

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*WEDNESDAY, AUGUST 21, 2019*

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

ABSENT: Michael Deyak, Vice-Chairperson (Excused)

STAFF: Matt Wallace, AICP, Assistant 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. Mill, seconded by Mr. Campbell, to approve the agenda as presented.  
Motion carried.

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.

**LOT 34, MARTIN SUBDIVISION, LCOATED NORTH OF MORAVIAN, EAST OF GARFIELD, ADDRESSED AS 36655 MORAVIAN DRIVE (PARCEL #16-11-29-102-013)**

**- APPEAL: SFR – MORAVIAN, 36655  
FILE #19-6898: PETITIONED BY MR. TOM GRACE**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 21<sup>st</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 20 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. Tom Grace, 36724 Payne, Clinton Township, Michigan 48035, stated he would like to position the garage right at the end of the driveway, adding that the driveway is 90 feet in length. He explained the ordinance requires him to construct the garage completely behind the house, so he would have to put it in the area where there are a lot of trees.

Mr. Michael Barkume, 36640 Moravian, Clinton Township, Michigan 48035, homeowner across the street from the subject parcel, stated he would like to see a rendering of the proposed garage. He noted that the property has not been well-kept and estimated that about one-third of the yard is gravel. It was only cleaned up after the Ordinance Enforcement Officer issued a ticket. He is concerned that if the garage is positioned close to the front, they will be putting junk in the front. He claimed that the petitioner works in the construction business and assured that, although he does not have an issue with that, he is opposed to all of the equipment sitting outside in the winter. He estimated that the property is about one acre in size, so there is plenty of room to construct a nice garage in the rear yard, where everything will be hidden.

Mr. Jim Smith, 36625 Moravian, Clinton Township, Michigan 48035, stated he lives two houses away from the subject parcel, on the same side of Moravian. He expressed concern about how the property has been maintained, noting it has been an eyesore for the neighbors. He understood that approval of a variance gives the applicant a two-year period to complete the construction. He stated he is worried this will “lag on” and remain an eyesore for longer than necessary. He questioned whether this gravel driveway will be paved. He replied to inquiry that the driveway is gravel, and if there is not a cement or asphalt approach, he did not feel it would be consistent with the rest of the neighborhood. He does not have an objection to a larger garage, but does not understand why it needs to be closer to the road, other than a couple of trees that may have to be removed, and he does not know whether that is a valid reason for a grant of variance.

Mr. Grace replied to inquiry that he lives on Payne, which is about one-half mile away from the subject property.

Mr. Campbell advised that the petitioner's principal residence is on Payne, but this house is located on Moravian. He noted the petitioner just confirmed this is the case. He added that typically red flags have been raised in the past when absentee owners have requested to add to or build garages or structures on properties that are not their principal residence. He inquired as to the intended use for the garage.

Mr. Grace replied that he purchased the house about ten years ago for his mother. She passed away, so he rented it to his nephew. He apologized that his nephew was not taking care of the garden and made a mess of it. He stated he is trying to get permission to put in a garage at the end of the driveway so his nephew will have a place to put his vehicles, not construction equipment. He claimed there are a lot of gravel driveways in the neighborhood, and he did not want to have to extend it to the backyard, which would result in more labor and removing of trees and roots. He did not feel it would be an issue because he claimed it will still be behind the front building line of his house, even with his neighbor's garage. He apologized for the way the house ended up because of the actions of his nephew. He indicated he hired a landscaper to come in and clean it up, but he assured he did not purchase this property to use as a rental property and is only using it that way because his mother passed away. He explained he has no room to put anything in his small house, so that is why he is proposing to construct the garage. He replied to inquiry that he may possibly live there.

Mr. Barkume noted that this is proposed to be a detached garage, and he pointed out that the majority of homes in the area have attached garages. He felt this will detract from the value of the other properties in the neighborhood.

Mr. Campbell calculated that the lot is about 340 feet in depth, which is very large, and he felt for the petitioner to claim he has a practical difficulty because he does not want to remove a couple of trees or move a fence and is therefore seeking a variance to put the garage closer to the front of the house is not what he considers a valid practical difficulty. He explained that financial reasons cannot be considered as a valid basis for a grant of variance. He felt the fence and tree roots can be moved, and there is plenty of depth to construct the garage in the rear yard.

Mr. Marella suggested that if the petitioner attaches the house to the garage, he would be permitted to construct a larger garage. He stressed it would have to be attached to the house.

Mr. Grace stated he was concerned with matching the garage to the brick since the home was built in the 1950's, which is why he was proposing a stand-alone structure with siding.

Mr. Marella clarified that attaching the garage would only require a breezeway, connecting the roof of the garage to the roof of the house.

Mr. Pearl agreed with Mr. Campbell that a variance does not make a lot of sense in this case. He pointed out the existing gravel driveway is so wide, it does not meet current ordinance requirements, and it appears that half of the front yard is driveway. He could not recall any homes on Moravian having a detached garage in the front yard. He stated he is opposed to the variance request because there is plenty of room to build it in the back, and it will look better.

Mr. Mill questioned whether Mr. Grace is in the concrete business.

Mr. Grace replied he is not in the concrete business, but he does work for a contract company that does aerial work for Comcast.

Mr. Mill questioned whether he does not want the breezeway attached because he wants to bring things further back into the yard.

Mr. Grace replied he does not want it attached to the house and claimed he “did not give it that much thought”.

Motion by Mr. Campbell, seconded by Mr. Mill, with reference to File #19-6898 and application from Mr. Tom Grace, 36724 Payne, Clinton Township, Michigan 48035, as represented by Ms. Donna Grace, same address, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(c), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 34, Martin Subdivision (Section 29), located fronting the north line of Moravian, east of Garfield, addressed as 36655 Moravian (Parcel #16-11-29-102-013), that variance request to permit the construction of a detached accessory structure (two-car garage) for a single-family home in the R-1 One-Family Residential District, with a portion of the structure being located in the side yard, in front of the rear building line of the home, which is not permitted, be denied by reason that practical difficulty has not been presented and with the lot being 340 feet deep, the garage can be built in the appropriate location. Roll Call Vote: Ayes – Campbell, Marella, Pearl, D’Angelo, DiBartolomeo, Marella. Nays – None. Absent – Deyak. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF JULY 24<sup>TH</sup>, 2019 REPORT**

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Motion by Mr. D’Angelo, supported by Mr. Campbell, to approve the minutes of the July 24<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, SEPTEMBER 18<sup>TH</sup>, 2019 AT 6:30 P.M.**

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Mr. Wallace confirmed the next Board of Appeals meeting will be on Wednesday, September 18<sup>th</sup>, 2019 at 6:30 p.m.

Mr. Wallace stated there are three applications for consideration at the next meeting:

- Request for a side yard setback variance for placement of a swimming pool at a single-family residence
- Request for variance for a covered patio on a single-family residence to encroach 15 feet into the required 40-foot rear yard setback
- Request for variance to allow a second wall sign for a business

**ADJOURNMENT**

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Motion by Mr. Pearl, supported by Mr. D'Angelo, to adjourn the meeting. Motion carried. The meeting adjourned at 6:45 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:08/24/19

ces:08/26/19

ces:09/18/19

*Approved 09/18/19*