

Chairperson Cockey read the communications for the record, and called for any additional communications. No additional communications were provided.

Chairperson Cockey noted the procedure for conducting Public Hearings was outlined on a flyer located in the rear of the auditorium. He stated that any and all evidence, and any documents or exhibits submitted during tonight's proceedings will be included as part of the public record of the meeting. He reminded the Board and the audience that all questions should be directed to the Chair.

6. UNFINISHED BUSINESS

SIGN BOARD OF APPEALS - FILE # 85-619 *(Postponed at the 12/8/03 Meeting)*

Location: 3277 S. Rochester Road, located on the east side of Rochester Road, between Auburn Road and M-59, identified as Parcel Identification Number 15-35-100-042, zoned B-3 (Shopping Center Business), classified as General Commercial and Retail Premises, and known as Pat Moran Oldsmobile GMC Dealership.

Requests: **Item #1**

A variance of 6' 2-9/16" in height from Section 134-180 Standards (General Commercial and Retail Premises) of the Code of Ordinances, which limits a monument sign to a maximum of 7 feet in height, to allow a new monument sign at a height of 13' 2-9/16" to identify *Oldsmobile GMC Pat Moran* in order to replace an existing pole sign.

Item #2

A variance of 10' from Section 134-180 Standards (General Commercial and Retail Premises) of the Code of Ordinances, which limits the maximum setback from a proposed right-of-way to 10 feet, to allow the requested monument sign identifying *Oldsmobile GMC Pat Moran* to abut the 75' proposed road right-of way.

Item #3

A variance from Section 134-180 Standards (General Commercial and Retail Premises), which limits the maximum number of ground signs per road frontage to one (1), to allow an additional ground sign to identify the *GM Certified Used Brand*. The proposed sign violates the maximum number of ground signs per frontage by two (2) – one (1) existing GM Goodwrench Service Plus sign, and one (1) GM Certified Used Vehicle sign being requested.

Item #4

A variance of 6' 2-9/16" in height from Section 134-180 Standards (General Commercial and Retail Premises) of the Code of Ordinances, which limits a monument sign to a maximum of 7 feet in height, to allow a new monument sign at a height of 13' 2-9/16" to identify *GM Certified Used Vehicles* in order to replace an existing pole sign.

Item #5

A variance of 10' from Section 134-180 Standards (General Commercial and Retail Premises) of the Code of Ordinances, which limits the maximum setback from a proposed right-of-way to 10 feet, to allow the requested monument sign identifying *GM Certified Used Vehicles* to abut the 75' proposed road right-of way.

Item #6

A variance from Section 134-180 Standards (General Commercial and Retail Premises), which limits the maximum number of ground signs per road frontage to one (1), to allow an additional ground sign to identify the *Goodwrench Service* sign identifying the service entrance drive. The proposed sign violates the maximum number of ground signs per frontage by two (2) – one (1) existing GM Goodwrench Service Plus sign, and one (1) GM Certified Used Vehicle sign being requested.

Applicant: Pat Moran Oldsmobile GMC
3277 S. Rochester Road
Rochester Hills, Michigan 48307

Chairperson Cockey noted this matter was a continuation of a case that had been postponed at the December 8, 2003 Sign Board of Appeals meeting, and read the request for the record. He stated the Board would now act as the Sign Board of Appeals for this matter. He requested the applicant to introduce himself and provide a quick summary of the variance requests.

Michael Hoornaert, Executive Manager of Pat Moran GMC Hyundai, 3277 S. Rochester Road, provided a brief recap, noting the dealership was no longer requesting six (6) variances. He indicated he had appeared before the Board in December, 2003 with a request for a sign height variance that would lower the existing franchise signs to a height that would be visible from both directions on Rochester Road. He explained with the Sign Ordinance due to take effect in December, 2004, the Sign Board indicated at the December 8, 2003 meeting they would not grant a sign height variance. He stated the Board recognized the applicant's willingness to come before the Board prior to the Ordinance deadline, and suggested the applicant postpone the request in order to review other possible sign locations that would meet the conditions of the Sign Ordinance.

Mr. Hoornaert stated since that meeting, many businesses became aware of the Sign Ordinance amortization deadline, and several workshops were conducted between the City Council and several businesses in the community. He indicated City Council had recognized through those meetings how the height restrictions in the Sign Ordinance would cause several businesses to lose visibility that was vital to a business' success. He stated he had participated in each and every workshop and it was apparent to him that each business situation was as different as the businesses themselves. He noted there was not one solution that addressed each situation. He indicated as a result of the workshops, City Council voted to amend the Sign Ordinance, effectively grandfathering all the existing non-conforming signs.

Mr. Hoornaert stated his business was unlike many other businesses in that their products weigh over 2,000 pounds; are at an average height of six feet high, and their business display window is outside on the front row of their property.

Mr. Hoornaert stated they had studied other possible locations for signage, and found a seven foot sign would best provide visibility from only one direction, given the building location and distance from Rochester Road. He stated they had considered the possibility of putting two seven foot signs at each end of the property, but found that signage is almost always located

directly in front of the businesses they represent, and the visibility for that option was less than what was desired given the driveway locations and the Rochester Road traffic.

Mr. Hoornaert stated that franchise brand identification was very important to their business, explaining the brand trademarks and the GM facility signage was recognized across the country. He indicated it was a vital part of their business because it identified their location to passerby's, GMC customers from out of town who need service assistance, as well as customers who may not have been to see them for a while.

Mr. Hoornaert stated their proposal had changed from the December 8, 2003 meeting. He explained they had eliminated one 28' used car sign, and their new proposal was to lower the current franchise sign by almost 15', and reduce the square footage by 45' a side, for a total of 90 square feet less than the current sign.

Mr. Hoornaert stated they were requesting variances for one 6x6 franchise sign at 13' 2-9/16", at its current location (Item #1 from the previous request); to allow the location of that sign within the ten foot setback (Item #2 from the previous request), and to allow a second ground sign which currently meets all setback and height requirements and is currently used as a service directional sign. He explained they would like to keep the same locations for the sign they currently have. He stated at 13' 2-9/16", the sign would be visible from both directions on Rochester Road. He indicated franchise visibility was the most important factor for their business. He explained the second sign was a service directional sign and met all setback requirements.

Mr. Hoornaert asked the Board to recognize how the loss of the greenbelt area from the widening of Rochester Road had put the business in a difficult position for locating signage. He referred to the dealership's willingness to lower their signs after having been "grandfathered" by the amendment to the Sign Ordinance, which he hoped would be viewed by the Board as a positive act showing the dealership's willingness to support the City's position of having lower, smaller signs. He noted in this case, even though they were requesting a variance, it was due to the proximity to the road and the loss of the greenbelt over the years. He hoped the request would be viewed as a reasonable compromise that would provide a solution that would not adversely affect the business, yet offered a lower, smaller sign supporting a cleaner skyline for the Community.

Mr. Hoornaert stated it was his understanding from attending the City Council meetings reviewing the Sign Ordinance, there was support from City Council to form a committee to review situations such as the dealership's, and provide some direction to help the Sign Board of Appeals (SBA) resolve those types of situations. He indicated the review committee would make recommendations that the SBA could use without compromising the overall direction of the Sign Ordinance.

Mr. Hoornaert stated he respected the SBA and the difficult position the Board was placed in when a variance request came forward, especially during a time when signage was an issue. He noted if the Board was not in favor of granting the requested height variance based on the merits of the applicant's case, he asked that any vote be postponed until it was determined whether a

review committee would be formed, and if so, had an opportunity to review their signage situation and make a recommendation regarding the proposal.

Chairperson Cockey stated he was an employee of General Motors, noting the applicant's business was in part a franchise of General Motors. He asked if the applicant's request was connected in any way with the Hyundai franchise. Mr. Hoornaert responded it was not. Chairperson Cockey then asked if the applicant's request was connected in any way with the termination of the Oldsmobile business. Mr. Hoornaert indicated it was not.

Chairperson Cockey stated, as he had noted during the December 8, 2003 meeting, he did not see a problem with his continuing to serve for this request.

Chairperson Cockey asked if staff had anything additional to add regarding the applicant's request. Mr. McLocklin indicated he did not have any comments at this time.

Chairperson Cockey noted a letter dated November 21, 2003, and a letter dated October 6, 2004, had been received from Fox Portrait Studios, Inc., 27700 Gratiot Avenue, Roseville, Michigan, indicating their support for the proposed variance requests. Chairperson Cockey read the October 6, 2004 letter for the record. Copies of these letters have been placed on file and become a part of the record herein.

Chairperson Cockey noted a Public Hearing had been held at the December 8, 2003 meeting, and since no cards or requests to speak had been received, he stated he would not reopen the Public Hearing. He then turned over the discussion to the Board.

Mr. Colling requested Staff's interpretation of which variances the applicant was requesting, and an explanation of where the requested signs would be located.

Mr. McLocklin stated that Item #1, a request for a variance of 6' 2-9/16" in height to allow a new monument sign at a height of 13' 2-9/16" identifying GMC Pat Moran, was for the sign located in front of the dealership showroom. He noted the dealership currently had a 28' sign in that location.

Mr. McLocklin stated the second variance was a request to allow that sign to remain in its present location with the new height variance, abutting the 75' right-of-way. He explained the third request was to allow the second ground mounted sign, which is a directional sign for the service center, which would meet all requirements and setbacks, and is located at 7' in height.

Mr. Colling clarified the current sign at a height of 28' would be reduced to 13' 2-9/16" in height, and would abut the right-of-way, and the Board was being asked to add a seven foot ground sign for the service center. Mr. McLocklin stated the seven foot ground sign was an existing sign.

Mr. Verschueren asked if the sign area would remain the same. Mr. Hoornaert stated the current sign was 9x9, and would be reduced to 6x6. He explained the 2-9/16" was the bevel around the

sign. He clarified the signage itself was 6x6, and the stainless steel band that went around and supported the sign was the difference.

Mr. Weisberger clarified that since the original application was made, the number of signs on the site had diminished. Mr. Hoornaert indicated that was correct because the dealership had taken down a 28' used car sign.

Mr. Weisberger clarified the applicant's request was to remain at two (2) signs. Mr. Hoornaert agreed, noting he had three (3) signs, and was down to two, a GMC franchise sign and a service directional sign that said Goodwrench Service directing customers to the service write-up line. He indicated they wanted to keep that sign which was below 7' with the correct setbacks. He stated they wanted to reduce the current franchise sign to 13' 2-9/16" in height.

Mr. Weisberger asked if the signs were considered legal signs. Mr. McLocklin indicated they were.

Chairperson Cockey clarified the applicant also had signage on the building. Mr. Hoornaert indicated that was correct. Chairperson Cockey clarified the applicant was discussing signage distinct from the building. Mr. Hoornaert stated that was correct.

Mr. Colling clarified the Board was only concerned with the sign panel itself as far as sign size. He asked if the Board wanted to calculate the 2-9/16 of an inch into the area of the sign, when the sign panel was 6x6. Mr. McLocklin stated the area would be squared up at 41 square feet.

Chairperson Cockey asked if there was an issue with the area of the sign or the method of calculating the signage. Mr. McLocklin stated the square footage would be calculated.

Chairperson Cockey noted although there were three variances being requested, the applicant wanted to replace the current pole sign with the 13'2-9/16" sign, and suggested a single motion might suffice for all three variance requests.

Mr. Colling stated the monument sign was an additional sign, which could be separate from the other two variance requests. He noted the monument sign could be granted, while the other two requests could be denied. Chairperson Cockey agreed the ground sign could be considered by a separate motion.

Mr. Verschueren noted there was also a ten foot setback to be required, as well as the two signs. He stated the City had provided a study that concluded that signs could be placed within the 10' setback providing a hold harmless was signed by the property owner. He stated the applicant was willing to provide such an agreement.

Chairperson Cockey asked if the Board was prepared to make a motion combining the first two requests.

Mr. Colling suggested that the two variances pertaining to the franchise sign be considered in one motion, and the addition of the monument sign for the service center be considered in a separate motion.

Chairperson Cockey clarified that if the applicant did not receive a variance for the franchise sign, then no variance would be necessary for the service center ground sign. Mr. McLocklin indicated that was correct.

Mr. Colling referred to the workshops conducted by City Council, and asked if Staff was given any direction regarding the workshops.

Mr. Cope stated he not sure aware of any direction given by City Council. He stated Council had asked the Building Department Staff to look at each individual situation to determine what could be done within the Ordinance to try to work with the businesses. He stated no direction had been given regarding height allowances, noting the Ordinance was what it was. He indicated some allowances were given in the Ordinance revisions to allow for variances in the setback from the right-of-way based on the circumstances of the particular piece of property. He stated the Building Department had also been requested to suggest to the businesses other possible locations for signs that would be in compliance with the Ordinance requirements.

Chairperson Cockey asked the applicant to provide a brief summary of why the variance was necessary in terms of visibility and location, and why other options were not reasonable and this situation was unique to the applicant's business as opposed to businesses generally throughout the Community.

Mr. Hoornaert stated the business was an automobile dealership and their average product was six feet high. He explained due to the closeness of their building to the road, since Rochester Road had been widened and the addition of decel lanes, there was no place for them to put a traditional monument sign in front of their location that could be seen by both directions on Rochester Road. He stated he had looked at putting a seven foot monument sign at each end of the property; however, they could only be seen by the northbound traffic on Rochester Road. He pointed out southbound traffic would be past the dealership entrance before they saw the sign. He felt if traffic was very light on Rochester Road, southbound traffic might see such a sign. He stated they did not like the look of the signage in those locations, and the signage did not do a good job identifying where the business was located and where the driveways were located. He noted as he looked at other businesses, he found that most signs were located in front of the business or right at the driveway. He pointed out the greenbelt area in front of the dealership had disappeared with the road widening, preventing a monument sign from being located in front of the dealership that would be visible from both directions. He stated he had measured the vehicles and had determined that 13' 2-9/16" would be the minimum height, noting the bottom of the sign would start right at the top of the vehicles.

Mr. Hoornaert stated he understood their signs were grandfathered in and they were not required to do anything with the signs; however, he noted the Ordinance would require new signage if there were changes in the business, or site work was conducted. He stated the dealership had gone through a big renovation in 1998, and they did not have any plans for their GMC facility at

this time, but did not know what might happen in the future. He pointed out that Rochester Road would not get any smaller, thus he did not have a greenbelt to put a monument sign on. He explained since he had already been before the Board and the matter had been postponed, and because of the other events that had happened with the workshops and the Ordinance, he felt it best to fix the problem once and for all.

Chairperson Cockey clarified that the applicant considered the expansion of the road and the proposed right-of-way relative to the dealership building as one of the reasons for the location of the sign. He clarified the display of new vehicles in front of the building to be visible from the road was essential to the viability of the business. Mr. Hoornaert stated very much so, noting it was a 100 year tradition to put vehicles on the front road, because that was their showcase and display window.

Mr. Weisberger noted the applicant had indicated his signs were grandfathered in and did not have to be before the Board. Mr. Colling asked if the Ordinance still contained the year 2010 compliance date. Mr. McLocklin stated the Ordinance had been amended and no deadline had been specified.

Ms. Weisberger commented he was in favor of a motion approving the applicant's requests.

MOTION by Colling, seconded by Verschueren, in the matter of File No. 85-619, that the request for a variance of 6'2-9/16" in height from Section 134-180 Standards (General Commercial and Retail Premises) to allow a new monument sign at a height of 13'2-9/16" to identify Pat Moran GMC in order to replace an existing pole sign (Item #1), and that the request for a variance of 10' in setback from Section 134-180 Standards (General Commercial and Retail Premises) to allow the requested monument sign identifying Pat Moran GMC to abut the 75' proposed Rochester Road right-of-way (Item #2), be **GRANTED** for Pat Moran GMC, 3277 S. Rochester Road, Rochester Hills, Michigan, with the following findings:

Findings:

1. The current sign has been in existence for over 30 years. The hardship is that if the applicant was required to lower the sign and further move the sign back, the applicant might substantially lose recognition and a large part of the business. Substantial justice would be accomplished by allowing the sign to remain.
2. Exceptional or extraordinary circumstances or conditions applicable to the property have been demonstrated for this property, specifically, the reduction of the greenbelt area in front of the property with the widening of Rochester Road, and the visibility surrounding the location due to its geography.
3. The circumstances are not self-created by the applicant.
4. There is no alternative of constructing a sign that meets Ordinance requirements that are available to the applicant that would provide the necessary visibility and recognition.