

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*WEDNESDAY, FEBRUARY 20<sup>TH</sup>, 2019*

PRESENT: Francis Marella, Chairperson  
James D'Angelo, Vice-Chairperson  
Robert M. Campbell, Secretary  
Michael Deyak  
Ronald DiBartolomeo  
Thomas Mill  
Kenneth Pearl

ABSENT: None

STAFF: Bruce Thompson, AICP, Director  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m.

Mr. Marella welcomed two new members to the Board of Appeals, Mr. Ronald DiBartolomeo and Mr. Thomas Mill.

### **APPROVAL OF AGENDA**

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.

**0.824 ACRE OF LAND LOCATED AT THE NORTHEAST CORNER OF GARFIELD AND 19 MILE ROADS, ADDRESSED AS 43010 GARFIELD (SECTION 5) (PARCEL #16-11-05-300-022)**

**- APPEAL: WENDY'S RESTAURANT  
FILE #18-6864: PETITIONED BY MR. KEVIN DETERS**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated January 9<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 101 owners and/or occupants of property located within 300 feet of the land in question, with 13 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. John Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, Michigan 48089, stated he is here as the petitioner for both the first and second items on tonight's agenda, and he questioned whether the Board of Appeals is considering these together.

Mr. Marella replied they will be addressed individually.

Mr. Deters explained that the Wendy's on Garfield is proposing to reimage their signs by replacing the faces on the pylon sign. He understands it exceeds what is currently allowed by ordinance because the ordinance changed since the sign was originally erected.

Mr. Campbell pointed out that one of the newer Wendy's in the area, located at 15 Mile and Groesbeck, has a brand-new sign that is in total compliance with the Township ordinance. He suspected that is a busier intersection than 19 Mile and Garfield, and he felt the sign location at the 19 Mile/Garfield facility is quite visible from all directions on both roads. He could not understand why they need such a big sign at this intersection.

Mr. Deters replied it was built to the standards that were allowed when it was put up. He noted a lot of it is in the timing of what happened, especially when considering the next appeal on tonight's agenda. He confirmed there is a wide range of Wendy's signs, and he admitted it could be changed and reduced; however, they are only seeking a face change.

Mr. Campbell explained the ordinance was changed in 1992 to reduce the size of permissible signs. He noted the subject sign is an old sign.

Mr. Deters agreed it is an older sign but did not know what year it was installed.

Mr. Pearl understood Mr. Campbell's' concerns, and he questioned whether there is anyone present tonight from Wendy's.

Mr. Deters replied no, adding that they received an email from the person in charge of the Wendy's locations in the area, indicating he was unable to attend tonight's meeting.

Mr. Pearl noted that Wendy's remodeled a lot of their facilities, and if this is approved by this Board, he hoped they will reconsider the sign when they remodel or tear the building down to rebuild. In this case, they are only refacing it and not spending a lot of money on it, pointing out they are not even adding electronic copy. He commented that other locations have been totally redone, and he cited the 15 Mile/Groesbeck location, which is beautiful. He hoped they will do that at their other locations, but since it is a reface only, he is ok with granting the variance, noting the other signs in the area are the same height. He stated with the turn on 19 Mile Road, he does not know whether it would be seen if it were lower.

Motion by Mr. Pearl, supported by Mr. Deyak, with reference to File #19-6864 and application from Mr. Kevin Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, Michigan 48089, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B, Signs, Definitions and Restrictions, "Business sign", "Pylon sign", concerning 0.824 acre of land located at the northeast corner of Garfield and 19 Mile Roads, addressed as 43010 Garfield (Parcel #16-11-05-300-022), that variance be granted to permit the refacing of an existing pylon sign for a business in the B-3 General Business District (Wendy's Restaurant), having: 1) An area of 177 square feet, being 97 square feet in excess of the maximum permitted 80 square feet; and 2) A height of 22.5 feet, being 7.5 feet in excess of the maximum permitted 15 feet; further, this grant of variance is based on claimed hardship being the location of the sign and the fact that it is only being refaced and is not a new structure; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Deyak, D'Angelo, DiBartolomeo, Mill, Marella. Nays – Campbell. Absent – None. Motion carried.

**PART OF LOT 97, AND ALL OF LOT 98, INGLESIDE FARMS SUBDIVISION,  
LOCATED AT THE SOUTHEAST CORNER OF GRATIOT AND STAIR, ADDRESSED  
AS 37794 S. GRATIOT (SECTION 23) (PARCEL #16-11-23-327-001)**

**- APPEAL: WENDY'S RESTAURANT (GRATIOT/STAIR)  
FILE #19-6865**

**REPRESENTED 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 January 21<sup>st</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 26 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. John Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, Michigan 48089, explained that last April, the pylon sign and readerboard sign for this location were both damaged in a windstorm. They received a request from Wendy's to change the faces, which they did. That work was done in May and June of last year. Subsequent to that, when the company decided to change the signage at both of these locations, the

application was submitted again, and they received the denial from the Building Department that they were both too large. He noted they had a permit to replace the faces on the sign last year, but that same request was denied this year. He admitted the sign at this location is larger than the 19 Mile/Garfield location. He stressed this is just a reimagining project of what they already have.

Mr. Campbell questioned clarification as to whether what is on the sign now is what they want, or whether it is affixed to the former sign.

Mr. Deters clarified that they are requesting new faces for both to match the new imaging that Wendy's has incorporated.

Mr. Campbell questioned when they obtained their sign permit last year, that was to replace the faces on the older sign.

Mr. Dieters replied affirmatively.

Mr. Campbell commented that is intriguing. He commented that this sign is in a unique location, where Gratiot starts to curve, and he wondered about the visibility. He explained, when traveling in the right-hand lane on northbound Gratiot, the sign is quite visible. He added it is perfectly visible because it is winter, but there is a deciduous tree in front of Burger King, and in the summer, he felt that sign will be blocked by that tree. He noted that coming southbound on Gratiot, there are also deciduous trees which would block the view of the sign in the summer months. He felt they would have greater visibility on northbound and southbound Gratiot year-round if they made the signs substantially lower.

Mr. Pearl stated this is a little different. He questioned when the part of the sign indicating "Pick Up Window Open Late" was put in. He questioned whether that was original or added at a later date.

Mr. Deters replied he does not know but would have to look into the history of that sign.

Mr. Pearl inquired as to whether that is something Wendy's corporate wants on their signs.

Mr. Deters replied he can find that out.

Mr. Pearl pointed out that the Wendy's sign for the previous agenda item had three lines of copy, whereas this has four lines. He questioned whether they can eliminate the "Pick Up Window Open Late".

Mr. Deters replied he felt they could do that.

Mr. Thompson pointed out that at some point, there was some language on that panel. He suspected when the repairs were made to the sign, they replaced it with a blank panel.

Mr. Pearl questioned whether it was added after the original sign was installed. He did not remember seeing it over the years he has passed by that location.

Mr. Thompson replied he has not been here that long to recall if that was part of the original sign.

Mr. Marella felt if they are going to put up the same type of sign as they are proposing at 19 Mile/Garfield, there is a changeable copy to indicate any information they wish to convey regarding the late hours of the pick-up window.

Motion by Mr. Pearl, supported by Mr. Marella, with reference to File #19-6865 and application from Mr. Kevin Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, Michigan 48089, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B, Signs, Definitions and Restrictions, “Business sign”, “Pylon sign”, concerning part of Lot 97 and all of Lot 98, Ingleside Farms Subdivision (Sections 22/23/26/27), located at the southeast corner of Gratiot and Stair, addressed as 37794 S. Gratiot (Parcel #16-11-23-327-001), that variance be granted to permit the refacing of an existing pylon sign for a business in the B-3 General Business District (Wendy’s Restaurant) abutting a road under jurisdiction of the State Department of Highways and Transportation, having: 1) An area of 204.40 square feet, being 104.40 square feet in excess of the maximum permitted 100 square feet; and 2) A height of 27 feet 10 inches, being 9 feet 10 inches in excess of the maximum permitted 18 feet; further, this variance is granted with the condition that the bottom portion of the existing sign, reflected in the drawing as “Pickup Window Open Late”, measuring 1-foot 6-inches by 7-feet 1-inch, is to be eliminated, resulting in the total square footage of the sign being 204.40 square feet; further, this grant of variance is based on claimed hardship being because it is only being refaced and is not a new structure; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Marella, D’Angelo, Deyak, DiBartolomeo, Mill. Nays – Campbell. Absent – None. Motion carried.

**2.221 ACRES OF LAND FRONTING THE SOUTH SIDE OF HALL ROAD (M-59),  
EAST OF HAYES ROAD, ADDRESSED AS 15600 HALL ROAD (SECTION 6) (PART  
OF PARCEL #16-11-06-126-009)**

**- APPEAL: TROPICAL SMOOTHIE CAFÉ @ CLINTON HALL PROPERTIES  
FILE #19-6866: PETITIONED BY MR. PAUL DUDGEON,  
TROPICAL SMOOTHIE CAFÉ**

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The petitioner was not present.

Mr. Thompson indicated the petitioner was notified of tonight’s meeting.

Motion by Mr. Pearl, supported by Mr. DiBartolomeo, with reference to File #19-6866 and application from Mr. Paul Dudgeon, Tropical Smoothie Café, 15600 Hall Road, Clinton Township, Michigan 48038, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, “Business sign”, concerning part of 2.221 acres of land fronting the south line of Hall Road, east of Hayes Road, addressed as 15600 Hall Road (Part of Parcel #16-11-06-126-009), that further consideration of request for variance to permit installation of a second wall sign for a business in the B-3 General Business District (Tropical Smoothie Café @ Clinton Hall Properties), which is one (1) wall sign in excess of the maximum permitted one (1) wall sign, be postponed until the next regular meeting scheduled for Wednesday, March 20<sup>th</sup>, 2019. Motion carried.

**7.12 ACRES OF VACANT LAND FRONTING THE WEST SIDE OF GARFIELD AND THE NORTH SIDE OF 18 MILE ROAD (SECTION 7)**

**- APPEAL: VERUS DEVELOPMENT / 18 MILE & GARFIELD –  
PHASE II (RESIDENTIAL)**

**FILE #18-6860: PETITIONED BY MR. FRANK ARCORI, VDG GARFIELD LLC  
REPRESENTED BY MESSRS. MIKE PANNELL AND TIM PONTON,  
STONEFIELD ENGINEERING**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated January 17<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 220 owners and/or occupants of property located within 300 feet of the land in question, with 29 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Tim Ponton, of Stonefield Engineering, 28454 Woodward, Royal Oak, Michigan 48067, explained he is the design engineer for this project, and they came before this Board in December 2018. He noted they have been doing a lot of work on this project and have been working on it for approximately one year. He added that Phase I, which is the retail section, is currently under construction at the corner of 18 Mile and Garfield. He stated that the original plan was for a gas station on the corner, and three story apartment complexes on the subject property, all of which he claimed were “by-right” uses. After some significant push-back from the neighbors and surrounding communities, they switched the development plan to develop a strip retail as opposed to a gas station, and he stressed that, more importantly, they shifted their plans from apartments with carports to a condominium-style multiple-family residential development with attached garages, similar to the surrounding communities. After a number of meetings with the community, he felt they are happy with the proposed plan, although there were a couple of items the Zoning Board took issue with in December, with those being the width of the roadway, alternative access onto Garfield, and visitor parking. He assured those items have been addressed, noting that they revised the width of the roads from 24 feet to 27 feet, they added a driveway and received confirmation from the County’s Department of Roads that they have no objections, and

eight visitor parking spaces have been added, as well as some on-street parking that will now be possible with the widening of the roadway. He offered to answer questions and felt this development will be a benefit to the community as well as the neighbors. He indicated this was accomplished through a lot of hard work and communication through all parties.

Ms. Cynthia Shahly, 41170 Donna, Clinton Township, Michigan 48038, questioned whether it is typical to allow a development with so many “exceptions” to what is required. She compared it to being a homeowner, where if they want something to be done, they have to have it done to certain specifications.

Mr. Thompson stated from his experience, when a Township or municipality becomes mostly developed, the sites that remain tend to be challenging, not only from a design standpoint but also from a use standpoint with input from all of the surrounding properties. He explained he listened to what was said at the last meeting they attended in December, and he thanked the petitioners for taking the time to sit back down with him. He stated he looked at it as if it was a new site plan, and they were able to work together to eliminate any of the variances that were impactful. He cautioned that in developments that move forward in this Township, variances will likely be involved. He conveyed that, as the Planning Director, he tries to minimize them as much as possible, but it is not unusual to not be able to eliminate all of them. He felt the design changes made take into account what he understood everyone was looking for. They wanted to make sure there is little impact on the roads and traffic, with plenty of parking. When this first came forward as a Conditional Rezoning request, they could potentially put a lot more density into this site, so he does not feel it is unreasonable to request a little more density, knowing what could have been versus what they are proposing now. He felt the variances this evening are a good compromise.

Ms. Shahly questioned whether it is something she should be worried about. She commented that she has never been to a Board of Appeals meeting.

Mr. Thompson pointed out any of the setback variances or density variances do not have a direct impact on any of the adjacent residents. The developers moved everything north towards the driveway off of Garfield Road. The variances will affect the specific development but not the abutting properties.

Ms. Marjorie Morgan, 41165 Donna Drive, Clinton Township, Michigan 48038, questioned the requested variance for the distance between buildings along the west side of the site will be ten feet less than the minimum required thirty feet. She questioned whether that is relating to the buildings within the complex, or whether it refers to the distance from the buildings in the complex to the abutting condominiums in Garfield Manor.

Mr. Thompson replied it is not between the buildings that are proposed and the condominiums in Garfield Manor. There are two buildings that run north and south on

the west side of the site, and instead of those buildings being thirty feet apart, they will only be twenty feet apart. He reminded this was a function of redesign to make sure the road was more appropriate.

Mr. Jim Francescutti, 16565 Tyler Drive, Clinton Township, Michigan 48038, questioned whether the side yard setback being reduced by 15.5 feet make the outside fabric of the back of the buildings to their back of curb roadway about forty feet.

Mr. Ponton replied that is the approximate distance.

Mr. Francescutti questioned whether there will be any landscaping along Anthony Drive.

Mr. Ponton assured there will be perimeter landscaping around the entire site.

Mr. Pearl noted that the landscaping will be addressed by the Planning Commission, and the variances have nothing to do with the landscaping.

Mr. Francescutti questioned whether the dimension from the corner lot closest to Garfield on Anthony will allow adequate visibility for motorists exiting onto Garfield. He estimated it is going to be about 25-1/2 feet from the building to the property line.

Mr. Ponton estimated almost 50 feet.

Mr. Francescutti questioned the distance from their driveway to the entrance in off of Garfield.

Mr. Ponton replied the distance will be from 80 to 100 feet.

Mr. Francescutti stated that was a concern of some of the residents because of motorists turning in and out at the same time and having a traffic conflict.

Mr. Ponton stated they met with the Macomb County Department of Roads, who has dictated the locations of the driveways, and they feel they are safe. He explained the Department of Roads has jurisdiction over the roads, so they do not have much say in the location of the entrances.

Mr. Dean Enrici, 16620 Chris Drive, Clinton Township, Michigan 48038, stated he has been here for all but one of the meetings regarding this development. He stressed that the developer has worked with all of the residents as well as this Board and has gone back and forth with many drawings to try to appease everyone involved. He commented that the developer had a right to build apartments, but he has gone through a lot for the residents to make sure they get the best development on that piece of property, cautioning that parcel will be

developed one way or another legally. He felt if the residents cause too many problems for the developer, the developer has recourse of actions they can take. He urged the residents in the area where this may be their first meeting to listen to what has occurred with this property and this developer to date and understand that the developer has worked closely with the residents to appease them.

Ms. Judy Redmann, 16535 Tyler, Clinton Township, Michigan 48038, stated she is very happy to see a good development on this property, adding the residents in the area have lived through the sewer dumping grounds and the dilapidated house with the rodents. She stated her only concern are the extra two driveways onto Garfield. She noted they have seen at least one fatality in that area, and they have asked for a traffic signal. She commented she is happy to see these will be condominiums, but she felt if they could have combined the retail driveway with the entrance to their condominiums, it may have been helpful for everyone.

Mr. Marella understood that the driveway has been approved by the Macomb County Department of Roads and they have determined it is safe. He pointed out the plans they approve at the Township are determined to be safe, but the people who cause accidents are the drivers, and if people drive safely, they will be able to navigate the roads safely.

Ms. Redmann understood Mr. Marella's point, but she stressed the turning situation at that intersection is bad, and it is nearly impossible to make a left from the condominiums onto Garfield.

Mr. Marella agreed that Garfield is very busy, and there are a lot of curb cuts where people are trying to turn in and out along Garfield.

Mr. Pearl inquired as to whose prerogative it would be to request a "No Left Turn" sign at that point.

Mr. Thompson replied that the County has the jurisdiction over the roads, which includes the curb cuts, traffic signals and signage. He has received no feedback from the Police Department or the County that the current driveway configuration is not anything but adequate. He noted the County has certain separation requirements, and when those are not met, those are situations where the County may allow it but will require no left turns out. Based on the information they have, he does not feel it is necessary. He cautioned they also have to take into consideration the use of the property. With one-story apartments/condominiums and the density that is resulting, it is one of the lowest-generating uses for a parcel. He acknowledged that it may look like a lot of units on paper, but it is not actually a lot of units and will not have a big impact on the traffic in the area, comparing the amount of traffic already on both 18 Mile Road and Garfield. He recalled the concern was expressed at the December meeting about having only one way in and out of the development, and he agreed with that concern,

which is one of the reasons he sat down with the petitioner. He acknowledged that having only one way in and out is likely to create an impact on the roadway, but now that there are two access points, especially for the people who live there, that changes the impact. He pointed out that, from personal experience, he knows when he can safely turn left or right out of his subdivision, and there are times of the day he knows he cannot safely make that turn. He generally goes to the other entrance of his subdivision and turns left there because it is not as busy. He stressed traffic patterns change, as do people's habits, especially with developments like this, but these issues tend to work themselves out, especially with a low-density development such as this. He admitted he does not have a lot of experience with this particular corner, but noted he is speaking from his planning experience.

Mr. Mill spent 45 years in public safety as a police officer and firefighter. He felt if the County engineers do not have objection to the curb cuts, he has no problem with it at all. He questioned whether the Fire Department had any objection to the reduced distance between buildings. He noted for fire safety, they have to pre-plan as to what has to be done in a fire situation, and he inquired as to whether they are aware of the twenty-foot distance.

Mr. Thompson assured the Fire Department received notification of this plan just like all other departments. He explained the Planning Department emails everyone with the plans, and that way they can make sure they get the comments before the plans go forward. If the Zoning Board of Appeals grants a variance that puts the buildings too close together, the Building Code would require a certain amount of fire-stop construction. Where they may not have the distance between buildings for fire protection, the Building Code will require that protection by way of construction materials.

Mr. Mill stated that is what they would do, so if distances were not sufficient, they would work closely with the Fire Marshall and they would require a different type of wall construction.

Mr. Thompson assured the Fire Department was notified on this, and he is fortunate that the departments have worked with him closely on review of site development plans.

Mr. Chris Harris, owner of a business directly across the street at 41300 Garfield, commented they have had the "pleasure" of looking at the dilapidated house all of these years, along with the weeds and unkept property. They were always concerned about what would go in there and were initially concerned at the original proposal of a gas station and high-density apartments. He stressed they are very happy with what is now being proposed. He added that the neighboring condominium owners have been wonderful people to deal with on a daily basis, and he looks forward to more people like that coming into the neighborhood. He questioned whether there will be a sidewalk installed and connected to 18 Mile Road.

Mr. Ponton believed the sidewalk exists within the right-of-way along Garfield and 18 Mile Road, and that will not change.

Mr. Campbell requested the developer to describe the layout of the units. He noted there is reference to two-bedroom condominiums, but he saw nothing else in the documentation with regard to the layout of the units.

Mr. Ponton explained they are not at a point where they have finalized the interiors but they are committing to 56 two-bedroom units, measuring between 1,700 and 1,800 square feet. He anticipated they will have 2-1/2 baths, a kitchen, etc., but he noted they have spent their time working on the exterior of the site to this point.

Mr. Campbell cautioned that if they decide to add an additional room, such as a den, it could require another bedroom to be added, which would change the density variance being requested. He indicated they may need to amend this as they work out their interior plans. He explained the density variance arises from the amount of land area required for one-bedroom, two-bedroom or three-bedroom units. He pointed out if they limit themselves to one-bedroom units, they may not be able to sell them. He noted that two-bedroom units require a minimum floor area of at least 700 square feet per unit, which he did not feel is realistic. He felt the ordinance should recognize a more accurate floor space. He questioned what they anticipate will be the market price of these units.

Mr. Ponton replied he anticipates they will run from \$200,000 to \$250,000 each.

Mr. Campbell complimented the petitioner on a good plan, and thanked him for working with the residents and the Township.

Mr. Marella agreed with Mr. Campbell and expressed his appreciation to the petitioner.

Motion by Mr. Campbell, supported by Mr. DiBartolomeo, with reference to File #18-6860 and application from Mr. Frank Arcori, VDG Garfield LLC, 423 N. Main Street, Suite 100, Royal Oak, Michigan 48067, as represented by Mr. Mike Pannell and Mr. Tim Ponton, Stonefield Engineering, 28454 Woodward Avenue, Royal Oak, Michigan 48067, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area; Footnotes to Schedule of Regulations Chart, concerning 7.12 acres of vacant land fronting the west line of Garfield and the north line of 18 Mile Road (Section 7), (Parcel #16-11-07-476-003), that variance be granted to permit the development of vacant land in the RML Multiple-Family Residential District with multiple-family residential units (Verus Development / 18 & Garfield – Phase II) having: 1) Front yard setback from Garfield of 18.10 feet, being 31.90 feet less than the minimum required 50 feet; 2) Side yard setback from the north side lot line of 19.50 feet, being 15.50 feet less than the minimum required 35 feet; 3) Side yard setback from the south side lot line of 25 feet, being 10 feet less than the minimum required 35 feet; 4) A distance of 20 feet between buildings along the west side of the site, being 10 feet less each than the

minimum required 30-foot distance; and 5) A total of 56 units, which is 6 units in excess of the maximum permitted 50 units (based on 6,500 square feet of land required for every 2-bedroom dwelling unit; further, this grant of variance is based on claimed practical difficulty due to the petitioner trying to meet the requirements for a development on property that already has developments on every side, and to provide a layout that is in concert with the neighboring residential units, and to locate and provide a plan for units that are appealing to today's marketplace; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Pearl thanked the developers for working with the neighbors and spending the extra time to alleviate the concerns of the Zoning Board of Appeals. He noted these variances are "locked in" once they move forward, so he is pleased they came back with a plan that widens the roads, provides guest parking and accommodates an additional ingress/egress for the site, which is important. He commented that Garfield has had a problem with too many curb cuts, but a lot of the businesses are creating connections between parking lots through cross-access behind their buildings. He appreciated what the applicant has done.

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

**PARTS OF LOTS 4 AND 5, MEADOWLAWN SUBDIVISION, BEING 0.311 ACRE OF LAND LOCATED AT THE NORTHWEST CORNER OF GRATIOT AND LESTER (SECTION 27)**

- **APPEAL: GRATIOT DRIVE-THRU RESTAURANT (FKA OUR PLACE CAFÉ; WAFFLE HOUSE)  
FILE #18-6859: PETITIONED BY MR. MARK GJOKAJ, CUFFLINK-5  
REPRESENTED BY MR. GEORGE BAILEY, AIA, BAILEY BUILT, PLLC**

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Mr. Campbell reported the purpose of this item is to receive and file the petitioner's request to withdraw his application for a drive-thru facility.

Mr. Thompson explained the Planning and Community Development Department met with the petitioner following the last meeting the petitioner attended and based on the difficulty to try to redevelop this site and the number of variances that were required, the petitioner emailed Mr. Thompson on January 6<sup>th</sup>, 2019, requesting this item be removed permanently from the Zoning Board of Appeals. He indicated they will be renovating the building as is and will not be adding a drive-thru window. He indicated that since this was postponed to a specific date, a motion is in order to remove it from the agenda.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #18-6859 and application from Mr. Mark Gjokaj, Cufflink-5, 50710 Van Dyke, Shelby Township, Michigan 48317, as represented by Mr. George Bailey, AIA, Bailey Built, PLLC, 1155 Hampton Road, Grosse Pointe Woods, Michigan 48236, for variance to Clinton

Township Planning and Zoning Code, Section 1292.01-(p), Land Use Regulations; Section 1298.02-(24)-(b) and Section 1298.02-(24)-(F), Supplementary Regulations, Uses Requiring Special Approval, Procedure; and Section 1296.01, Off-Street Parking and Loading, concerning parts of Lots 4 and 5, Meadowlawn Subdivision, located on the northwest corner of Gratiot and Lester, addressed as 36811 Gratiot Avenue (Section 27), that the request for variance to permit the redevelopment of a vacant building in the B-3 General Business District into a drive-thru restaurant (Gratiot Drive-Thru Restaurant, fka Our Place Café) having: 1) Parking spaces labeled 1-2 and 15-17 and the drive-thru lane that encroaches into the required setbacks; 2) A reduced landscaped setback along Gratiot Avenue and Lester Street; 3) A distance of 100 feet from the nearest single-family district, being 190 feet less than the minimum required distance of 300 feet; and 4) A total of 17 parking spaces, being 13 spaces less than the total required 30 parking spaces, be removed from the agenda at the written request of the petitioner dated January 6<sup>th</sup>, 2019. Motion carried.

### **ELECTION OF OFFICERS**

- **CHAIRPERSON**
  - **VICE-CHAIRPERSON**
  - **SECRETARY**
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Mr. Pearl nominated Mr. Francis Marella as Chairperson, Mr. Michael Deyak as Vice-Chairperson and Mr. Robert Campbell as Secretary of the Board of Appeals.

Mr. Marella, Mr. Deyak and Mr. Campbell all respectively accepted the nominations.

Motion by Mr. Pearl, supported by Mr. D'Angelo, to appoint Mr. Francis Marella as Chairperson, Mr. Michael Deyak as Vice-Chairperson and Mr. Robert Campbell as Secretary of the Board of Appeals. Motion carried.

### **REPORT OF MEETING**

#### **-- APPROVAL OF DECEMBER 12<sup>TH</sup>, 2018 REPORT**

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Mr. Campbell requested the following changes to the December 12<sup>th</sup>, 2018 report:

Page 7, Paragraph 5, Line 1:

Change from: "...represented this is the only emergent care..."  
Change to: "...represented this is the only urgent care..."

Page 8, Last Paragraph, Last Line:

Change from: "...two additional wall signs totaling 87.79 square feet on a building in the OS-1..."  
Change to: "...two additional wall signs of 87.79 square feet each on a building in the OS-1..."

Motion by Mr. Deyak, supported by Mr. Campbell, to approve the minutes of the December 12<sup>th</sup>, 2018 Report of Meeting, as amended. Motion carried.

**CLINTON TOWNSHIP BOARD OF APPEALS ANNUAL REPORT**  
**-- APPROVAL OF 2018 ANNUAL REPORT**

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Mr. Campbell stated in his preparation of this report, he had indicated that the petitioner for the Gratiot Drive-Thru Restaurant had already withdrawn his request. He understood that it was verbally requested last year, but the official letter was received this year.

**BOARD OF APPEALS MEETING SCHEDULE**  
**-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:**  
**WEDNESDAY, MARCH 20<sup>TH</sup>, 2019 AT 6:30 P.M.**

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Mr. Thompson confirmed the next Board of Appeals meeting will be on Wednesday, March 20<sup>th</sup>, 2019 at 6:30 p.m.

Mr. Thompson stated he does not have the tentative agenda with him tonight, but indicated the following items are anticipated to be on that agenda:

- Tropical Smoothie Café @ Clinton Hall Properties. This item was postponed from tonight's meeting.
- Two (2) single-family residences. He noted one is requesting a variance for the distance of a handicap ramp from the side lot line, and another is requesting a height and size variance for an accessory structure.
- Fifth Third Bank at Gratiot and 15 Mile Road. This is for a variance for a reduced greenbelt along Gratiot. They had originally come before the Board a few years ago and received a number of variances. The valid period for their site plan and the variances expired, so they came in requesting an extension of the valid period. Mr. Thompson indicated he sat down with them, they looked at the plan together and were able to eliminate all of the ordinances with the exception of the reduced greenbelt.
- A couple of sign variance requests.

## **ADJOURNMENT**

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Motion by Mr. Campbell, supported by Mr. D'Angelo, to adjourn the meeting. Motion carried. The meeting adjourned at 7:32 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:02/25/19

ces:02/26/19

*Approved 03/20/19*