

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, MARCH 18TH, 2020

PRESENT: Robert M. Campbell, Secretary
David Merrill
Thomas Mill
Kenneth Pearl

ABSENT: Frank Marella, Chairperson (Excused)
Michael Deyak, Vice-Chairperson (Excused)
Ronald DiBartolomeo (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.

Motion by Mr. Campbell, seconded by Mr. Pearl, to appoint Mr. Mill as Acting Chairperson for tonight's meeting since both the Chairperson and Vice-Chairperson are absent this evening. Roll Call Vote: Ayes – Campbell, Pearl, Mill, Merrill. Nays – None. Absent – Marella, Deyak, DiBartolomeo. Motion carried.

APPROVAL OF AGENDA

Mr. Mill 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.

Motion by Mr. Campbell, seconded by Mr. Pearl, to approve the agenda as submitted, with the addition of Item #6 – Public Comments. Motion carried.

PART OF LOT 2 AND ALL OF LOT 3, TRINITY INDUSTRIAL SUBDIVISION #1 (0.92 ACRE) LOCATED AT THE SOUTHEAST CORNER OF HALL ROAD AND TRINITY DRIVE, ADDRESSED AS 21250 HALL ROAD (PARCEL #16-11-03-102-011)

**- APPEAL: FARM BUREAU INSURANCE @ FORLI OFFICE BUILDING
FILE #20-6926: PETITIONED BY MR. BRIAN LANE, FARM BUREAU
INSURANCE**

REPRESENTED BY MR. STEVE BRETZ, PHILLIPS SIGN & LIGHTING INC.

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 4th, 2020 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 48 owners and/or occupants of property located within 300 feet of the land in question, with 3 of those returned as undeliverable. There were no letters received in response to the mailing.

Mr. Steve Bretz, 17924 Autumn Lane, Macomb Township, Michigan, representative from Phillips Sign & Lighting, Inc., stated that Mr. Brian Lane and Mr. John Shaporo of Farm Bureau Insurance. He explained they are requesting a variance to permit a third wall sign for 21250 Hall Road. They have a client and they were approved for a wall sign over the entrance that will be shared by three tenants of the building: Farm Bureau Insurance; Henry Ford Family Medicine; and Sayoud Financial. He stated that Farm Bureau would like to have a sign on the westernmost part of the north elevation, which will allow Farm Bureau to gain greater client exposure. He stated Farm Bureau Insurance is proud and excited to be a member of the Clinton Township community and look forward to serving its citizens.

Mr. Brian Lane, owner and occupant, noting they own the building and also occupy it, want a great-looking building. They have already installed LED lighting in the parking lot, they will be restriping the parking lot and installing new landscaping. They would like the additional signs for a uniform look and are proud of their building.

There were no comments from the audience.

Mr. Campbell noted there are currently two signs approved, but it is unclear whether there should have been two signs approved. It was apparently approved at some point in the past based on the fact that somebody determined Trinity Drive qualified as a secondary thoroughfare, but he pointed out it is too narrow to be considered a secondary thoroughfare. He claimed the building should have been authorized only one sign. He felt the question is whether this Board should grant a total of three signs for the building, being two signs in excess of what is permitted. He questioned whether the sign with three firms on it is what is being proposed to go over the center entrance.

Mr. Bretz replied affirmatively.

Mr. Campbell did not feel it was clear on the documentation, but he confirmed that will replace the Real Estate One sign. Mr. Campbell pointed out the red striping that is pasted across the bottom of the windows is not permitted, as he verified with the

Building Department, and is something that should not have been done. He stated he is willing to grant the variance for the additional sign, but he felt it would be much more attractive without all of the red tape across the bottom of the windows. He acknowledged that some signage is allowed in the windows, but he confirmed they have to be on the inside of the windows and not on the outside. He questioned whether the petitioner has any issues with removing the red tape.

Mr. Lane assured they can remove the red striping, and that will not be a problem.

Mr. Pearl stated he has no problem with the variance and agreed with Mr. Campbell that the red striping should be removed.

Motion by Mr. Campbell, seconded by Mr. Pearl, with reference to File #20-6926 and application from Mr. Brian Lane, of Farm Bureau Insurance, 21250 Hall Road, Clinton Township, Michigan 48038, as represented by Mr. Steve Bretz, of Phillips Sign & Lighting, Inc., 40920 Executive Drive, Harrison Township, Michigan 48045, for variance to Clinton Township Building and Housing Code, Chapter 1488.02(e)(3)C, Signs, concerning Part of Lot 2 and all of Lot 3, Trinity Industrial Subdivision #1 (0.92 acre of land), located at the southeast corner of Hall Road and Trinity Drive, addressed as 21250 Hall Road, that variance be granted to permit the replacement of a second wall sign and installation of a third wall sign on an office building in the B-2 Community Business District (Farm Bureau Insurance @ Forli Office Building), being two (2) wall signs in excess of the maximum permitted one (1) wall sign; further, this variance is granted on the condition that all of the red tape signs on the exterior of the windows are to be removed before permits for the signs are issued; further, this grant of variance is based on undue hardship of conformity and appearance of the building, and providing adequate identification for all of the businesses occupying the building; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, Merrill, Mill. Nays – None. Absent – Marella, Deyak, DiBartolomeo. Motion carried.

LOT 18, FAULMAN SUBDIVISION, LOCATED FRONTING THE SOUTH LINE OF FAULMAN, WEST OF FARBROOK, ADDRESSED AS 19540 FAULMAN (PARCEL #16-11-28-326-007)

- **APPEAL: SFR – FAULMAN, 19540**
FILE #20-6927: PETITIONED BY MR. ROBERT C. HODGE III

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 4th, 2020 into the record. Mr. Campbell 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 none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Robert Charles Hodge III, 19540 Faulman, Clinton Township, Michigan 48035, stated they have a 40-foot travel trailer and classic cars that they are storing. He added

they need the additional space, as they have two kids who will soon be driving. He noted they have no basement and need the additional space.

There were no comments from the audience.

Mr. Campbell commented that generally when they have a petition for a variance for an oversized garage, they are usually provided with prints or a package supplied from a builder, including a diagram of what it will look like. He claimed the original package had none of that documentation, so they managed to get a one-page sketch from the Building Department showing the location of the proposed structure on the property. He questioned whether Mr. Hodge brought any sketches or plans tonight that he can show the Board members.

Mr. Hodge replied he did not. He indicated he has not yet hired a builder but has one on hold, pending approval of this variance. He claimed that is what he was told he needed to do. He replied that he does not recall the gentleman's name but it was an employee of the Building Department.

Mr. Campbell felt that was bad advice, claiming they have always had prints, plans or some type of sketch to look at when they are making their decision. He stated he has no problem granting the variance as long as he meets the height requirements. He explained that, without seeing the layout, they cannot determine whether all other Township ordinance requirements are met, such as whether or not it has a second story. He stated he would be willing to make a motion to approve the variance, but with the condition that before the building permit is issued, the additional information, including detailed plans, are to be submitted to the Planning Department for their review.

Mr. Mill stated he would be in support of that variance.

Mr. Pearl cautioned Mr. Hodge that many of the pre-packaged kits for pole barns tend to be taller than what the Township allows.

Mr. Hodge assured he is not purchasing a pre-packaged kit.

Mr. Pearl urged Mr. Hodge to make sure all of the other requirements of the Building Department are met.

Mr. Campbell stated he would feel more comfortable if the Planning Department also reviews it.

Mr. Thompson assured he has no problem getting with the Building Department to make sure all ordinances are met.

Motion by Mr. Campbell, seconded by Mr. Mill, with reference to File #20-6927 and application from Mr. Robert C. Hodge III, 19540 Faulman, Clinton Township, Michigan

48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 18, Faulman Subdivision, generally located fronting the south line of Faulman, west of Farmbrook, addressed as 19540 Faulman (Parcel #16-11-28-326-007), that variance be granted to permit construction of a 1,536 square-foot accessory structure (pole barn) for a single-family residence in the R-3 One-Family Residential District, being 302 square feet in excess of the maximum permitted 1,234 square feet, which was based on one-half of the 2,468-square-foot total floor area of the principal dwelling; further, this variance is granted with the condition that the Planning Department is to work with the Building Department to ensure that the plans are in accordance with all Township ordinances; further, this grant of variance is based on claimed practical difficulty of ensuring safety and security for all vehicles and providing storage for a house without a basement; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, Merrill, Mill. Nays – None. Absent – Marella, Deyak, DiBartolomeo. Motion carried.

LOT 480, RIVERGATE SUBDIVISION #6, LOCATED WEST OF TRENT, NORTH OF RIVERGATE, ADDRESSED AS 44055 TRENT DRIVE
- APPEAL: SFR – TRENT DRIVE, 44055
FILE #20-6928: PETITIONED BY MR. MICHAEL FARMER

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 4th, 2020 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 49 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Mike Farmer, 44055 Trent Drive, Clinton Township, Michigan 48038, stated he put up a plastic shed with the approval of ITC to locate it within their easement. He is seeking a variance from the Township for its placement.

Mr. Mill questioned why it needs to be located closer to the lot line than permitted.

Mr. Farmer replied that most of his neighbors have their sheds right on the fence line, but he wanted to leave a little distance so he can maintain the grass between the shed and his neighbor's privacy fence.

Mr. Campbell requested that Mr. Farmer outline the sequence of events that led up to this application for variance. He explained this is an application for installation of a plastic shed that is already in existence.

Mr. Farmer apologized for "messing up" on that, explaining that because he thought since it was a non-permanent structure, he was unaware that he had to apply for a permit. He replied to further inquiry that there is a cement pad in place, and that is why he would like to keep it in this location.

Mr. Campbell questioned whether there is a reason why Mr. Farmer cannot add two feet to the concrete pad and move the shed so that it complies with the ordinance.

Mr. Farmer estimated he would need about 5 feet 2 inches.

Mr. Campbell stated the denial indicates he is only 1.8 feet off of the proper location. He understood Mr. Farmer's frustration if he feels his neighbors all have their sheds on the property lines.

Mr. Farmer assured he is not frustrated at all. He apologized that he is not used to doing this, so he was not aware of the permit needed.

Mr. Campbell noted that Mr. Farmer did go and obtain approval from the company holding the easement, which was a good thing to do. He felt it is an unusual sequence of events to put up the shed.

Mr. Farmer explained that the ITC easement extends 45 feet into his yard.

Mr. Thompson confirmed that ITC typically has 90-foot tree-clearing easements for the high-tension lines. He clarified the easement is not an issue for the Township or for this Board. If the holder of the easement grants him the ability to put up the shed within that easement and whether it encroaches six feet or one foot irrelevant to this Board. He reminded the Board they are looking merely at the fact it is there, and he is requesting a variance to be allowed to keep it in its current location, which is 1.8 foot too close to the lot line.

Mr. Campbell felt it should be approved.

Mr. Merrill questioned whether there is concrete in front of the shed as well.

Mr. Farmer replied there is about one foot of concrete in front of the shed.

Mr. Merrill questioned whether the shed was bolted down through the cement.

Mr. Farmer replied affirmatively.

Mr. James Grifka, 44160 Manitou, Clinton Township, Michigan 48038, neighbor behind Mr. Farmer, noted it is an easement so it does not matter what they build, but he questioned whether they would still need a building permit. He pointed out Mr. Farmer has a 45-foot easement, and he has a 45-foot easement as well. He claimed his usable rear yard is tiny, and he would have to have the shed up against his house in order to stay out of the easement. He felt Mr. Farmer did a good thing by putting the shed in the rear of the property, but he questioned whether everyone will now be able to do the same thing.

Mr. Thompson explained there is a big difference between the property line and the easement. The easement is within the property, and it grants ITC the right to utilize that portion of the property. He reminded that ITC does not own that property, which means the property owner still has the reasonable ability to use his property. This Board does not determine whether or not something can be put in the easement, and he indicated Mr. Farmer did the right thing by contacting ITC because he knew he would need an easement. Mr. Thompson noted that ITC has restrictions on certain things within the easement, but they will typically grant approval for small accessory structures because it will not impede their ability to get to their tower. He noted Mr. Grifka still has the ability to place a shed within the 45-foot easement if he obtains permission from ITC, but the Township's restrictions are setbacks from property lines. In this particular case, Mr. Farmer's accessory structure is 1.8 feet too close to the property line, which is why he is before this Board. He advised that Mr. Grifka would be able to put up a shed six feet from this property line, but he would need to get the approval of ITC first, and he would also have to obtain a permit from the Building Department for the concrete pad and structure in the rear yard.

Mr. Grifka questioned whether a rat wall is needed for the pad.

Mr. Thompson replied he is not sure because he is not the Building official, but he suggested if Mr. Grifka provides him with his phone number after the meeting, he will look into it and get back with him.

Mr. Campbell understood that if a plastic shed is small (approximately 3-feet by 3-feet), he understood they do not need a permit or a pad.

Mr. Thompson stated he ran the Building Department in Westland prior to coming to the Township, and at that time, if the shed was under 120 square feet, it would only need a rat wall, but if it was 120 square feet or over, it would need a foundation. He clarified that he is not sure it is the same in Clinton Township's Building Codes, but that is his recollection.

Mr. Campbell felt there are a lot of plastic sheds in this community.

Mr. Thompson noted there is the same question, based on the size of the shed, as to whether a permit would have to be pulled for the shed, or whether a permit is only needed for the rat wall. He felt if it is under the 120 square feet, a permit would be needed for the rat wall only, and the shed can be placed on that rat wall.

Mr. Mill felt Mr. Farmer is trying to do the right thing by seeking the variance for the 1-foot 8-inches, and he had no problem with the variance request.

Motion by Mr. Pearl, seconded by Mr. Merrill, with reference to File #20-6928 and application from Mr. Michael Farmer, 44055 Trent Drive, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(e), Supplementary Regulations, Accessory Buildings (Including Garages), concerning

Lot 480, Rivergate Subdivision #6, located west of Trent, north of Rivergate, addressed as 44055 Trent Drive (Parcel #16-11-04-181-005), that variance be granted to permit the continued existence of a 15-foot by 8-foot (120-square-foot) accessory structure (plastic shed) for a single-family residence in the R-4 One-Family Residential District, being located 4.2 feet from the rear lot line, which is 18 feet less than the minimum required 6-foot rear yard setback; further, this grant of variance is based on claimed practical difficulty being the size of the usable property when considering the ITC easement; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Merrill, Campbell, Mill. Nays – None. Absent – Marella, Deyak, DiBartolomeo. Motion carried.

REPORT OF MEETING

-- APPROVAL OF FEBRUARY 19TH, 2020 REPORT

Mr. Campbell questioned a comment by Mr. Marella on Page 1, where he stated that “for anyone who receives three votes, they will need to refile” their application. He indicated that is not correct; however, the stenographer indicated that although that may not be correct, that is what was stated at the meeting.

Mr. Campbell requested the following corrections:

Page 4, Paragraph 1, Line 6:

Change from: “...believe one of the reasons was that there a number of poor...”

Change to: “...believe one of the reasons was that there were a number of poor...”

Page 5, Paragraph 6, Line 6:

Change from: “...but he they were not all necessary...”

Change to: “...but he said they were not all necessary...”

Page 6, Paragraph 3, Line 4:

Change from: “...were down slightly...”

Change to: “...were down significantly...”

Motion by Mr. Pearl, seconded by Mr. Campbell, to approve the minutes of the February 19th, 2020 Report of Meeting, with the changes as noted. All voted in favor with the exception of Mr. Merrill, who abstained due to the fact he was not present at that meeting. Since that resulted in only three votes in favor, the motion did not carry and this item will be placed on the next Zoning Board of Appeals meeting for approval, with the changes as noted.

BOARD OF APPEALS MEETING SCHEDULE

-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE: WEDNESDAY, APRIL 15TH, 2020 AT 6:30 P.M.

Mr. Thompson tentatively confirmed the next Board of Appeals meeting for Wednesday, April 15th, 2020 at 6:30 p.m.

Mr. Thompson stated he does not have the list of applications received for the next meeting, but he added that they are proceeding at this point with the meeting, although as it gets closer to the time when publication has to be made and notices have to be mailed, it may be canceled due to the coronavirus. He indicated he will be conferring with the Township Attorney and Township Supervisor.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Pearl, supported by Mr. Merrill, to adjourn the meeting. Motion carried. The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:03/23/20

ces:03/30/20

Approved 05/20/20