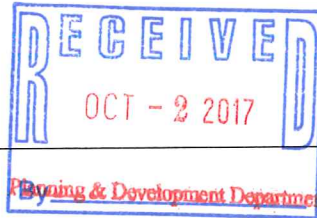




Department of Planning and Economic Development  
1000 Rochester Hills Dr.  
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(248) 656-4660  
[planning@rochesterhills.org](mailto:planning@rochesterhills.org)  
[www.rochesterhills.org](http://www.rochesterhills.org)



## Sign Board of Appeals (SBA) Application

### Property Information

Street Address <b>1159 South Boulevard East</b>	
Parcel Identification Number (can be obtained on the <a href="#">Property Tax Look-Up page on the City's website</a> ) <b>70-15-36-352-008</b>	
Current Use(s) <b>Residential</b>	Zoning District <b>O-1 Office Business</b>

### Request Information

Ordinance Section(s) (variance being requested from) <b>See Attached</b>
Requested Variance(s) <b>See Attached</b>
Review Criteria (as defined in <a href="#">Section 134-41</a> of the City's Sign Ordinance) The zoning ordinance authorizes the SBA to vary or modify the ordinance only in cases when the competent, material and substantial evidence in the official record of the appeal supports all the following affirmative findings: <b>Special Conditions.</b> Describe how special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. <b>See Attached</b>
<b>Deprivation of Rights.</b> Describe how literal interpretation or application of the provisions of <a href="#">Chapter 134 (Signs)</a> would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of <a href="#">Chapter 134 (Signs)</a> . <b>See Attached</b>
<b>Substantial Justice.</b> Describe how allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by <a href="#">Chapter 134 (Signs)</a> , the individual difficulties that will be suffered by a failure of the SBA to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent and purpose of <a href="#">Chapter 134 (Signs)</a> . <b>See Attached</b>



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## SBA Application

### Applicant Information

Name	International Outdoor Inc		
Address	28423 Orchard Lake Rd. Suite 200		
City	Farmington Hills	State	MI Zip 48334
Phone	(248) 489-8989	Email	jim@iobillboard.com
Applicant's Legal Interest in Property	Lessee		

### Property Owner Information ☐ Check here if same as above

Name	Domingo Martinez		
Address	1159 South Boulevard East		
City	Rochester Hills	State	MI Zip 48307
Phone	(586) 549-2406	Email	No Email

### Applicant's/Property Owner's Signature

I (we) do certify that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

I (we) authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the above referenced property.

Applicant's Signature	Applicant's Printed Name	Date
	CARL E. "DANDY" ORAM	9-27-17
Property Owner's Signature	Property Owner's Printed Name	Date
	DOMINGO MARTINEZ	09/27/17

### OFFICE USE ONLY

Date Filed	File #	Escrow #
10/2/2017	17-039	N/A

**SIGN BOARD OF APPEALS**  
City of Rochester Hills  
**International Outdoor, Inc – 1159 South Blvd.**

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## Application Answers

### Special Conditions

Describe how special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

**Answer:**

Rochester Hills is comprised of 32.2 square miles situated in the east central portion of Oakland County with a population of approximately 70,000. The populace is well-educated, interested in community and civic affairs, proud of their homes and the municipality in which they live. A wide variety of industries, such as computer technology, electronic research, development and manufacturing, plastic injection molding, tool and die, precision machine tool fabrication, structural engineering, warehousing and distribution have chosen Rochester Hills as their corporate headquarters.<sup>1</sup>

1159 South Blvd. is zoned O-1 (Office Business) and is located on the south side of M-59 just east of John R. Road. This corridor and the surrounding properties are all zoned O-1 (Office Business). This property is situated in a highly desirable area with high traffic counts and a local business desire for out-of-home advertising, which is typically a less expensive advertising option than traditional forms like radio and television.

Applicant is aware of at least three traditional off-premises signs within Rochester Hills that are consistently being used. One is the large 2-sided digital (approximately 20 feet by 20 feet) sign on the corner of Adams and Walton on Oakland University property. This sign was approved on property zoned as Special Purpose. The other two traditional off-premises signs are located on the south-side of Auburn Road between Adams and Crooks near Technology Dr. These off-premises signs are smaller than the industry standard 14 feet by 48 feet and erected on property zoned B-2.

Applicant is proposing to erect a 14 feet by 48 feet, two-sided digital display using the most current digital technology available and decorative monument style structure. Applicant intends to utilize approximately 25 square feet of the rear corner of the landowner's property.

Applicant is requesting the off-premises sign be approved as an ancillary use. The property is zoned for a traditional business/industrial use and approving applicant's request for an off-premise sign would allow the land owner to maximize the use of his property while at the same time benefit the local residents, local businesses, and the city with cost-effective advertising alternatives for promoting its events, initiatives, and activities. Furthermore, Applicant prioritizes and is committed to the "Emergency Alert System," including Amber Alerts and local and State emergency weather and traffic service announcements.

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<sup>1</sup> "About Rochester Hills" (2017, September 29). Retrieved from <http://www.rochesterhills.org/index.aspx?nid=94>

**SIGN BOARD OF APPEALS**  
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### **Deprivation of Rights**

Describe how literal interpretation or application of the provisions of *Chapter 134 (Signs)* would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of *Chapter 134 (Signs)*.

**Answer:**

As previously stated, the city allows off-premise signs in some instances (Oakland University and Auburn Road signs) but prohibits them on most of the property within its limits (Rochester Code of Ordinances, Section 134-115(a)).

Allowing some property owners to maximize the use of their property; but not all, deprives the applicant and its landlord of the right that other similarly situated landowners partake.

Furthermore, local government cannot suppress what the state promotes or permits. Michigan has long considered outdoor advertising a legitimate business and billboards a lawful land use. Billboards are an integral part of Michigan's economy. The Highway Advertising Act (HAA) says so: "[O]utdoor advertising is a legitimate accessory commercial use of private property, is an integral part of the marketing function and an established segment of the economy of this state." MCL 252.303.

### **Substantial Justice**

Describe how allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by *Chapter 134 (Signs)*, the individual difficulties that will be suffered by a failure of the SBA to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent and purpose of *Chapter 134 (Signs)*.

**Answer:**

It is Applicant's position and experience that most peoples and municipalities' knee-jerk reaction to off-premise signs are coming from a "not in my back yard" mentality. This reaction is not based on objective facts, but rather a collective mantra that has been restated over and over again turning off-premise signs into some horrible, lurid, creature that it simply is not.

Applicant would argue that the public will benefit more from digital off-premise signs than it would without. Digital off-premise signs do not create a traffic hazard, numerous federal and local traffic studies support this conclusion. New digital technology angles the LED's towards the street to minimize any illumination to surrounding properties. Most, if not all, off-premise signs are erected in business or industrial districts. Digital off-premises signs can be updated at a moment's notice to inform local populations to an emergency. Applicant works in partnership with local governments to promote local initiatives and invest back into the communities it serves. Off-premise signs also assist numerous government officials and candidates to advertise their campaigns during election seasons. Off-premise signs are usually erected on major thoroughfares and can provide exceptional directional advertising for local businesses. Off-premise signs today can be constructed in numerous forms; including, monopole and monument styles.

Instead of prohibiting off-premise signs all together, the City should consider revising its ordinance to allow for some off-premise signs along industrial/business property abutting major thoroughfares. The general purpose and intent of the Sign Ordinance is to responsibly regulate signage throughout the city, provide consistent standards, and ensure that signs do not have a negative impact on public



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safety. The purpose of the Sign Ordinance is not to prohibit a lawful use provided for under Michigan law.