr. Pearl made a motion to approve the request stating the practical difficulty was because the location of the curb required relocation of the fence and for the safety and security of the contents of the property. Mr. Campbell seconded the motion to approve the variance

Mr. Thompson reported that there were no e-mails submitted with regard to this matter.

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

SFR – Meadowdale Drive, 38605 - Lot #32, The Meadows Subdivision, addressed as 38605 Meadowdale Drive (Parcel #16-11-23-177-022 – File #21-6991)

To permit construction of a storage shed, replacing a prior one. Location would have a 3 foot setback from the back yard and a 2 foot 3 inch setback from the side yard.

PETITIONER: Keith Johnson

Mr. Campbell advised that notice of this public hearing was issued by regular mail to 78 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable. Mr. Campbell read an e-mail from Keith Johnson dated May 18 into the record.

The petitioner was asked to state his name and address for the record.

Keith Johnson, 38605 Meadowdale Drive, Clinton Township, MI 48036. Mr. Johnson spoke and explained why the shed needs to be constructed.

Mr. Deyak asked if anyone from the audience had any questions. No one spoke.

Mr. Merrill stated that when he looked at the property, he didn't see any problem with the construction of a shed, and supports the placement of such.

Mr. Zook asked if the new shed is going up in place of the old one, is the Township putting itself at risk for allowing the shed to be installed because a repeat occurrence can happen.

Mr. Thompson replied that Mr. Johnson is asking for a variance on his property, and the Township should not be liable for the construction of a replacement shed.

It was asked if any further e-mails were submitted with regard to this request, and there were none.

Mr. Merrill made a motion to approve the variance request due to the difficulty that would be placed upon the petitioner to replace the shed outside of the setback areas. . Mr. Campbell seconded the motion.

Roll Call Vote: Ayes – Merrill, Campbell, DiBartolomeo, Pearl, Alexander, Deyak. Nays – Zook. Motion carried.

LAVDAS SELF STORAGE LLC - 34244 Groesbeck Highway - Partial of Lots 34 and 35, All of Lots 36 and 37, addressed as 34244 Groesbeck Highway (Parcel #16-11-33-153-013 - File #21-6992). To Re-Use an Existing Pylon Sign, 140 Total Square Feet and 20 Feet High.

**PETITIONER: Nicholas Lavdas -
Lavdas Self Storage LLC**

**APPLICANT: Evan Goike
Sign Fabricators**

Mr. Campbell advised that notice of this public hearing was issued by regular mail to 57 owners and/or occupants of property located within 300 feet of the land in question, with 5 of those returned as undeliverable.

The petitioner was asked to state his name and address for the record.

Philip Ruggeri, Attorney, 43231 Schoenherr Road, Sterling Heights, MI 48313.

Mr. Ruggeri presented the case as to why this sign is needed for the business. He stated that the sign has been there for 45 years and that it is one of many similar signs in the area. The sign is dwarfed by others in the area and traffic is busy. The burden on the petitioner is the loss of competitiveness. The practical difficulty is not be allowed to reuse the sign that has been in place for many years. He feels that all four requirements are met for a variance.

Mr Deyak asked if there were any comments from the audience. There were none.

Mr. Deyak asked of there were any emails received. Mr. Thompson stated that there were no e-mails received with regard to this matter.

Mr. Pearl stated he has driven by the area stating he is impressed with the development and he supports the sign being there.

Mr. Deyak opened the panel to discussion.

Mr Pearl stated that he has driven by the area, and he supports the sign being there.

Mr. Campbell stated that it would be a huge mistake to grant a variance explain the progress and changes that have been made to the sign ordinance over the years. He stated that for approval of sign variances undue hardship is necessary. If one is granted, It should be for a limited time only.

Mr. DiBartolomeo said he thinks that we need to be consistent as far as regulations go with signs.

Mr. Zook asked if the regulations related to this sign were MDOT regulations and, therefore, needed their approval or were local regulations.

Mr. Thompson indicted they were local ordinance.

Mr. Merrill expressed concurred with his colleagues but expressed his concerns about raising an old sign versus putting up a new on at a new development.

Mr. Ruggeri responded by saying that the sign will be re-done.

Mr. Pearl further went on to say that ordinances have changed over time. He doesn't see the point debating on the sign dimensions, height, width, etc. that are so small.

Mr. Alexander expressed his favor of going ahead with the variance and asked if there were any comments from the neighbors. Mr. Ruggeri said that there were none whatsoever.

Mr. Zook indicated that signs might be the net dinosaur as people have smart phones that give them exact direction to the location of a business.

Mr. Pearl made a motion to approve the variances being requesting stating that the hardship is the sign is needed for visibility for what the business will offer the variances are not that great and a smaller sign would be lost. Mr. DiBartolomeo seconded the motion.

Roll Call Vote: Ayes – Pearl, DiBartolomeo, Alexander, Deyak, Merrill, Zook. Nays – Campbell. Motion carried.

PUBLIC COMMENTS

Mr. Deyak asked if there were any public comments from the audience.

Mr. Thompson replied that there were none.

REPORT OF MEETING

-- APPROVAL OF MARCH 17, 2021 REPORT

Motion was made by Campbell, seconded by Merrill to approve the minutes of meeting of March 17, 2021.

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

FINAL DISCUSSION

Mr. Thompson mentioned the forthcoming issues for the June 16 ZBA Meeting:

Dunkin Donuts - Placement of 2 additional signs, 22534 Katzman - Construction of a 4 foot wide white vinyl privacy fence, Chipotle Restaurant - Variance to establish restaurant within 500 feet of another fast food restaurant.

Mr. Thompson also opened up a discussion regarding the transition of ZBA Meeting agendas and related material on to the Novus software system. Mr. Campbell said that he does not have a laptop, but does possess a desktop. For those without a laptop or computer access, Mr. Thompson advised that the township can provide Chromebooks to those members who would be in need of in one. Mr. Pearl stated that he was in favor of going on to the Novus software system provided that the township provided a laptop if a member needed one.

ADJOURNMENT

Motion by Mr. Deyak to adjourn the meeting, seconded by Paul Zook. Motion carried. The meeting adjourned at 7:46 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS