



# Rochester Hills

## Minutes - Draft

### Zoning Board of Appeals

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Chairperson Ernest Colling, Jr.; Vice Chairperson Kenneth Koluch*  
*Members: Deborah Brnabic, Bill Chalmers, Jayson Graves, Dale A. Hetrick, Charles Tischer*

---

Wednesday, February 13, 2019

7:00 PM

1000 Rochester Hills Drive

---

## CALL TO ORDER

Chairperson Ernest Colling called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 5 - Deborah Brnabic, Ernest Colling, Jayson Graves, Kenneth Koluch and Charles Tischer

**Excused** 2 - Bill Chalmers and Dale Hetrick

Quorum present.

Also present: Kristen Kapelanski, Manager of Planning  
Mark McLocklin, Ordinance Officer  
Maureen Gentry, Recording Secretary

## APPROVAL OF MINUTES

[2018-0591](#) October 24, 2018 Special Meeting

*Some members had not received the Minutes in the packet, so this matter was postponed until the next meeting.*

## COMMUNICATIONS

A) *Four issues of Planning & Zoning News*

## PUBLIC COMMENT

*Chairperson Colling opened Public Comment at 7:02 p.m. Seeing no one come forward, he closed Public Comment.*

## NEW BUSINESS

[2019-0014](#) **SIGN BOARD OF APPEALS**  
**PUBLIC HEARING - FILE NO. 19-004**

Location: 50 W. Hamlin, located at the northwest corner of Rochester and

Hamlin Roads, Parcel No. 15-22-451-030 and zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay.

Request: A request for a variance of one foot from Chapter 134-5 (Sign Ordinance) which requires a minimum height of seven feet for monument signs. Submitted plans show a monument sign height of eight feet.

Applicant: Kevin Short  
Johnson Sign Co.  
2240 Lansing Ave.  
Jackson, MI 49202

*(Reference: Staff Report prepared by Ms. Kapelanski dated February 6, 2019 and various application documents had been placed on file and by reference became part of the record thereof).*

*Present for the applicant was Kevin Short, Johnson Sign Company, 2240 Lansing Ave., Jackson, MI 49202.*

*Mr. Short advised that Mr. Jonna from MJR Group wished to replace the pole sign on Rochester, north of Hamlin. He felt that it was old, and he wanted to fit in more multi-tenant signs. Mr. Short met with Mr. McLocklin from the Building Dept. and told him they wanted to go a little higher than what the code allowed, because it would get it off the ground. They would be going from a very visible, nice height to the ground. He stated that any other ground sign for a single business under the same code could be seen, but with multi-tenants, they needed higher visibility. It was suggested that it be put in the parking lot, but the cars made it hard to see half the sign. He felt that it was a hardship for a multi-tenant sign. They wanted to ask for eight feet, but decided to ask for one. He claimed that there were other ground signs up and down Rochester Rd. that did not work. He believed that there were a couple of others at eight feet, and they hoped to have the same height.*

*Ms. Kapelanski felt that Mr. Short had sufficiently outlined the request. She noted that there were three findings that the Sign Board of Appeals had to consider when determining whether or not to grant a Variance. The first was about special conditions of the site. The applicant had stated that the sign would be below the vehicular visibility for cars driving by on the adjacent roadway, and that the extra height was needed to provide visibility. The second was the deprivation of rights, meaning that it should not deprive the applicant of property rights commonly enjoyed by other property owners. It was staff's contention that the denial of the requested Variance would not deprive the applicant of the right to have signage as permitted by the Ordinance; the applicant could still have a seven-foot monument sign. The third was that allowing the Variance would result in*

*substantial justice being done considering the public benefits intended to be secured by the placement of the sign. She said that the applicant had indicated that the proposed sign would provide a public benefit because it would allow vehicles to safely drive along the adjacent roadway allowing a better view of all of the tenants advertised on the sign. She noted that there were two sample motions provided, one to approve and one to deny, and that she and Mr. McLocklin were available for any questions.*

*Chairperson Colling noted that the request for a Variance was in regards to the height of the sign. He asked about the overall square-footage of the sign, and whether it was within the Ordinance. Ms. Kapelanski responded that it was, and that the applicant was only seeking a one-foot height Variance. Chairperson Colling said that the applicant had observed what he believed were signs at eight feet - or above the Ordinance. He considered that some might have predated the Ordinance for monument signs, but he wondered if staff had checked the signs the applicant claimed were in violation of the Ordinance.*

*Mr. McLocklin said that for the existing monument signs, the wash out was visible from the material of the mulch, which opened up the end of the sign. The seven feet was at the front, and on the backside, which projected to the east on some of the signs, they had disintegrated and settled in the earth. Chairperson Colling clarified that when the signs were installed, they complied.*

*Chairperson Colling opened the Public Hearing at 7:10 p.m. Seeing no one come forward, he closed the Public Hearing.*

*Mr. Koluch said that Mr. Short had mentioned landscaping around the potential sign which would block it, but he did not see any photos showing what that would look like. He asked if there would be landscaping around the sign that would diminish what people could see. Mr. Short advised that there was existing landscaping. Mr. Koluch asked if there were bushes or trees, and Mr. Short said that it was grass that grew a couple of feet tall. Mr. Koluch considered that it could be removed to increase visibility.*

*Mr. Koluch recalled a request from 2014 when Precision Lawn Care had asked for a Sign Variance. The company was located by Crooks and M-59 behind the Red Roof Inn and McDonald's. They had wanted a Variance to double the square-footage. The Board approved the request, and one of the reasons was because other signs blocked their sign. There was a nonconforming pole sign and a huge McDonald's sign at the*

front. People were turning into the McDonald's parking lot thinking they were going into Precision and vice versa. It turned out to be a safety issue. The customer service center was in the back of the building, and the building could not even be seen from the road. The present applicant had stated that a lot of the buildings were further back. Mr. Koluch pointed out that the difference between the subject request and Precision's was that people could not see any of the frontage of their building, and their sign was completely blocked by two other signs, one of which was nonconforming. He did not see the same situation with the subject request. The applicant was not asking for an increase in square-footage for the monument sign; it was for a one-foot increase in the height. He noted that copies of some Minutes had been included in the packet of other Variance requests for monument signs. Three were for automotive dealerships, but he did not see the same situation with the subject case. The reasons the dealership signs were granted were different. The subject property was different, the proposed sign would not be blocked by other signage, and the building could be seen.

Chairperson Colling said that he was involved in the other examples in the packet. In the case of the auto dealerships, they were down the hill on Rochester Rd., and the topography made the site lines difficult. Because of the road, people would have to look quickly to identify a driveway there. That was not the case with the subject application. It was one of the flattest and widest sections on Rochester Rd. He drove by the subject parcel before the meeting, and he frequented businesses there, so he was very familiar with the signage, which was by the middle driveway on Rochester Rd. There was a pole sign that was more of a pedestal situation. The grass around the bottom was easily removable, or the landscaping could be changed. Within the right-of-way where the sign was allowed, he thought that there was room for a monument sign that would give a lot of visibility. The smaller sign on Hamlin Rd. was near a driveway. He agreed that it was relatively restrictive. Coming down Rochester Rd., he could read the Staples, Hamlin Pub and Ram's Horn signs from his car without identifying the shopping center. The only places without a presence on the sign were the dog groomers and a pizza place. In the desire for multi-tenancy, especially with shopping centers such as the subject site where there could conceivably be more tenants than could be put on a sign, he maintained that the ZBA could not change the Sign Ordinance to allow an unlimited amount of visibility for every business. He did not think that there was any uniqueness to the property, the geography or topology that restricted visibility more than any other business in the City. It did not matter where a monument sign was in the City; if there was a semi-truck between a person and the sign, it

would not be able to be seen. That was just a fact of life that they would not change. He understood the importance of visibility to businesses, but there was signage available for the property owner and visibility from the road, and he did not think that a Variance was warranted.

Ms. Brnabic said that she agreed. The only thing she slightly considered was that the businesses were 300 feet back. If people were not able to view the monument sign adequately, perhaps because they did not live in the community, trying to look into the plaza to see where the businesses were would be more difficult. That was her only concern - if the monument sign would not provide enough visibility. They currently had a 20-foot high sign, and she felt that there could be a safety issue.

Chairperson Colling said that he saw the point of that, but the larger businesses had signs high up on the buildings which could easily be seen from the road. Even the smaller businesses that did not have visibility on the building probably had room to do so if they wanted. He pointed out that with the advent of today's vehicles with GPS and smart phones, which almost everyone had, if people were looking for a business in a shopping plaza, as long as the plaza name was visible, in his opinion, they would know where to go in to look for the business.

Mr. Graves asked about exploring the option of a different orientation for the sign. The lower elevation required by Ordinance could be maintained, but the sign could be made wider. He believed that there was enough room to have three rows. Mr. Short stated that it would reduce the size of the panels, which was critical for visibility at the speed of the road. Mr. Graves was considering a three-by-three paneled sign. Chairperson Colling said that the issue would be keeping it within the overall size. Mr. Short noted that the sign would have to be moved further back, because it was in the right-of-way currently. They would move it to the south and west into the parking lot.

Mr. Tischer said that he appreciated the explanation by staff about the wash out. He was in agreement with the rest of the Board.

Chairperson Colling asked if there were any further comments. Hearing none, Mr. Koluch moved the following.

**MOTION** by Koluch, seconded by Tischer, in the matter of File No. 19-004, that the request for a variance of one foot in height from Section 134-5 (A). (Standards) of the Rochester Hills Code of Ordinances to allow a sign height of eight feet, Parcel Identification Number 15-22-451-030,

zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, be **DENIED** because a competent, material, and substantial evidence **does not** exist in the official record of the appeal that supports all of the following affirmative findings:

Findings:

1. *Special conditions or circumstances do not exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the B-3/FB-3 district. There are examples of B-3/FB-3 zoned signs within Rochester Hills that meet ordinance requirements.*
2. *A literal interpretation or application of the provisions of Chapter 134 would not deprive the applicant of property rights commonly enjoyed by other properties in the B-3/FB-3 district under the terms of Chapter 134.*
3. *Allowing the variance will not result in substantial justice being done, considering the public benefits intended to be secured by Chapter 134, 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 be contrary to the public purpose and general intent and purpose of this chapter.*

**A motion was made by Koluch, seconded by Tischer, that this matter be Denied. The motion carried by the following vote:**

**Aye** 5 - Brnabic, Colling, Graves, Koluch and Tischer

**Excused** 2 - Chalmers and Hetrick

*Chairperson Colling stated for the record that the Variance had been denied. Mr. Short thanked the ZBA Board.*

## **ANY OTHER BUSINESS**

*Mr. Hetrick entered at 7:25 p.m. Chairperson Colling shared that the following evening at the Traffic and Safety Board meeting, he learned of a site at rochesterhills@plowtrack.com, where people could follow the progress of all the plow trucks doing snow removal in the City. The drivers kept track of what streets they plowed using GPS. He said that it was unfortunate that there was not a link to it from the City's website, but someone could use it to see what streets had been plowed or were going*

*to be.*

### **NEXT MEETING DATE**

Chairperson Colling reminded the ZBA Board that the next Regular Meeting was scheduled for March 13, 2019 (subsequently cancelled).

### **ADJOURNMENT**

Hearing no business to come before the Zoning Board of Appeals, Chairperson Colling adjourned the Regular Meeting at 7:25 p.m.

---

Ernest Colling, Jr., Chairperson  
Rochester Hills  
Zoning Board of Appeals

---

Maureen Gentry, Secretary