

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*THURSDAY, JUNE 21<sup>ST</sup>, 2018*

PRESENT: Francis Marella, Chairperson  
James D'Angelo, Vice-Chairperson  
Robert M. Campbell, Secretary  
Michael Deyak  
Kenneth Pearl  
Denise C. Trombley

ABSENT: Ernest Hornung (Excused)

STAFF: None

The meeting was called to order at 6:30 p.m.

### **APPROVAL OF AGENDA**

Motion by Mr. Pearl, supported by Mr. Deyak, to approve the agenda as submitted.  
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 12, EBERLIN SUBDIVISION, LOCATED FRONTING THE WEST LINE OF WILLIS COURT, SOUTH OF GLENWOOD, ADDRESSED AS 35641 WILLIS COURT (SECTION 27)**

**- APPEAL: SFR – WILLIS COURT, 35641  
FILE #18-6833: PETITIONED BY MS. SYDNEY KERR**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 4<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 33 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were three written replies of opposition in response to the mailing, and those were read into the record. He indicated the first was an email from “a concerned neighbor”, the second was an email from Mr. Calvin Chun, and the third was received in the mail with a copy of the notice attached and signed “a concerned citizen”.

Ms. Sydney Kerr, 35641 Willis Court, Clinton Township, Michigan 48035, provided a packet of information to the Board of Appeals, and explained the first page is an outline of their personal belongings they intend to keep in the garage. The second page is a picture of the garage the way it was when they moved in, measuring 20 feet by 25 feet at that time. There is a photo of the cars she currently has parked in the rear yard to show the distance she has that is workable for what she owns. She explained they are asking for the variance because she felt most two-car garages are designed for sedans, and their vehicles are larger, consisting of pick-up trucks and SUV’s. She stressed the biggest issue is not the storage but also having the room to work in the garage. They lost their garage to a fire in December and have not been able to work on their cars since. They have not been living there long and would not have been able to store a lot of their belongings because they would not have fit. She noted she had a small woodworking shop, but to rebuild the garage the same size would not afford her the ability to enjoy everything she owns or utilize what she has. They drew up plans for rebuilding the garage with an addition, so they would have more room for storage, for working on their cars, and include a woodworking area where they would not have to pull everything out to use it.

Mr. Campbell indicated there are four pages in the packet submitted by Ms. Kerr, and he read the first page listing all the material they want to put into their garage, including a Chevy Tahoe, which is a full-size SUV; a Chevy Colorado, which is a pick-up; and a Ford Bronco; a Jeep Wrangler, which is built for off-road riding. He noted the list also includes a motorcycle, dirt bikes, a snowmobile and lawn care equipment. They are proposing a 25-foot by 30-foot structure. He read the remainder of the page, which included their need for the larger structure, and he passed the packet to the other Board members, so they could look at the sketch and pictures.

Mr. Campbell stated he is puzzled because he has never seen a garage this size challenged by so many neighbors. He questioned the petitioner as to whether she

knew the reason why these neighbors are opposed. He commented there are a lot of oversized garages in Clinton Township that allow for safe storage of vehicles and belongings. He felt this is a reasonable request, and although he has seen opposition to 2,000-square-foot structures, he pointed this is only 750 square feet.

Ms. Kerr was surprised to hear the opposition as well, noting that Willis Court is up against Glenwood, and many of the homes on that street have oversized garages. She admitted she has had some small issues with a neighbor because the fire damaged the siding on her neighbor's house. She has not talked with many of her neighbors, but she was surprised there were so many responses. She pointed out there is no one living behind her, and her immediate neighbors to the north and south of her had no objections. Ms. Kerr pointed out that the addition is in the back, so it is not visible from the street.

Mr. Campbell inquired as to which vehicle is being stored offsite.

Ms. Kerr replied the Jeep Wrangler is currently being stored offsite but will eventually be kept in the garage. The truck is also being kept offsite because she did not have the room to bring them both, so they are both in northern Michigan at this time. She added the motorcycle has always been at her house, but the last two were previously stored offsite.

Mr. Campbell stated 650 square feet is not a big garage, especially since vehicles are larger than they used to be.

Mr. D'Angelo inquired as to whether the garage is going to be 30 feet across.

Ms. Kerr replied it should be five additional feet going along the back side of the house, and ten additional feet going towards the back of the property, so it will be 25 feet across and 30 feet deep.

Mr. D'Angelo commented that the drawing reflects the opposite dimensions.

Mr. Pearl stated it is proposed to be 25 feet in width by 30 feet in depth, although it is not drawn right on the sketch.

Mr. D'Angelo questioned the height of the garage at the peak.

Ms. Kerr stated she was told it would be like the peak on the former garage. She was given an option between a high peak or the one similar. She recalled he had said the high peak would still be angled. She stated she was hoping her contractor would be present tonight but indicated he had an emergency and could not attend.

Mr. D'Angelo inquired as to the woodworking that Ms. Kerr is proposing to do in her garage.

Ms. Kerr replied that she recently got into woodworking. She explained she works with metal in the automotive trade and got bored, so she picked up some of her dad's woodworking tools and has made dog bowl holders, custom signs, etc. She would like to get better at it and have a few more tools in the garage. She confirmed that the shed was removed when they asked the previous homeowners to take it down.

Mr. Marella inquired as to whether this is a professional design.

Ms. Kerr stated she submitted it to the Building Department along with all her other paperwork when applying for the permit. She replied to inquiry that the structure will have walls measuring 10 feet in height.

Mr. Marella inquired as to the height of the roof.

Ms. Kerr assumed since she submitted all her paperwork through the Building Department, that information would have been included.

Mr. Pearl pointed out it will have to be built to code.

Mr. Campbell felt the Building Department would have indicated that on their denial if it exceeded the maximum height permitted.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File #18-6833 and application from Ms. Sydney Kerr, 35641 Willis Court, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 12, Eberlin Subdivision (Section 27), generally located west of Willis Court, south of Glenwood, addressed as 35641 Willis Court, that variance be granted to permit the reconstruction of a detached accessory structure (which was destroyed by fire) for a single-family home in the R-5 One-Family Residential District, measuring 25 feet by 30 feet, for a total of 750 square feet, which is 100 square feet in excess of the maximum permitted 650 square feet; further, this grant of variance is based on claimed practical difficulty that the space is needed for the petitioner's woodworking hobby, as well as to safety store her vehicles inside; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, D'Angelo, Campbell, Deyak, Trombley, Marella. Nays – None. Absent – None. Motion carried.

Mr. Pearl cautioned the petitioner to make sure her plans meet Township ordinance requirements. He pointed out that, when purchasing a package for an accessory structure, it is not designed with Clinton Township's ordinances in mind.

Ms. Kerr stated that she submitted the entire package to the Building Department, and it contained the height of the proposed structure. She assumed if there was an issue with the height, the Building Department would have addressed that when they addressed the size of the structure.

**0.725 ACRE OF LAND LOCATED WEST OF HARPER AVENUE, NORTH OF QUINN ROAD, ADDRESSED AS 34355 HARPER AVENUE (SECTION 35)**

**- APPEAL: J.D.M. INDUSTRIAL BUILDING  
FILE #18-6835: PETITIONED BY MR. ANTONIO DIREZZE,  
V & O CONTRACTING, INC.**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 4<sup>th</sup>, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 171 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. Antonio Direzze, 34355 Harper, Clinton Township, Michigan 48035, explained they have plans for a 6,000-square-foot industrial building. He believed the original setback was 25 feet, but the ordinance has since been changed to require a 60-foot setback. They would like to put parking in the front because the parcel is so narrow, measuring only 75 feet in width. The building will be 150 feet deep, and he will have 44 parking spaces in the front, which will put him another 40 feet back beyond the setback. He stated he does not want the parking in the back because that would push the building forward.

Ms. Colleen Moore, 34363 Harper, Clinton Township, Michigan 48035, homeowner adjacent to this site, questioned where they are proposing to put this building and whether it will affect her property. She complained they do not have enough room to turn their trucks around now. She questioned whether they are going to tear down the existing house and garage, or whether the new building will go behind those structures. She replied that she has not seen the plans.

Mr. Marella invited Ms. Moore to view the plans. He confirmed that the house will be torn down.

Mr. Campbell confirmed the garage will be gone as well.

Ms. Moore claimed the petitioner is encroaching onto her property now to turn his trucks around, and the fence is gone. She is not exactly sure of the property line location because the fence is gone. She commented that, after looking at the plans, she does not have an issue with them.

Mr. Pearl explained they are addressing the parking in the front at this meeting, but this will need to be forwarded to the Planning Commission, and they will be able to address Ms. Moore's questions.

Discussion took place regarding the issue of whether the petitioner will need to put up a fence or wall to separate the two properties.

Ms. Moore claimed her property is residential, although all the other properties surrounding her are commercial.

Mr. Campbell explained that if Ms. Moore's property is zoned residential, the petitioner would be required to put up a wall between the two parcels.

Ms. Moore admitted that her property may be zoned I-1 Light Industrial.

Mr. Campbell clarified that the only distinction that will come up at the Planning Commission, prior to being submitted to the Township Board, is the issue of whether the petitioner needs to build a fence or wall to separate his property from her property. If they are both I-1 Light Industrial, a wall or fence will not be required. He noted that is the problem when zonings in neighborhoods are changed or where there is a lot of blanket zoning for industrial, because that removes requirements to build walls or fences between the properties.

Ms. Moore stated she has been there since 1949. She estimated the zoning may have changed around 1975 or 1976 because that is when the factory went up on the other side of her.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6835 and application from Mr. Antonio Direzze, of V & O Contracting, Inc., 34355 Harper, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-q, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning 0.725 acre of vacant land fronting the west line of Harper Avenue, north of Quinn Road (Parcel #16-11-35-252-012) (Section 35), that variance be granted to permit the construction of an industrial building in the I-1 Light Industrial District (J.D.M. Industrial Building), with parking to be located within the minimum required 60-foot front yard setback, which is not allowed; further, this grant of variance is based on claimed practical difficulty that other industrial properties along Harper have a 25-foot front yard setback and parking is located in the front on those properties; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Marella, Pearl, Trombley, D'Angelo, Deyak. Nays – None. Absent – Hornung. Motion carried.

**LOTS 15-18, INGLESIDE FARMS SUBDIVISION, LOCATED ON THE EAST SIDE OF GRATIOT AVENUE, NORTH OF SCHAFFER, ADDRESSED AS 36660 GRATIOT AVENUE (SECTION 27)**

**- APPEAL: DISABLED AMERICAN VETERANS (D.A.V.) THRIFT STORE  
FILE #18-6832: PETITIONED BY MR. ROGER JANSEN, TREASURER,  
DISABLED AMERICAN VETERANS OF MICHIGAN**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 4<sup>th</sup>, 2018 into the record. He indicated there is documentation submitted by the petitioner that they may be operating under the name "Veteran Support Services". Mr. Campbell advised that notice of this public hearing was issued by regular mail to 69 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 Kalas, 31350 Telegraph, Suite #200, Bingham Farms, Michigan, representing the property owner, Gratiot Metro LLC, and they are here to seek an extension of the parking lot variance granted in 2013. There were conditions attached to that variance, one of which was a five-year valid period. He stated they have representatives here tonight from Disabled American Veterans as well as Veteran Support Services. He indicated it will be the exact same use that was there before. They are in discussions regarding the ten-year lease with Disabled American Veterans that was executed in March 2018 and are discussing the possibility of signing that lease over to Veteran Support Services. He noted it is a different entity, but it is the exact same use. He explained the practical difficulty found by this Board back in 2013 continues to exist. It is a B-3 use but deficient on parking because of the requirements of the ordinance; however, there is plenty of parking to support this type of use. He acknowledged that if this use changes and becomes something more intense, that is a different situation. They are asking this Board to extend the parking variance that was granted in 1992, and in April 2013, to accommodate the Disabled American Veterans and allow them to continue business operations from that site. He offered to answer questions.

Mr. Campbell stated he understood there have been no issues with parking, and the only issue may be the name under which they will issue the variance. He recommended they make a motion to grant the requested variance to either Disabled American Veterans or to Veteran Support Services only for the purpose of operating a thrift store, and if there are any further changes on either the utilization of the property or of the owner and/or occupant, that the variance becomes null and void.

Mr. Kalas asked that the variance be granted to the property owner, Gratiot Metro LLC, but it would be limited to the use of a thrift store.

Mr. Campbell stated his concern with doing that is if it becomes a Salvation Army once again, there would not be enough parking.

Mr. Kalas admitted Salvation Army is a national brand and was more intense as far as the use. He assured there are no plans or intention for Salvation Army to come and occupy the space. He pointed out they have a ten-year lease, but if the Board of Appeals has an issue, they could make that a condition of the approval that if Salvation Army takes over the lease, that would make it null and void.

Mr. Campbell stated that would be dangerous.

Mr. Marella felt the variance should be granted only to Disabled American Veterans.

Mr. Kalas noted that if it is granted to the property owner specifically for a thrift store, it would allow Veteran Support Services to take over the lease. He clarified that the current lease is with Disabled American Veterans, but they are in discussion with Veteran Support Services to sign the lease to them for the exact same use. If the Board wants to grant the variance to both, that would be acceptable. He kindly requested that it be for a ten-year period because that is the length of the lease, or indefinitely as long as it is that use.

Mr. Campbell felt it should have the condition that it is valid as long as it is that company running it, as well as that use. He noted it is a very large variance for parking, and it could become a problem if another business moved in.

Mr. Kalas assured they have no problem if another user comes in, but they want to make sure this specific use, although there are different assignees, will be allowed. He stressed they do not want to have to come back before this Board if there is a name change.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6832 and application from Mr. Roger Jansen, Treasurer, Disabled American Veterans of Michigan, 17779 14 Mile Road, Fraser, Michigan 48026, for variance to Clinton Township Planning and Zoning Code, Chapter 1296.01-(k)-(3)-A, Off-Street Parking and Loading, Space Requirements, Minimum Number of Off-Street Parking Spaces, Business and Commercial, concerning Lots 15 through 18, Ingleside Farms Subdivision (Section 27), located east of Gratiot, north of Schafer, addressed as 36660 Gratiot, that variance be granted to permit a continued variance (granted by the Board of Appeals on October 29<sup>th</sup>, 1992, with a five-year extension granted on April 17<sup>th</sup>, 2013), to allow a retail business in the B-3 General Business District (a veterans-type thrift store), having 63 parking spaces, being 73 spaces less than the minimum required 136 parking spaces; further, this variance is granted to Gratiot Metro LLC, the owner, for the purpose of operating a veterans-type thrift store (currently indicated to be either Disabled American Veterans (D.A.V.) or Veteran Support Services), and any change in the utilization of the property or type of business makes the variance null and void; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Marella, Pearl, Trombley, D'Angelo, Deyak. Nays – None. Absent – Hornung. Motion carried.

**4.59 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF 15 MILE ROAD,  
WEST OF HENGESBACH (SECTION 26) (PARCEL #16-11-26-352-006)**

- **APPEAL: SARGENT APPLIANCE WAREHOUSE (POSTPONED FROM MAY  
23<sup>RD</sup>, 2018)**

**FILE #18-6828: PETITIONED BY MR. JOHN SKOLAS,  
SARGENT APPLIANCE**

**REPRESENTED BY WILLIAM J. THOMPSON, LEHNER ASSOCIATES, INC.**

Mr. Campbell stated this item was postponed from the May 23<sup>rd</sup>, 2018 meeting. He explained that Mr. Santia had determined that the variance for loading/unloading in a side yard abutting residential property is not required because the adjacent property is also zoned industrial. There was no re-mailing of the notification for this item because it was postponed to a specific date.

Mr. Bill Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Clinton Township, Michigan 48038, representing Sargent Appliance, stated they have had some discussions with the adjacent property owners. He explained the abutting property that has a house on it is zoned industrial, and the back of that property is more of a storage area, with vehicles on it; therefore, the variance requesting a 50-foot side yard setback from residential property is not needed. He explained they will be cutting the building back 25 feet in the back. The loading dock will be just south of the property line. He added there are trees measuring between 20 feet to 30 feet in height, and they act as a screen between the subject property and the abutting property, so they have agreed to leave those trees in place. Mr. Thompson showed an aerial of the property as well as the surrounding area and pointed out what is currently developed on each property.

Mr. Pearl inquired as to whether the neighbors agree.

Mr. Thompson replied affirmatively.

Discussion took place regarding the 10.5-foot side yard setback.

Mr. Dave Orsini, 35116 Hereford, Clinton Township, Michigan 48035, stated he is the homeowner on the west side of the subject property. He stated he agrees with the proposal of reducing the building by 25 feet, so that takes the loading dock out of his vision. Mr. Orsini pointed out where he lives in relation to the subject property.

Mr. Pearl appreciated what the petitioner has done to make sure their neighbors' concerns are addressed. He felt the variance should be granted.

Mr. Campbell did not feel they need the side yard setback variance. The ordinance requires a 10-foot side yard setback if both properties are zoned industrial, and the 50-foot side yard setback is only required if it is adjacent to residentially-zoned property. The issue regarding the setback due to the loading/unloading area has been eliminated

by moving the building. He felt Mr. Thompson identified the variance correctly, noting the petitioner only needs the front yard setback.

Motion by Mr. Pearl, supported by Mr. Marella, with reference to File #18-6828 and application from Mr. John Skolas, of Sargent Appliance, 15950 Gratiot Avenue, Clinton Township, Michigan 48035, as represented by Mr. William J. Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Suite 3, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-o, -q and -r, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning 4.59 acres of vacant land fronting the north line of 15 Mile Road, west of Hengesbach (Section 26), that variance be granted to permit the construction of a 41,144-square-foot warehouse on vacant land in the I-1 Light Industrial District, to be used by Sargent Appliance, with a front yard setback of 25 feet, being 35 feet less than the minimum required 60 feet; further, this grant of variance is based on the agreement by the petitioner that the building will be shortened in the rear by 25 feet, there will be a wall 100 feet long on the east side, parallel to the building that will screen the adjacent residentially-used property, and that the existing vegetation will remain on the west side adjacent to the multiple-family residential property to serve as a screen; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Marella, Trombley, Campbell, D'Angelo, Deyak. Nays – None. Absent – Hornung. Motion carried.

## **ADJOURNMENT**

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Motion by Mr. D'Angelo, supported by Mr. Deyak, to adjourn the meeting. Motion carried. The meeting adjourned at 7:15 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:07/11/18

ces:07/11/18

Approved 07/25/18