

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING
WEDNESDAY, OCTOBER 16TH, 2019

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

ABSENT: Francis Marella, Chairperson (Excused)
James D'Angelo (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.

APPROVAL OF AGENDA

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.

Mr. Deyak further explained that there are four Board of Appeals members present this evening, which is a quorum; however, it takes four votes of this Board to approve a variance. He advised if anyone would like to have consideration of their petition postponed to the next meeting, they can make that request.

Mr. Campbell stated the petitioner for Item #2 – Montclair at Partridge Creek, spoke to him prior to the meeting and indicated they would be agreeable to reversing the order of

Items #2 and #3 on the agenda, so their item would be last on the agenda. He noted that would make the single-family home on Woodward the second item on the agenda.

Motion by Mr. Pearl, seconded by Mr. Campbell, to approve the agenda with the switching of the order of Items #2 and #3. Motion carried.

LOT 170, THORNTON SUBDIVISION, LOCATED WEST OF SCHROEDER, NORTH OF 17 MILE ROAD, ADDRESSED AS 39067 SCHROEDER (PARCEL #16-11-17-381-009)

- **APPEAL: SFR – SCHROEDER, 39067
(POSTPONED FROM SEPTEMBER 18TH, 2019)
FILE #19-6899: PETITIONED BY MR. MICHAEL A. SARDELLI,
SARDELLI POOLS, INC.**

Mr. Campbell stated this was postponed from the September 18th, 2019 meeting. There was no additional mailing because this was postponed to a specific date.

Mr. Steve Hajgato, 39067 Schroeder, Clinton Township, Michigan 48038, owner of the subject property, and Mr. Michael A. Sardelli, of Sardelli Pools, was present.

Mr. Sardelli explained that since they were before this Board last month, they went the next day on this Board's request and closed the pool immediately. They immediately put up a temporary fence, and he added that within about a week, the owner had put up a permanent fence around the pool.

Mr. Hajgato was instructed by this Board to bring in a survey of the property, and he presented the survey to the Board.

Mr. Sardelli stated they are seeking the variance as requested and would appreciate the Board's consideration.

Mr. Campbell questioned what the survey shows in terms of the distance of the pool from the side yard.

Mr. Hajgato replied it shows it is within five inches.

Mr. Sardelli replied that the variance requested is 0.61 foot, and the survey reflects it is actually less than that.

The Board looked at the survey, and Mr. Campbell confirmed that the survey reflects the pool is 5.39 feet from the property line, which is 0.61 foot less than the required 6-foot setback, so the variance as requested is valid.

Mr. Campbell commented that the fence is very attractive and he indicated they acted immediately after the last meeting. He questioned how the pool got in the wrong location.

Mr. Sardelli replied that he has a print and he provides that to the diggers. He explained the diggers should take care of that and it should not be off. He stated he was not there when they dug or shot the shell, so he does not know what happened.

Mr. Campbell did not feel anyone would ask them to dig a pool up for a matter of one-half foot, but he questioned why it occurred.

Mr. Sardelli agreed it should not have happened.

Mr. Campbell stated they have had cases in the past where the homeowner has asked the contractor to move it over a couple of extra inches for one reason or another.

Motion by Mr. Pearl, seconded by Mr. Mill, with reference to File #19-6899 and application from Mr. Michael A. Sardelli, of Sardelli Pools, Inc., 31250 Van Dyke, Warren, Michigan 48093, for variance to Clinton Township Planning and Zoning Code, Chapter 1258.02-(r)-(5), R-0 through R-5 One-Family Residential Districts, Principal Uses Permitted, Swimming Pools, concerning Lot 170, Thornton Subdivision (Section 17), generally located fronting the west line of Schroeder, north of 17 Mile Road, addressed as 39067 Schroeder, that variance be granted to permit the continued existence of a swimming pool in the R-5 One-Family Residential District, located 5.39 feet from the side lot line, which is 0.61 foot less than the minimum required 6-foot side yard setback; further, this grant of variance is based on claimed practical difficulty that the pool is already there, and the fact that the permanent fence has been installed around the pool as required; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Deyak requested that the motion include the stipulation that a copy of the survey shown tonight needs to be presented to the Planning Department.

Mr. Pearl **amended his motion**, and Mr. Mill **amended his support**, to add that a copy of the survey shown tonight needs to be presented to the Planning Department.

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

Mr. Hajgato confirmed the copy he brought up for the Board to view tonight is for their record and they can keep that survey.

LOT 917, GRATIOT CITY SUBDIVISION, LOCATED SOUTH OF WOODWARD, EAST OF BEACONSFIELD, ADDRESSED AS 19822 WOODWARD (PARCEL #16-11-33-206-022) (PREVIOUSLY ITEM #3 ON TONIGHT'S AGENDA)

- **APPEAL: SFR – WOODWARD, 19822
FILE #19-6903: PETITIONED BY MS. SHARON MIRIANI
REPRESENTED BY MR. ERIC CALDERON**
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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 24th, 2019 into the record. He explained the purpose of the request has been adjusted from what was in the notice to recognize a correction. They are seeking a variance of one (1) foot from the west lot line, which is two (2) feet less than the minimum required three (3) foot minimum side yard setback. This results in the total combined side yard setbacks being 5.70 feet, which is less than the minimum required total of 12 feet. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 88 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 written replies received in response to the mailing.

Mr. Eric Calderon, 5292 Southway, Swartz Creek, Michigan, 48473, representing Ms. Miriani, who is the homeowner, explained they are seeking permission to construct a carport off of the existing home. He explained Ms. Miriani is getting older and last year she fell walking out of her house in the snow. She would like to have a covered area to park her car and let her dog outside. She explained that in order to meet ordinance requirements, the carport width would not accommodate her vehicle. They are proposing a carport the length of the house, which is 36 feet. He explained that to come in another foot would encroach onto the concrete, which is doable, but it would provide her less access to her vehicle.

Mr. Campbell stated he sees this as a safety issue and merits approval for the safety of people coming in and out of the house. He pointed out there is no other place to go with this carport, adding it is a narrow driveway, and it would not serve the intended purpose to put it in the rear yard.

Mr. Mill agreed with Mr. Campbell and commented if this was in the rear yard, the petitioner would have to walk a long way outside to gain access to her vehicle.

Motion by Mr. Campbell, seconded by Mr. Deyak, with reference to File #19-6903 and application from Ms. Sharon Miriani, 19822 Woodward Street, Clinton Township, Michigan 48035, as represented by Mr. Eric Calderon, 5292 Southway, Swartz Creek, Michigan 48473, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01, Land Use Regulations, Footnotes to Schedule of Regulations Chart, concerning Lot 917, Gratiot City Subdivision (Section 33), located fronting the south line of Woodward Street, east of Beaconsfield Street, addressed as 19822 Woodward Street, that variance be granted to permit the construction of an accessory structure (carport) for a single-family home in the R-5 One-Family Residential District, with: 1) A

distance of one (1) foot from the west property line, being two (2) feet less than the minimum required three (3) feet; and 2) The combined total of the side yard setbacks being 5.7 feet, which is 6.3 feet less than the minimum required combined total of 12 feet; further, this grant of variance is based on claimed practical difficulty that it is needed for the safety of the homeowner getting in and out of the house, as well as the safety in parking the vehicle; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Deyak, Mill, Pearl. Nays – None. Absent – Marella, D'Angelo, DiBartolomeo. Motion carried.

38.47 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF PARTRIDGE CREEK BOULEVARD, WEST OF ROMEO PLANK ROAD (PARCEL #16-11-05-100-068) (PREVIOUSLY ITEM #2 ON TONIGHT'S AGENDA)

**- APPEAL: MONTCLAIR AT PARTRIDGE CREEK
FILE #19-6902: PETITIONED BY MR. DOMINIC F. MOCERI,
PARTRIDGE CREEK HOLDINGS LLC**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated September 6th, 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 none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Dominic Mocerri, of Montclair Partridge Creek LLC, Montage Boulevard, Clinton Township, Michigan 48038, explained of the nine variances requested, seven of them are preexisting as two of their splits have already occurred for them to be separate sections. He stated each lender requires its own Sidwell number, and they have separate Sidwell numbers on three existing parcels, with three future splits. They are not changing the site plan that was approved in 2014, so that will be consistent. They are not requesting any variances for the perimeter of the property, so none of the contiguous properties adjacent to Partridge Creek will be affected. The only properties affected are those that will have same or like ownership. He stressed this is a very large project, costing nearly \$200 million, and several lenders are involved, with each one needing its own Sidwell number. Mr. Mocerri emphasized they are not seeking any variances that affect any neighboring properties, so it is all internal. He stated Mr. Steve Pangori, the engineer for the project, as well as his nephew, Mr. Francis Mocerri, the project manager, are present this evening to answer any detailed questions the Board may have.

Mr. Campbell commented that, in looking at the property, he is very impressed with the way this is being developed. In looking at where the distances may be shorter, he felt there is enough open space that the variances will not in any way change or diminish the character of the development. He could see no reason to not grant the variance.

Mr. Pearl agreed with Mr. Campbell. He stated the Moceris have a fantastic development and they have done everything they said they would do. He pointed out that they did not request any variances when they came in with their original plan. He agreed these are internal variances necessary to get the banks to finance the projects. He commended them on keeping the project up well and considered it a jewel for Clinton Township to have this development. He could see no reason why this variance would not be approved.

Motion by Mr. Pearl, seconded by Mr. Mill, with reference to File #19-6902 and application from Mr. Dominic F. Moceris, Partridge Creek Holdings LLC, 3005 University, Auburn Hills, Michigan 48326, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(h), Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulation Chart, Minimum Building Setback in RML District, concerning 38.47 acres of vacant land located north of Partridge Creek Boulevard, west of Romeo Plank Road (Parcel #16-11-05-100-068), that variance be granted to permit a large parcel of land zoned RML Multiple-Family Residential (Low-Density), currently being developed with apartments (Montclair at Partridge Creek), to be split so that each phase of the development will be on a separate parcel, resulting in the minimum required 35-foot setback for all buildings from any lot line not being met for the following buildings:

Building 36	18-foot rear yard setback variance
Building 37	18-foot rear yard setback variance
Building 38	14.7-foot side yard setback variance
Building 39	10.3-foot rear yard setback variance
Building 40	25.1-foot rear yard setback variance
Building 45	5.4-foot side yard setback variance
Building 48	6-foot side yard setback variance
Building 49	29.8-foot rear yard setback variance
Building 50	27-foot rear yard setback variance

Further, these variances are granted based on the claimed practical difficulty that the financial institutions for the funding of these projects require separate Sidwell numbers; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Mill, Campbell, Deyak. Nays – None. Absent – Marella, D’Angelo, DiBartolomeo. Motion carried.

REPORT OF MEETING

-- APPROVAL OF SEPTEMBER 18TH, 2019 REPORT

Motion by Mr. Campbell, supported by Mr. Mill, to approve the minutes of the September 18th, 2019 Report of Meeting, as presented this evening. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- **CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:**
WEDNESDAY, NOVEMBER 13TH, 2019 AT 6:30 P.M.

Mr. Thompson confirmed the next Board of Appeals meeting will be on Wednesday, November 13th, 2019 at 6:30 p.m., which is the second Wednesday of the month.

Mr. Thompson stated there are four applications for consideration at the next meeting.

ADJOURNMENT

Motion by Mr. Campbell, supported by Mr. Pearl, to adjourn the meeting. Motion carried. The meeting adjourned at 6:49 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:10/18/19

ces:10/22/19

Approved 11/13/19