

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, JUNE 19TH, 2019

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

ABSENT: Francis Marella, Chairperson (Excused)
Mr. 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.

APPROVAL OF AGENDA

Motion by Mr. Pearl, seconded by Mr. Campbell, to approve the agenda as presented.
Motion carried.

Mr. Deyak noted that there are only five members present this evening, and a vote takes the majority of the membership, which is four votes. He indicated if anyone would prefer to have their item postponed until it can be heard by the full Board, they have that right to do so.

No one from the audience indicated they would like their appeal postponed.

Mr. Deyak 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 LOTS 17 & 18, GLENWOOD GARDENS SUBDIVISION, LOCATED NORTH OF GLENWOOD, WEST OF TAMI LANE, ADDRESSED AS 23363 GLENWOOD – PARCEL 16-11-26-401-005

**- APPEAL: SFR – GLENWOOD, 23363
FILE #19-6892: PETITIONED BY MR. RICK SCHROEDER**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated May 23rd, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 25 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 written replies received in response to the mailing.

Mr. Rick Schroeder, 23363 Glenwood, Clinton Township, Michigan 48035, stated he would like to extend the garage another 20 feet deeper, but he will not be exceeding the current 30-foot width. He stated his garage is full of lawn equipment, his son's four-wheelers and bikes, and it is becoming difficult to move around in the garage. He mentioned Mr. Mill stopped by to see what he was proposing to do, and he indicated he wants to add more room as he and his family continue to grow and move on with their lives. He added that there is not a lot of room, and he has three active boys that he tries to keep outside doing activities.

Mr. Pearl talked with Mr. Schroeder when he visited the site, and he has a double lot. He stated when he asked Mr. Schroeder as to his intent for the use of the garage, he replied he works for DTE so he will only be using the garage for pleasure, not for a business. Mr. Pearl pointed out the lot is deep, and Mr. Schroeder had assured him he talked with his neighbors, claiming they had no objections. Mr. Pearl added that the ordinance regulates the size of the garage based on total square footage of the house.

Motion by Mr. Pearl, seconded by Mr. Mill, with reference to File #19-6892 and application from Mr. Rick Schroeder, 23363 Glenwood, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Parts of Lots 17 and 18, Glenwood Gardens Subdivision, located fronting the north line of Glenwood, west of Tami Lane, addressed as 23363 Glenwood (Parcel #16-11-26-401-005), that variance be granted to permit the construction of a 600-square-foot addition to an existing 1,140-square-foot detached accessory structure (garage) for a single-family home in the R-3 One-Family Residential District, totaling 1,740 square feet, which is 1,077 square feet in excess of the maximum permitted 663 square feet (based on one-half the square footage of the principal dwelling, which measures 1,326 square feet); further, this grant of variance is based on claimed practical difficulty being the unique nature of the lot, which is rather large, even though the house is smaller;

further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Campbell questioned the petitioner as to what he meant in his application by indicating he is “looking for conformity”.

Mr. Schroeder replied that what he is proposing is not stretching outside of the neighborhood’s “country” look, noting it is a unique street and he has a 1938 farmhouse. He does not want to build a massive structure but would like to keep conformity in the neighborhood.

Mr. Campbell appreciated that point, and he agreed those are generally very big lots. He pointed out, however, that the total size of 1,740 square feet for the resulting garage will be the sixth largest accessory structure for which this Board has granted a variance in the Township. He stressed it is very large.

Mr. Schroeder stated he does not know where the figure of 1,740 square feet is coming from. He pointed out the garage measures 30 feet across and 30 feet deep, so that totals 900 square feet. He is proposing to add 20 feet by 30 feet, which totals another 600 square feet, so he came up with a final size of 1,500 square feet.

Mr. Campbell felt that would be more in line with the sizes of garages.

Mr. Schroeder agreed, and reiterated he did not know where they came up with 1,740 square feet.

Mr. Campbell explained that, according to the records, the current garage is 1,140 square feet.

Mr. Schroeder apologized, noting there is a small lean-to off the back of the garage, but that will be taken down.

Mr. Mill stated it is a very large lot and they could not see the house behind this property.

Mr. Campbell clarified the variance Mr. Schroeder is seeking is for a total of 1,500 square feet, not 1,740 square feet as indicated in the motion. He stated they will need to amend the motion on the floor. With the removal of the lean-to, he is reducing the overall size by 240 square feet.

Mr. Schroeder replied to inquiry that the existing garage measures 30 feet by 30 feet, or 900 square feet.

Mr. Campbell pointed out the Assessor’s records show it is 1,140, so the 240 square foot difference is with the inclusion of the lean-to. He noted they will need to revise

their motion but advised Mr. Schroeder that if something turns up amiss in their calculations, he urged Mr. Schroeder to contact the Planning Department.

Mr. Thompson assured they will be going off of the drawings that were submitted by the petitioner to the Building Department. The drawings will be consistent with the discussion, because the Building Department will know that the lean-to is coming down and the overall structure size will be based on the drawings.

Mr. Pearl questioned if it would be simpler to amend the request.

Mr. Pearl **amended his motion**, and Mr. Mill **amended his second**, as follows:

Motion by Mr. Pearl, supported by Mr. Mill, with reference to File #19-6892 and application from Mr. Rick Schroeder, 23363 Glenwood, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Parts of Lots 17 and 18, Glenwood Gardens Subdivision, located fronting the north line of Glenwood, west of Tami Lane, addressed as 23363 Glenwood (Parcel #16-11-26-401-005), that variance be granted to permit the construction of a 600-square-foot addition to an existing 900-square-foot detached accessory structure (garage) for a single-family home in the R-3 One-Family Residential District (when considering the original calculation that the existing 1,140-square-foot garage includes the 240-square-foot lean-to, which is being removed), being 837 square feet in excess of the maximum permitted 663 square feet (based on one-half the square footage of the principal dwelling, which measures 1,326 square feet); further, this grant of variance is based on claimed practical difficulty being the unique nature of the lot, which is rather large, even though the house is smaller; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Mill, Campbell, D’Angelo, Deyak. Nays – None. Absent – Marella, DiBartolomeo. Motion carried.

**LOTS 98 AND 102, MORAVIAN HILLS #1 SUBDIVISINO, LOCATED AT THE
SOUTHWEST CORNER OF SANTA MARIE AND CRESTLANE, ADDRESSED AS
18860 SANTA MARIE (PARCEL #16-11-21-159-002)**

- **APPEAL: SFR – SANTA MARIE, 18860
FILE #19-6893: PETITIONED BY MS. HEATHER JO THATCHER &
MS. HEATHER L. CASTO-THATCHER**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated May 23rd, 2019 into the record. Mr. Campbell 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 1 of those returned as undeliverable. There were no written replies received in response to the mailing.

Ms. Heather Thatcher, 18860 Santa Marie, Clinton Township, Michigan 48036, explained they would like to update the entire front façade of their home. They are

updating the rear as well, but the front is the issue. They want to remove some very dated wrought-iron work that is on their front porch and also remove some stone, repaint the brick and install a new roof. As part of the roof project, they would like to make a gable over their front porch. She clarified it is not exactly a “covered porch addition” but they are extending the front porch gable. She noted that her neighbors have all received notification of this project, and to her knowledge, none of them have complained. She added that the neighbors directly across the street, Phyllis and Marcel Carlier, provided her with a letter in support of their project, and she included that as part of her application. Ms. Thatcher was confident that this will increase the value of their home and increase the values of the neighboring homes as well. She offered to answer questions, and she added that her general contractor is here tonight and available to answer questions as well.

Mr. Gary Grabowski, General Contractor, 19251 Warwick Street, Beverly Hills, Michigan, pointed out that as they look at the drawings, they can see a little gold-color box, and that represents how much they are extending into the setback. He claimed all of the homes on the street are noncompliant and all have 27-foot setbacks rather than the 30-foot setbacks required. He indicated they want to push about four feet further into that space.

Mr. Campbell felt if the diagram is correct, the front of the house is already well within that setback. To grant a variance that is seven feet less than required, that will result in less of a construction than what they are proposing. He does not know if this diagram is to scale so he did not measure it, and he assured he has no issue with the project, but he felt the Building Department needs to review the plans and come up with a different measurement into the front yard setback. He felt it will be more than the seven feet shown.

Mr. Grabowski explained that when he met with representatives from the Building Department, he was told to come to the Zoning Board of Appeals, and they generated an aerial from their computer. They advised him that they measure the lot lines across the street, which in this case is 60 feet, with the assumption that the center of the street is 30 feet. The building plan review indicates there is a 27-foot distance from the lot line to the existing building. They submitted their request for variance based on the substantiation provided from the Building Department as to why they are noncompliant. It was also pointed out to them that all of these houses are noncompliant. The representative from the Building Department apologized that they would have to go before the Zoning Board of Appeals, but that if the variance is granted, they can come back and obtain their permit. He confirmed that they applied for the permit. Mr. Grabowski showed the elevation plans drafted by his architect, showing the existing roofline and the existing concrete porch. The center of the new footing would be 3 feet 2 inches further out than the edge of the porch, and they have another extension of 1 foot 6 inches at the top. He calculated the total encroachment to be about 4 feet 8 inches.

Mr. Campbell questioned whether the resulting construction would be 4 feet 8 inches forward of the current house or into the setback.

Mr. Grabowski replied it would be forward of the current house going into the setback. He explained the current house is already 3 feet into the setback, just as all of the other houses on the street.

Mr. Campbell calculated that the total encroachment would be 4 feet 8 inches.

Mr. Pearl pointed out the plan shows 7 foot 7 inches.

Mr. Campbell confirmed the Building Department's denial indicates 7 feet. He suggested the variance be granted for 7 feet 8 inches.

Motion by Mr. Campbell, seconded by Mr. Pearl, with reference to File #19-6893 and application from Ms. Heather Jo Thatcher & Ms. Heather L. Casto-Thatcher, 18860 Santa Marie Street, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, concerning Lots 98 and 102, Moravian Hills #1 Subdivision, located at the southwest corner of Santa Marie and Crestlane, addressed as 18860 Santa Marie (Parcel #16-11-21-159-002), that variance be granted to permit the construction of a covered porch addition to the front of an existing home in the R-2 One-Family Residential District, resulting in a front yard setback of 22 feet 4 inches, which is 7 feet 8 inches less than the minimum required 30-foot front yard setback; further, this grant of variance is based on claimed practical difficulty that this will improve and update the appearance of the front of the house and the home is already noncompliant based on where the houses on the original street were placed; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Pearl stated that when Santa Ana and Santa Barbara Streets were redone, no one knew the County right-of-way was so far back. He noted it ended up being 20 feet onto their grass, resulting in all of the landscaping within that area having to be moved for the trenching and watermain work.

Ms. Thatcher admitted it was a mess, but she commented it looks great now.

Mr. Pearl felt what the petitioner is doing looks fantastic.

Ms. Thatcher stated they love their house and the area and are doing their best to make it as nice as they can.

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

LOT 292, WINSHALL VILLA SUBDIVISION, LOCATED AT THE SOUTHEAST CORNER OF LUCERNE AND SUFFOLK, ADDRESSED AS 35546 LUCERNE (PARCEL #16-11-27-307-001)

**- APPEAL: SFR – LUCERNE, 35546
FILE #19-6894: PETITIONED BY MS. JOYCE FULGHUM
REPRESENTED BY MR. BRYAN WINSTEN, OASIS POOLS**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated May 23rd, 2019 into the record. 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 none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Brian Winsten, of Oasis Custom Pools and Spas, representing the homeowner, 34701 East Wilma Court, Chesterfield, Michigan 48047, explained they are requesting a 4-foot variance for a side yard setback. He reviewed it with the Assistant Superintendent of Building, whom he claimed did not see any issues with it. He pointed out that the petitioner has a small corner lot and her garage is close to the house. The normal side yard setback is 6 feet but because the lot is a corner lot, she has to meet two front yard setbacks. She has an existing privacy fence and the pool would be completely concealed by that fence. He noted that the petitioner likes her house, the neighborhood and neighbors and the community so she does not want to move, but she would like this pool. He indicated they made the pool as small as they can to fit into this area, informing that the pool is 12-foot by 28-foot. In order to meet requirements, they would have to make it 8 feet in width, which is not practical. He indicated Ms. Fulghum talked with a few of her neighbors and claimed they have no issue with it, especially because they cannot see it at all. He did not feel this will have a negative effect on the neighborhood. He added that there are overhead wires and the pool has to be at least 10-feet away from those.

Mr. Campbell stated he viewed a photo of the property dated March 24th, 2019 on Google Earth, and it appears as though there is already a pool in that location.

Mr. Winsten replied that there was an above-ground pool, and at that time, she did not know she had to be 10 feet from the overhead wires. He replied to further inquiry that they will be removing that pool and installing underground electrical, for which he applied for permits about a month ago. He explained to locate the pool on this property, even at the location where it is proposed, they had to put in underground wires.

Mr. Campbell felt this is a definite improvement.

Motion by Mr. Pearl, seconded by Mr. D'Angelo, with reference to File #19-6894 and application from Ms. Joyce Fulghum, 35546 Lucerne, Clinton Township, Michigan 48035, as represented by Mr. Bryan Winsten, Oasis Custom Pools and Spas, 34701 E. Wilma Court, Chesterfield, Michigan 48047, for variance to Clinton Township Building

and Housing Code, Chapter 1492.04-(c), Swimming Pools, Location of Outdoor Pools, concerning Lot 292, Winshall Villa Subdivision, located at the southeast corner of Lucerne and Suffolk, addressed as 35546 Lucerne (Parcel #16-11-27-307-001), that variance be granted to permit the installation of an in-ground swimming pool for a single-family residence in the R-5 One-Family Residential District being located six (6) feet from the side street right-of-way, which is four (4) feet less than the minimum required distance of ten (10) feet from any side street right-of-way; further, this grant of variance is based on claimed practical difficulty being the existing side yard setback requirement for a corner lot; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call: Ayes – Pearl, D’Angelo, Campbell, Marella, Deyak. Nays – None. Absent – Marella, DiBartolomeo. Motion carried.

LOT 10, RIVERGATE RIDGE SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF LEELANAU TRAIL AND DUNHAM, ADDRESSED AS 43764 LEELANAU TRAIL (PARCEL #16-11-04-408-005)

**- APPEAL: SFR – LEELANAU TRAIL, 43764
FILE #19-6895: PETITIONED BY MR. DAVID SZARAMA
REPRESENTED BY MR. CARLOS CHEVEZ, PERFORMANCE REMODELING**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 5th, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 110 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 written replies received in response to the mailing.

Mr. David Szarama, 43764 Leelanau Trail, Clinton Township, Michigan 48038, explained he has a 12-foot by 12-foot poured concrete slab and he put down 24-inch by 24-inch patio blocks to make the deck larger, but he does not like the appearance. The deck is starting to get cracks in it, but he will be retiring in August or September, and he would like a nice place to sit in the mornings and enjoy his coffee.

Mr. Campbell commented that he has a very small rear yard based on the shape of the house.

Mr. Szarama agreed the house occupies a good portion of the lot.

Mr. Campbell stated he has no issue with the request based on that practical difficulty. He noted it is close to the neighbor to the rear.

Mr. Szarama assured he talked to the neighbors to the rear as well as on each side of his property, and he claimed they have no issues. He added his neighbors have some nice decks and pools as well. He questioned whether it is out of the realm of possibility if he would like to encroach into the rear yard by 4 feet rather than 2 feet, which would allow him to make the deck 2 feet larger. He further inquired as to whether he would

have to start over and resubmit plans to the Building Department and come back to this Board.

Mr. Campbell noted the petitioner is already proposing a 14-foot-wide deck, which he felt is a little unusual. He indicated the ordinance was written to easily allow a 12-foot-wide deck. He noted Mr. Szarama did indicate his neighbors had no problem.

Mr. Szarama stated his lot is enclosed with a 6-foot-high privacy fence. He replied to inquiry that he will be using Trex decking material.

Mr. Campbell questioned whether they have plans that reflect the 16-foot-wide deck.

Mr. Szarama replied they only have the plans for the 16-foot by 14-foot deck, not the 16-foot by 16-foot. He understands if this is a “show-stopper”, he will not pursue it.

Mr. Campbell stated it is a little unusual to modify the request when they get to this stage.

Mr. Pearl pointed out this Board has the authority to do so. He indicated the yard is totally enclosed by the privacy fence so no one will see it.

Motion by Mr. Pearl, seconded by Mr. D’Angelo, with reference to File #19-6895 and application from Mr. David Szarama, 43764 Leelanau Trail, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, concerning Lot 10, Rivergate Ridge Subdivision, located at the northeast corner of Leelanau Trail and Dunham, addressed as 43764 Leelanau Trail (Parcel #16-11-04-408-005), that variance be granted to permit the construction of a 16-foot by 16-foot deck on to the rear of a single-family home in the R-5 One-Family Residential District, with the deck being 19 feet from the rear lot line, which is 4 feet less than the minimum required 23-foot rear yard setback; further, this grant of variance is based on claimed practical difficulty being the small rear yard; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D’Angelo, Campbell, Mill, Deyak. Nays – None. Absent – Marella, DiBartolomeo. Motion carried.

REPORT OF MEETING

-- APPROVAL OF MAY 15TH, 2019 REPORT

Mr. Campbell requested the following correction:

Page 4, Paragraph 5 (title bar): Change “Movite” to “Movie”

Motion by Mr. Campbell, supported by Mr. D’Angelo, to approve the minutes of the May 15th, 2019 Report of Meeting, with the correction as noted. Motion carried (Mr. Deyak abstained).

BOARD OF APPEALS MEETING SCHEDULE

**-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:
WEDNESDAY, JULY 24TH, 2019 AT 6:30 P.M. (4TH WEDNESDAY)**

Mr. Thompson confirmed the next Board of Appeals meeting will be on Wednesday, July 24th, 2019 at 6:30 p.m.

Mr. Thompson stated there are two applications for sign variances for the following locations:

- BP Gas Station at Gratiot Avenue and Hall Road
- Panera Bread @ Partridge Plaza (Wm. P. Rosso Highway and Gratiot)

Mr. Campbell noted that is the fourth Wednesday of the month.

ADDITIONAL DISCUSSION

Mr. Pearl inquired as to whether they can check into why the Township Board handles fence variances.

Mr. Thompson replied the ordinance specifies that variance requests to the fence ordinance must go before the Township Board of Trustees.

Mr. Pearl claimed that in other communities, the Zoning Board of Appeals addresses fence variances.

Mr. Thompson offered to check with Mr. Dolan to discuss it and see what would be possible. He also suggested talking with the Board members to see if a majority are willing for that to change. He pointed out it is not a Zoning Ordinance issue, so it does not go before Planning Commission, but it falls in the Code of Ordinances, so it should be up to the Township Board of Trustees to make that determination.

Mr. Pearl felt it should be under the jurisdiction of the Zoning Board of Appeals.

Mr. Thompson felt it is one of those things that “has always been that way”. He assured he will look into it.

ADJOURNMENT

Motion by Mr. D'Angelo, supported by Mr. Campbell, to adjourn the meeting. Motion carried. The meeting adjourned at 7:06 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:06/26/19

ces:06/27/19

Approved 07/24/19