

# **CLINTON TOWNSHIP BOARD OF APPEALS**

## *REPORT OF MEETING*

*WEDNESDAY, OCTOBER 19<sup>TH</sup>, 2016*

PRESENT: James D'Angelo, Vice-Chairperson  
Robert M. Campbell, Secretary  
David Edgar  
Ernest Hornung  
Kenneth Pearl  
Denise C. Trombley

ABSENT: Francis Marella, Chairperson (Excused)

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

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

Mr. D'Angelo 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**

Mr. Campbell explained that Item #3 – AHI Garfield Senior Living has been deleted from tonight's agenda due to an issue of mailings to owners and occupants.

Motion by Mr. Hornung, supported by Mr. Pearl, to approve the agenda as amended.  
Motion carried.

**LOT 149, KELLY-NUNNELEY SUBDIVISION #2 (SECTION 28), LOCATED FRONTING THE SOUTH LINE OF DIXIE, EAST OF CAPPER, ADDRESSED AS 19336 DIXIE**

- **APPEAL: SFR – DIXIE, 19336**

**FILE #16-6717: PETITIONED BY MS. MICHELE SINGEL**

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Mr. Campbell explained that this was postponed from last month's meeting, so there was no new mailing to owners and occupants within 300 feet of the property in question.

Mr. Erik Heiderer, representative, explained this matter was postponed because of lack of information provided based on the type of the detached accessory building. They submitted plans showing the detached garage, which will store four classic cars. He added that is the reason why the petitioner needs the additional square footage for the accessory structure.

Mr. D'Angelo noted that the Board of Appeals members have received drawings requested by the Board at the September meeting, and he inquired as to whether they have any questions on these drawings

Mr. Campbell stated the revised plans did not change the proposed garage but it recognized the existing shed so that it is documented and the variance will reflect the total combined square footage.

Motion by Mr. Campbell, supported by Mr. Edgar, with reference to File #16-6717 and application from Ms. Michele Singel, 19336 Dixie Drive, Clinton Township, Michigan 48035, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations, Accessory Buildings (Including Garages), One-Family Residential Districts, concerning Lot 149, Kelly-Nunneley Subdivision #2 (Section 28), located fronting the south line of Dixie, east of Capper, addressed as 19336 Dixie Drive, that variance be granted to permit the construction of a detached accessory structure (garage) for a single-family home in the R-3 One-Family Residential District, measuring 960 square feet, which, when combined with the existing 8' x 10' shed (80 square feet), is 197 square feet in excess of the maximum permitted 843 square feet (determined by ½ of the floor area of the house, which is 1,686 square feet); further, this grant of variance is based on claimed practical difficulty that the petitioner wants to ensure the safety and security of a number of classic cars; further, this grant of variance is contingent upon compliance with all other Township ordinances. Roll Call Vote: Ayes – Campbell, Edgar, Hornung, Pearl, Trombley, D'Angelo. Nays – None. Absent – Marella. Motion carried.

**SUITE 160, CLINTON MEDICAL CENTER CONDOMINIUMS (SECTION 6),  
LOCATED FRONTING THE WEST LINE OF DALCOMA DRIVE, NORTH OF 19 MILE  
ROAD, ADDRESSED AS 43475 DALCOMA, SUITE 160)**

**- APPEAL: DR. CARROLL'S ORTHOPEDICS @ CLINTON MEDICAL CENTER  
(POSTPONED FROM THE 9/21/16 MEETING)  
FILE #16-6720: PETITIONED BY DR. CARROLL'S – DALCOMA  
REPRESENTED BY MS. REBECCA GODIN, PHILLIPS SIGN & LIGHTING**

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Mr. Campbell explained that this was postponed from last month's meeting, so there was no new mailing to owners and occupants within 300 feet of the property in question.

Mr. Frank D'Anna, 1055 South Boulevard, Rochester Hills, Michigan 48307, stated this was postponed from last month because the owner was not present. He stated he is here tonight to answer any questions the Board may have. He explained that they want to accommodate every tenant in the building, and the square footage each tenant is allocated on the sign is in proportion to the amount of tenant space they have in the building. He explained when Dr. Carroll came in, he needed more exposure for his urgent care facility, and he was unable to accommodate his request on the one sign, which is why they need the second sign. He assured they have room on the first sign to accommodate other tenants because it was designed that way.

Mr. Campbell noted that the second floor of the building is vacant at this time, and the Board wanted to make sure that, with an additional sign going in, they will have room on the two signs to advertise all tenants in the building now as well as future tenants who may occupy the vacant space. He wanted to ensure that each tenant will not be coming in to request an additional sign.

Mr. D'Anna assured that Dr. Carroll will be advertising on the second sign, and although he is also advertising on the original sign at this time, as new tenants fill up the building, Dr. Carroll's business will not be advertised on the original sign.

Mr. Campbell commented that there is very limited visibility of the sign from northbound Dalcoma and nearly no visibility of the sign from southbound Dalcoma. He stated the Township would be willing to work with the owner to identify trees to be removed and/or relocated so the signs can be seen. He felt it does no good to have signage blocked by trees.

Mr. D'Anna stated he would be willing to do whatever he can to make the signs more visible.

Mr. Campbell pointed out that the maximum height of a lawn sign is 8 feet, and the existing sign has had an addition to it, resulting in a height of 9 feet 2 inches. He added that the maximum size of a lawn sign is 100 square feet, and with the unapproved

addition on the existing sign, it totals 106 square feet. He stressed that the existing sign was not approved with these dimensions.

Ms. Rebecca Godin, Phillips Sign & Lighting, Inc., 40920 Executive Drive, Harrison Township, Michigan 48045, stated they are here tonight to seek variances so they can do the face changes. She was asked to submit the drawings of the current sign to include height and square footage.

Mr. Campbell inquired as to whether they are seeking a variance for that sign as well.

Ms. Godin replied affirmatively, noting the top section was added and not reflected in the Township's records.

Motion by Mr. Campbell, supported by Mr. Hornung, with reference to File #16-6720 and application from Dr. Carroll's – Dalcoma, 43475 Dalcoma, Suite 160, Clinton Township, Michigan 48038, as represented by Ms. Rebecca Godin, Phillips Sign & Lighting, Inc., 40920 Executive Drive, Harrison Township, Michigan 48045, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(5), Signs, Definitions and Restrictions, OS-1 and OS-2 Districts, concerning Suite 160, Clinton Medical Center Condominiums (Section 6), located fronting the west line of Dalcoma Drive, north of 19 Mile Road, addressed as 43475 Dalcoma Drive, Suite 160, that variance be granted to: 1) Permit installation of a second lawn sign for a medical facility in the OS-1 Office/Service District (Dr. Carroll's Orthopedics/Urgent Care @ Clinton Medical Center) being one (1) lawn sign in excess of the maximum permitted one (1) lawn sign; and 2) Permit continued existence of an addition to the existing sign, resulting in the sign being 9 feet 2 inches in height, which is 1 foot 2 inches in excess of the maximum permitted 8-foot height, and 106 square feet, being 6 square feet in excess of the maximum 100 square feet permitted; further, this variance is granted with the condition that these two signs together will provide signage for all of the tenants for this site; further, the owner of the property is directed to work with the Planning Department on the relocation of trees to accommodate the visibility of signs from both northbound and southbound Dalcoma; further, this grant of variance is based on claimed hardship that there are multiple tenants in the building needing adequate identification; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Hornung, Pearl, Trombley, Edgar, D'Angelo. Nays – None. Absent – None. Motion carried.

Mr. D'Angelo complimented the petitioner on the nice-looking sign.

**2.73 ACRES OF LAND FRONTING THE EAST LINE OF GARFIELD, NORTH OF CANAL ROAD (SECTION 8)**

- **APPEAL: AHI GARFIELD SENIOR LIVING  
FILE #16-6723: PETITIONED BY ROBERT ASMAR, GARFIELD VENTURES  
REPRESENTED BY MR. DAN TOSCH, PROGRESSIVE ASSOCIATES INC.**
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This item was deleted from tonight's agenda.

**PART OF LOT 13, SUPERVISOR'S PLAT #2 SUBDIVISION (SECTION 35),  
LOCATED AT THE NORTHWEST CORNER OF 14 MILE AND HARPER,  
ADDRESSED AS 33495 HARPER)**

- **APPEAL: SOMERSET PHARMACY @ ROYAL PLAZA  
FILE #16-6724: PETITIONED BY MR. MOHAMED HAMMOUD,  
SOMERSET PHARMACY**
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Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 74 owners and/or occupants of property located within 300 feet of the land in question, with 11 of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Mohamed Hammoud, 33495 Harper, Clinton Township, Michigan 48035, explained the plaza does not have a sign for all of the businesses, and based on the angle with which this business is facing Harper, it is difficult for motorists to see it. He added there are also trees blocking the view, which adds to their hardship.

Mr. Campbell explained this variance request is the result of a citation that was issued by the Building Department for the second wall sign that was put up without a permit. The citation also addressed the signage in the window, which was determined to be in excess of the coverage permitted. He stated signs in the window are only allowed to cover up to fifty percent of the window space. He added it appears as though no action has been taken by the petitioner with regard to this violation.

Mr. Hammoud claimed when they first moved in and had a lot of window signage, the building inspector allegedly told him which signs he could keep, so he complied and removed the others. He added that when the inspector returned a few weeks later, he told him to remove more.

Mr. Campbell stated he did not measure the signage in the window, but it appeared to be covered by more than fifty percent.

Mr. Hammoud explained their pharmacy has been broken into so it is a security issue and the additional signage helps. He also pointed out that the sun shines directly into their store, so the extra signage helps to block out the full sun.

Mr. Campbell explained that he will be required to remove some of the window signage so that it does not cover the window in excess of fifty percent, and if the citation is more recent than the building inspector's visit, he will have to remove more.

Mr. Hammoud claimed the sign contractor was supposed to pull the permit for the second sign, but he discovered a year after the fact that it had not been pulled. He assured he will make any adjustments on the window signage that is needed to be made to be in compliance with the ordinance, but he would like to keep the second wall sign.

Mr. D'Angelo visited the site and commented that the windows are 100% covered with signage.

Mr. Hammoud claimed the door is not covered, and there is a portion under the phone number that is not covered.

Mr. D'Angelo stated there are pictures on his phone showing the window still 100% covered.

Mr. Santia agreed with Mr. D'Angelo that the majority of the window is covered with signs. He stated it appears a small area in the center of the window may have been cleared of signage, but that would only be about 33% at the most. He stated the sign coverage cannot exceed 50%.

Mr. Campbell noted that the violation was dated September 14<sup>th</sup>, 2016 so this is a relatively new violation.

Mr. Hammoud stated all of the windows were totally covered when it was first inspected. He made some adjustments according to the building inspector's request, but he claimed when the building inspector came out a second time, he was told he would have to remove more. Mr. Hammoud replied to inquiry that the sign company was supposed to pull the permit, and they were supposed to have an inspection, but they never followed through. He added when he tried contacting the sign company, they would not answer their phone. Mr. Hammoud replied to further inquiry that the "Somerset" sign was first, and the "Pharmacy" sign was added later.

Mr. Campbell felt a variance request makes sense for this location because there is a visibility issue for traffic traveling on Harper. He commented that the signs are tasteful and not too large, so he would be in favor of granting the variance. He added, however, that the window signage will have to be brought into compliance with ordinance requirements.

Motion by Mr. Campbell, supported by Ms. Trombley, with reference to File #16-6724 and application from Mr. Mohamed Hammoud, Somerset Pharmacy, 33495 Harper Avenue, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(3)-C, Signs, Definitions and Restrictions,

“Business sign”, concerning Part of Lot 13, Supervisor’s Plat #2 Subdivision (Section 35), located at the northwest corner of 14 Mile Road and Harper Avenue, addressed as 33495 Harper Avenue, that variance be granted to permit continued existence of two (2) wall signs for a business in a commercial plaza in the B-3 General Business District (Somerset Pharmacy @ Royal Plaza), being one (1) wall sign in excess of the maximum permitted one (1) wall sign; further, this variance is granted on the condition that the petitioner will have thirty (30) days to correct all violations, and this will be communicated to the Building Department so they can conduct a follow-up inspection; further, this grant of variance is based on claimed hardship being the lack of visibility for motorists on Harper Avenue; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Trombley, Pearl, Hornung, Edgar, D’Angelo. Nays – None. Absent – Marella. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF SEPTEMBER 21<sup>ST</sup>, 2016 REPORT**

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Mr. Campbell requested the following corrections:

Page Three, Paragraph Three, Line 1:

Change from: “Mr. Nichols stated ...”

Change to: “Mr. D’Angelo stated...”

Page Seven, Last Paragraph, Line 1:

Change from: “Ms. Bodin...”

Change to: “Ms. Godin...”

Motion by Mr. Campbell, supported by Mr. D’Angelo, to approve the minutes of the July 27<sup>th</sup>, 2016 Meeting with the changes as noted. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

### **-- CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE: WEDNESDAY, NOVEMBER 16<sup>TH</sup>, 2016 AT 6:30 P.M.**

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Mr. Santia confirmed that there will be a meeting on November 16<sup>th</sup>, 2016, and there will be two items on that agenda, in addition to AHI Garfield Senior Living, which was deleted from tonight’s agenda.

## **ADJOURNMENT**

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Motion by Mr. Pearl, supported by Mr. Campbell, to adjourn the meeting. Motion carried. The meeting adjourned at 6:58 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:10/23/16

ces:10/28/16

*Approved 11/9/16*