

CLINTON TOWNSHIP BOARD OF APPEALS

*REPORT OF MEETING
WEDNESDAY, SEPTEMBER 16TH, 2020*

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

ABSENT: 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. by remote participation via teleconference, and the Pledge of Allegiance was recited. Mr. Deyak chaired the meeting.

Mr. Deyak requested a moment of silence in memory of fellow Board of Appeals member, Tom Mill, who recently passed away.

Mr. Deyak advised that there are only five members of the Board of Appeals present this evening, and in order for a variance to be granted, a vote in favor by at least four members is required. He questioned whether anyone would like to postpone their item until they have a full board present, but no one indicated that choice.

APPROVAL OF AGENDA

Mr. Marella stated he visited the properties earlier today, and the petitioner for the first item on the agenda (SFR – McKishnie, 20195) had indicated to him that he intends to withdraw his request. He understood that the owner was going to call the Planning Department to advise them of his intent to withdraw. He felt if that was not done, possibly the item should remain on the agenda.

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

Mr. Deyak announced that this meeting is being held virtually via GoToMeeting. As a result of the Covid-19 pandemic, the Governor issued Emergency Order 20-154, authorizing remote participation of public meetings in order to avoid person-to-person contact. Prior to the Zoning Board of Appeals meeting, a dedicated email has been established, directing emails to the Zoning Board. A dedicated email address has been established to direct emails to the Zoning Board, which allows them contact via email to provide input and ask questions regarding agenda items prior to the meeting. He advised the email is zba@clintontownship-mi.gov. Throughout the meeting and on agenda items, emails relating to the specific agenda item will be read prior to the Zoning Board voting on each agenda item. Following consideration of all of the agenda items, persons who have connected remotely will be permitted to speak, adhering to existing rules of participation.

Mr. Deyak addressed the procedure related to public comment. The Chairperson will acknowledge all persons wishing to address the Board during the public comment period, and they are to provide their name and address. Comments will be limited to three (3) minutes, and comments must be confined to Zoning Board of Appeals business, being topics over which the Zoning Board of Appeals has authority and which involves Zoning Board of Appeals matters. Should the Board decide that a response to a specific question raised by persons in that Public Comment section is needed, they shall refer the questions to the Planning Department Director or his designee for further review.

Mr. Deyak explained that the Board of Appeals functions as a quasi-judicial body with specific powers and limitations, as outlined in various sections of the Zoning Ordinance and state statutes. He noted the Zoning Ordinance sets the standards the Board of Appeals must use in reaching any decision, and once the decision of the Board of Appeals becomes final, only the courts can modify or reverse that decision. He stated his board is not empowered to change the terms or intent of an ordinance. Anyone who wants to amend an ordinance must petition the Township Board of Trustees.

Mr. Deyak explained that before a variance can be granted, certain requirements must be satisfied: 1) Practical difficulty must be demonstrated; 2) Whether strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for permitted purpose or would render conformity unnecessary and burdensome; 3) Whether a variance would do substantial justice to the petitioner as well as to other property owners in the district or whether a lesser relaxation would give substantial relief and more consistent with justice to others; and 4) The plight of the owner is due to unique circumstances of the property.

LOT 13, SUPERVISOR'S PLAT OF McKISHINE FARMS SUBDIVISION, LOCATED NORTH OF McKISHNIE, SOUTH OF KENT, ADDRESSED AS 20195 McKISHNIE (PARCEL #16-11-33-254-020)

**- APPEAL: SFR – McKISHNIE, 20195
FILE #20-6942: PETITIONED BY MR. KEN BLEAU**

Mr. Campbell summarized the variance being requested. He advised that there was no new mailing because it was postponed from last month's meeting. He added that no additional comments have been received.

Mr. Deyak invited the petitioner to speak first; however, the petitioner was not online.

Mr. Marella indicated when he visited the site today, the petitioner's wife informed him that they were considering withdrawing this item until next year because they are running out of time this year with the building season ending soon.

Mr. Campbell felt the appropriate thing to do would be to postpone this item and ask the Department of Planning and Community Development to contact the petitioner and get an official request from them as to what they want done with their application. He stated he does not mind postponing it for ten months if that is what they would like to do, although he admitted that is rather unusual. He added that the Board is still waiting for clarifying information from them, which is why it was postponed from last month. He felt this does not stand as a completed request.

Mr. Marella does not know if their intent was to contact the Planning Department, although he advised them to do so. He suggested that they move this to the last item on tonight's agenda in the event they join the meeting late.

Mr. Merrill recalled the building was already in the ground, which was the purpose of requesting this variance.

Mr. Campbell replied he did not believe the building has been started.

Mr. Thompson stated the Board of Appeals has two choices: they can table it, and ask the petitioners to resubmit, or they can postpone it to the next meeting. He indicated if it is postponed to the next meeting and the petitioners submit something asking for their request to be withdrawn, they can remove the item from the agenda.

Mr. Campbell felt they should postpone the item to find out what is going on with it.

Motion by Mr. Campbell, seconded by Mr. Pearl, with reference to File #20-6942 and application from Mr. Ken Bleau, 20195 McKishnie, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 13, Supervisor's Plat of McKishine Farms Subdivision, located north of McKishnie,

south of Kent, addressed as 20195 McKishnie (Parcel #16-11-33-254-020), that further consideration of request for variance to permit construction of a 1,256-square-foot, 17-foot 11-inch high attached accessory structure (garage) for a single-family home in the R-5 One-Family Residential District, being: 1) 532 square feet in excess of the maximum permitted 724 square feet; and 2) 3 feet 11 inches in excess of the maximum permitted 14-foot height, be postponed; further, to ask the Planning Department to contact the petitioner and find out through written communication their intent regarding this petition.

Mr. Deyak opened the floor for public comments, but no one spoke.

Mr. Thompson confirmed there have been no emails received regarding this item.

Mr. Marella stated he would like discussion on the motion.

Mr. Pearl stated there is no discussion on a motion to postpone.

Mr. Marella understood there is no discussion on a motion to table, but he was not sure about a postponement.

Mr. Marella felt they should hold off with this motion until the end of the meeting. If the petitioner does not show up, then they can take that action.

Mr. Thompson replied the maker and seconder of the motion would have to withdraw.

Mr. Campbell stated he could not see what they would be gaining by delaying this until the end of the meeting, but he agreed to withdraw his motion.

Mr. Pearl withdrew his second.

Mr. Deyak stated they will hold off on this item until the end of the meeting before taking action.

Mr. Thompson informed that he is emailing the petitioner at this time and will let the Board know if he receives a response.

**0.902 ACRE OF LAND LOCATED EAST OF HAYES, SOUTH OF CANAL,
ADDRESSED AS 42400 HAYES ROAD (PARCEL #16-11-07-151-022)**

**- APPEAL: CLEAN VIEW AUTO WASH 4 (FKA LAKESIDE AUTO SPA)
FILE #20-6947: PETITIONED BY MR. FIRAS TOMAS,
OF CLEAN VIEW AUTO WASH 4, INC.
REPRESENTED BY MR. JOE DAKHI, OF ONE STOP SIGNS**

Mr. Campbell summarized the variance being requested. He explained that the requested variance as outlined in the analysis indicates part of the request is for a 50-

square-foot electronic message center, and this Board had granted a variance earlier this year to allow a 30-square-foot electronic message center. He noted it appears they are asking for an additional 20 square feet. He advised that notice of this public hearing was issued by regular mail to 61 owners and/or occupants of property located within 300 feet of the land in question, with 16 of those returned as undeliverable. He added that Mr. Thompson received one letter that came in late this afternoon regarding this petition.

Mr. Thompson apologized that his letter to the Board regarding this item includes a variance that was already reviewed and granted by the Zoning Board of Appeals at their May 20th, 2020 meeting. He added it is a typographical error on his part and he explained he had used their previous letter to write the new letter for this evening's agenda but forgot to remove the portion regarding the electronic message center. This Board already ruled on that, and the petitioner would have to request a rehearing to be able to have that item heard again. He clarified the Board of Appeals is only reviewing the variance requests for the wall-mounted signs. Mr. Thompson confirmed he received an email this afternoon and read it into the record:

- Ms. Andrea Bercich – resident agent of Beacon Office Center, an office complex directly to the north of the subject property; commented on the electronic message center sign request to be 50 square feet; thought it was already addressed by the Zoning Board of Appeals and was approved for 30 square feet; stressed anything greater than 30 square feet would inhibit the view of the office buildings to the north and would not be preferred; commented the wall signs proposed are professional.

Mr. Thompson noted that it was Ms. Bercich who drew his attention to the typo in the letter, so he thanked her so they could clarify and focus on what the petitioner is actually requesting. He replied to inquiry that this is a requested variance to allow two additional wall signs, as well as a variance request for the combined total square footage of the three wall signs.

Mr. Frank Toma, of Clean View Auto Wash, 44640 Morley Drive, Clinton Township, Michigan 48036, explained they want to have signage because the building to the north is blocking the view of their building. He stressed the wall signs would help with visibility for motorists heading south on Hayes. They have multiple locations, and this proposal correlates with their branding.

Mr. Joe Dakhi, 3731 Ravenswood, Marysville, Michigan 48040, explained this is their fourth location for which they have handled the signage in a similar manner. He acknowledged Zoning Boards of Appeals in other communities that have approved their requests. He explained the building to their north is blocking their building, and they had a similar situation in Chesterfield Township that was approved for almost the same circumstances. He pointed out they are only asking for twenty-five square feet in excess, and the steel structure would not look the same without the signage.

Mr. Deyak opened the floor for comments from the public, but no one spoke.

Mr. Thompson confirmed that he has received no emails.

Mr. Campbell did not feel three signs will help their visibility, noting the positioning of the three office buildings to the north completely block this building. He pointed out the pylon sign can be seen clearly by motorists traveling both north and south on Hayes. He did not feel the additional wall signs are needed at all. He pointed out it is a very recognizable structure, with office buildings to the north and a parking lot of a strip mall to the south, so he felt there is no question how people will see this location. He did not feel the addition of these small wall signs will make a difference.

Mr. Frank Toma, petitioner, explained the building on the north side blocks their building for southbound motorists. They are raising the elevations of the fascia and the car wash letters will make a huge difference on the visibility. He agreed with Mr. Campbell regarding the north side of the building, adding the sign is behind the sidewalk as well.

Mr. Marella agreed with Mr. Campbell, adding there is also a tree in front of the facility that blocks the west façade, so he felt asking for multiple signage is a waste.

Mr. Campbell explained they have granted a lot of variances for multiple wall signs where the petitioner makes the total combined square footage of the signage to not exceed that which would be allowed for one sign. He felt they can work within the sixty square feet they are allowed, and he would be willing to grant a variance for a total of two (2) wall signs wherever they want to place them, with the total combined square footage not exceeding 60 square feet.

Motion by Mr. Campbell, seconded by Mr. Pearl, with reference to File #20-6947 and application from Mr. Firas Toma, of Clean View Auto Wash 4, Inc., 44640 Morley Drive, Clinton Township, Michigan 48036, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, “Commercial sign”, “Wall sign”, concerning 0.902 acre of land fronting the east line of Hayes Road, south of Canal Road, addressed as 42400 Hayes road (Parcel #16-11-07-151-022), that variance be granted to permit the installation of two (2) wall-mounted signs on the building of a commercial business located in the B-2 Community Business District (Clean View Auto Wash 4, Inc.), being one (1) wall sign in excess of the maximum permitted one (1) wall sign; further, this grant of variance is contingent upon the total combined square footage of the two (2) wall signs is not to exceed sixty (60) square feet; further, this grant of variance is based on claimed hardship being the positioning of the abutting buildings which block the view of the subject location; further, this grant of variance is contingent upon compliance with all other Township ordinances. Discussion ensued.

Mr. Merrill stated he agrees with the second wall sign as long as the combined square footage total does not exceed what would be allowed for one sign. He assumed the second wall sign would go on the south side of their building, but he could see no

reason for putting one on the north, mainly because the adjacent office building is taller and the elevation is further west. He stated he supports the motion on the floor.

Mr. Toma replied to inquiry that he understands the motion on the floor. He assured they will work with the maximum they are allowed, and he appreciated the Board considering this request.

Mr. Thompson confirmed that no emails have been received.

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

**PART OF LOTS 10-14, AND LOT 18 (EXCEPT THE EAST 10'), UNION LAKE
SUBDIVISION, BEING 1.92 ACRES OF LAND ON THE WEST SIDE OF UNION LAKE
ROAD, SOUTH OF METRO PARKWAY (PARCEL #16-11-25-151-226)
- APPEAL: UNION LAKE VILLAS
FILE #20-6948: PETITIONED BY MR. DENO SKOLAS,
OF SKOLAS CONSTRUCTION**

Mr. Campbell summarized the variance being requested. He advised that notice of this public hearing was issued by regular mail to 221 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. He read one email from the following:

- Ms. Pat Gilchrist – opposed to the variance request; felt the property is very narrow, small, and not suitable to support development of an apartment complex; complained about the proposed distance of the building being only ten feet from their property line; concerned it will be an eyesore and will eliminate any privacy they have; complained about increased density being requested.

Mr. Thompson read an email he received this afternoon from the following:

- Mr. James Tocco – representative of Meadowbridge Association; variances have already been granted for reduced setbacks, reduced property width and reduced service drive width for two 6-unit buildings, and Association did not object to the project because they believed having a total of twelve (12) units would not materially impact the Association or violate spirit of the Zoning Code; Association is opposed to the request for fourth variance which would allow the development to exceed density requirements; urged Board to deny the density variance; could not see hardship was presented, other than economic reasons which cannot be considered as a hardship.

Mr. Deno Skolas, 767 Gravel Ridge Road, Leonard, Michigan 48367, explained they have been before the Board multiple times regarding this project. He stated they are trying to come up with a product that they can market on a unique piece of property that is long and narrow in shape. He pointed out the Board of Appeals granted three of the four variances in the past, and the only thing they are adding is that the two-story units

become another apartment. He assured this is not to double his profits but is just to make the project viable. They have invested a significant amount of money into it, and it was originally going to be condominiums; however, that market is no longer available and they are still sitting on this property. He stressed the taxes are current and they have been maintaining this property for over a decade. He understood that Meadowbridge has an argument, but he emphasized there is a privacy fence, and he suspected the residents want to enjoy the vacant property without the burden of the cost, and that is not how it works. He reiterated the Board of Appeals already approved three of the four variances, adding that he has invested a lot of money and time into the property and is seeking some relief in order to move forward.

Mr. Deyak opened the floor for public comments.

Ms. Kathryn Bittner, 24145 Meadowbridge – commented site does not affect her condominium; questioned four variances, especially density and how 24 units will fit; noted it is very narrow parcel.

Ms. Pat Gilchrist, 24473 Meadowbridge – resident directly to the south of the property; claimed Meadowbridge put up the fence, which had to be repaired by Mr. Skolas; concerned about garbage and rats; opposed to variance to allow more than double the density; felt variances should be denied because petitioner had the opportunity to develop this property a long time ago; concerned driveway will not be large enough for a truck to turn around; felt Township is putting all of their lives in danger if they approve this; complained it will be a two-story building ten feet from the fence; urged Board of Appeals to deny the request.

Ms. Jackie Szczepaniak, 24514 Meadowbridge – questioned where parking will be located if they are proposing more than double the units permitted.

Ms. Elaine [no last name given], on Meadowbridge – invited everyone on this Board to look at the property in person and they can decide whether 24 units on this property is too many.

Ms. Karen Martin, 24495 Meadowbridge – stated her back windows look into the woods, so she would be looking at a building; claimed this was supposed to be developed years ago; complained about 24 units being too much in this small area; have had problems with rats and other animals getting into their garbage; felt the request for density is too excessive; urged the Commission to deny this request.

Mr. Skolas stressed that the 10-foot setback is necessary. The fire trucks have a designated turnaround, and there are two parking spaces for every unit, including handicapped. The building footprints have not changed from the original and those approved were two stories. He did not feel it is fair to call it an eyesore, claiming it is far from that, and stressed it is a brand-new 20,000 square foot building and a viable

project for the community. He felt most of the concerns are not actually accurate and they have addressed each and every one of those concerns.

Ms. Gilchrist – felt if this is viable, it would have been done; commented that zoning laws are in place for a reason; felt this should not be allowed.

Mr. Pearl inquired as to whether Mr. Campbell could provide some history as to how many times this has been approved.

Mr. Campbell replied variances were approved in January 2005, and in April 2005, the Board of Appeals changed the side yard setback variance from the north side to the south side. He was going to ask Mr. Skolas his recollection of why they made this change. He noted the approval in April 2005 was the last time this came before the Board of Appeals. He vaguely recalled that they addressed something regarding this parcel in the 1990's that he believed Mr. Pearl was involved with on Union Lake Road.

Mr. Pearl replied it was a different project on a different parcel, and it was built in 1989. He clarified it had nothing to do with this property.

Mr. Campbell stated the variances that were granted in 2005 have expired. One of the questions he was going to ask the petitioner is the reason why they let the variances expire, as well as the question of why they changed the side yard setback variances. He believed they approved it based on the fact that nothing else would go in there and they did not want to deny them appropriate use of their property.

Mr. Pearl recalled the variances were approved in 2005, although it was not a unanimous vote. He questioned whether they renewed the variances at one point.

Mr. Campbell replied he did not believe so.

Mr. Thompson believed his recollection is correct, but he does not have the site plan file in front of him. He noted the Board of Appeals dealt with this item twice, and this is the third time. He indicated Mr. Skolas may have more information on that.

Mr. Pearl recalled approving the variances twice, and they are now all expired. He recalled the Township Board had a fight with the property owner about cleaning up the property after he did some of the underground work. He stated he felt no obligation to renew this again and felt 15 years is long enough to continue variances.

Mr. Marella agreed with Mr. Pearl. He felt this should have been developed in 2005 when he had his opportunity, and he neglected to take advantage of it.

Mr. Skolas stressed the downward economic spiral that took place in 2007 and 2008. He already had a significant amount of money invested in this project and they had to stop, although he clarified they never abandoned this project and have worked through the entire thing. They planted grass and have been mowing this property for over a

decade. They paid everyone who worked on it, but there was no way to make money on it during the recession, so they parked the project during that time. To resurrect the project, they pulled the building permit in 2007. Mr. Skolas stated he has been in Clinton Township for fifty years with Sargent Appliance. He pointed out this is a unique piece of property with some challenges, and all they need is a little cooperation with the Township. He emphasized that he did not walk away from this property but has been paying the taxes on it for fifteen years, and he took offense to the insinuation that he “abandoned” the project. He pointed out that they are not proposing to be any closer to the property line than they were when this was last approved. He explained the reason they switched the setback variance from the north side to the south side was to appease the neighbors at the time, which is what they wanted at the time. He added they do not want it now. Mr. Skolas stressed they have been working very hard on this project but they do not want it to be an economic disaster.

Mr. Pearl clarified that he did not insinuate that Mr. Skolas abandoned the Township, but only that he stopped everything because of the economy. He commended him for doing a great job with his commercial buildings and enterprise in Clinton Township, and he recalled approving variances for a building they recently constructed.

Mr. Skolas explained they just invested over \$4 million on 15 Mile Road.

Mr. Pearl agreed they did a great job and they are very reputable business people. He assured he is not questioning his integrity, and the Township worked hard with Mr. Skolas on the 15 Mile Road property. He felt the problem with the Union Lake property is that it is so narrow, and the Board approved him to go ahead two times.

Mr. Skolas explained they started doing some market research in 2008 and, even with the ability to go forward, the market would not support it. He pointed out they were required to put in a deceleration lane, a bypass lane, a retention pond, sanitary sewer, water main, and the storm sewer has all been done, so this property is ready to be developed. He felt it is a simple thing, with minimal impact to the surrounding property.

Mr. Pearl questioned whether Mr. Skolas can reduce the density.

Mr. Skolas replied they will have a \$2 million building that has to generate enough money in this market, and he pointed out that at this point, they cannot even evict people who are not paying, so it is very difficult to make money as a landlord. He assured they are willing and capable of building a nice product.

Mr. Pearl stated he does not mind tabling this so they can try to scale back the variances if the Board is interested. He questioned whether they are condominiums.

Mr. Skolas replied it is the same density, but at this point he replied they will be apartments.

Mr. Pearl questioned why he is going with apartments even though homes are selling very well.

Mr. Campbell agreed with Mr. Pearl. He would like to see this postponed to get a downscaled plan. He understood the petitioner's investment in the property, and he does not feel it would be fair to force him to abandon it. He commented, however, that a revised proposal with twenty-four living units is what is making a lot of people upset. He felt if they are downsizing from two-bedroom units to one-bedroom units, it gives them an opportunity to downsize the number of units. He stated he would be in favor of a development on that property but suggested possibly spacing between the units for appearance and wind flow. He is in favor of postponing it, possibly for up to several months to give the petitioner an opportunity to revise his plan.

Mr. Marella agreed with Mr. Campbell and Mr. Peal.

Mr. Deyak agreed as well, and felt the best option at this point is to postpone and let them work it out.

Motion by Mr. Pearl, seconded by Mr. Marella, with reference to File #20-6948 and application from Mr. Deno Skolas, of Skolas Construction, 767 Gravel Ridge, Leonard, Michigan 48367, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.1-f and -h, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart; and Chapter 1296.02-(a)-(10), Off-Street Parking and Loading, Space Layout Standards, Construction and Maintenance, concerning part of Lots 10 through 14, and Lot 18 (except the east 10 feet), Union Lake Subdivision, being vacant land located west of Union Lake Road, south of Metropolitan Parkway (Parcel #16-11-25-151-226), that further consideration of request for variance to permit the construction of a multi-family development in the RML Multiple-Family Residential (Low-Density) District (Union Lake Villas) with: 1) Proposed buildings having a 10-foot south side yard setback, being 25 feet less than the minimum required 35 foot setback; 2) The property being 85 feet in width, which is 15 feet less than the minimum required 100-foot width; 3) A total of 24 units, which is 11 units in excess of the maximum density requirement of 13 units for this property; and 4) A 24-foot-wide service drive, which is 3 feet less than the minimum required 27-foot width, be postponed for up to sixty (60) days to provide the petitioner an opportunity to work something out with the Planning Department to come up with less density. Discussion ensued.

Mr. Thompson confirmed that no additional emails have been received. He stated he will contact Mr. Skolas if this motion is approved.

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

2.6 ACRES OF LAND FRONTING THE NORTH LINE OF GLENWOOD, EAST OF GRATIOT, ADDRESSED AS 22741 GLENWOOD (PARCELS #16-11-26-326-012 AND -013)

**- APPEAL: SFR – GLENWOOD, 22741
FILE #20-6949: PETITIONED BY MR. MICHAEL LUNGU**

Mr. Campbell summarized the variance being requested. He advised that notice of this public hearing was issued by regular mail to 35 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable, and no correspondence received.

Mr. Thompson stated that there have been no emails received on this item.

Mr. Michael Lungu, 22741 Glenwood, Clinton Township, Michigan 48035, stated he purchased this home in the last six months and the previous owners had planned on constructing a pole barn, having already added a second driveway measuring 200 feet in length. Mr. Lungu stated he would like to go forward with the plans, and he explained he has a camper that he would like to be able to store inside, which is the reason for the additional height. He noted that he also has a snow removal trailer he would like to store in the pole barn. He wants a nice-looking home without trailers sitting outside, so having the additional 19 inches on the barn would enable him to have 12-foot walls. He needs a door measuring a minimum height of 11 feet to be able to get the camper inside. He was with the understanding that the building cannot be any more than 2 percent of the square footage of the property. He calculated that 2 percent would equate to 2,240 square feet, but he did not realize there was a limitation on square footage. He explained he is a senior citizen and he needs to be able to work in the pole barn, adding that his wife wants the garage for storage and does not want his work area in there. He pointed out the property is 650 feet by 194 feet with a lot of grass, so he would like to be able to service his lawnmower. He has a couple of ATV's with snow plows on them so he will be able to keep the snow removed from his property. He stressed they love this site and are anxious to get it the way they want it. His brother-in-law is a very reputable builder and owns a construction business (Lesniak Construction), so he will be doing the construction of the pole barn. He is also a Detroit firefighter and the construction business is his side job. He does not foresee any issues, and he hopes to enhance the neighborhood with a nice-looking building. He cited several other pole barns in his neighborhood, and he spoke to all of his neighbors. He claimed none of his neighbors had any objection, and he included signed letters from those neighbors in his application package. He requested consideration of this request and assured he will do everything he can to make this property look very nice.

Mr. Thompson confirmed that no additional emails were received.

Mr. Deyak opened the floor for comments from the participating audience, but there were none.

Mr. Thompson noted the petitioner had mentioned the square footage, and after looking at the survey again and doing the calculation, he calculated that 2 percent of his overall property equates to 2,278 square feet, less the 2,400 being requested, the variance should only be for 122 square feet.

Mr. Campbell questioned the multiple calculations on the size of the lot. He noted the Building Department came up with one calculation, Mr. Thompson just did another calculation, and he did a calculation using Assessing's records. He explained when adding the two pieces of property together based on the size of the Assessing Department's records, it indicates 108,327 square feet, and 2 percent of that is 2,165 square feet. The question remains as to the size of the property, but there is also a question as to the size of the building being proposed. The Building Department labeled it as a 2,400-square-foot building, but when looking at the dimensions on the plans, being 56 feet by 40 feet, it calculates as a 2,240-square-foot building. He does not know what the Building Department was looking at when they processed this request is questionable. Mr. Lungu's application mentions putting a lift in to do repair work on his cars and vehicles.

Mr. Lungu replied he has a bad back and needs to be able to lift the lawnmower up to work on the blades. He also has snowmobiles, and he has bad knees so he has to be able to have something to lift it up. He assured he is not trying to lift a car or a truck, only his lawnmower, snowmobile or ATV. He replied to inquiry that the lifts are approximately 10 feet in height, so 12-foot walls would accommodate the 10-foot lift without touching the ceiling. It would also accommodate the camper.

Mr. Campbell questioned whether Mr. Lungu is doing any major automotive work.

Mr. Lungu replied that he is an automotive designer, so his hands are very un-calloused. He stated he is a designer at Ford Dearborn, so he will be working for some time to pay for this house.

Mr. Campbell stated he hates to postpone another request, but he felt they need clarification on the request and whether he needs a variance on the size of the building. He felt Mr. Lungu makes a good case for what he wants, and he added that he would be willing to make a motion to approve the additional height of the building, noting that a variance is not needed for the size of the building because it is less than 2 percent of the land area.

Mr. Thompson stated his calculations came from a Certificate of Survey dated July 10, 2020, and it is a certified survey of the lot in question. He indicated his calculations are based on that and the size of the building, as confirmed by Mr. Lungu, so it is his opinion that a variance for the size of the building is not necessary. He felt they must rely on the Certificate of Survey performed by a licensed surveyor as the most accurate determining factor as to area of property. He is confident in saying that an area variance, based on the measurements of the proposed structure provided by the petitioner, is not necessary.

Mr. Campbell questioned whether Mr. Lungu will have a problem when he pulls the permit from the Building Department if this Board does not grant an area variance but only the height variance.

Mr. Thompson assured he will contact the Building Department first thing tomorrow morning to let them know.

Mr. Merrill questioned the square footage of the property.

Mr. Thompson replied the survey contains 113,889 square feet, multiplied by 2 percent, which equals 2,277.78 square feet allowed. The petitioner is requesting a structure measuring 2,240 square feet, so he would be allowed an additional 38 square feet. He assured he will inform the Building Department and provide them with a copy of the survey. He will explain the discussion of this Board based on the calculations and the determination that a variance for the area of the structure is not necessary.

Mr. Pearl questioned whether Mr. Thompson's calculations are based on the reduced size of the land by the house.

Mr. Thompson replied it was based on the size of the overall property, which is slightly over 113,000 square feet.

Mr. Pearl noted that around the house, it shows there is a smaller area coming off of the street, and it expands into a larger area.

Mr. Thompson stated the square footage on the survey is for the "combined legal description", so it the total land area of both parcels combined.

Mr. Lungu explained that the parcel numbers, as reflected as #16-11-26-326-012 and -013 have been combined and are now referred to as #16-11-26-326-018. He has a letter from the Assessing Department to confirm this combination of property.

Mr. Thompson stated that is why the Certificate of Survey was done, and that is required to accomplish the land combination.

Motion by Mr. Campbell, seconded by Mr. Marella, with reference to File #20-6949 and application from Mr. Michael Lungu, 22741 Glenwood Street, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b) and (j), Supplementary Regulations, Accessory Structures (Including Garages), concerning 2.6 acres fronting the north line of Glenwood, east of Gratiot, addressed as 22741 Glenwood, that variance be granted to permit construction of a 2,240-square-foot, 15-foot 7-inch high detached accessory structure (pole barn) for a single-family residence in the R-3 One-Family Residential District being 1 foot 7 inches in excess of the maximum permitted height of 14 feet; further, this grant of variance is based on claimed practical difficulty that the additional height will accommodate the 12-

foot-high door needed to store his camper; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances.

Mr. Thompson confirmed that no emails have been received.

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

LOT 13, SUPERVISOR'S PLAT OF McKISHINE FARMS SUBDIVISION, LOCATED NORTH OF McKISHNIE, SOUTH OF KENT, ADDRESSED AS 20195 McKISHNIE (PARCEL #16-11-33-254-020)

- **APPEAL: SFR – McKISHNIE, 20195**
FILE #20-6942: PETITIONED BY MR. KEN BLEAU

Mr. Thompson stated this was tabled from earlier in the meeting, but he has received no response from the petitioner.

Motion by Mr. Marella, seconded by Mr. Pearl, with reference to File #20-6942 and application from Mr. Ken Bleau, 20195 McKishnie, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 13, Supervisor's Plat of McKishine Farms Subdivision, located north of McKishnie, south of Kent, addressed as 20195 McKishnie (Parcel #16-11-33-254-020), that further consideration of request for variance to permit construction of a 1,256-square-foot, 17-foot 11-inch high attached accessory structure (garage) for a single-family home in the R-5 One-Family Residential District, being: 1) 532 square feet in excess of the maximum permitted 724 square feet; and 2) 3 feet 11 inches in excess of the maximum permitted 14-foot height, be postponed for up to sixty (60) days. Discussion ensued.

Mr. Campbell inquired as to whether the motion maker and supporter would consider adding the following to the motion on the floor:

Further, to ask the Planning Department to contact the petitioner and find out through written communication his intent regarding this petition.

Mr. Marella **amended his motion**, and Mr. Pearl **amended his support**, to include the following on the motion on the floor:

Further, to ask the Planning Department to contact the petitioner and find out through written communication his intent regarding this petition.

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

PUBLIC COMMENTS

Mr. Deyak opened the floor for public comments, but no one spoke.

Mr. Thompson confirmed that no emails were received.

REPORTS OF MEETINGS

-- APPROVAL OF AUGUST 19TH, 2020 REPORT

Mr. Campbell requested that this be postponed to tomorrow night's meeting.

Motion by Mr. Campbell, seconded by Mr. Merrill, to postpone this approval to tomorrow night's meeting agenda. Motion carried.

ADJOURNMENT

Motion by Mr. Marella, supported by Mr. Deyak, to adjourn the meeting. Motion carried.
The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:09/25/20

ces:09/25/20

Approved 10/21/20