

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

DECEMBER 16, 2009

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

ABSENT: None

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

APPROVAL OF AGENDA

Motion by Mr. Deyak, supported by Mr. D'Angelo, to approve the agenda as submitted. Motion carried.

**10.73 ACRES OF LAND FRONTING THE WEST LINE OF GRATIOT AVENUE,
SOUTH OF 15 MILE ROAD (SECTIONS 33/34)**

**- REF: APPEAL: BAKER COLLEGE TECHNOLOGY BUILDING
-- REHEARING
FILE #6367: PETITIONED BY MR. DONALD TORLINE, PRESIDENT,
BAKER COLLEGE
REPRESENTED BY MR. JAMES R. MORGAN, MORGAN COSTRUCTION
CONSTRUCTION COMPANY**

Mr. Campbell informed that this is a rehearing of a petition that was originally heard by this Board in September; however, it was brought to the Township's attention that a few people within 300 feet of the subject property were inadvertently not notified prior to the public hearing in September; therefore, the request is being reheard.

Mr. Jim Morgan, Morgan Construction Company, 5454 Gateway Centre, Suite C, Flint, Michigan 48507, representing Baker College, explained that they are seeking a variance to build a two-story 32,000 square foot building. If they adhered to the required setbacks, they would only be permitted to construct a 19-foot-wide building. They felt this is a better location for the building but are in need of the setback variance. If they were to reverse the location of the parking area and the building, the parking spaces would then be within 25 feet of the neighboring property lines, which he felt would be less desirable for the neighbors. Mr. Morgan indicated that the main entrance is on the east side of the building, toward the parking lot, and there is an emergency exit in the back.

Ms. Debbie Walter, 20981 Kemp, Clinton Township, Michigan 48035, stated she was present when this request was previously heard by the Board of Appeals in September, and she requested to view the plans once again. She stated she has been giving it more thought and expressed concern that the area where the trees were removed is full of water, and if they raise the elevation to construct the building, it may result in the flooding of her yard. She added that she has a septic field and the additional run-off of water onto her property would not be good.

Mr. Morgan clarified that as part of the development, they are extending drainage around the building to accommodate any water run-off. He assured the water will all go into their drainage system, continue through the drainage system of the parking lot, and on out to the storm sewer system. He explained that any water run-off will be maintained on the site.

Ms. Walter noted that Baker College fixed their road, and she thanked them for taking care of that issue.

Mr. Marella inquired as to whether Baker College would be willing to address the issue if Ms. Walter does get water run-off on her property.

Mr. Morgan assured that the drainage will not be an issue, but replied that they will address it if it becomes a problem. He indicated that is why they are required to go through engineering.

Mr. Campbell recalled that in September, this Board made a motion to approve the request but with a number of conditions. He inquired as to whether the petitioners will have any problem if they approve the request with the same conditions.

Mr. Morgan replied that they have taken care of the items. He explained that they incorporated trees on the north and south side, they worked with the Planning Department with regard to access to the park, and they took care of the road by bringing in new stone and grading it.

Motion by Mr. Campbell, supported by Mr. Edgar, with reference to File #6367 and application from Mr. Donald Torline, President, Baker College, 34950 Little Mack Avenue, Clinton Township, Michigan 48035, as represented by Mr. James R. Morgan, Morgan Construction Company, 5454 Gateway Centre, Suite C, Flint, Michigan 48507, for variance to Clinton Township Planning and Zoning Code, Chapter 1258.02(1)(3), Principal Uses Permitted in the R-0 through R-5 One-Family Residential Districts, concerning 10.73 acres of land fronting the west line of Gratiot Avenue, south of 15 Mile Road (Sections 33/34), that variance be granted to permit construction of a new classroom building at Baker College Technology Center with a setback of 35 feet from the north property line, 25 feet from the west property line, and 20 feet from the south property line, being 40 feet, 50 feet and 55 feet, respectively, less than the minimum required 75 feet; further, this grant of variance is based on claimed practical difficulties being that: 1) This is the only reasonable use for this parcel of land which is a “notched” piece at the west end of a parking lot, and it is the feeling of this Board that having a building at this location, as opposed to a parking lot, would create less noise for the abutting residents; and 2) Due to the shape of the lot, the building would only be allowed to measure 19 feet in width if the ordinances were met; further, this grant of variance is contingent upon the following conditions: 1) The proposed building will consist of traditional classrooms and there will be no vehicular access to any of the classrooms; 2) Baker College has agreed to and will provide and allow for a safe path into Normandy Park from Canton Street and from their parking lot; 3) Baker College has agreed to work with the abutting property owners and the Planning Department as far as installing appropriate landscaping and screening; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Edgar, D’Angelo, Deyak, Nickerson, Trombley, Marella. Nays – None. Absent – None. Motion carried.

Mr. Edgar thanked Baker College for being a good neighbor and following through with their promises. He felt that Baker College is the keystone for reenergizing that area in the future and is good for Clinton Township.

LOT 297 & PART OF VACATED GRATIOT, ASCOT PARK SUBDIVISION (SECTION 12) (LOCATED FRONTING THE EAST LINE OF GRATIOT AVENUE (M-3), NORTH OF BUCKINGHAM)

**-- APPEAL: WIL'S PROFESSIONAL AUTO CLEAN-UP
FILE #6378: WILBERT WILLIAMS, JR., WIL'S PROFESSIONAL
AUTO CLEAN-UP
REPRESENTED BY: RONALD A. CHIESA, R. A. CHIESA ARCHITECTS**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 38 owners and/or occupants of property located within 300 feet of the land in question, with 5 of those returned as undeliverable. He added that there were no replies received in response to the mailing.

Mr. Deyak stated that Mr. Chiesa has done work for his credit union in the past, both as an architect and project manager, so he would like to recuse himself on this item.

Mr. Marella noted that Mr. Deyak can be excused from this item.

Mr. Ron Chiesa, 43260 Garfield, Suite 210, Clinton Township, Michigan 48038, explained that his client wants the option to sell used cars, which is something that is currently being done to the north of the subject parcel. Based upon the size and shape of the current parcel he is leasing, he has some issues. The property to the north is 60 feet from the intersection so they are short the required 150 feet from the intersection. He noted that his client is asking for relief so he can expand his business and services in light of the bad economy.

Mr. Walter Mellow, 702 Clinton River Road, Mount Clemens, Michigan 48043, stated that he runs New Clinton Auto Service, and he felt that if the petitioner starts to sell used cars on the site, it will hurt his business. He did not feel the property is of a sufficient size to both sell cars and do repairs on them. Mr. Mellow felt if they try to sell cars in front, the property will then become overloaded, and he complained that this is not a fair deal for him. He added that he and Mr. Williams have a mutual landlord, and when the landlord leased the property to Clinton Auto Sales, he promised he would not allow another auto sales facility to lease the other portion of his property.

Mr. Campbell noted that the demarcation between the two properties is not clearly shown.

Discussion ensued as to exactly where the property lines are located.

Mr. Woodrow Morang, a Detroit resident [no address given], engineer of New Clinton Auto Service, stated they were told it would never be a used car lot adjacent to them. He claimed that the cars on the subject site are being sold illegally, and repairs of the vehicles are being done in the back. With the current economy, he felt this business will hurt them, and he further accused the

mechanics at Wil's Professional Auto Clean-Up as not being licensed. He presented the Board of Appeals a letter of objection.

Mr. Campbell read the letter dated December 16, 2009 into the record from New Clinton Auto Services, 366/368 North Gratiot, Clinton Township, Michigan 48036.

Mr. Wilbert Williams, 189 Euclid, Mount Clemens, Michigan 48043, assured that if he is approved, he will obtain a license. He stated he would like to sell used cars at this location, adding that this economy has been hard on his business and this would help. He stressed he wants to do it legitimately, however, and that is why he is here tonight. He indicated that he does not have financing and will not have a big operation, so he did not feel he will be taking business away from his neighbor. He replied to inquiry that the cars on the site have only been there since last week.

Mr. Marella commented that he could not gain access to the parking lot, and noted that the lot is very small.

Mr. Williams stated that he is taking over a portion of the abutting property and once he does that, he will have a lot more room.

Mr. Mellow inquired as to whether he will be both selling cars and repairing cars.

Mr. Marella replied that is what it appears the petitioner is hoping to do.

Mr. Campbell explained that the Township Ordinance, under "Uses Requiring Special Approval" in the B-3 District, specifies that one of the conditions is that no major repair or refinishing should be done on the property. He added that the question is what is considered "major repair".

Mr. Nickerson felt the letter from New Clinton Auto Services is totally irrelevant as far as this request is concerned. He advised that if there is a contract and that is being violated, that is a problem between the tenants and their landlord. If the zoning is appropriate, he indicated the petitioner has the right to request the variance. If the proposed business will impact the neighbor's business, that is an economic issue and this Board cannot consider that. He concluded that unless he sees something different in the next few minutes, he indicated he will have to support the petitioner and his request.

Mr. Chiesa explained that they will not be doing any major repairs, and there are no hoists or cribs. It is in no way a mechanic-type operation, but they will be able to conduct some basic maintenance. He assured it is not his client's intent to pose a problem with a competing business, but he questioned where the line would be drawn in this type of situation. He pointed out that there are similar businesses in the same block all throughout the area, such as fast food restaurants. He emphasized that his client has a practical difficulty in the size of the lot and the setback. Mr. Chiesa also pointed out that his client will be gaining 30 feet of the abutting property to the north, and the landlord has agreed and said he will take care of it. He replied to inquiry that the landlord still has a vested interest in both parcels.

Mr. D'Angelo inquired as to why the landlord is not present tonight.

Mr. Williams replied that he would have asked him to attend tonight if he had known there would be a problem.

Mr. D'Angelo pointed out that the letter to the petitioner advising him of the public hearing specifically mentions that "experience has shown that variance requests can be handled most efficiently if all involved parties are at the meeting, including the property owner, business owner and contractor, if applicable".

Mr. Campbell noted that the petitioner meets the local requirement of six parking spaces; however, he did not feel that is sufficient for this type of business, especially considering that three of the six spaces are immediately taken up by the number of employees present. Customers will bring their cars in for detailing, which may take up another one or two spaces. There will be people coming in to look at the used cars. He was concerned that the excess traffic will end up parking on Buckingham. He did not feel it is a good idea to grant a variance where it could cause a parking problem.

Mr. Chiesa noted that his client may only sell one car a day. He felt the number of parking spaces available is appropriate and meets ordinance requirements and what he plans to do there.

Mr. Campbell understood that the ordinance is being met; however, he indicated that the number of parking spaces is based on a used car lot with no other business. He pointed out that the petitioner is also doing auto detailing, so the six parking spaces has to be shared by the employees, the used car customers, the detailing customers and the repair customers. He did not feel that would be enough with the combined operations the petitioner proposes to run at that location.

Mr. Chiesa noted that the six spaces are for the combined activity.

Mr. D'Angelo felt a legal description is lacking in order for him to make a decision on this.

Mr. Chiesa replied that the engineering drawing is correct and the architectural site plan, which is not done by their firm, is on record with the Planning and Building Departments and the legal description on that plan is correct.

Mr. D'Angelo stated he would like to talk to the landlord because a lot of confusing information was brought up tonight with regard to property lines.

Mr. Chiesa replied to inquiry that he has been contracted by Mr. Williams; however, the owner signed the application so he is aware of it.

Mr. Edgar pointed out that there are banks located "back-to-back" and dollar stores located "back-to-back" so the complaint about the proposed business being too close to a similar existing

business has no merit. He inquired as to the location of the driveway that is 5 feet away from the intersection.

Mr. Nickerson commented that the letter sent to the petitioner with regard to tonight's public hearing does not direct the petitioner to bring the landlord but it is suggested, not required.

Mr. Williams replied to inquiry that he has a couple of body shops that he takes the cars to for further work, so he assured he will not have cars in the way.

Mr. Marrow complained that he is getting misinformation from his landlord if he is about to lose some of his leased property.

Mr. Marella felt the issue of the boundaries that are specified in the applicant's lease, as well as his neighbor's lease, need to be addressed with their landlord, but he emphasized that is not under the jurisdiction of this Board to make that decision.

Motion by Mr. Nickerson, supported by Mr. D'Angelo, with reference to File #6378 and application from Mr. Wilbert Williams, Jr., Wil's Professional Auto Clean-Up, 340 North Gratiot Avenue, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(P), Land Use Regulations; and Chapter 1298.02-(a)-(29)-B, Supplementary Regulations, Uses Requiring Special Approval, concerning Lot 297 plus part of vacated Gratiot Avenue, Ascot Park Subdivision (Section 12), generally located at the northeast corner of Gratiot & Buckingham, addressed as 340 North Gratiot Avenue, that variance be granted to permit the petitioner to occupy an existing building with a used car dealership (Wil's Professional Auto Clean-Up) in the B-3 General Business District with: 1) Landscape setback between the off-street parking and the road rights of way of 10 feet being 15 feet less than the minimum required 25 feet; and 2) A driveway located a distance of 5 feet from an adjacent street intersection, being 145 feet less than the minimum required 150 feet; further, this grant of variance is based on claimed practical difficulty that the size of the property and the location make it impossible to comply with the ordinance to operate a business in the B-3 District; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Nickerson, D'Angelo, Deyak, Edgar, Trombley, Marella. Nays – Campbell. Absent – None. Motion carried.

1.0 ACRE OF LAND FRONTING THE EAST LINE OF MIAMI, EAST OF MORAVIAN (SECTION 30)

-- **APPEAL: SFR – MIAMI, 35720**

FILE #6379: PETITIONED BY ANN & MARK PYTELL

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 54 owners and/or occupants of property located within 300 feet of the land in question, with 9 of those returned as undeliverable. He added that there was one written reply received in response to the mailing. He read the letter from Dennis & Shelly Newman, 35630 Miami, Clinton Township, Michigan 48035.

Mr. Mark Pytell, 35720 Miami, Clinton Township, Michigan 48035, explained that he would like to have the roof of his existing garage replaced and a second floor added. They are seeking a variance to allow the additional square footage and height, and the second story on an accessory building.

Mr. Marella inquired as to the purpose for the addition.

Mr. Pytell replied that he does not have a basement, so he is in need of a storage area for Christmas decorations, toys, sports equipment and other belongings that people would normally keep in their basement. He explained that the sloped roof would provide attic space that would be nice for additional storage.

Mr. Marella inquired as to whether the petitioner is in business for himself.

Mr. Pytell assured he does not own his own business.

Mr. Marella observed a lot of boats stored on the property, as well as a wood pile that is in violation of the ordinance.

Mr. Pytell responded that he recently got rid of two of his cars and has done some clean-up in his yard. He further explained that he lost some of his trees to the Emerald Ash Borer disease. They have a wood-burning stove in the garage and burn wood in the winter to keep it warm. He replied that he also has a 1966 Chevelle convertible, his wife has a 1968 Camaro that she has been working on and is close to completion. He has a 20-foot boat in his driveway that he inherited from his father. He admitted that this has been a tough economy in which to sell a boat, and he has been trying to decide whether to continue to try to sell it or whether to donate it. Mr. Pytell explained that he belongs to a small club on Lake Saint Clair where they race dinghies in the summer and bring the boats home in the winter. He added that several of the boats will be gone again in the summer.

Mr. Marella felt that all of this outdoor storage is an eyesore and he questioned Mr. Pytell as to what he is going to do about it. He also cautioned that if this Board grants the variance, one of the standard conditions is that all other requirements of the Township ordinances must be met, and he added that there are a lot of violations on the property that will need to be remedied if the variance is granted.

Mr. Pytell was confident that he can and will be more than happy to come into compliance. He replied to inquiry that he can “store things behind the shed”.

Mr. Campbell commented that there is a big boat against the fence on the south side of the property and he could not see how there is sufficient room to get the boat into the back yard.

Mr. Marella observed that there is a metal shed that has two sides and no roof, and he inquired as to the petitioner’s plans for that shed.

Mr. Pytell explained that there is a wooden shed that is currently falling apart. He plans on demolishing it and disposing of it. He replied to inquiry that there are currently several lawnmowers being stored in that shed.

Mr. Campbell felt that the petitioner is trying to take the cheapest route possible; however, the items it appears that Mr. Pytell will need to store cannot go on a second story, yet they will not all fit on the first floor. He felt Mr. Pytell's neighbor had a good suggestion to destroy the originally structure and build something larger that will house some of the items he is currently storing outside. Mr. Campbell pointed out that the lot is large, so he would have no problem granting a variance for a larger structure if he would consider demolishing the current structure and rebuilding.

Mr. Edgar questioned how many letters were sent to owners and occupants within 300 feet.

Mr. Campbell replied that 40 were sent to owners and/or occupants within 300 feet.

Mr. Pytell explained that his garage is currently cinderblock and measures 700 square feet. He was concerned that he would not be able to build another one of the same quality if he takes the present garage down.

Mr. Campbell reiterated that adding a second story to the existing garage will still not accommodate the petitioner's classic cars and his boats. He felt he needs something that has a larger first floor, but would eliminate the second floor.

Mr. Pytell replied to inquiry that he currently stores one car in the garage at this time, along with a canoe, a workbench, tools and a dining room set.

Mr. Deyak agreed that a larger one-story accessory building would be a better option. He noted he could build a 1,400 square foot garage that would double the size and would accommodate storage of some of his vehicles. He suggested that Mr. Pytell could then put some flat boards in the rafters so he could store Christmas decorations or other lighter, smaller items.

Mr. Marella agreed and noted that the petitioner's lot is large enough to accommodate an accessory structure with a larger first floor, but he could eliminate the second floor.

Motion by Mr. Deyak, supported by Mr. D'Angelo, with reference to File #6379 and application from Ann & Mark Pytell, 35720 Miami, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b) and (i), Accessory Buildings (Including Garages), concerning 1.0 acre of land located fronting the east line of Miami, south of Moravian (Section 30), addressed as 35720 Miami, that further consideration of request for variance to permit reconstruction of a 2-story accessory building (a garage measuring 1,564.68 square feet in the R-3 One-Family Residential District being: 1) 693.49 square feet in excess of the maximum permitted floor area of 871.19 square feet; and 2) Two stories, with a total height of 19.5 feet, being 1 story and 5.5 feet greater than the maximum permitted 1 story and 14-foot

height, be postponed for up to ninety (90) days to give the petitioner an opportunity to come back with another plan. Roll Call Vote: Ayes – Deyak, D’Angelo, Campbell, Edgar, Nickerson, Trombley, Marella. Nays – None. Absent – None. Motion carried.

**PART OF LOT 30, SUPERVISOR’S PLAT #8 SUBDIVISION (SECTION 34)
(LOCATED FRONTING THE EAST LINE OF GRATIOT AVENUE (M-3), SOUTH OF
QUINN ROAD)**

-- **APPEAL: HAMPTON INN
FILE #6380: PETITIONED BY MALIK ABDULNOOR,
AM BEST HOSPITALITY, INC.
REPRESENTED BY KELLY KUZA, AM BEST HOSPITALITY**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 50 owners and/or occupants of property located within 300 feet of the land in question, with 3 of those returned as undeliverable. He indicated there were no letters received in response to the mailing.

Mr. Scott Chabot, Giffels-Webster, 6303 26 Mile Road, Suite 100, Washington Township, Michigan 48094, explained that the site is landlocked. They have to access it through the Aldi’s parking lot. He noted there is an agreement secured between the owners of Aldi and Hampton Inn. They are also seeking a variance on the height of their sign. He noted that this is the first business of its kind in the Downtown Development Authority District and aesthetics are essential. He estimated that approximately 80% of the people who visit this particular business are from out of town. Having the taller sign is a safety issue as well, because the building is set back behind Aldi and is several hundred feet off of Gratiot. They would like wall signs on the north, south and west elevations, which would require a variance for an additional two signs.

Mr. Kuza, 24314 Sherwood Road, Centerline, Michigan 48015, Attorney for AM Hospitality, explained that they have signage requirements to meet as part of their franchise agreements. He noted that possibly more than 80% of their customers will be from out of town and entering the site off of Gratiot. The hotel is not readily visible because it is situated behind Aldi and adjacent to a large shopping center. His client has invested several million dollars into this project and he has not asked for tax abatements or incentives from the Township, but he is asking to have the tools available to draw in the business he will need to succeed. They are anticipating that this will be a good business for the area.

Mr. Nickerson stated he uses Hampton Inn almost every time he travels. He pointed out that the north wall faces the shopping center and the south wall faces a detention basin and a cemetery, so he could not see the reason for the signage on those building elevations; however, he could see the need for something on the west wall and also something at the driveway.

Mr. Campbell noted that the petitioner is proposing to put a 5-foot skirt on the sign, making it a monument sign; however, it is too tall for a monument sign. He commented that he has stayed at six Hampton Inns and only one other had a sign like this. He realized that sign ordinances vary

across the country, so there should be some flexibility on the part of the corporation to adjust to the various ordinances. He explained the reason for a pylon sign is to ensure visibility underneath so motorists can still see. He suggested taking the skirting off and making it a pylon sign.

Mr. Kuza explained that he was involved with the development of the Hampton Inn at 17 Mile and Van Dyke. Shortly after it was completed, they were told to change the height of the sign even though it was fairly new. He pointed out that the corporation has strict policies and want their signage to all have the same look. He felt the proposed sign is more aesthetically pleasing than a pole sign.

Mr. Marella claimed that his “home away from home” is Hampton Inn. He often stays at the facility in Pennsylvania, and he could not recall them ever having a sign similar to what is being proposed. He explained that Clinton Township worked long and hard to establish a sign ordinance that would be beneficial to businesses but would be aesthetically-pleasing to the area as well. He advised that this Board has denied similar requests from other petitioners in the past, and he felt the corporations that “require” specific signs need to realize there are sign ordinances in each community and they need to adhere to those.

Mr. Campbell stated he would prefer to grant a variance for an 8-foot-high lawn sign off site or a pylon sign off site. He added that he could not see much sense for the signs on the north and south elevations, but if the company wants to spend the money to put the signs there, he does not have a problem with it.

Mr. Chabot inquired as to whether there is a decorative outside cover to the sign that would be acceptable to the Township. He inquired as to how wide that cover could be.

Mr. Campbell advised that the petitioner would be allowed up to 100 square feet but they are proposing only 40 square feet. He indicated the face of the sign could be made larger.

Mr. Santia confirmed that the petitioner needs a variance to have a sign off-site. They do not have to specify in that variance whether it is a pylon or monument sign because either would be allowed if the off-site variance was granted.

Mr. Deyak suggested granting them variances for either a pylon or monument sign off-site so they do not have to come back.

Discussion took place regarding the height of the building versus the height of the neighboring Aldi's.

Mr. Kuza replied to inquiry that the hope to open by the end of February 2010.

Mr. D'Angelo inquired as to why they feel they need three wall signs.

Mr. Kuza replied that motorists on northbound or southbound Gratiot cannot see the facility until they are directly in front of it. He added that the owners do not want to spare any expense on signage, especially considering that the majority of their customers are from out-of-town.

Mr. Marella agreed with Mr. Nickerson and could see no purpose for having the signs on the north or south elevations.

Mr. Campbell commented that signs on the north and south elevations may be seen from I-94, and those motorists would see the building sign before they see the pylon sign. He admitted it may be useful to have those signs, especially for out-of-town guests.

Motion by Mr. Campbell, supported by Mr. Deyak, with reference to File #6380 and application from Mr. Malik Abdunour, Am Best Hospitality, Inc., 24314 Sherwood Road, Centerline, Michigan 48015, as represented by Kelly Kuza, same address, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-A-2 and –B-2; Signs, Definitions and Restrictions; “Business Sign”; and Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, concerning part of Lot 30, Supervisor’s Plat #8 Subdivision (Section 34), generally located east of Gratiot Avenue, south of Quinn Road, addressed as 33680 Gratiot Avenue, that variance be granted for signage as follows for a proposed hotel (Hampton Inn) in the B-3 General Business District: 1) Three (3) wall signs, being two (2) wall signs in excess of the maximum permitted one (1) wall sign; and 2) An off-site sign, either a lawn sign or pylon sign, that is not part of the parcel on which the hotel is located but that meets ordinance requirements, contingent upon the Township’s receipt of an agreement signed by the property owner of the parcel on which the sign is to be located; further, that if the petitioner opts for a pylon sign, it cannot have more than one post that does not exceed two (2) feet in width, and the total support structure for the pylon sign cannot exceed two (2) feet in width; further, this grant of variance is based on practical difficulty being a safety issue so that guests, many of whom are from out-of-town, can identify the location of the facility and where to turn to access it; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Deyak, Nickerson, Trombey, Edgar, D’Angelo, Marella. Nays – None. Absent – None. Motion carried.

The meeting recessed at 8:00 p.m. and reconvened at 8:02 p.m.

**1.41 ACRES OF LAND FRONTING THE EAST LINE OF GRATIOT AVENUE (M-3),
SOUTH OF HALL ROAD (M-59) (SECTION 1)**

-- **APPEAL: U-HAUL (POSTPONED FROM 11/18/09 MEETING)**
FILE #6374: PETITIONED BY MR. DAVID RUFF, U-HAUL COMPANY

Mr. Campbell noted that this matter was postponed from last month’s meeting.

Mr. David Ruff, 256 Valley Street, Holly, Michigan, explained that this U-Haul Center has been at this location for approximately 20 years. Two years ago, the center brought in \$800,000 of income. Last year, it was still profitable but decreased to \$740,000. The center has continued to

lose, and Mr. Ruff indicated that he currently has two centers “on the chopping block”, this being one of them. He explained that the Grand River/Telegraph center was the other location, but within one month after they put up their new signage, their “storage” business increased by 3.8%. It has now increased by 6.5%. Mr. Ruff recalled that at the last meeting, this Board inquired as to whether he would be willing to accept a variance for one year. He stated that he would prefer to have a permanent variance because removing the signs after a year will leave an adhesive residue that is extremely difficult to remove. He hoped the business will come back if he puts the signs up, but he indicated that right now, this is their only option. He estimated that if he could attract the attention of even 5% of the 40,000 to 50,000 that pass by each day, that would be a good amount. He indicated that a readerboard would do him no good because the location of the trees would block it. He does not know if the trees are required, but the sign would be totally hidden. Mr. Ruff explained he did something similar in the City of St. Clair Shores, and the city offered to transplant the trees to a local park. He replied to inquiry that they would most likely put the property up for sale if they do not remain open.

Mr. D’Angelo suspected that if they are not getting the business now, they may not get it with the additional signage.

Mr. Marella agreed that the readerboard sign would not do much for them because of the location of the trees.

Mr. Campbell inquired as to whether a readerboard sign on the front of the building would help. He was concerned that the wall signs on the north and south sides of the building will not be seen. He felt if the petitioner was adamant about the wall signs, he would like to place a one-year time frame on a grant of variance.

Mr. Ruff stressed he is only asking for the same consideration that his neighbor received.

Mr. Campbell commented that the neighboring property owner is in violation of the ordinance and did not receive a variance. He recalled a restaurant owner coming in some time ago with a request for a variance to allow an additional wall sign, and he was willing to accept the one-year variance because he felt the sign would either make or break his business. He had indicated that without the signage, he felt he would be closed within the year.

Mr. D’Angelo mentioned that when he goes on line to make reservations for a rental vehicle, he is automatically directed to the Roseville center. He inquired as to how these determinations are made.

Mr. Ruff replied that the individual is routed to the nearest location based upon address and the type and availability of equipment requested. The internet user has the option to select the type of equipment and the dates, and the request will be directed to the closest facility that has that equipment available. He replied to further inquiry that he has signs on all three sides of all of his buildings, and one of these facilities is located in the City of Troy.

Considerable discussion took place regarding the variance request.

Motion by Mr. Marella, supported by Mr. Nickerson, with reference to File #6374 and application from Mr. David Ruff, U-Haul Company, 43920 N. Gratiot Avenue, Clinton Township, Michigan 48036, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1) and -(2), Signs, Definitions and Restrictions, “Business Sign”, concerning 1.41 acres of land located fronting the east line of Gratiot Avenue (M-3), south of Barbret (Private Claim 626/Section 1), addressed as 43920 N. Gratiot Avenue, that variance be granted to permit installation of three (3) wall signs with combined square footage totaling 122 square feet for a business in the B-3 General Business District (U-Haul), being two (2) wall signs in excess of the maximum permitted one (1) wall sign; further, this grant of variance is based on claimed hardship that the possibility of a readerboard sign or other signage options is diminished because of the location of the trees on the property; further, this variance is granted on the condition that it is only in effect as long as this is a U-Haul facility; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Marella, Nickerson, Trombley, D’Angelo, Deyak, Edgar. Nays – Campbell. Absent – None. Motion carried.

REPORT OF MEETING

-- APPROVAL OF NOVEMBER 18TH, 2009 REPORT

Mr. Campbell requested the following corrections/changes:

Page 1, Paragraph 1:

Eliminate: “He noted that there are only five members present, and any action to approve or deny will require four of those five votes. He indicated that if the petitioner would prefer to postpone until the next meeting, he has that option.”

Page 2, Paragraph 3, Lines 3 & 4:

Eliminate: “He noted that U-Haul’s headquarters are in Phoenix,”

Change from: “He was granted a similar approval for a facility and last month their storage went up...”

Change to: “He was granted a similar approval for a facility in another community and last month their storage went up...”

Page 4, 2nd to last paragraph, Lines 2 & 3:

Change from: “He noted that FJF Door Sales is a new building and should not have been approved for a larger sign.”

Change to: “He noted that the FJF Door Sales wall sign is new and should not have been approved.”

Motion by Mr. Nickerson, supported by Mr. Deyak, to approve the report of the November 18th, 2009 Meeting with the changes as noted. Motion carried.

CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE
-- MEETING SCHEDULED FOR WEDNESDAY, JANUARY 20TH, 2010 AT 6:30 P.M.

Mr. Santia confirmed the next meeting of the Board of Appeals for **Wednesday, January 20th, 2010** at 6:30 p.m. He noted that they have an application for a sign variance from Golden Corral.

ADJOURNMENT

Motion by Mr. Campbell, supported by Mr. Marella, to adjourn the meeting. Motion carried.
The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:12/22/09
ces:01/07/10