



# 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 Bill Chalmers; Vice Chairperson Kenneth Koluch*  
*Members: Deborah Brnabic, Jayson Graves, Dale A. Hetrick, Jason Sakis and Charles*  
*Tischer*

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Wednesday, February 10, 2021

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*Chairperson Bill Chalmers called the Regular Meeting of the Sign Board of Appeals to order at 7:01 p.m.*

## ROLL CALL

**Present** 7 - Deborah Brnabic, Bill Chalmers, Jayson Graves, Dale Hetrick, Kenneth Koluch, Charles Tischer and Jason Sakis

*Quorum present.*

*Also present: Kristen Kapelanski, Manager of Planning*  
*Mark McLocklin, Ordinance Enforcement*  
*Maureen Gentry, Secretary*

*Chairperson Chalmers advised that the meeting was being conducted using zoom video conference software. Analysts for the meeting would include Sign Board of Appeals members and City staff, and attendees would include the applicants and members of the general public. He noted that although panelists could be seen and heard, it was important for them to raise their hand to be called on to speak. All attendees would be able to see and hear the panelists, however, the panelists would not be able to see attendees, and they would only be heard if they wished to speak on an agenda item or under public comments. He announced that if anyone wished to speak on an agenda item, they would be given up to three minutes to speak. They might be recognized by raising a hand, sending an email to [planning@rochesterhills.org](mailto:planning@rochesterhills.org) or calling into the zoom meeting. Each attendee that wished to speak would be asked to state their name and address for the record. He advised that attendees could log into the meeting as anonymous, however, they would have to give their name if they chose to speak.*

## APPROVAL OF MINUTES

[2021-0051](#) December 9, 2020 Regular Meeting

## COMMUNICATIONS

*There were no Communications presented.*

## PUBLIC COMMENT

*Chairperson Chalmers opened Public Comment at 7:04 p.m. Seeing no one wishing to speak online or in the Auditorium and seeing no communications received, he closed Public Comment.*

## NEW BUSINESS

[2021-0052](#)

### **PUBLIC HEARING - FILE NO. 19-038.3**

Location: 1010 S. Rochester Rd., located at the southwest corner of Rochester and Avon Roads, Parcel No. 15-22-226-022, zoned B-5 Automotive Service Business with an FB-3 Flexible Business Overlay.

Request: A variance from Section 134-5 (Monument Signs) of the Sign Ordinance, which permits 49 square feet of freestanding sign area for the subject site, based on the amount of street frontage along the primary road frontage. An additional sign may be utilized on the non-primary street frontage. The applicant proposes 85 square feet of freestanding area, exceeding the allowable square-footage by 36 square feet.

Applicant: Robert Sweet  
McBride Dale Clarion  
5821 Dragon Way, Suite 300  
Cincinnati, OH 45227

*(Reference: Staff Report prepared by Ms. Kapelanski dated February 3, 2021 and application documents had been placed on file and became part of the record thereof).*

*Present for the applicant were Robert Sweet and Laura Trendler, McBride Dale Clarion, 5721 Dragon Way, Suite 300, Cincinnati, OH 45227, and Tony Hackathorne, Construction Project Manager for Speedway, 500 Speedway Dr., Enon, OH 45323.*

*Ms. Kapelanski stated that the applicant was requesting a variance of 36 sq. ft. to allow for up to 85 sq. ft. of free standing sign area. The materials detailed that the square-footage was a little less than 85 sq. ft. by about six inches. The applicant had requested a variance of 36 sq. ft., and staff was recommending, if the Sign Board was to consider granting the request, that up to 36 sq. ft. be allowed as there might be some minor*

*adjustments. She pointed out the existing Speedway at Tienken and Rochester Rd., where the signage was similar to the proposed. That signage was in compliance with the previous version of the Sign Ordinance. About three years ago, there was an overhaul of the Sign Ordinance in order to comply with the recent Supreme Court cases passed regarding signage. The applicant was seeking a variance because the Ordinance had changed. She said that she was available for any questions, and she mentioned that Mr. McLocklin was present from the Building Dept. to also help answer any questions.*

*Ms. Trendler explained that she and Mr. Sweet were the zoning and development firm consulting with Speedway. She presented a power point. She gave some background for the site, and noted that Speedway had secured a Rezoning in 2019 and had obtained Planning Commission approval for the Site Plan in May 2020. More recently, they received Final Site Plan approval from the Planning Dept. She advised that Speedway had purchased a piece of property to the south, and they were planning to raze the existing structures and redevelop the site with a 4,600 s.f. convenience store and 4,700 s.f. fuel canopy over seven, double-sided dispensers. Speedway planned to reconfigure the driveways and update other site amenities, such as the landscaping, lighting and signage. She note that the property was a little under one acre. It was zoned B-5 Automotive Service Business with an FB-3 Flexible Business Overlay. She pointed out the existing conditions and showed the approved Site Plan. She advised that the driveways would be moved as far as possible from the intersection at S. Rochester and Avon. The building had been reconfigured to face the street frontage along S. Rochester Rd. She showed a landscape plan with new proposed plantings. She noted that there were two existing pole signs, one along Avon and one on S. Rochester. The proposed free standing signs would be ground mounted signs along both roads, and she showed the locations. She explained that the variance was being requested from 138-5 Monument Signs, and it was to exceed the overall allowable square-footage of sign area. Speedway was permitted to have 49 sq. ft. of sign area based on the primary street frontage on S. Rochester Rd., and they were proposing a total of 85 s.f. for both signs. She agreed that the variance request was for 36 sq. ft. The existing facility had been using two pole signs for many years. They were a little above 19 feet high with an area of 40 sq. ft. each. The proposed sign configuration would eliminate 23 sq. ft. of sign area, and it would lower the signs by 12 sq. ft. She stated that the proposed signage was incidental to the convenience store and the fueling facility use. They were intended to advertise the prices of fuel for potential customers, and a majority of the signs were dedicated to sign*

price panels. She maintained that there were unique site conditions that contributed to the need for a variance. There were various utility poles along the right-of-way and required landscaping. Speedway wanted to make sure that the signs were readable to customers driving along the roads, but they understood that they needed to bring the signs a little more into conformance with code requirements. She said that most of the sign area would be for the sign along the primary frontage on S. Rochester Rd. It was proposed at a little over 60 sq. ft. The remainder of the square-footage being requested was for the secondary sign on Avon Rd. at a little over 24 sq. ft. She showed a rendering with the utility poles that would obstruct. They felt that more square-footage was needed so that people passing by could process information. In conclusion, she stated that Speedway felt that the improvement would eliminate the unsightly pole signs that existed, bring the signage closer to conformance, reduce the visual clutter throughout the corridor and improve the visibility for potential customers. She claimed that the proposed signs would not negatively impact the adjacent property owners and would contribute to the overall redevelopment at the corner. Speedway felt that the proposed square-footage was the minimum necessary to alleviate hardships and provide the best opportunity for development. She asked if there were any questions.

Chairperson Chalmers thanked them for being part of the community. His daughter had mentioned how the existing facility was a little sketchy, but she liked Speedway, and she was very pleased to hear that it would be redeveloped. He thanked them for investing more money into the community. He indicated that there was obviously a sticking point with regard to the Sign Code versus what the applicant wanted.

Chairperson Chalmers opened the Public Hearing at 7:13 p.m. Seeing no one wishing to speak online or in the Auditorium and no communications received, he closed the Public Hearing.

Vice Chairperson Koluch noted that Ms. Trendler had mentioned that the pole signs were coming down completely, and that the monument signs would be advertising fuel prices. He asked if electrical lettering would be used for anything else on the monument signs other than the fuel prices. He clarified that there would not be an ad for sodas at .99 cents, for example. Ms. Trendler agreed that it would solely be for the fuel prices. Vice Chairperson Koluch noted the area on the sign which said "Speedy Rewards" at the bottom, and he asked if that were removed how much square-footage would be eliminated. He asked if it would bring them into conformity. Ms. Trendler was not sure. Mr. Sweet said that it would

*remove about 20 sq. ft. Vice Chairperson Koluch said that he understood why it had to be there, and he went to Speedway all the time and had rewards. However, when working with various applicants, he tried to find any alternative other than granting a variance, if possible. He asked if there was a reason those words had to be there, and if the franchise required that on the signage. Mr. Sweet stated that it was a sticking point with their free-standing signs. Speedway had a hierarchy of things they wanted shown. They might add a word or two here and there, such as a coffee price. Vice Chairperson Koluch asked if there was anything preventing them from removing the bottom part of the panel. Mr. Sweet said that it could be removed, but Speedway would prefer to keep that if at all possible.*

*Chairperson Chalmers commented that it was why they were there. He recalled in the 1990's working for Mobil Oil, and Walgreen's and other retailers and being in Mr. Sweet's seat. He realized exactly what they were looking for, but there was a Sign Ordinance the board had to follow.*

*Ms. Brnabic asked staff to explain how the Sign Ordinance had changed and to expand on the updates and how it might have impacted the applicant or not.*

*Mr. McLocklin explained that the PUD for Papa Joe's covered the Speedway at Tienken and Rochester, and the sign allocation was done for the whole site under that PUD. The signage there was under seven feet and met the allowable signage under the PUD and the Ordinance. The rebuilt Speedway on Crooks Rd. met the requirements of the former Ordinance. A few years ago, pricing was not included in the allowable square-footage, so 12 sq. ft. was added on top of the allowable square-footage. Now it was all included in the sign area. LED boards were added at 32 sq. ft. on top of what was allowed. If it was at 60 sq. ft., there could be 32 sq. ft. more for LED, but it was all in one currently.*

*Ms. Brnabic stated that she had a concern about permitting additional square-footage. She claimed that many gas stations had followed the requirements of the new Ordinance after removing pole signs and replacing with monument signs. The applicant had stated that there were peculiar circumstances with the land structure or building which were not applicable to others in the same district. She did not believe that was true; there were many other gas station sites that were smaller, and they complied with the Ordinance. There were several stations on Rochester Rd. where the speed limit was the same, and she could list other stations across the City that had followed the requirements. Regarding the criteria*

*about denying property rights commonly enjoyed by other properties in the same district, she stated that it was not true in the subject case. She indicated that it would be the opposite; it would deprive other property owners the extra square-footage the applicant was requesting that they were not able to enjoy. If approved, it would be setting a precedent in the opposite direction, which was not something she was willing to do, especially since so many other stations had complied with the requirements. She restated that the intent was to remove pole signs, and all but one station across the City had done so (after Speedway) while meeting the Ordinance. The applicant was asking for approximately 75% more sign area than what was allowed. She pointed out that there were utility poles up and down Rochester Rd. For the reasons she had stated, she would not be willing to approve the variance.*

*Chairperson Chalmers said that the point about utility poles was well made. He had worked in retail his whole career, where clients had buried utility lines.*

*Mr. Graves said that he took a google map tour of the City to see the existing conditions of gas stations and to see if there was a problem. He noted the Exxon station at the northeast corner of Rochester and Avon, which had a similar condition. They had an angled sign at the corner that met the requirements. In the subject matter, the sign proposed for Rochester Rd. did not meet the allowable signage and had to be dealt with first. The solution was across the street, and there were clear options for the second sign to meet the Ordinance.*

*Mr. Hetrick said that he was 100% behind the applicant and what they were doing to redevelop the site. Their other updated locations had really been an improvement to the surroundings of Rochester Hills. He asked the applicants if the primary use of the signs would be to advertise fuel prices, which Mr. Sweet confirmed. He asked what would prevent them from using the sign style for Avon for both roads. Doing that would bring the signs into compliance with the Sign Ordinance.*

*Mr. Sweet said that the sign on Avon was a special design due to the width of the sign area. The sign on Rochester Rd. was their front door, and they wanted to make sure that their front door looked good. The reason it was perpendicular to Rochester was because of the sight vision triangle and grading issues at the corner. He claimed that the Avon Rd. sign would be barely seen coming down the road. He knew about the point that everyone in Rochester Hills knew where they were, but he said that there were out of town visitors, such as himself, who did not. It was*

*about the brand loyalty mixed with the unique conditions of the street frontage.*

*Mr. Hetrick said that he appreciated knowing that the sign on Rochester would be their front door, and that they wanted it to be as pleasing as possible. He asked if the "Speedy Rewards" wording was removed and placed on the canopy if it would be in compliance.*

*Mr. McLocklin advised that the applicant would be allowed two 20-foot signs on the canopy. They could place them in either direction. They had applied for one 11 s.f. sign for the canopy. They could not have a moveable LED sign; it had to be permanent and stationary.*

*Mr. Hetrick suggested that they could remove the words "Speedy Rewards" to the canopy and shrink the sign on Rochester and potentially be in compliance. He did not think that those words were going to be in the form of an LED message.*

*Mr. Sakis mentioned that he had lived in the area his whole life. He had friends killed at the intersection before they changed the lights in the 1980's or 1990's. He agreed that there was not a need for the "Rewards" part of the sign. If there truly was a concern for safety, he pointed out that the more wording on a monument sign, the more likely it would be to cause distracted drivers. He felt that less was more on the sign. Putting wording on the canopy made sense to him, but people in the area already knew Speedway. He considered that more people traveling south would see the sign than people traveling north. People turning east onto Avon would have plenty of time to appreciate whatever they did see. He was not sure how many people traveling those roads would be concerned about diesel prices. They could be used at the Crooks and M/59 location, but he did not think it was necessary at the subject location. He concluded that he loved Speedway and was a customer, and he loved the changes they were making, but personally, he was against approving, because he did not think that it was necessary.*

*Chairperson Chalmers thanked Mr. Sakis for his comments, and said that he was very sorry he lost his friends at the intersection.*

*Mr. Tischer echoed his colleagues' comments and thanked them for the reinvestment of the corner, which was much needed, especially with the reinvestment of the shopping center. He mentioned the utility poles, and he asked if there was no other option to place the sign anywhere else on the property. Mr. Sweet maintained that it was the best place for the*

*Rochester Rd. sign. There was not enough space to angle it given the requirements they had to meet. They had to have two signs, including one for visibility coming down Avon.*

*Mr. Tischer asked how long the Speedway had been in operation at this location. Mr. Sweet said that it had been quite a long time. Mr. Tischer said that it was alluded that folks in Rochester Hills knew about the station on that corner, although he knew Speedway was trying to capture those that might not be from the area. He was a little hesitant to grant a variance. The members had given a couple of alternate solutions. He understood about the marketing and branding, as he was in business himself. He understood that they wanted their signs to be fairly uniform across the board, but there were options to consider.*

*Mr. Sweet asked if the board would allow them to eliminate "Speedy Rewards" and still keep the sign on Avon.*

*Chairperson Chalmers advised that they would have to do a calculation before they could consider it. He thanked Mr. Tischer for his comments. He agreed with his colleagues that the matter was self-imposed. First was the lower band, and the second was that they understood sight lines, but it could be angled or something could be put on the canopy. They could lose a pump. He worked with Exxon-Mobil and knew that they did not want to lose a pump, because it would be negative to the investment and return. However, it could be done. The utilities could also be buried if they truly wanted the proposed signage. He could not get around the self-imposed nature of the application. He asked Ms. Kapelanski if she could do a quick calculation to see if the matter could be resolved.*

*Ms. Kapelanski asked Mr. Sweet if he would move "Speedy Rewards" to the canopy. Mr. Sweet said that they could do that or eliminate it completely.*

*Mr. Hackathorne did not believe that they would want to move it to the canopy. They already had a sign proposed for it, and adding "Speedy Rewards" would put them over the allowable number.*

*Mr. McLocklin said that if they removed "Speedy Rewards" and also wanted the Avon sign, there would still be the need for a lesser variance.*

*Chairperson Chalmers stated that the board's comments were rather clear that the application did not seem to sway a vote in favor. He felt that they needed to handle the matter before them. He asked if anyone was in*

*favor of granting a motion to approve a variance.*

*Ms. Brnabic asked Mr. McLocklin if it would be possible to place a v-shaped sign on the corner of Rochester and Avon, which could be seen from both roads and would work with the layout of the property.*

*Mr. McLocklin was not sure if the site plan showed a maneuvering lane. The sign would have to be out of the 25-foot corner clearance behind the pathway. He would have to discuss it with Engineering, but without a submittal showing the site plan, he could not really answer.*

*Mr. Sweet asked Ms. Trendler to put up the site plan. He pointed out the corner clearance, and said that there was a reason there was not landscaping proposed there - the grade went downhill quickly. He pointed out the bypass lane for circulating around the canopy. If they angled a sign the only way they could, they would lose visibility going northbound. The same would happen on Avon, and the sign would not be seen going eastbound.*

*Ms. Brnabic advised that the Speedway was built in 1972, so it had been there almost 50 years.*

*Chairperson Chalmers stated that any new proposal would require an Engineering review, so the board was not in a position to consider anything other than what was in front of them. He asked if anyone was prepared to make a motion.*

**MOTION** by Koluch, seconded by Tischer, in the matter of File No. 20-033, that the request for a variance from Section 138-10.102.A (Detached Accessory Structures) of the Rochester Hills Code of Ordinances to grant a variance of 377 square feet, Parcel Identification Number 15-36-152-025, zoned R-3 (One Family Residential), be **DENIED** because a practical difficulty does not exist on the property as demonstrated in the record of proceedings and based on the following findings:

- 1. Compliance with the strict letter of the restrictions governing the square-footage for detached accessory buildings will not prevent the owner from using the property for a permitted purpose in a reasonable manner, and will not be unnecessarily burdensome.*
- 2. Granting the variance will not do substantial justice to nearby property owners as it will allow detached accessory structures with more than the permitted area. Thus, the variance would confer a special benefit on the applicant that is not enjoyed by neighboring*

*property owners.*

- 3. There are no unique circumstances of the property that necessitate granting the variance.*
- 4. The circumstances are self-created by the applicant in that the second structure built in 2018 was built without obtaining a permit and was not compliant at the time of construction.*
- 5. The granting of the variance would be materially detrimental to the public welfare by establishing a precedent that could be cited to support similarly unwarranted variances in the future, including the removing and responsibility of meeting the Zoning Ordinance from applicants and those wishing to build similar structures in the City.*

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

**Aye** 7 - Brnabic, Chalmers, Graves, Hetrick, Koluch, Tischer and Sakis

*Chairperson Chalmers stated for the record that the application had been denied. He advised that the applicants should feel free to work with the Building and Engineering Depts. to come up with a proposal that conformed with the Sign Ordinance. He thanked them for being a member of the community.*

## **ANY OTHER BUSINESS**

*There was no further business to come before the Sign Board of Appeals.*

## **NEXT MEETING DATE**

Chairperson Chalmers reminded the members that the next Regular Meeting was scheduled for March 10, 2021 (subsequently cancelled).

## **ADJOURNMENT**

Hearing no further business to come before the Sign Board of Appeals and upon motion by Mr. Hetrick, seconded by Vice Chairperson Koluch, Chairperson Chalmers adjourned the Regular Meeting at 7:52 p.m.

## **ROLL CALL VOTE:**

All ayes

\_\_\_\_\_  
William Chalmers, Chairperson  
Rochester Hills  
Zoning/Sign Board of Appeals

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Maureen Gentry, Secretary