



Department of Planning and Economic Development
 Staff Report to the Zoning Board of Appeals

February 6, 2019

50 W. Hamlin Rd. – Monument Sign Height Variance	
REQUEST	A variance of one foot from <i>Chapter 134-5, Sign Ordinance</i> to permit an 8-foot high monument sign.
APPLICANT	Kevin Short Johnson Sign Co. 2240 Lansing Ave. Jackson, MI 49202
LOCATION	Northwest corner of Rochester and Hamlin Roads
FILE NO.	19-004
PARCEL NO.	15-22-451-030
ZONING	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay
STAFF	Kristen Kapelanski, AICP, Planning Manager

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Requested Variance

The applicant is requesting a one-foot variance from *Chapter 134-5, Sign Ordinance, Standards* to permit a monument sign at a height of 8 feet.

Site Description

The subject parcel is located at the northwest corner of Rochester and Hamlin where the use is the Rochester-Hamlin Retail Center and the retail center buildings are approximately 300 feet from the road. The applicant proposes to replace a 20-foot tall pole sign with a new, eight-foot monument sign; however the Ordinance limits the height to seven feet.

Site Photographs

Please see the following page for an aerial photograph of the property.



Analysis

In accordance with Section 134-12 of the Code of Ordinances, the Sign Board of Appeals (SBA) may grant a variance to the requirements of the City's Sign Ordinance only in cases when competent, material and substantial evidence that the following findings are met.

1. **Special Conditions.** That special conditions or circumstances exist which are peculiar to the land, structure, or building and which are not applicable to other lands, structures or buildings in the same district. The applicant states that because of the restrictions in setback, height and sight distance roadways, the sign will be below vehicular visibility and pushed into the parking lot, and the extra height will provide needed visibility.
2. **Deprivation of Rights.** That literal interpretation or application of the provisions of Chapter 134 would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of Chapter 134. Denial of the requested variance will not deprive the property owner of the right to have signage as permitted in the ordinance, just like the other properties in the district and City. Pole signs are not permitted in any district in the City. The applicant is requesting to replace a pole sign with a monument sign, going from 20 feet high to eight. At only seven feet, the applicant feels that the tenants will not have visibility and drivers passing by at the posted limit will not safely be able to see the sign.
3. **Substantial Justice.** Allowing the variance will 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 not be contrary to the public purpose and general intent and purpose of Chapter 134. The applicant has indicated that the proposed sign will provide public benefit via the ability to safely drive by and see the sign. The SBA must balance the public health and safety

consideration of providing adequate sign area to create a legible signage that will not contribute to unsafe traffic conditions along roadways.

Sample Motions

Motion to Approve

MOTION by _____, seconded by _____, 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 monument 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 **APPROVED** because a competent, material, and substantial evidence **does** exist in the official record of the appeal that supports all of the following affirmative findings:

1. That 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 B-3/FB-3 district. Specifically _____
2. That literal interpretation or application of the provisions of *Chapter 134* would 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 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 sign board of appeals 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 this chapter.

Motion to Deny

MOTION by _____, seconded by _____, 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:

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.