

2013-0126

SIGN BOARD OF APPEALS
PUBLIC HEARING - FILE NO. 06-013

Location: The northwest corner of a parcel of land located on the west side of Crooks Road, north of Avon Industrial Drive and south of Hamlin Road, adjacent to the parcel identified as Parcel Number 15-29-228-004, zoned B-3 (Shopping Center Business).

Request: An extension of variances to allow one (1) off-premises real estate sign to continue to be located in the right-of-way immediately adjacent to Parcel Number 15-29-228-004. The sign in question is an advertising sign for the M-59-Crooks Business Park. The Business Park is located on the south side of Avon Industrial Drive.

Item #1 - A variance to permit one (1) off-premises real estate sign pursuant to Section 134-115(a) of the Code of Ordinances, which prohibits any sign that is not an on-premises sign.

Item #2 - A variance to permit one (1) off-premises real estate sign to be located in a public right-of-way pursuant to Sections 134-109(b) and 134-115(c) of the Code of Ordinances, which both prohibit signs from being located in the public right-of-way.

Applicant: Avon Star, LLC
4036 Telegraph, Suite #200
Bloomfield Hills, Michigan 48302

(Reference: Staff Report dated March 17, 2008 (original variance request) by Derek Delacourt, former Deputy Director of Planning, and associated documentation were placed on file in the Planning and Economic Development Department and by reference became part of the record thereof.)

Chairperson Colling read the request for the record, and invited the applicant to come forward to the presenter's table, state their name and address for the record, and provide a brief summary of their request.

Ms. Linda Oak, Avon Star LLC, 4036 Telegraph, Suite #200, Bloomfield Hills, MI, came forward, introduced herself and explained they have had the sign in place for five years. It has not caused any problems or accidents, and helps their tenants' customers find the location. The sign also helps keep the property leased up, as people who are looking to lease will know where the property is, and will know that their clients can find them.

Chairperson Colling asked if the property is currently fully leased. Ms. Oak replied no.

Chair Colling then asked if staff has anything to add.

Mr. Breuckman commented as this is an extension of a variance, staff included all the information from when this request was before the Board five years ago. Nothing has materially changed in the past five years, physically where the sign is located, the environs of the site, or even the occupancy percentage of the use in question. Potential motions have been provided and he will answer any questions.

Mr. Sage added that approval of the original variance was contingent on a permit from the Engineering Department to continue to locate the sign in the public right-of-way. Additionally, the Engineering Department called Mr. Sage with a concern about the forecast for the longevity of this sign to remain in the right-of-way indefinitely. This extension would be contingent upon the applicant continuing to secure a permit from the Engineering Department for the location in addition to the permit from the Building Department for the sign permit itself. The applicant has been renewing the permit every year for the last five years since the Sign Board of Appeals granted the initial approval.

Chairperson Colling asked if Engineering has come forth with any objections at this time.

Mr. Sage explained the only objection they had was concern about the duration that the sign is going to remain in the right-of-way. This is a precedent that has never been set before. The Engineering Department always has concerns about temporary things eventually becoming almost permanent things in rights-of-way.

Chairperson Colling commented he doesn't see where much has changed and feels the need for the sign is still there. He clarified to the applicant that this approval is not going to be permanent. Ms. Oak replied she understands that and will renew both permits every year. Mr. Colling stated as long as Engineering has no problems with the sign, he would like to renew the approval, especially with the economy down, any edge the applicant can have to lease is in the City's best interest. The question is does the Board do the same as last time - that motion was to approve for one year with five one-year extensions by way of permit. If the sign was still standing after five years, the applicant would have to request their extension through the Sign Board. The Board can amend this approval to whatever duration they feel is appropriate. Chairperson Colling said if the Board favors granting the variance, it should be for a specific time period, e.g., three or five years with a renewal from the Building Department annually. Mr. Colling asked if the Board grants a five year variance, the sign permit is pretty much defacto renewed for that time period - it's the Engineering permit that is up on a yearly basis. Mr. Sage indicated this is correct.

Chairperson Colling asked the applicant what time period they feel would work for them before having to appear in front of the Board again for another approval, to which Ms. Oak indicated five years, the same as last time. Mr. Colling indicated he does not have a problem with this time frame this time, but five years from now, he would like to approve for a lesser period if it is extended.

MOTION by Verschueren, seconded by Koluch, in the matter of File No. 06-013, that the request for the extension of variances from Sections 134-109(b), 134-115(a) and (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 **APPROVED** for the applicant, Avon Star LLC, on behalf of GVA Strategies because competent, material, and substantial evidence does support the following affirmative findings with conditions:

Findings:

1. A special condition or circumstance does exist for this applicant in that the property the sign advertises (the M-59/Crooks Business Park) does not front upon a major thoroughfare and has no visibility at the intersection of Avon Industrial Drive and Crooks Road.
2. Strict application of the provisions of this chapter would deprive the applicant of property rights commonly enjoyed by other properties in the same district.
3. Substantial justice will be done by allowing this approval. This approval will not be contrary to the public purpose and the general intent of the Sign Ordinance. Specifically, the sign will not endanger the public in terms of location and will assist the public in finding the area, and minimize traffic problems in that particular location.

Conditions:

1. The approval is granted for the period of one (1) year from April 10, 2013. Annual renewals of this sign permit will be authorized by the City's Building Department as set forth in Section 134-147 (Real Estate Signs) of Chapter 134 (Signs) of the City's Code of Ordinances. If the sign is still being renewed five years from April 10, 2013, a variance request must be brought back to the Sign Board of Appeals for review.
2. The sign must meet all Ordinances and requirements specific for a temporary real estate development sign.
3. The sign will be specifically for GVA Strategies for the M-59/Crooks Road Business Park.
4. The sign will be no greater than 35 square feet, as depicted on the plans dated received April 10, 2013.
5. The sign is to be located in the public right-of-way substantially as shown on the aerial example provided in the application, and subject to the City Engineering Department's approval.
6. The location must conform to all applicable Ordinances and laws.

A motion was made by Verschuere, seconded by Koluch, that this matter be Approved. The motion carried by the following vote:

Aye 4 - Brnabic, Colling, Koluch and Verschuere

Absent 3 - Duistermars, Kochenderfer and McGunn

2013-0128

PUBLIC HEARING - FILE NO 13-003

Location: 1468 Ruby Avenue, located on the northeast corner of Ruby and Cone Avenues, between Crooks and Livernois, Parcel Identification Number 15-33-401-009, zoned R-4 (One Family Residential).