



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JUNE 12, 2007**

The Regular Session of the Sign Board of Appeals was held on Tuesday, June 12, 2007 at 3:00 p.m. in City Council Chambers, 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, F. Beal, G. Barnett, Jr. & S. Knight
Members Absent: (3) C. Brummer, H. Corey & S. Olsen
Staff Present: (2) K. Lussenden and B. Acquaviva

A. APPROVAL OF AGENDA – Approved as presented without objection.

B. APPROVAL OF MINUTES

Minutes of the February 13, 2007 Regular Session

Moved by F. Beal, Seconded by G. Barnett, Jr. **“to approve the minutes of the February 13, 2007 Regular Session as amended.”**

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

C. APPEALS & ACTION

C-1 2007-S-003 – 1771 Plymouth Road

Robert Kerr (representing Plymouth Road Ventures, dba/Upland Green), 1771 Plymouth Road, is requesting a variance from Chapter 61, Signs and Outdoor Advertising, Sections 5:502 (2b) of the Ann Arbor City Code. The variance (if granted), would allow installation of a Business Center sign at the Right of Way line (the code requires a minimum setback from any lot line of at least 15 feet.)

Description and Discussion

K. Lussenden presented the information on the appeal to the Board:

The applicant is requesting a variance to install one Business Center Sign at the Right of Way line.

5:502 Exterior Business Signs

(2) Placement.

a. Signs attached to the building shall not extend more than 3 feet above the building or 4 feet from the wall of the building.

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.

1. The proposed sign does not comply with 5:502 (2) b because it lacks the required setback.

- 54 a. The building design allows that the sign could be installed to meet the
55 setback requirements even though it would put the sign under the
56 second floor building line.
57 b. A business center sign is allowed to be up to 200 square feet in size.
58
59 2. The property could have a sign complying with 5:502 (2) a, signs attached
60 to the building of up to 200 square feet.
61
62 3. The Planning and Development Services Staff Report for October 6, 2005
63 indicates that *“Several City Planning Commissioners requested increasing*
64 *the density on site and pushing the proposed commercial building south*
65 *toward Plymouth road to give this site a pedestrian presence.”*
66 a. The building location was not required to be placed where it is, it was
67 requested to be moved southward.
68 b. It appears the planning for the sign location prior to construction
69 document submission would have prevented this error from occurring.
70

71 Standards for Approval

72
73 The Sign Board of Appeals has the power granted by State law and by Section
74 5:517(4), Application of the Variance Power from the City of Ann Arbor Sign
75 Ordinance. The following criteria shall apply:
76

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

81 **Staff Comments:** Staff recognizes the challenge presented to the petitioner to promote the
82 various businesses in this multi-use project. The business has two choices that would meet
83 the Sign Code. The first option is to put the Business Center sign with the proper setback.
84 The second is to install signage on the building.
85

86 There is no precedent for relief from this standard nor has the petitioner presented evidence
87 of a hardship that was not self-induced.
88

89 (b) That allowing the variance will result in substantial justice being done,
90 considering the public benefits intended to be secured by this Chapter, the
91 individual hardships that will be suffered by the failure of the Board to grant a
92 variance and the rights of others whose property would be affected by the
93 allowance of the variance.
94

95 **Code compliant signage can be located and properly sized to be sufficiently legible to**
96 **facilitate business identification. Staff does not support this variance request.**
97

98 Petitioner Presentation

99
100 Mr. Robert Kerr of Metro Group Architects and Angela Matthews, a sign consultant to Metro
101 Group Architects were present to speak on behalf of the appeal. Mr. Kerr stated that this is
102 the former auto wrecker site, and came into the project originally to do a single story building
103 with retail in it.
104

105 The City Planning Commission asked us to change it to ‘Mixed Use,’ so we added twenty
106 condominiums above it. There is a push from City Council and the Planning Commission to
107 push this building all the way up toward the street.

108 This was originally a township parcel that generally has a 40' foot setback. To accommodate
109 the requests of the Planning Commission, we changed the zoning to C-1A, which gives us a
110 10' setback. They would not allow any parking in front of the building, so it's pushed up as far
111 as possible. This project is on a bend and Mr. Brewer's (Brewer's Towing) gas station is on
112 the corner, What we're asking due to the building being pushed forward and not have
113 parking in the front, we're asking that we be able to put our sign in the front in the setback.
114 Additionally, part of the land that was ours (indicated by a blue portion on the submitted site
115 plan), we were asked to give this portion to the city for their easement purposes.

116
117 We were sort of 'double whammied' and are requesting to be in the setback, and Mr. Brewer
118 is concerned that the public will no longer be able to see his signs.

119
120 *(Discussion amongst the Board and Petitioner regarding the circumstances in which this*
121 *situation came to be).*

122
123 **Open Discussion**

124
125 S. Schweer – It's true that you could have had put that sign where you wanted without any
126 variance being necessary if the city hadn't appropriated part of your parcel for easements.
127 (Correct). Is it possible that you might put a sign in the 'green' zone of your plan (indicated
128 on site plan) if we were to give you a variance?

129
130 R. Kerr – The likelihood of widening Plymouth Road will happen, but I think it's a long way
131 off. If that were to happen we would write it into the notes that or something with the property
132 to state that we would move it back. It's a very simple sign with two concrete piers, and we
133 could pull it up and move it back, it wouldn't be a big deal. If that were the case, and the road
134 came through there, we'd move it back.

135
136 G. Barnett – I wonder if we have the authority to place that sign within the 'green' zone of
137 your plan. I think we could grant a variance with respect to our views of it, and to take you up
138 on your offer to put that in writing, you would still have to go to the city to place your sign in
139 what is now, through this series of events actually 'city property.' Basically, all we would be
140 able to do is say "it's ok to put it there... but."

141
142 R. Kerr – That is probably a City Council meeting that would have to approve that.

143
144 G. Barnett – I would suspect that it probably is.

145
146 R. Kerr – This is why we show you the placing in the 'yellow' zone – this is our fallback.

147
148 S. Schweer – We can certainly grant you a setback variance of zero feet. It seems that City
149 Council should be amenable since they acquired part of your parcel and that you are
150 agreeable to moving the sign back if that use changes.

151
152 G. Barnett – Is there any other issue – size or configuration other than the location?

153
154 R. Kerr – No, we are within the limits (or under) for the square footage of the sign.

155
156 Administrative Support mentioned that Mr. Brewer is concerned with this issue. Mr. Kerr
157 stated that he spoke with Mr. Brewer at length and supplied him with all of the documents
158 regarding this issue. He was more concerned with parking on that side than the sign.

159
160
161

162 **MOTION**

163

164 Moved by G. Barnett, Seconded by S. Knight, “to grant a **Setback Variance – for Appeal**
165 **Number 2007-S-003, 1771 Plymouth Road, to allow a zero variance of the setback**
166 **within the ‘yellow’ area indicated on the submitted plans. The Sign Board of Appeals**
167 **has no problem placing the sign in the Right of Way since a portion of the petitioners**
168 **parcel was given to the City for Easement Purposes.”**

169

170 **Note:** “Although the Sign Board of Appeals has no authority to legally allow the Petitioner the
171 right to place the sign in the ‘blue area’ (shown on the site plan), should City Council agree,
172 the Board has no objection to this.”

173

174 **ON a Voice Vote – MOTION TO APPROVE - PASSED - UNANIMOUS.**

175

176 **D - OLD BUSINESS – None.**

177

178 **E - NEW BUSINESS – None.**

179

180 **F - REPORTS & COMMUNICATIONS – None.**

181

182 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

183

184 **ADJOURNMENT**

185

186 Moved by G. Barnett, Seconded by S. Knight “that the meeting be
187 adjourned. Chair Steve Schweer adjourned the meeting at 3:32 p.m.”

188

189 **On a Voice Vote – MOTION TO ADJOURN – PASSED – UNANIMOUS**

190

191 *Board Member Sharon Knight announced that this would be her last meeting as she is selling*
192 *her home and relocating. The Board acknowledged her contributions and expressed their*
193 *appreciation for her long standing service to the community.*

194

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