



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
FEBRUARY 13, 2007**

The regular session of the Sign Board of Appeals was held on Tuesday, February 13, 2007 at 3:00 p.m. in the second floor of City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan.

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

**ROLL CALL**

Members Present: (4) S. Schweer, S. Olsen, C. Brummer & S. Knight

Members Absent: (3) H. Corey, F. Beal & G. Barnett, Jr.

Staff Present: (2) K. Lussenden and B. Acquaviva

**A. APPROVAL OF AGENDA** – Approved as presented

**B. APPROVAL OF MINUTES**

Minutes of the October 10, 2006 Regular Session

Moved by S. Knight, Seconded by C. Brummer “**to approve the minutes of the October 10, 2006 Regular Session as presented.**”

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

**C. APPEALS & ACTION**

**C-1 2007-S-001 – 2820 Windwood Drive**

Mary H. Arno & Ted Verner for Northwestern Mutual Insurance Co./ Windemere Park Apts, are requesting a variance from **Chapter 61 Sections 5:504 (3)** to erect five new Windemere Park Subdivision identification signs at 2820 Windwood Drive.

**Description and Discussion**

The applicant is requesting a total of five (5) signs; Four entrance signs, 64” x 65” = 40.64 sq. ft each plus one 127” x 64.25” = 57.41 sq. ft. to be located at the corner of Nixon and Green Roads for a total of 219.97 square feet.

5:504 Residence Signs.

**(3) Subdivisions. Subdivisions of single and two-family homes and housing complexes of more than one apartment or townhouse building are permitted signs identifying the subdivisions or housing complex. Such signs shall have an area of not more than 50 square feet and a height of not more than 8 feet. A subdivision or housing complex shall not have a total of more than 2 such signs nor more than one per entrance.**

The five existing signs on the property are in violation of the Sign Code.

- a. The current entrance signage was never approved, nor has a permit ever been applied for.
- b. The existing corner sign exceeds the maximum height requirement of 8 feet.

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2. The five proposed signs are in violation of the Sign Code, as the subdivision is allowed only two signs, only one per entrance, with a maximum of 50 sq. ft. each.
  3. The total proposed signage exceeds the amount allowed by the Sign Code by 119.97 sq. ft.
  4. In addition to these signs, there are multiple other signs on the site that are not addressed in the application for a variance.

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**Standards for Approval**

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**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:**

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- (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.

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**Staff Comments: Staff recognizes the challenge presented to the petitioner to promote his business at each entrance, that this is a large project and that the new owners/management company have been trying to improve the appearance of this project. However, there is no precedent for relief from this standard nor has the petitioner presented evidence of a hardship.**

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- (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.

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**Staff Comments: Code compliant signage can be located and properly sized to be sufficiently legible to facilitate business identification. The claim that emergency response times will be negatively impacted has not been substantiated. The residents could use street names or other means to give directions to their homes.**

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**Recommendation:** Staff does not support this variance request.

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**Discussion**

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S. Schweer – So they are asking for a variance for the number of allowable signs and the square footage of the signage (K. Lussenden – Yes).

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**Petitioner Presentation**

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Ted Verner, Regional Vice President of Habitat Company, Managers of Windemere Park Aparments and Mary Arno, General Manager for Windemere Park Apartmentsm Gary, Building Engineer, Gino Mood from EBM Construction and Tina Brown from the Sign Studio were present to speak on behalf of the appeal.

107 T. Verner – Stated that they have taken a vested interest in Windemere Park and the  
108 community since November of 2004. Since that time, they have invested over three million  
109 dollars in the project and an additional one point eight million dollars this year, including  
110 concrete replacement, new roofing, asphalt, irrigation systems, painting, a new clubhouse,  
111 etc. We have already gone through and put new address signs, directional signs, street  
112 signs, and this was the last thing that we had to do - the entrance signs we're discussing  
113 today.

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115 We're the only multi-family community that has four entranceways and is located on seventy -  
116 five acres.

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118 In 1986, a monument sign was granted on Green and Nixon road, as well as one entrance  
119 sign on Nixon road. The previous owners originally put in a variance in 1987 for three  
120 entrance signs along Green Road, and those were not approved. What we propose to the  
121 city is a replacement of all of these signs – the monument sign on Green and Nixon (When  
122 you look at the sign itself, it's actually 49.7 square ft.). The other four signs we're proposing  
123 are the entrance of Green and Nixon and three additional signs on Green road.

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125 **The reasoning or 'hardship' for the property** - The original site plan for the property did  
126 allow for four entranceways and entranceway signs. The size of the community is unique –  
127 75 acres with four entrances. Difficulties for homeowners and prospective residents include  
128 the ability for emergency vehicles to locate their home or office in a potential fire. If you're  
129 traveling west down Green road, you will never see a Windemere Park apartments sign.

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131 The old signs currently in place have been there for eighteen years now and are badly  
132 deteriorating. These signs have been in place during that time and Windemere Park has  
133 never been cited during those times for any violations. We're looking to improve those signs  
134 that have already been in place. Anytime you do a Google search or map it search for  
135 Windemere Park apartments, the route takes you right down Green road which would never  
136 allow you to see an entrance sign.

### 137 138 **Open Discussion**

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140 S. Olson – I'm encouraged by the improved looks of the signs. In addition, I used to live at  
141 Pine Valley Aparments off of Packard and I believe that they have four entrances. They have  
142 no other signage there other than address signage.

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144 Mary Arno – Stated that she was formerly employed by the management company that  
145 manages Pine Valley, and that that there is one main entrance, then that leads off to  
146 separating drives with directional signs.

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148 Ted Verner – Stated that they looked at every residential/apartment community in Ann Arbor,  
149 and as far as they know, they're the only ones with that many entrances.

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151 S. Schweer – As much as it seems reasonable for the request to want signage at each  
152 entrance, this Board isn't really charged with dealing with reasonability of signage requests.  
153 Practically all who apply for a variance feel that they're being reasonable; the sign ordinance  
154 itself was written to reduce the amount of signage in town, and to do it fairly so that everyone  
155 is subject to the same rules. To that end, we are prohibited from granting a variance unless  
156 there is some unique circumstance to your property that wasn't anticipated in the verbiage of  
157 the sign ordinance. In this case, the framers of the ordinance did anticipate multi-entrance  
158 apartment complexes, and said, "you can only have one sign!" We have to determine the  
159 uniqueness and the hardship of the situation.

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161 S. Knight – Do your residents have a house number (Yes) and a Street name (Yes) and the  
162 street names are obviously marked? (T. Verner – Yes). Mail is delivered them? (Yes, at a  
163 clusterbox). (Mr. Verner also noted that those areas are not the only areas that receive  
164 community access - i.e., play areas, park areas, community houses, etc. Those areas do not  
165 have addresses). They also stated that upon numerous occasions that fire trucks and rescue  
166 vehicles have entered their complex looking for a location that was actually at the apartment  
167 complex across the street.

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169 S. Schweer – Suggested that the street signs within the park be identified differently which  
170 might help to identify within the park.

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172 C. Brummer – Is the proposed main sign in excess of the square footage of what is  
173 permitted? (K. Lussenden – All of the proposed signs exceed the allowable square footage.  
174 They are allowed 50 square feet times two, so 100 square feet. The existing ‘corner sign’ –  
175 at the corner of Green and Nixon – the monument sign, had a permit taken out for a  
176 temporary sign, not a masonry sign. This sign was approved previously. Its dimensions are  
177 unclear).

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179 C. Brummer – Asked staff for clarification as to what is allowed. (K. Lussenden – All the  
180 information that is contained within the framework of the sign is considered the sign – even  
181 background or decorative trim and framework is ‘the sign.’ If you eliminate the current signs  
182 and install just two within your 100 square feet, that is what is allowable).

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184 T. Verner – Then we are asking for three additional signs.

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186 S. Schweer – Stated that this discussion should come after the Board gives its decision.

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188 T. Brown – (Representative from sign company) – Our concern in asking for the additional  
189 square footage per entrance sign is this - driving around and looking at similar signs, they are  
190 so minimal that they’re hard to see.

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192 S. Schweer – Stated that anything that deviates from the current code will have to be  
193 amended by City Council. Everyone currently is on a level playing field, being allowed the  
194 same amount of signage square footage.

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196 C. Brummer – The signs that they are terming ‘entrance signs,’ would one of those be in  
197 compliance? What is the proposed square footage. (K. Lussenden – They’re proposing one  
198 at 50 and one at 40). What information can be on a directional sign? (S. Schweer – Just  
199 directional – no ‘advertising’ on them, but you get as many of those as you like).

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201 Moved by C. Brummer, Seconded by S. Knight, “**to approve the request for Appeal**  
202 **Number 2007-S-001, requesting a variance from Chapter 61 Sections 5:504 (3) to**  
203 **erect five new Windemere Park Subdivision identification signs at 2820**  
204 **Windwood Drive. The applicant is requesting a total of five (5) signs; Four**  
205 **entrance signs, 64” x 65” = 40.64 sq. ft each plus one 127” x 64.25” = 57.41 sq. ft.**  
206 **to be located at the corner of Nixon and Green Roads for a total of 219.97 square**  
207 **feet.”**

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209 **On a Voice Vote – MOTION TO APPROVE – FAILED – UNANIMOUS (Appeal Denied).**

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211 Ayes: (0) None.  
212 Nays: (4) S. Schweer, S. Knight, C. Brummer & S. Olsen  
213 Absent: (3) H. Corey, G. Barnett, Jr., and F. Beal  
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- 215 D - OLD BUSINESS – None.  
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217 E - NEW BUSINESS – None.  
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219 F - REPORTS & COMMUNICATIONS – None.  
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221 G - AUDIENCE PARTICIPATION – GENERAL – None.  
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223 ADJOURNMENT  
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225 Moved by C. Brummer, Seconded by S. Knight “that the meeting be  
226 adjourned. Chair Steve Schweer adjourned the meeting at 3:43 p.m.”  
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228 **On a Voice Vote – MOTION TO ADJOURN – PASSED - UNANIMOUS**  
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230 ***Submitted by: Brenda Acquaviva, Administrative Support Specialist V***