

**Zoning Board of Appeals
June 26, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-015, 3985 South State Street

Summary: Washtenaw County Road Commission is requesting two setback variances from Chapter 61, Signs and Outdoor Advertising, Section 5:502 (2) (b) of 14 feet and 6 feet from the required setback of 15 feet to permit construction of two - 5 foot tall monument signs setback 1 foot and 9 feet from the right-of-way line.

Background:

The petitioner, Washtenaw County Road Commission, is requesting variances on behalf of Choice Quick Lube, located at 3985 S. State St., from **Chapter 61, Section 5:502 (2)(b)** for the placement of 2 two-sided monument signs fronting S. State St. and Ellsworth Rd. The variances include a reduction from the required 15 feet setback from the right-of-way to 1 foot and 9 feet.

The subject parcel is zoned C3 (Fringe Commercial District) and the building was constructed in 1972. The Washtenaw County Road Commission is proposing intersection improvements at South State Street and West Ellsworth Road for a new roundabout. This new roundabout requires additional right-of-way, reducing the site size and right of way fronting South State Street and West Ellsworth at 3985 S. State St. This right of way acquisition requires the existing monument sign at the southwest corner of the site be removed. The petitioner proposes two new ground signs fronting South State Street and West Ellsworth.

Chapter 61 addresses sign height and setback requirements in the following sections:

5:502 Exterior Business Signs.

(2) (b) Ground Signs.

Signs not structurally attached to the building shall be at least 15 feet from any street or from any lot line of the premises. Such signs shall have a maximum height starting at 3 feet in height at the right-of-way line, and increasing 1 additional foot for each 2 feet the sign is set back from the right-of-way line, provided that, if it is located within 20 feet of the building, it may have the same maximum height as could a sign located on the building, provided that the height of any such sign shall not exceed 25 feet.

Standards for Approval - Variance

The Sign Board of Appeals has the power granted by State law and by

Section 5:517(4), Application of the Variance Power from the City of Ann Arbor Sign Ordinance. The following criteria shall apply:

(a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.

The petitioner states that acquisition of additional public right of way for the roundabout benefits the public and removal of the existing ground sign is necessary for this improvement. Relocating the ground sign in the general area behind the newly established right of way would place the sign in the existing parking lot.

This existing ground sign is V-shaped giving the business exposure on both S. State St and W. Ellsworth Road. The petitioner is requesting two setback variances for two signs allowing the business to continue receiving exposure from both roadways.

Staff agrees the reduction in the required setbacks from 15-feet to 1-foot and 9-feet does not impede the flow of on-coming traffic nor create a dangerous viewing situation while either entering or exiting this site per the City Traffic Engineer. There is no effect on neighboring properties as the ground signs do not block other structures in the area.

From a safety perspective, these are the only signs perpendicular to the street at this site and would alert customers to the business entrance.

(b) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by the failure of the Board to grant a variance and the rights of others whose property would be affected by the allowance of the variance.

The relocation of the ground sign is needed for public improvements to the S. State and Ellsworth intersection. This is not a self-imposed hardship requested by the business owner.

Staff contends that approval of the setback variances would not negatively impact other property owners, and the proposal does not cause negative traffic impacts. The petitioner proposes to setback the monument sign as far as practicable to be seen from traffic while not being located in the parking lot.

The proposed monument signs meet the sign area and message unit requirements of Chapter 61.

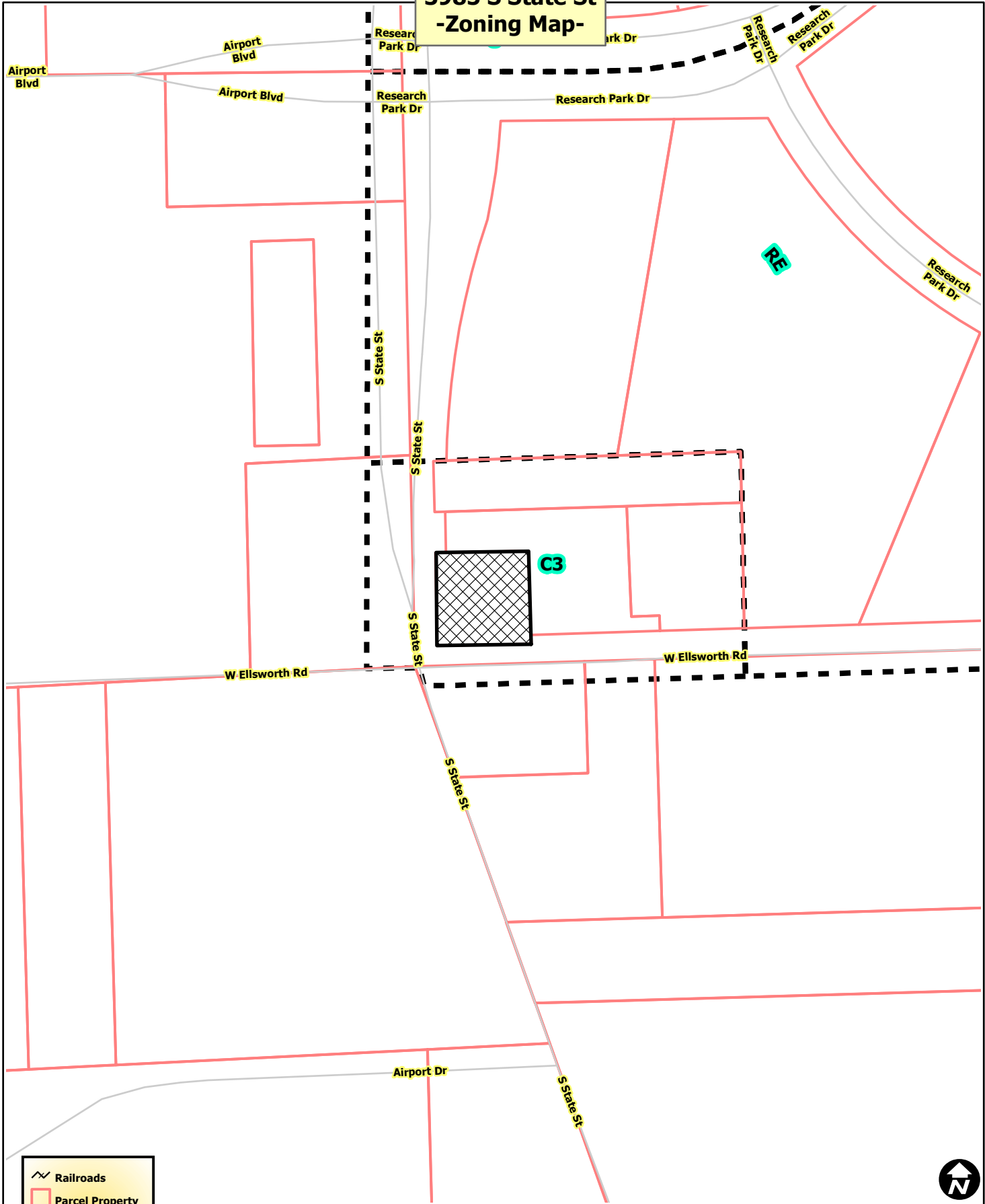
Staff recognizes the challenge presented to the petitioner to make improvements to the intersection while allowing the existing business to continue promoting his business; the proposed reduction in the sign setbacks on the property should be sufficient to facilitate business identification and promotion.

Respectfully submitted,

Chris Cheng

**Chris Cheng, AICP
City Planner**

3985 S State St -Zoning Map-



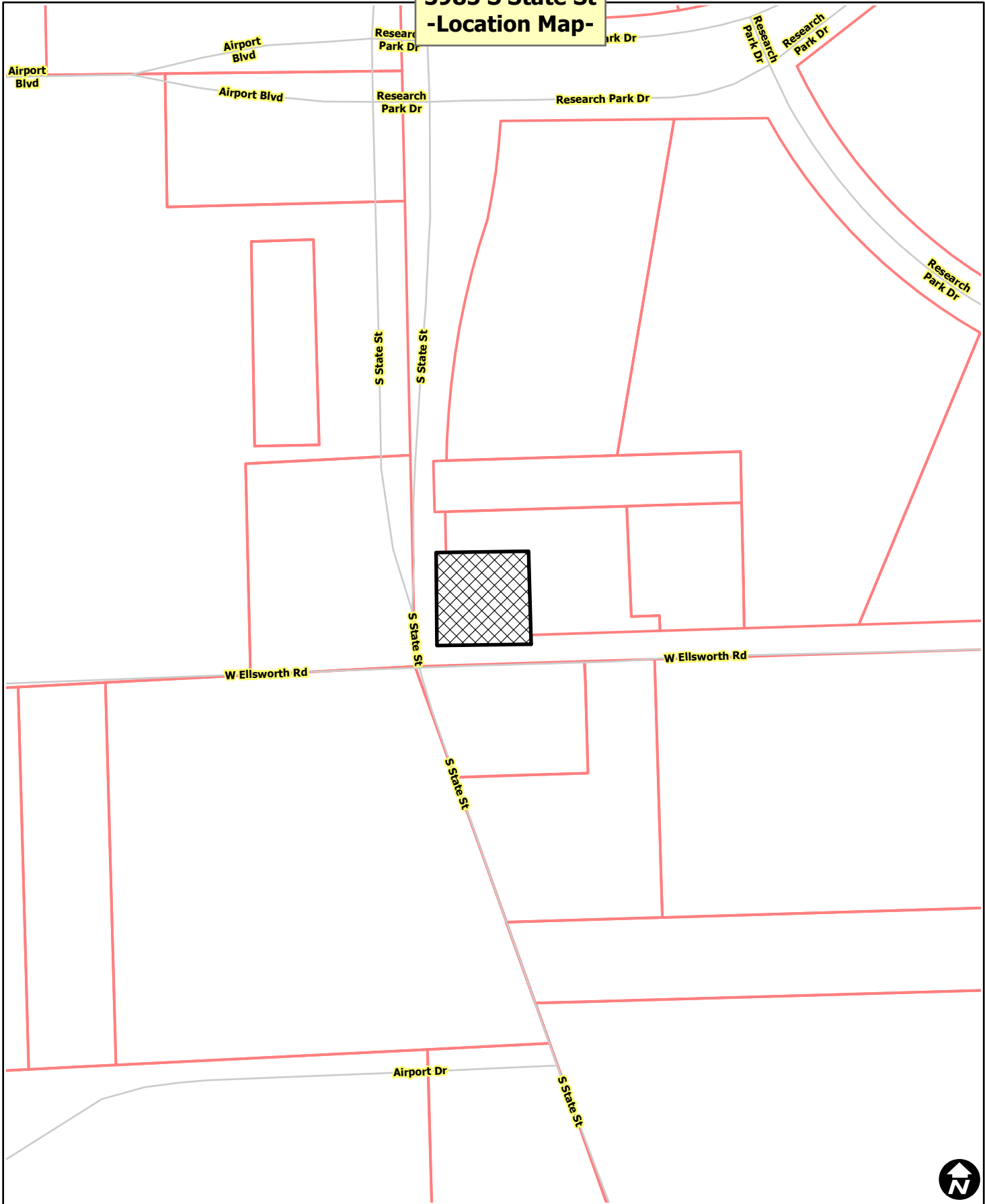
Legend

- Railroads
- Parcel Property
- Zoning**
- Township Island
- Zoning



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 Map Created: 6/5/2013

3985 S State St -Location Map-

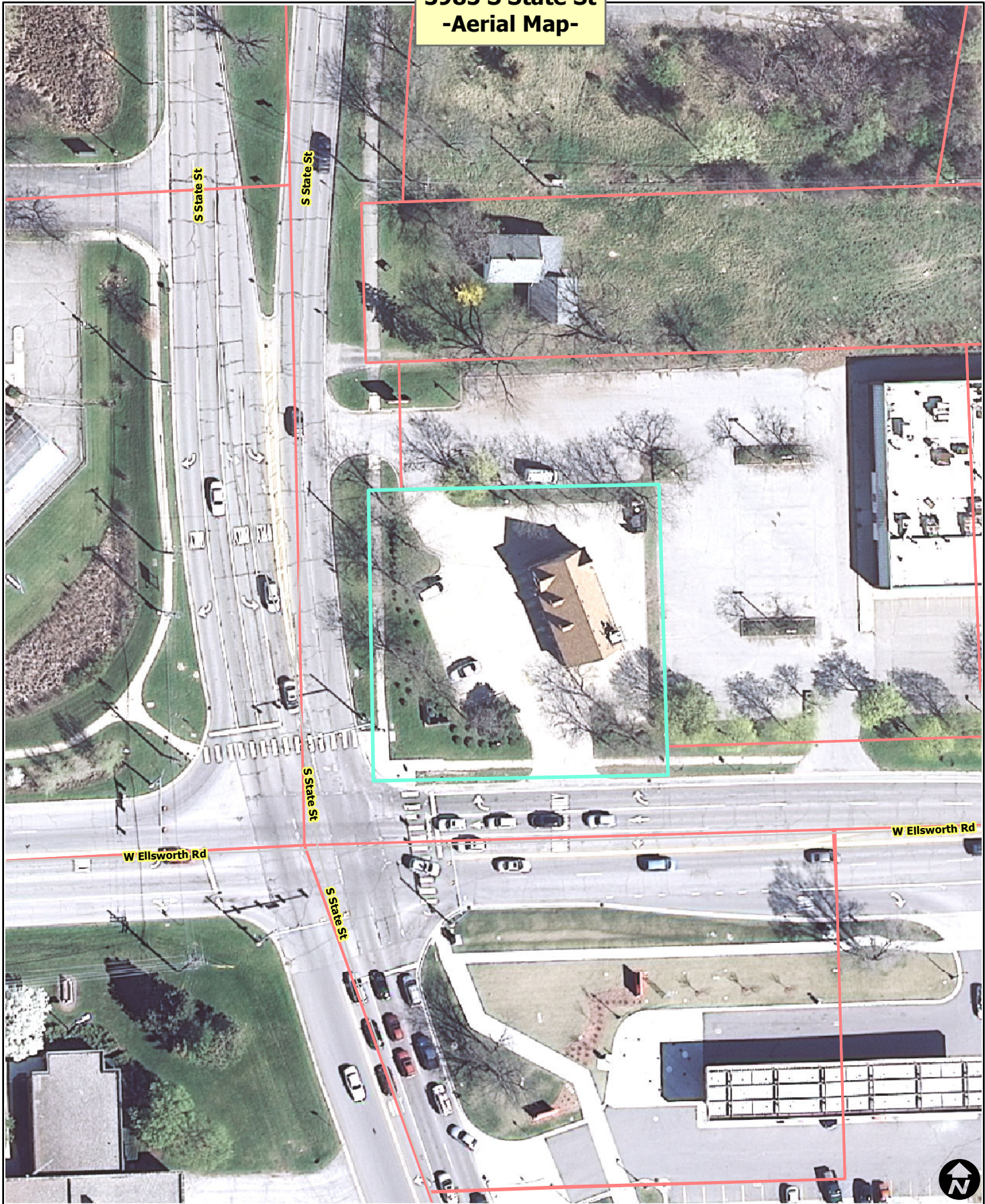


 Railroads
 Parcel Property



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3985 S State St -Aerial Map-



-  Railroads
-  Parcel Property



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APPLICATION FOR VARIANCE OR ADMINISTRATIVE APPEAL
SIGN BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Washtenaw County Road Commission, c/o Curt Brochue

Address of Applicant: 555 N. Zeeb Road, Ann Arbor, MI 48103

Daytime Phone: 734.327.6686

Fax: 734.761.3737

Email: brochuec@wcroads.org

Applicant's Relationship to Property: Acquiring Agency for Public Benefit *

* authority granted by Public Act 87 of 1980, Section 213.54(2)

Section 2: Property Information

Address of Property: 3985 S. State Street

Zoning Classification: C-3, Fringe Commercial District

Tax ID# (if known): L-12-09-301-008

*Name of Property Owner: Choice VC, L.L.C.

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

Chapter 61, Section 5:502

Required dimension:

15' setback from property line.

PROPOSED dimension:

9' feet from sidewalk;
1' setback from property line.

Example: Chapter 61, Section 5:26

Example: 40' Setback from Right of Way

Example: 36' Setback from Right of Way

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Replacement of an existing business sign onto property under control of the owner.

Intersection improvements required additional right of way reducing the site size.

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Sign Board of Appeals has the powers granted by City Code Chapter 61. A variance may be granted by the Sign Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses will form the basis for evaluation of the request by staff and the Sign Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

Yes. Unique due to the acquisition for public benefit. Ellsworth

Road is being moved to the south of right-of-way line. The new sign location will be 9 feet from the new sidewalk.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

Yes. Through no fault of the owner the site size was reduced for the benefit of the public causing replacement of the business sign.

3. What effect will granting the variance have on the neighboring properties?

None.

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

Reduction of the site size and change of shape eliminate the ability to honor the ordinance.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

No. The acquisition of public road right of way created the condition.

Section 5: Administrative Appeal (ONLY – DO NOT COMPLETE IF FILING FOR VARIANCE)

Current use of the property _____

Explain what you were denied and why you are requesting an Administrative Appeal:

Section 6: Required Materials

The following materials are required for all variance requests or administrative appeals. Failure to provide these materials will result in an incomplete application and will delay staff review and Sign Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on 8 1/2" by 11" sheets.

- Building showing frontage dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.
- Property Site Plan showing setbacks, right of ways, etc.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

Phone Number (734) 761-1500


Signature

Email Address brochuec@wroads.org

Curtis Brochue, Project Mgr. Print Name

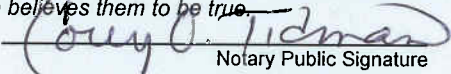
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.


Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Sign Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.


Signature

On this 29th day of May, 2013, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.


Notary Public Signature

09-09-2018
Notary Commission Expiration Date

Corey O. Tidman
Print Name

COREY O. TIDMAN
Notary Public, Livingston County, MI
Acting in Washtenaw County
My Commission expires 9/09/2018

Staff Use Only

Date Submitted: 5/29-2013

Fee Paid: 500.00

File No.: ZBA13-015

Date of Public Hearing 6/26-2013

Pre-filing Staff Reviewer & Date _____

SBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

VERCRUYSSSE MURRAY & CALZONE

A PROFESSIONAL CORPORATION
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May 29, 2013

W. Daniel Troyka
Conlin, McKenney & Philbrick, P.C.
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
Via Email: troyka@cmplaw.com

Re: *Washtenaw County Road Commission v Choice VC*

Dear Mr. Troyka:

As you know, I represent Choice VC in the above condemnation action. On behalf of my client, please be advised that we support the sign variance application being submitted by the Road Commission as a result of the taking in this matter. You are authorized to represent to the City of Ann Arbor our concurrence in the Road Commission's application.

Please let me know if you have any questions, thank you.

Very truly yours,

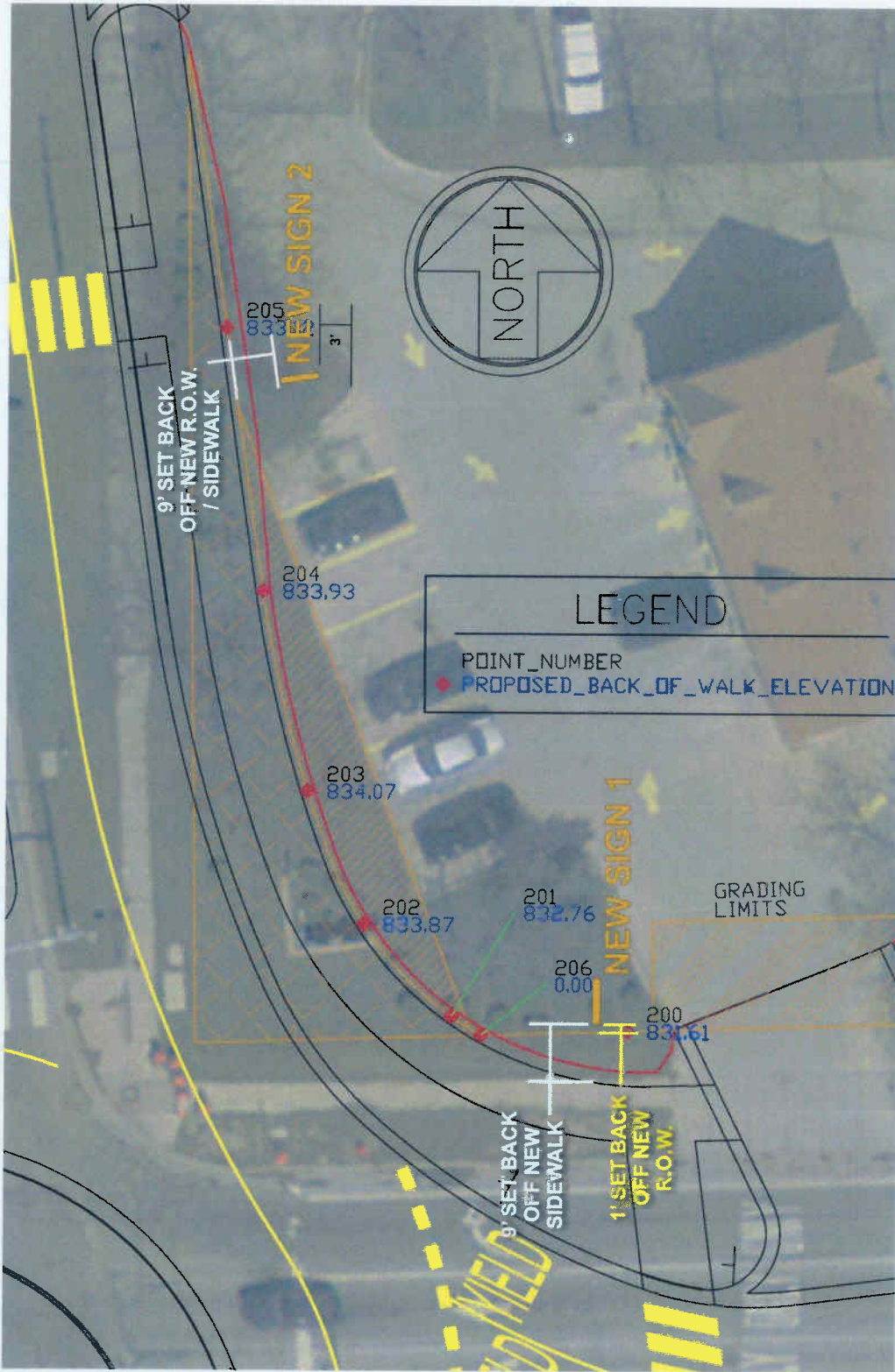
VERCRUYSSSE MURRAY & CALZONE



Ronald E. Reynolds
Direct: (248) 901-0301
rreynolds@vmclaw.com

RER/jab

(2) NEW DOUBLE SIDED GROUND SIGNS - SITE PLAN



APPROVED BY: _____ **DATE:** _____

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# OF SETS	2	RETURN DEPTH	12"	RACEWAY COLOR	N.A.	DESIGNER	S WILKIE
FACE COLOR	DIGITAL PRINT	TYPE OF INSTALL	GROUND MONUMENT	TRANSFORMER	N.A.	DATE	06/24/13
RETURN COLOR	SUNFLOWER	TYPE OF FACE	LEXAN	BALLAST	N.A.	JOB NO.	8724
RETAINER COLOR	SUNFLOWER	RACEWAY D.	H. L. N.A.	COMMENTS:	CHOICE-QL-8724-2	JOB NAME	3985 S. STATE ST. ANN ARBOR, MI
LED COLOR	N.A.	HOUSINGS	N.A.	SALESPERSON:	KEVIN SHORT	ADDRESS:	3985 S. STATE ST. ANN ARBOR, MI

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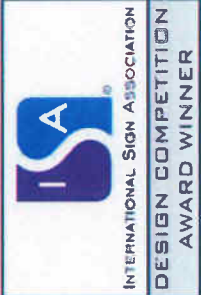
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UNDERWRITERS
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(2) NEW DOUBLE SIDED GROUND SIGNS

18 SQUARE FEET PER SIDE



SCALE 1" = 1'

3M SULTAN BLUE
3M SUNFLOWER
MAP METALLIC GRAY
DIGITAL PRINT

SIGN DESCRIPTION:
BUILD & INSTALL (2) NEW DOUBLE SIDED BACK-LIT CUSTOM GROUND SIGNS WITH FULL COLOR DIGITAL PRINT GRAPHICS. SIGN FEATURES ALL ALUMINUM CABINET, REVEAL & SHROUD. SIGN IS INSTALLED WITH DIRECT BURIAL STEEL POLES IN CONCRETE FOOTINGS. SIGN WILL REQUIRE (1) 120v 15a DEDICATED CIRCUITS (BY OTHERS)

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LED COLOR	N.A.	HOUSINGS	N.A.	SALESPERSON:	KEVIN SHORT	ADDRESS:	3985 S. STATE ST. ANN ARBOR, MI

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CERTIFIED MANUFACTURER

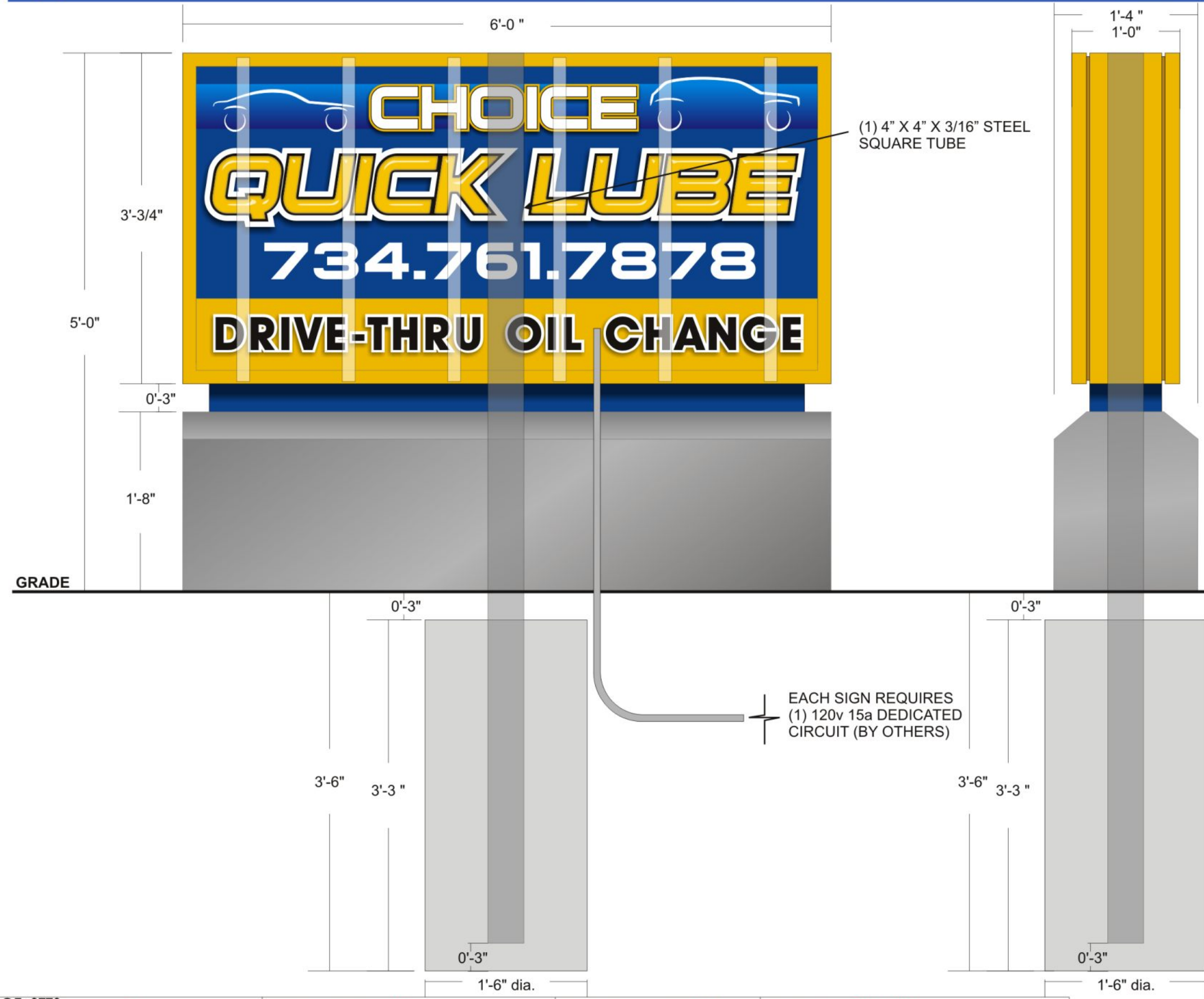


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(2) NEW DOUBLE SIDED GROUND SIGNS



18 SQUARE FEET PER SIDE



SIGN DESCRIPTION:
BUILD & INSTALL (2) NEW DOUBLE SIDED BACK-LIT CUSTOM GROUND SIGNS WITH FULL COLOR DIGITAL PRINT GRAPHICS. SIGN FEATURES ALL ALUMINUM CABINET, REVEAL & SHROUD. SIGN IS INSTALLED WITH DIRECT BURIAL STEEL POLES IN CONCRETE FOOTINGS. SIGN WILL REQUIRE (1) 120v 15a DEDICATED CIRCUITS (BY OTHERS)

EACH SIGN REQUIRES (1) 120v 15a DEDICATED CIRCUIT (BY OTHERS)

FOOTING STRUCTURAL NOTES:
SIGN POLES AND CONCRETE BASES ARE DESIGNED TO WITHSTAND A 90 MPH, 3 SEC. GUST WIND LOADS AS PER 2012-IBC & ASCE 7-02.
ROUND PIPE TO BE ASTM A53 GRADE B OR SQUARE TUBE EQUIVALENT.
CONCRETE COMPRESSIVE STRENGTH AT 28 DAYS, F C=3,000 PSI.
CONCRETE POURED INTO CONSTRAINED EARTH MUST CURE UNDER PROPER CONDITIONS FOR 4 DAYS PRIOR TO SIGN BOX INSTALLATION.
CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH OR COMPACTED FILL.
CONCRETE BASE DESIGNED AS PER 2012-IBC USING:
LATERAL SOIL BEARING CAPACITY OF 150 PSF/FT.
VERTICAL SOIL BEARING CAPACITY OF 1500 PSF/FT.

SCALE 1" = 1'

# OF SETS	2	RETURN DEPTH	12"	RACEWAY COLOR	N.A.	DESIGNER	S WILKIE
FACE COLOR	DIGITAL PRINT	TYPE OF INSTALL	GROUND MONUMENT	TRANSFORMER	N.A.	DATE	06/10/13
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RETAINER COLOR	SUNFLOWER	RACEWAY D.	H. L. N.A.	COMMENTS:		JOB NAME	CHOICE-QL-8724-ENG
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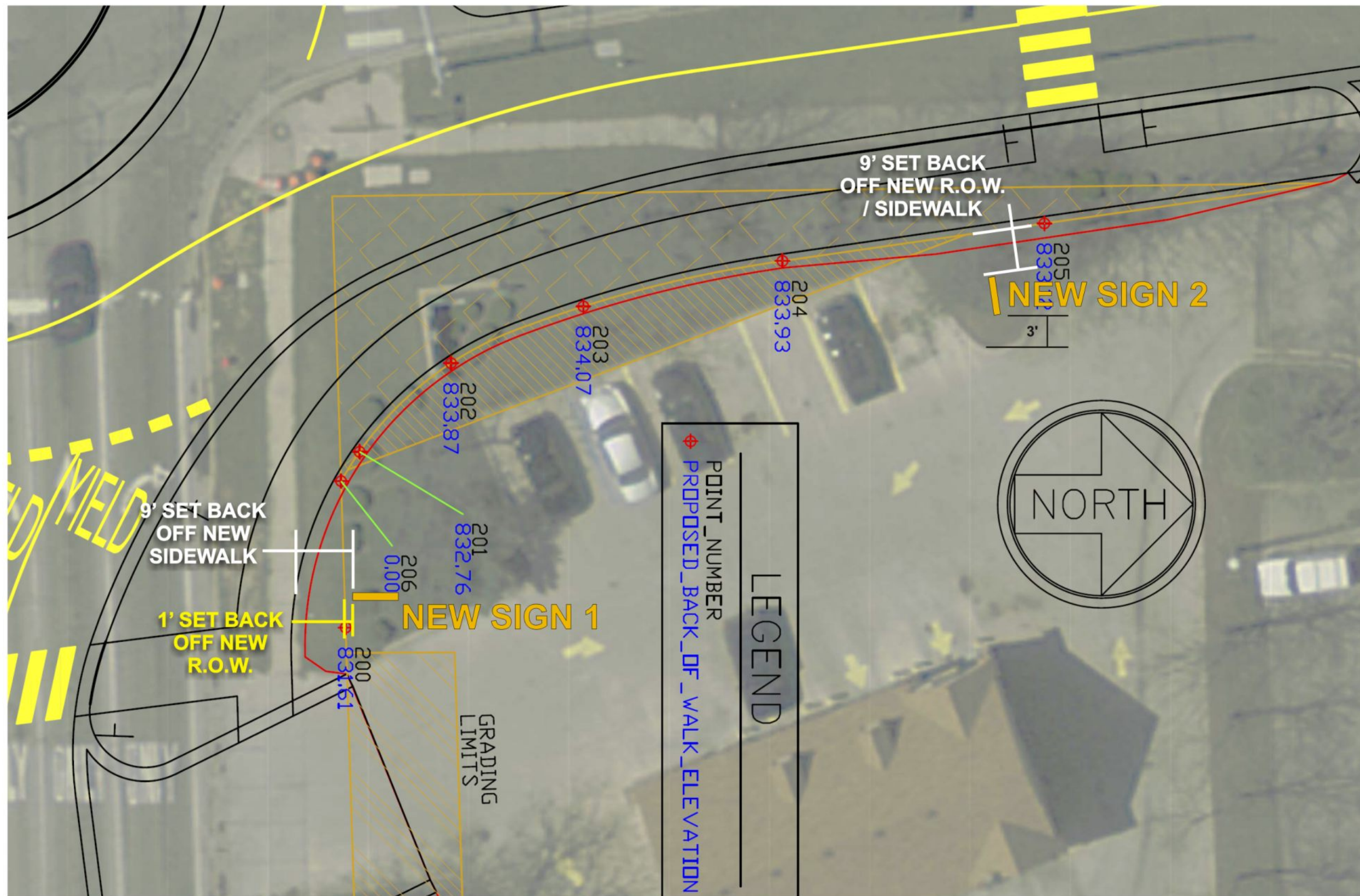
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Quick
Lube
10 MINUTE
OIL CHANGE
We're All Lube Experts

144"

144"

CHOICE

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QUICK LUBE

10 MINUTE OIL CHANGE

36"

CHOICE

734.761.7878

QUICK LUBE

10 MINUTE OIL CHANGE



South Elevation facing Ellsworth



West Elevation
State St

South Elevation
Ellsworth



North Elevation

West Elevation
State St

120"

36"

CHOICE 734.761.7878

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10 MINUTE OIL CHANGE

- Lube, Oil, Filter
- Air Filter Replacement
- Fuel Filter Replacement
- Cabin Filter Replacement
- Differential Flush
- Transfer Case Flush
- Transmission Flush
- Coolant Flush
- Fuel System Cleaner
- Rust Proofing
- Serpentine Belts
- Power Steering Flush

North Elevation

OPEN

**Choice
Quick
Lube**
10 MINUTE
OIL CHANGE
"The oil & Lube Experts"

We Proudly Offer
Valvoline
Castrol
Mobil 1
Shell
ENTER
PLEASE WAIT
TO BE GUIDED IN

Each panel
36" x 60"

We Proudly Offer
Valvoline
Castrol
Mobil 1
Shell
ENTER
PLEASE WAIT
TO BE GUIDED IN

24" x 36"

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SOLD HERE

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