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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

October 11, 2018
7525 Highland Road
White Lake, MI 48383

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Schillack was excused.

ROLL CALL: Debby Dehart
Mike Powell – Board Liaison
Nik Schillack - Excused
Cliff Seiber (Alternate)
Josephine Spencer –Chairperson
Allison Swanson - Excused
Dave Walz – Vice Chair

Also Present: Jason Iacoangeli, AICP, Staff Planner
Sherri Ward, Recording Secretary

Visitors: 12

Approval of the Agenda:

Mr. Walz moved to approve the agenda as presented. Ms. Dehart supported and the MOTION CARRIED with a voice vote (5 yes votes)

Approval of Minutes:

- a. Zoning Board of Appeals Meeting of September 27, 2018

The minutes will be approved during the October 25, 2018 meeting.

New Business:

Agenda item: 6a

Appeal Date: October 11, 2018

Case No.: 18-026

Applicant: David Campbell
7110 Highland Road
White Lake, MI 48383

Zoning: (GB) General Business

Location: David J. Campbell D.D.S.
7110 Highland Road
White Lake, MI 48383

Ms. Spencer reported that letters were sent out to residents in a 300 foot radius and none were received in favor, none in opposition, and none were returned by the USPS.

Mr. Iacoangeli presented his Planner's Report:

Property Description: The property 7110 Highland Road identified as parcel 12-21-326-013 is zoned General Business (GB). The building is currently used as a Dentist Office.

Applicant's Proposal: The applicant is proposing to construct a new free standing monument sign on the property to replace a failed post pylon sign that existed on the property. The new sign is proposed at 4 x 8 sign or 32 square feet and a total height of eight (8') feet.

Staff Planner's Report: The applicant would like construct a new freestanding style monument sign that will replace a legal non-conforming pylon sign. Signs in the General Business District are required to have a minimum of ten (10') feet of setback from the right-of-way. The property owner has purchased a significant portion of the right of way that was located in front of his building. This will allow the sign to first and foremost place the sign on his property which will keep it from being an off-site sign. The ordinance requires that sign to be a minimum of ten (10') feet of setback. The applicant is requesting that the sign only have two (2') feet of setback. Typically, per the Ordinance a sign would be allowed to have two (2) square feet of sign face for every foot of setback from the right of way. The minimum of ten (10') feet would allow the sign to be twenty (20) square feet of sign face. The applicant is asking for a sign that is thirty-two (32) square feet in size. This would require a sign to be setback sixteen (16') feet away from the R.O.W this sign will only be two (2') feet. Further, a monument sign in this district is only allowed to have a maximum height of six (6') feet. The sign is proposed at eight (8') feet. The applicants property is located at the bottom of a slope which rises as you travel east on M-59. The Community Development Office feels that the size of the sign at thirty-two (32) square feet with a setback of two feet from the R.O.W. should provide enough visibility at six (6') feet in height and that the additional two (2') feet is not necessary. Further, the overall sign should be limited to twenty-four (24) square feet or 4 x 6. With that the request for the sign to be allowed closer than ten (10') feet from the property line has some merit based on the topography. It should be noted that the sign will be setback seventeen (17') from the traveled portion of M-59.

Mr. Powell asked if this has been before us before and where the sign was proposed last time. Previously, Dr. Campbell was asking for a 0' setback to allow for the sign to be at the edge of the right of way. He is now asking for 2' from the property line, he's actually moving the sign approximately 40'. Mr. Iacoangeli stated that we think now at 8 feet, this close to the road, is too much. The sign will be very large up at the road – typically a sign this large would be 16 feet from right of way, this one will be 2 feet, and we feel that 24 feet is generous. The overall height of 8' versus 6' won't be much of a difference. The fact being closer to the road would allow for a lot of visibility.

Dr. Campbell explained that the 4x8 sign he is requesting is the same size as he had in the past for 40 years. He feels coming from the east, the 6' sign is not high enough. When the parking lot is full, the cars block the sign. In the evening when it's dark, people have a hard time seeing where to pull in. He constantly gets complaints that patients can't see where the entrance is. Dr. Campbell presented photos demonstrating the need for an 8' sign. He said it's more a safety thing than anything else. The property next door is zoned AG and it also causes problems with the weed growth. He is between two undeveloped properties.

Mr. Walz asked if there is a reason why he didn't follow up after making application last time. The Township was concerned with the sign being on MDOT's easement. Dr. Campbell has since purchased the MDOT property.

Ms. Dehart asked how the sign is lit, and the sign is lit from the inside out.

Mr. Walz asked Dr. Campbell about the hours of the business. Dr. Campbell replied that the hours are Monday 9-7, Tuesday, 8-5, Wednesday 8-5, Thursday 8-7, off Fridays, and open every other Saturday.

Mr. Seiber asked when Dr. Campbell acquired the MDOT right of way. The original sign was far into the MDOT right of way. Years ago, M-59 was a two lane road.

Dr. Campbell doesn't think what he is asking is trying to bend or break the rules or get an advantage over someone else's business.

Ms. Spencer opened the public hearing at 7:26 p.m.

Bruce Hazen (2150 Teggerdine) said it seems like a no brainer to him. The sign is not larger or further out than the old one and he doesn't see a problem. Mr. Powell asked if he goes to the right office when he goes there, and he does.

Denise King (Waterford) has been a patient 17 years along with her husband and 3 kids. Since the sign came down, she has passed the business. She stated that she's on a 4 lane highway with people going 55 or faster with people on your tail while trying to turn in. After 17 years, she missed the drive, she's sure elderly people are missing it as well.

Sara Durham (1225 Showman) has been a patient for 5 years, and she's missed the drive or has to really slow down to turn in.

Steve King (Waterford) has been a patient 17 years too, and has to slow down way too soon to find the drive. Mr. Powell asked if he's going there to see Dr. Campbell, and yes he is.

Cherilyn Rickard (2689 Lakeside Dr.) has been a patient for 17 years and she's tried to give directions to people trying to find the office and people really have to look for the office.

Rose (680 Wise Road) has been with Dr. Campbell for many, many years. Even though she's driven to the office this long, she has a hard time and is afraid of getting rear ended. She worked for a Township previously and told a story about a handicap bathroom remodel that was built to the requirements but was really impractical because of those rules. There has been a sign there for 40 years, it's not for Dr. Campbell, it's for the patients. She has a daughter who is a new driver and is afraid for a new driver having to slow down to find the place.

Bill King (1484 Jamestown Circle, Northville) wanted to point out that while he knows where the building is, he still worries about braking so much and having someone come up on him.

Ms. Spencer reported that ZBA members go out and visit the site prior to the meeting and she had difficulty turning in.

Ms. Spencer closed the public hearing at 7:36 p.m.

Dr. Campbell appreciates so many of his patients showing up, and they have all been asking about the sign and they keep commenting that they want to make sure they can see it. It's a unique piece of property. A lot of the ordinances are written for large open pieces of property and they don't have his problems. He feels this process should be for gray areas. Safety is huge and he has fought to do this for the safety of his patients. The sign isn't bigger than before, and he's moved it back. He hopes you can understand our point of view is different than the Township's rules.

Mr. Iacoangeli felt that the statement is inappropriate and he only follows a set of rules in a book that he has to follow. He stated that they try to make it work for everyone and he wants to make sure the public is aware of that

Mr. Powell stated that Township staff is bound by the rules of the Township, the staff has to write a report like they did and take to the ZBA. There is an appeal process and that is what we are doing here. Mr. Powell didn't take it as an affront to the Planning Department.

Ms. Spencer stated that the decisions are based on what we hear and Mr. Walz stated that the Township has to present both sides.

Mr. Powell wanted to thank everyone who came to the meeting and said that it's an amazing thing to see all the patients come out in support. That being said, there is a very good argument for the height issue. Mr. Powell stated that we're being asked to break the law, and there has to be a good reason to break the law. Mr. Powell is not sold on a 32 square foot sign, it's our job to give the least variance possible, and he believes Dr. Campbell has demonstrated a hardship on the height.

Ms. Spencer has been here a long time and knows where the office is, but found herself unable to get over, she had to keep her blinker on for the longest time. What kind of disserve it may be to not get new clients in because they are traveling so fast. She thinks 32' is acceptable.

Mr. Seiber said Ms. Spencer is on to something. He's been before other ZBA boards and part of what is a determining factor is the speed limit because you're traveling so fast you have to be able to see that sign and react to it. He looked at what is being proposed and said if he went to 4x6, he would have to reduce the size of his name on the sign. Based on the speed limit there's a good argument to stay with 32 square feet. Typical cars are 4 ½ high, there were cars parked there tonight – and you're only seeing part of the sign and if you have minivan or SUV, you're only seeing a small portion of the sign. The old sign was 10' high. The fact that he purchased the property from MDOT is a good effort on the Dr.'s part and it shows a lot that the patients showed up on his behalf. Ms. Dehart would like to reiterate to those patients, thanks for showing up and speaking.

Mr. Powell wondered if, under the motion presented, that there is not a snag as presented. The end result is what we want it to be. Should it be 28 square feet?

Mr. Walz moves to approve the variance requested by David Campbell, 7110 Highland Road, parcel 12-21-326-013, in order to construct a new free standing monument sign. The variances requested are to Section 5.9.I Non-Residential Freestanding Signs. (1) An 8 foot requested variance from the required 10 feet setback for an end result of 2 feet (2) A 12 square foot requested variance from the required 20 square feet of sign face for an end result of 32 square feet (3) A 2 foot variance from the required 6 feet sign height for an end result of 8 feet. This approval will have the following conditions: The applicant will pull all of the necessary permits from the White Lake Township Building Department. The applicant will remove the existing post pylon sign from the property. The Contractor will

call for a footing inspection prior to installing the sign in place to verify the location is consistent with the survey. Mr. Seiber supported and the MOTION CARRIED with a roll call vote: Spencer – yes there is a hardship with the topography and we want to make sure the health, safety and welfare travelling M-59 is taken into consideration, Walz – yes for the reasons stated, Powell – yes, Dehart – yes, Seiber – yes.

Adjournment:

The meeting was adjourned at 7:57 p.m.