

# CLINTON TOWNSHIP BOARD OF APPEALS

## REPORT OF MEETING

WEDNESDAY, FEBRUARY 19<sup>TH</sup>, 2020

PRESENT: Francis Marella, Chairperson  
Michael Deyak, Vice-Chairperson  
Robert M. Campbell, Secretary  
Kenneth Pearl

ABSENT: Ronald DiBartolomeo (Excused)  
David Merrill (Excused)  
Thomas Mill (Excused)

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.

### **APPROVAL OF AGENDA**

Mr. Campbell stated an email came into the office at 3:30 p.m. this afternoon from the petitioner for the first item on tonight's agenda (Mind & Muscle Gym and Fitness), and he is requesting a postponement.

Motion by Mr. Pearl, seconded by Mr. Deyak, to approve the agenda with the postponement of Item #1 (Mind & Muscle Gym and Fitness) at the petitioner's request. Motion carried and discussion ensued.

Mr. Marella explained there are only four Zoning Board of Appeals members present this evening, and in order for a variance to be approved, it requires four votes. He cautioned that, for anyone who receives three votes, they will need to refile their application. He questioned whether the petitioners present would like to continue or would prefer a postponement.

The petitioners present for Items #2 and #3 both indicated they would like to continue with their requests this evening.

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 LOT 13, LOTS 14-18, BLOCK C, GRATIOT HEIGHTS SUBDIVISION,  
LOCATED NORTH OF VERMANDER, EAST OF GRATIOT, ADDRESSED AS 34736  
GRATIOT (PARCEL #16-11-34-203-051)**

- **APPEAL: MIND & MUSCLE GYM AND FITNESS  
FILE #19-6922: PETITIONED BY MR. ROBERT LAPERRE,  
MIND & MUSCLE GYM**
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This item was deleted from tonight's agenda.

**LOT 568, PIPER'S BROAD ACRES SUBDIVISION #3, LOCATED NORTH OF  
BROADACRES, EAST OF CHERYL, ADDRESSED AS 19509 BROADACRES  
(PARCEL #16-11-33-380-012)**

- **APPEAL: SFR – BROADACRES, 19509  
FILE #19-6923: PETITIONED BY MR. JIM BISHOP,  
FATHER & SON CONSTRUCTION**
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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated January 22<sup>nd</sup>, 2020 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 81 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 letters received in response to the mailing.

Mr. James Bishop, 156 Fountainbleau, Rochester Hills, Michigan, contractor applying on behalf of the property owner, and Ms. Andrea Gladiator, 19509 Broadacres, Clinton Township, Michigan 48035, homeowner, were present to answer questions.

Mr. Bishop explained they tore out an existing wooden porch and poured a new concrete porch, which has already been done. He explained the homeowner would like to put in some railings and an awning. He submitted a picture and replied to inquiry that he has pulled permits for the work.

Mr. Brian Bartolomei, 19431 Broadacres, Clinton Township, Michigan 48035, stated he owns two houses on this street, adjacent to the subject property, and he is aware Ms. Gladiator is trying to get this done. He could not see why she needs special permission to do this, claiming that if all of the other porches in the area were measured when considering the front awnings, half the neighborhood has the identical situation. He stated he is in favor of the request.

Mr. Marella explained the reason for the variance is the distance of the front yard setback from the street when the awning is added.

Mr. Bartolomei understood but pointed out that half the neighborhood has a big front porch with an awning.

Mr. Marella agreed with Mr. Bartolomei, adding that the proposed porch is much smaller than many others in the area. He added he has no objection to the variance request.

Mr. Deyak agreed with Mr. Marella and had no objection.

Mr. Pearl agreed with his colleagues.

Motion by Mr. Pearl, seconded by Mr. Deyak, with reference to File #20-6923 and application from Mr. Jim Bishop, Father & Son Construction, 5032 Rochester Road, Troy, Michigan 48085, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Regulations Chart, concerning Lot 568 (including ½ Whittaker St.), Piper's Broad Acres #3 Subdivision, fronting the north line of Broadacres, east of Cheryl, addressed as 19509 Broadacres (Parcel #16-11-33-380-012), that variance be granted to permit the construction of a 6-foot by 17-foot covered porch addition for a single-family residence in the R-5 One-Family Residential District, resulting in a 19-foot front yard setback, being 6 feet less than the minimum required 25-foot front yard setback; further, this grant of variance is based on claimed practical difficulty being the ability to provide safety and security to gain access to the house out of the weather elements; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Deyak, Campbell, Marella. Nays – None. Absent – DiBartolomeo, Merrill, Mill. Motion carried.

**10.01 ACRES OF LAND LOCATED EAST OF DOVE STREET, NORTH OF PARTRIDGE CREEK BOULEVARD (PARCEL #16-11-05-100-066)**

- **APPEAL: CRILLON AT MONTCLAIR @ PARTRIDGE CREEK  
FILE #20-6924: PETITIONED BY MR. DOMINIC F. MOCERI,  
PARTRIDGE CREEK HOLDINGS LLC  
REPRESENTED BY MR. STEPHEN PANGORI, AEW, INC.**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated December 10<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 135 owners and/or occupants of property located within 300 feet of the land in question, with 4 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Steve Pangori, of Anderson, Eckstein & Westrick, 51301 Schoenherr, Shelby Township, Michigan 48315, engineer for the project, introduced Mr. Frank Mocer, one

of the partners of Partridge Creek Holdings LLC. He explained the neighborhood of the Crillon development in Montclair was recently completed, and upon completion, they were asked to complete an ALTA survey of the property, during which they discovered seven variances that were needed in order for these buildings to comply with the Zoning Ordinance. They tried to go back to determine how it happened, and they believe one of the reasons was that there were a number of poor, non-bearing soil conditions they found underneath all of these buildings, and there were a lot of undercuts, piling and extensive depths of footings that had to be constructed to support these buildings. They believe that had some impact on it. He noted there was an architectural enhancement made to the fronts of the garages that created a gabled roof to break up the architectural elements of these twelve-unit apartment buildings. He apologized, noting the units have been constructed, and he added a number of these units back up to Partridge Creek Boulevard. There is a large, mature berm constructed in approximately 2004 or 2005, along with some extensive landscaping on those berms. The units are barely visible from Partridge Creek Boulevard. He offered to answer questions.

Motion by Mr. Campbell, seconded by Mr. Marella, with reference to File #20-6924 and application from Mr. Dominic F. Mocerri, of Partridge Creek Holdings LLC, 3005 University Drive, Auburn Hills, Michigan 48326, as represented by Mr. Stephen Pangori, of Anderson, Eckstein & Westrick (AEW), Inc., 51301 Schoenherr Road, Shelby Township, Michigan 48315, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(h), Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, Minimum Building Setback, concerning 10.01 acres of land fronting the east line of Dove Street, north of Partridge Creek Boulevard (Parcel #16-11-05-100-066), that variance be granted to permit continued existence of multi-family residential units within a development in the RML Multiple-Family Residential (Low-Density) and RMH Multiple-Family Residential (High-Density) District (Crillon at Montclair @ Partridge Creek) encroaching into the required / approved setbacks within the development, with the following variances being approved:

- 1) Building 38 (0.6' setback variance into 14.7' variance previously granted).
- 2) Building 28 (0.7' street side yard setback variance).
- 3) Building 29 (1.0' street side yard setback variance).
- 4) Building 30 (1.1' street side yard setback variance).
- 5) Building 31 (1.1' street side yard setback variance).
- 6) Building 32 (1' street side yard setback variance); and
- 7) Building 33 (0.5' street side yard setback variance).

Further, this grant of variance is based on claimed practical difficulty being that the buildings are constructed and it would be difficult to move them the small number of inches being requested in the variance, and this is intended to correct factors revealed during their construction; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Marella questioned whether this could possibly happen again in this particular subdivision.

Mr. Pangori emphatically stated no.

Mr. Campbell questioned whether this is related to the split of the property they dealt with a few months ago.

Mr. Pangori replied it is not related to that but is a completely separate issue. He wished they would have known this situation existed when they came before this Board for the variance on the property splits, because they would have requested them all together. He replied to further inquiry there is nothing forthcoming as far as further variances, and he does not intend to come back.

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

## **ZONING BOARD OF APPEALS BY-LAWS AND PROCEDURES** **-- PROPOSED REVISIONS**

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Mr. Thompson explained that the Zoning Board of Appeals is required to have a public comment section at their meetings, and this follows in the footsteps of the Planning Commission doing the same thing. He copied what the Planning Commission had, the changes they approved to make that part of their Rules and Procedures. He highlighted those changes on Pages 13 and 18, and clarified he is not requesting the Board to approve this tonight, but he wanted to get the language in front of the members to start discussion. He offered to answer questions, and suggested they look at the document as a whole and make suggestions for updates. He stated this is driven by the fact that they are supposed to have that public comment section. He added that he is not in a hurry to do this, and they can wait until they have a full Board, or they can look at it and make suggestions.

Mr. Campbell stated he could see no reason not to approve this tonight because it is fairly straightforward. As far as comments on the rest of the document, he recalled this was done a number of years ago when former Zoning Board of Appeals member Dara Brooks was on the Board. She had taken a Master Citizen Planner program and put together numerous proposed changes to the by-laws. He felt there were some decent changes proposed, but he said they were not all necessary, and they do not often need to reference this document. Their purpose is to substantiate the procedures they follow.

Mr. Pearl stated the only change to these is adding the public comment section, and he has no objection to approving these tonight.

Motion by Mr. Campbell, seconded by Mr. Pearl, to approve the Revised Clinton Township Board of Appeals By-Laws and Procedures, as presented this evening. Roll Call: Ayes – Campbell, Pearl, Deyak, Marella. Nays – None. Absent – DiBartolomeo, Merrill, Mill. Motion carried.

## **PUBLIC COMMENTS**

There were no comments from the audience.

## **ELECTION OF OFFICERS**

- **CHAIRPERSON**
  - **VICE-CHAIRPERSON**
  - **SECRETARY**
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Motion by Mr. Pearl, seconded by Mr. Campbell, to reappoint Mr. Marella as Chairperson, Mr. Deyak as Vice-Chairperson and Mr. Campbell as Secretary to the Zoning Board of Appeals for another year. Roll Call Vote: Ayes – Pearl, Campbell, Marella, Deyak. Nays – None. Absent – DiBartolomeo, Merrill, Mill. Motion carried.

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

### **-- APPROVAL OF 2019 ANNUAL REPORT**

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Mr. Campbell stated the report is straightforward, noting it was one of the lowest numbers of requests they have had in the recent past with the exception of 2014-2015 and during the period from 2008 to 2010. He stated commercial requests were down, although sign variance requests, as well as residential requests, were down significantly from 2018. He explained the cover letter explained what was carried over from the prior year and what has been carried over to this year.

Mr. Thompson commented that the drop in commercial variance requests corresponds to the drop in cases at the Planning Commission level as well.

Motion by Mr. Pearl, seconded by Mr. Deyak, to receive and file the Clinton Township Board of Appeals Annual Report; further, to forward it to the Clinton Township Board for their information and file. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF JANUARY 15<sup>TH</sup>, 2020 REPORT**

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Mr. Campbell requested the following correction:

Page 3, Paragraph 2, Line 4:

Change from: “He stated have existing screening...”

Change to: “He stated they have existing screening...”

Motion by Mr. Campbell, seconded by Mr. Deyak, to approve the minutes of the December 11<sup>th</sup>, 2019 Report of Meeting, as presented. Motion carried.

**BOARD OF APPEALS MEETING SCHEDULE**

**-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:  
WEDNESDAY, MARCH 18<sup>TH</sup>, 2020 AT 6:30 P.M.**

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Mr. Thompson confirmed the next Board of Appeals meeting will be on Wednesday, March 18<sup>th</sup>, 2020 at 6:30 p.m.

Mr. Thompson stated there are three applications received at this point for consideration at the next meeting:

- Farm Bureau Insurance @ Forli Office Building (southeast corner of Hall Road & Trinity Drive) – requesting a third sign on the building.
- Single-family residence on Faulman – requesting to construct a pole barn that is 302 square feet larger than permitted.
- Single-family residence on Trent Drive – requesting to construct a shed that is closer to the rear lot line than the minimum required distance of six feet.

Mr. Thompson replied to inquiry that the petitioner for the first item on tonight's agenda, which was deleted, will be in contact with him, and they will be discussing the variance request.

Mr. Campbell suggested that Mr. Thompson mention to the petitioner that they have three wall signs but do not have permits for all of those signs.

Mr. Marella noted it is postponed until further notice.

**ADJOURNMENT**

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Motion by Mr. Deyak, supported by Mr. Campbell, to adjourn the meeting. Motion carried. The meeting adjourned at 6:53 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:02/26/20

ces:02/27/20

Approved 03/18/2020