



**APPROVED MINUTES
THE REGULAR MEETING OF
SIGN BOARD OF APPEALS
OF THE CITY OF ANN ARBOR
OCTOBER 10, 2006**

The regular meeting of the Sign Board of Appeals was held on Tuesday, October 10, 2006 at 3:00 p.m. in the Fourth Floor Conference Room of City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan.

I. The meeting was called to order at 3:06 p.m. by Chair Steve Schweer.

II. Roll Call:

Members Present: (4) S. Schweer, S. Knight, C. Brummer & G. Barnett, Jr.

Members Absent: (3) H. Corey, S. Olsen and F. Beal

Staff Present: (2) J. Ellis and B. Acquaviva

III. Approval of minutes

Minutes of the December 13, 2005 and February 14, 2006 Regular Sessions

Moved by C. Brummer, Seconded by S. Knight **“to approve the minutes of the December 13, 2005 and February 14, 2006 Regular Sessions as presented.”**

On a Voice Vote – **MOTION PASSED – UNANIMOUS**

G. Barnett – Mr. Barnett voiced his concern regarding past minutes and that if people are quoted as ‘speaking’ on a particular point that it should be noted for the record whether the speaker was for or against that point, and any salient points related to that particular matter.

S. Schweer – Stated that this has also been a concern in the past, but the board as a whole was told that the tapes were the ‘permanent’ record.

B. Acquaviva – Assured the Board that the future minutes would be more detailed and would also include the staff report information for future reference. In order to make it understandable for someone to interpret the decisions of the Board, a more comprehensive version would be provided in the future.

The Board was notified that legally, magnetic media (tapes) are not considered a legitimate, lasting legal means of keeping minutes and detailed information. In the future, tapes will only be stored on a temporary basis until the Board has voted and approved each set of minutes; after that time, the approved minutes become the official record.

IV. APPEALS & ACTION – UNFINISHED – None.

V. APPEALS & ACTION – NEW

1. 2006-S-002 – 314 South Main Street (a.k.a. Mélange Bistro)

J. Ellis - John Janvikuya/ Mélange Bistro is requesting a variance from **Chapter 61, Sections 5:502 (1)** to erect a new business sign at 314 S. Main Street.

53
54 **(Staff Note:** *The previous business that was in this location (Formerly “The Bird of*
55 *Paradise”)* was listed as ‘312 S. Main Street,’ and is noted to avoid confusion in the
56 *future as this is the correct address).*

57
58 Staff Description and Discussion

59
60 The applicant is requesting a total of 72 sq. ft of signage at 314 S. Main St. for
61 Mélange Bistro. The proposed marquee sign would be approximately 22 feet tall and
62 extend over the public right-of-way 7 feet from the face of the building. The previous
63 tenant’s signage was 32 sq. ft. based upon 22 lineal feet of ground floor frontage.
64

65 Our records indicate the proper address for this petition to be 312 S. Main St based
66 upon that assigned to the previous tenant. In addition, staff calculates the signage
67 area submitted by the petitioner’s proposal and diagram to be 132.62 sq. ft., well
68 above the petitioner’s request. As noted by the petitioner, the total ground floor
69 frontage is approximately 12 feet, which would limit his allowable signage to 24 sq ft.
70 The petitioner is requesting ground floor frontage for the entire building be used to
71 calculate the maximum signage permitted for this business.
72

73 Standards for Approval

74
75 **The Sign Board of Appeals has the power granted by State law and by Section**
76 **5:517(4), Application of the Variance Power from the City of Ann Arbor Sign**
77 **Ordinance. The following criteria shall apply:**
78

79 (a) That the alleged hardships or practical difficulties, or both are peculiar to the
80 property of the person requesting the variance and result from conditions which do not
81 exist generally throughout the City.
82

83 **Staff Comments: Staff recognizes the challenge presented to the petitioner to**
84 **promote his business with the limited amount of ground level frontage for this**
85 **lower level establishment. However, there is no precedent for relief from this**
86 **standard nor has the petitioner presented evidence of a hardship.**
87

88 (b) That allowing the variance will result in substantial justice being done,
89 considering the public benefits intended to be secured by this Chapter, the
90 individual hardships that will be suffered by the failure of the Board to grant a
91 variance and the rights of others whose property would be affected by the
92 allowance of the variance.
93

94 **Staff Comments: Code compliant signage can be located and properly sized to**
95 **be sufficiently legible to facilitate business identification.**
96

97 Recommendation: Staff does not support this variance request.
98

99 Discussion

100
101 S. Schweer – (Suggests that the Board delve into background information first regarding what
102 the Sign Ordinance allows). It is my understanding that someone who has no ground floor
103 frontage can request signage based on what is distributed around the whole building.

104 This does not qualify as ‘no ground floor frontage,’ as they have 12 feet. No ground floor
105 frontage for example, would be to enter in a common entrance and go up an elevator, etc.
106

107 J. Ellis – This has a ground floor front entrance to the business that does lead to a lower-level
108 establishment, but their entrance is at ground level.

109
110 C. Brummer – This is solely their entrance and not shared? (J. Ellis – Yes).

111
112 **Petitioner Presentation**

113
114 John Janvikuya (owner of “Mélange”) and Jerry Spears (building owner) were present to
115 speak on behalf of the appeal.

116
117 Jerry Spears – Our numbers regarding the square footage are not in agreement. Jeff said we
118 were requesting 132 feet of signage?

119
120 John Janvikuya - Where it says ‘total allowed?’ - I took the linear footage of the building,
121 which is 65 feet, multiply by 2 equals 130 feet. I was saying that the entire building was
122 allowed that amount. I broke it down; Connor O’Neill’s has 4 sq. ft., Rush Street, 4 sq. ft.,
123 The Ark, 13 sq. ft. and the remainder is quite a bit more than I’m requesting, which is 72 sq.
124 ft. of signage.

125
126 J. Spears – Not requesting 132, but 72 sq. ft.

127
128 J. Ellis – I used your numbers for my calculations, if I’m incorrect, I stand corrected.

129
130 S. Schweer – A 22 ft. sign, 2 ft. wide will be 44 sq. ft. (per side). That is already 88 sq. ft. just
131 on the vertical sign. (J. Janvikuya – I was calculating only the verbiage.)

132
133 No, in this case, you have to count the entire sign. “Verbiage” applies to signs such as
134 “Macy’s” at Briarwood where you have very large letters stuck onto the frontage of a building.
135 Here the sign is required to differentiate the sign permits background, which is air in this
136 case, but it’s all considered a sign.

137
138 (Conversation ensues regarding proper calculations of the allowable sign and what is
139 proposed. Petitioner admits his calculations were incorrect and J. Ellis’ calculations stand).

140
141 J. Ellis – I need to correct something. John spoke to the frontage of the building. The code
142 does state “each ground floor business,” it doesn’t say ‘each building.’

143
144 J. Spears – Argues that this is a hardship as the business is downstairs and does not have a
145 separate entrance, yet the space takes up the entire footprint of the building. What you really
146 have is a business that is 66 feet across. An example of this is that the city uses the city
147 center building and they have space on the ground floor, yet with signage on both corners.

148
149 The other hardship issue is that we’re bombarded by canopies up and down the block;
150 Starbucks, Subway, the Jewelry Store, the Ark and their sign to the north – 350 on the corner
151 has a canopy and two or three restaurants (“Grazi”), so the identification in the center of the
152 block is always more difficult than say a corner or the second store in.

153
154 Geographically, it’s a hardship, and using only a front door to a lower level on the
155 calculations, I think you’re shortchanging that particular business.

156 (More conversation regarding awning as signs and those regulations). Mr. Spears also
157 stated that as the building owner, he had no issues with the sign.

158
159
160

161 **Open Discussion - Board**

162

163 (Conversation between the board and petitioner regarding what alternate methods can be
164 used).

165

166 C. Brummer – We should first ask what might the sign look like if you were to cut it down in
167 size?

168

169 J. Janvikuya – In terms of cutting down the size of the sign, I would chop down some of the
170 surface area to get the square footage.

171

172 S. Schweer – Need to mention that the variance request on the table is for the sign proposed
173 and nothing else. (C. Brummer – Just trying to determine whether the sign stays the same
174 but changes size. Anything else would require going back to the drawing board).

175

176 We should decide at this point whether there is a hardship here as we are charged with
177 doing, which, by law, we are not allowed to grant a variance unless the petitioner's request is
178 unique – something odd about your circumstances that make it unfair, according to the sign
179 ordinance. How unique is your building? Are you the only one in town that has this problem?

180

181 To that end, I visited the site and the other signs around there, and it didn't seemed to be
182 unique. You have neighbors in the same building that are not too much bigger than your
183 building, yet they're using far less signage than they're even allowed (as are most businesses
184 on that street). Were you allowed to erect this sign, it would probably be 3 times the size of
185 any on the street, and I think that this is overkill. It is part of our job to make sure that things
186 don't get totally out of balance.

187

188 Going with the allowable square footage would be a reasonable amount of advertisement.

189

190 C. Brummer (To J. Ellis) – Based on what the other businesses have and the measurements
191 for this particular business, would the lower part of their three signs qualify? What is the base
192 amount they could have? (The lower portion I calculate as 42 sq. ft. with the three sides, and
193 they have 12 feet of frontage, so they would get 24 sq. ft.).

194

195 J. Janvikuya – The former tenant had 32 sq. ft.? (J. Ellis – Yes, and that was partly based on
196 the former configuration of the building itself at the time).

197

198 S. Schweer – I don't remember ever granting a variance to the Bird of Paradise that was
199 there previously. (J. Spears – When I purchased the building they were qualified as having
200 'no frontage,' as there was an entrance, a staircase off of the lobby down and another stair
201 into zydeco).

202

203 J. Spears – We have this problem all over town where we have multiple tenants, and we get
204 requests from our tenants and generally I thought it was the accepted rule that if, for instance,
205 you get 100 sq. ft., you try to prorate that against the tenant's occupancy – so they would get
206 a third of that amount.

207

208 S. Spears – That only applies if you have *no* frontage whatsoever, and that is not the case
209 here.

210

211 G. Barnett – Nothing to add.

212

213 S. Knight – Want to point out that sometimes people want to postpone the decision making
214 and go back and reconfigure what they've asked for and find something more acceptable,
215 and then they don't have to resubmit a request for another appeal.
216

217 J. Spears – Yes, as our original calculations were off, but I think we will have to come back to
218 the board for some form of variance based on this 12 ft. of frontage which we believe is not
219 calculated to the best interest of our tenant.
220

221 S. Schweer – Sharon's idea is a good one. If you anticipate coming back asking for another
222 variance, I can almost guarantee this one will fail. It is overwhelmingly large as compared
223 with other businesses up and down the street. I personally think you could do a pretty good
224 job with a canopy and advertising thereon. Do you wish to table this proposal?
225

226 J. Janvikuya – Asks what the procedure is for tabling and/or reapplication (B. Acquaviva
227 explains).
228

229 G. Barnett – We meet when there is something to consider, but we do not necessarily meet
230 every month.
231

232 Petitioner – Asks the Board to table the issue.
233

234 Moved by G. Barnett, Seconded by S. Knight **“to table the motion until petitioner can
235 change submission and resubmit for consideration.”**
236

237 On a Voice Vote – **MOTION TO TABLE PASSED – UNANIMOUS**
238

239 Ayes: (4) S. Schweer, S. Knight, C. Brummer & G. Barnett, Jr.
240 Nays: (0) None.
241 Absent: (3) H. Corey, S. Olsen and F. Beal
242

243 VI. UNFINISHED BUSINESS – None.
244

245 VII. NEW BUSINESS – None.
246

247 VIII. REPORTS & COMMUNICATIONS – None.
248

249 IX. AUDIENCE PARTICIPATION – GENERAL – None.
250

251 X. ADJOURNMENT
252

253 Moved by C. Brummer, Seconded by S. Knight **“that the meeting be
254 adjourned. Chair Steve Schweer adjourned the meeting at 3:48 p.m.”**
255

256 *Note: It should be noted that the petitioner resubmitted a new sign request to*
257 *the Planning and Development Services division which fell within the specified*
258 *allowable square footage outlined by the Sign Ordinance, so petitioner*
259 *submitted a letter to staff stating that he had dropped the variance request.*
260

261 **Submitted by: Brenda Acquaviva, Administrative Support Specialist V**