



Planning and Economic Development

Ed Anzek, AICP, Director

From: James Breuckman, AICP
To: Sign Board of Appeals
Date: 10/3/2013
Re: 06-013 SBA – M59 Business Park Off-Site Sign: Reconsideration of Approval

Background

As you may recall, the SBA approved a 5-year extension of approval for the M59 Business Park to locate an off-site directional/advertising sign in the Avon Industrial right-of-way at the April 10, 2013 meeting. That approval was essentially a 5-year extension to the previously-approved 5-year variance granted in 2008 (both meeting minutes are attached). The sign was initially approved in 2006 and was located on what is now the retail center's property, but when Mr. Al Santia purchased the retail center in 2008 he no longer allowed the sign to be located on his property. At that time the SBA granted the variance to allow the sign to be located in the right-of-way.

Staff is forwarding this item to the Sign Board of Appeals for reconsideration because Mr. Santia had sent an email opposing the extension to the Planning Department prior to the meeting on the basis that it blocked visibility into his site. However, that letter of opposition was not provided to the SBA because it went into a spam email folder and was not discovered until after the meeting (the email is attached).

Subsequent to the discovery, Planning and Code Enforcement staff worked with Mr. Santia and Mr. Brett Everhart (the applicant) to identify a mutually agreeable solution. Mr. Santia noted at the time that he wanted the sign moved from its current location to the west side of his driveway onto Avon Industrial (refer to the attached overview photograph).

After some discussion it appeared that we had arrived at a solution whereby the sign would remain in its current location but would be reduced to half its existing height. Mr. Everhart prepared a rendering of the revised sign (rendering is attached) and submitted it to the City, and we in turn sent it to Mr. Santia for his review and sign-off. Mr. Santia responded that he was not satisfied with the revised sign and reiterated that he wanted it moved to the west side of his driveway.

Reconsideration

Given that the adjacent property owner's comment was not provided to the SBA at the time of its action on this request, Staff is forwarding this to the SBA for consideration of a reconsideration of the approved variance. Given this new information about the variance you may decide to reconsider the variance, or decline to reconsider the variance and take no action. If the SBA declines to reconsider the variance, no motion is necessary and the existing variance will stand as approved in April.

Process

The process if you choose to reconsider the variance would be as follows:

1. A motion to reconsider can be made by any member of the SBA that voted "yes" to grant the variance in April. SBA members Brnabic, Colling, Koluch, and Verschueren were present and all voted yes on the original variance and may make a motion to reconsider. Any member can second the motion. Members Duistermars, Kochenderfer and McGunn were not present at the April meeting and may not make the motion to reconsider.

2. A Motion to Reconsider may be made at the same or next meeting. While the ZBA held meetings in June and July, the Sign Board of Appeals technically has not met since April.
3. Assuming a motion is made, seconded, and approved by a majority present, the matter can then be taken up again for discussion. The effect of an approved motion to reconsider is it places the main question (i.e. the motion to approve the variance) back before the board again in the same position it was in just before it was originally approved. This means that the original motion can be further debated, amended, withdrawn, or voted up or down.
4. If the original motion is approved, including any amendments, the matter is again closed and the variance is approved.
5. If the original motion is opened for reconsideration and fails, the matter remains open until an alternate motion deciding the matter is eventually made and adopted by the board.

Staff is not providing any recommendation on whether you should reconsider the variance or not. Rather, we are placing this back before you for potential reconsideration due to your not having all of the information on this item at the April 10, 2013 meeting. This is a procedural request and we believe the SBA would like to have your decisions based on all available information and opinion.

Sample Motion

MOTION by _____, seconded by _____, in the matter of File No. 06-013, that the April 10, 2013 approval of extension of variances from Section 134-109(b), 134-115(a), and 134-115(c) of the Rochester Hills Code of Ordinances to allow one off-premises real estate sign to be located in the public right-of-way of Avon Industrial Road, west of Crooks Road, adjacent to the parcel identified as parcel number 15-29-228-004 be **RECONSIDERED** in light of new information being brought to light that was not available to the SBA when the variance was approved.