Zoning Board of Appeals May 27, 2015 Regular Meeting

STAFF REPORT

Subject: ZBA15-012, 2151-2161 W. Stadium Boulevard

Summary: Expedite the Diehl is requesting a variance from Chapter 61, Signs and Outdoor Advertising, Section 5:502 (2)(b) of approximately 31- feet from the minimum required front setback.

Background:

The petitioner, Expedite the Diehl, is requesting a variance on behalf of Auto Zone, located at 2151-2161 W. Stadium Blvd, from **Chapter 61, Section 5:502 (2) (b)** for the re-facing of an existing two sided goal post style sign fronting W. Stadium Blvd. The existing height of this sign is 19.3-feet and requires a 38.6-foot setback from the front property line. The existing sign was granted a front setback variance in 1997 by the Sign Board of Appeals subject to the site being used as a car wash and gas station.

The existing goal post sign had 115-square feet of signage (57.5 feet/side) and the new sign is proposed at the same location with a reduced total of 52.5-feet of signage for an overall reduction of 62.5 feet.

The subject parcel is zoned both C2B (Business Service District) and C3 (Fringe Commercial District). This site plan was recently approved by the City Planning Commission to demolish the existing car wash and gas station and combine the site with an adjacent vacant site to construct a one-story, 7,381- square foot retail building.

Per City records, variances were also granted in 1979, 1983 and 1997 by the Sign Board of Appeals with this last variance granted subject to the site remaining a car wash and gas station.

Chapter 61 addresses sign area in the following section:

5:502 Exterior Business Signs.

(2) (b) Exterior Business Signs

Ground signs. Signs not structurally attached to a building shall be at least 5 feet from all property lines. Such signs shall be permitted a maximum height of 1 foot for each 2 feet the sign is set back from the nearest property line, provided that the height of any such sign shall not exceed 25 feet.

Standards for Approval - Variance

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The Zoning Board of Appeals has the power granted by State law and by **Section 5:517,** Application of the Variance Power from Chapter 61, the City of Ann Arbor Sign Ordinance. The following criteria shall apply (*petitioner's response in italics*, staff's response in regular type):

(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 sign exists. Requiring removal of this sign and installing a new sign with a new foundation creates a financial burden and undue hardship.

Staff discussed the sign alternatives with the petitioner on options for signs at this site. The petitioner is allowed to install up to a maximum of 128-square feet of signs on site with a combination of wall signs and a monument sign without needing a setback variance.

From a safety perspective, the proposed sign is perpendicular to W. Stadium Blvd. and would alert customers to the business entrance without screening oncoming traffic.

(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 existing sign is in good condition and can be re-faced. Properties along W. Stadium are commercial uses and have signs that are grandfathered.

Staff agrees that approval of the sign setback variance would not negatively impact other property owners, and the proposal does not cause negative traffic impacts.

This site is under consideration of redevelopment. The existing sign is nonconforming as the gas station and car wash businesses have closed. Per Chapter 61, Nonconforming Signs, signs shall not have any change made in the structure, shape, size, type, design, or mechanical or electrical equipment of the sign unless the change brings the sign into compliance with this chapter; however the Building Official may order repair of a nonconforming sign for safety; and shall not be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.

(c) Is the condition which prevents you from complying with the ordinance

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self-imposed? How did the condition come about?

The petitioner states the sign is in place and seeking to re-face.

Staff research shows sign variances were approved in 1979, 1983 and in 1997 as long as the site remains a gas station and car wash. The previous gas station and car wash are no longer in use making the most recently approved variance null and void. The Master Plan: Land Use Element referencing the West Area Plan makes specific recommendations for the Stadium Boulevard Commercial Corridor. A problem identified by the plan is that inconsistent size and location of signage along the corridor contributes to visual confusion.

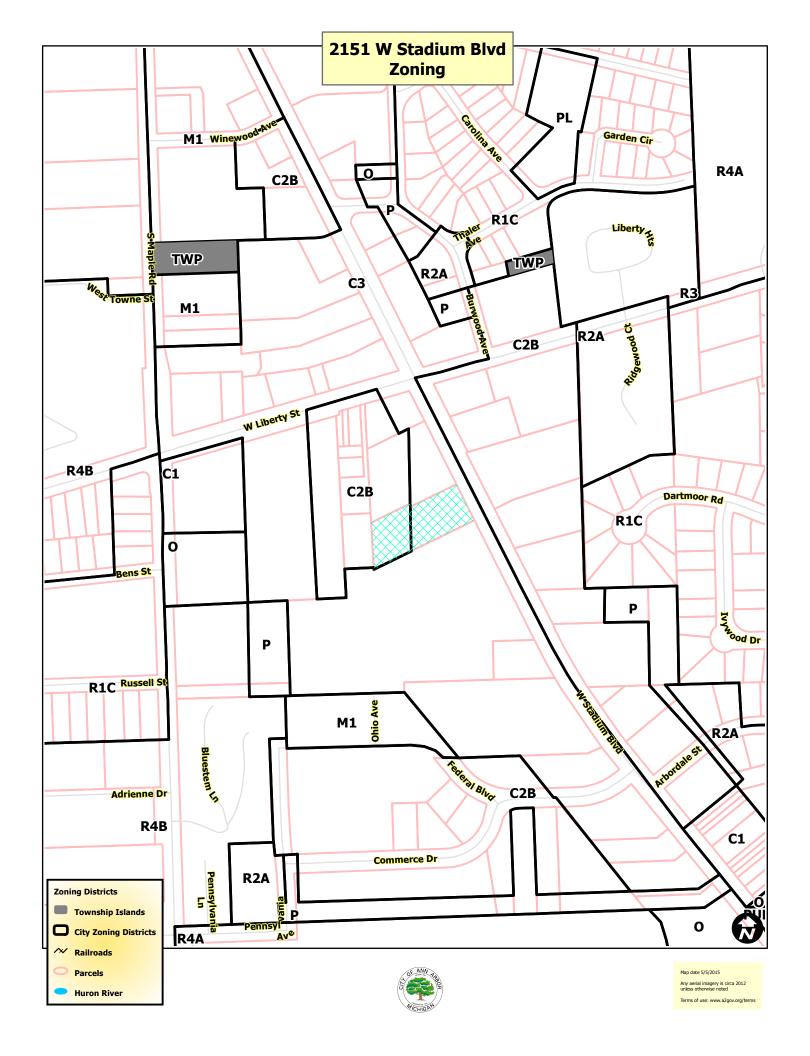
The existing Big M Carwash sign is the most prominent in the general vicinity. There is adequate space between the proposed retail building and the sidewalk to install a sign that meets sign ordinance standards.

The proposed building allows for 128-square feet of signs on site and should be sufficient to facilitate business identification and promotion.

Respectfully submitted,

Chris Cheng

Chris Cheng, AICP City Planner







APPLICATION FOR VARIANCE OR ADMINISTRATIVE APPEAL SIGN BOARD OF APPEALS

Section 1: Applicant Information
Name of Applicant: Auto Zone Inc. by Therese Tracey Diend Address of Applicant: 123 South Front Street Memph is TN 38103 Daytime Phone: (901) 495-7096 Brian Siddall (04)828-8215 tracey Die Fax: 206 350 1097 Email: Tracey @ expedite the gield. com Applicant's Relationship to Property: Olyner's permit Manager
Section 2: Property Information
Address of Property: 2151-2161 W. Stadism Bisd Zoning Classification: C2B & C3 Tax ID# (if known): *Name of Property Owner: Atto Zone Inc. *If different than applicant, a letter of authorization from the property owner must be provided.
Section 3: Request Information
Chapter(s) and Section(s) from which a variance is requested: (al, 5.502(2)(6) (bl, 5.516 Required dimension: PROPOSED dimension: (bl, 5.516 Not allowed to remain Request to cervain
Example: Chapter 61, Section 5:26 Example: 40' Setback from Example: 36' Setback from Right of Way 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) Auto Zone proposes to continue use of existing sign, details are authors in attached veguest.
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? The Sign exists. Requiring us to remove it and install a pew sign with a new toundation is creating a financial burden and undue hardship.
2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) The inability to continue Use of this sign creates a burden and expense that is tenfair and unrecessary. Autozone can reface the sign that is in place it is in good condition. 3. What effect will granting the variance have on the neighboring properties? All properties are retail. Other properties have signs that are grand fathered in.
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? The foundation exists and it would read to be excavated to remove the sign- south bound traffic from Liberty St and northhound traffic from Pauline Blud create congestion and reduce of the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about? No- the Sign is already in place Auto Zone wants to reface it.
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.

Section 7: Acknowledgement	Section	7: A	cknow	ledae	ment
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 Photographs of the property and any exis 	ting buildings involved in the request.
 Any other graphic or written materials that 	t support the request.
□ Property Site Plan showing setbacks, righ	
Section 7: Acknowledgement	
SIGNATURES MUST BE SIGNED IN F	PRESENCE OF NOTARY PUBLIC
I, the applicant, request a variance from the abov Ann Arbor City Code for the stated reasons, in ac	e named Chapter(s) and Section(s) of the
hereto. (014-828-8215 Phone Number	elle Biell Signature
Email Address	Print Name
I, the applicant, hereby depose and say that all of statements contained in the materials submitted hacknowledge that I've received all instructions, tin present to present the appeal. Staff will not send	nerewith, are true and correct. I
Further, I hereby give City of Ann Arbor Planning members of the Sign Board of Appeals permission purpose of reviewing my variance request.	& Development Services unit staff and
on this 27 day of April 2015 by	Signature efore me personally appeared the above named
applicant and made oath that he/she has read the foregoing contains interest, and that the same is true as to his/her own to period his information and belief as to those matters, he/ JESSICA YARASCHUK-REED NOTARY PUBLIC	application by him/her subscribed and knows the
STATE OF OHIO Wo Expiration Described in Franklin County My Comm. Exp. 6/9/16	Reside Print Name Rose
ate Submitted: le No.:	Fee Paid:
re-filing Staff Reviewer & Date	######################################
re-Filing Review:	듯이 있는 것도 있는데 100 Hand 200 Hand 11 Hand 12 Han
raff Reviewer & Date:	

Da Fi P PI St

AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf.
I, <u>Brian Siddall – Sign Manager</u> for AutoZone Store Development who is the owner of the property listed below certifies that we have granted our permit expeditor Expedite The Diehl, my duly authorized agent, permission to obtain the variances and related documents necessary for the construction (or installation) of signs at the following address:
2151-2161 W Stadium Blvd / PIN 09-09-30-318-028 Address of permit location
I understand that I am authorizing them to apply for necessary variance and related permit documents. This is limited to what is necessary for the variance and sign permit projects to be completed.
Signature of Property Owner (AutoZone) Agent Date



April 27, 2015

City of Ann Arbor Sign Board of Appeals

Dear Members of the Board:

We respectfully request relief from the setback requirement and restrictions of the City of Ann Arbor Zoning code Chapter 61, 5:502(2)(b) which allows 1' of height per 2' of setback. The proposal is to request that Auto Zone be allowed to reface an existing ground sign that is currently setback 7.5'. The sign is 19.29' in height. The request is for relief for the setback requirement.

Findings and Facts

The sign proposed is consistent with the architectural nature and the character of the surrounding neighborhood. This is a business route and the majority of the properties that front on this roadway are businesses. Other businesses along W. Stadium Blvd. have signs that exceed the ordinance in height and area.

The significance of the sign for the public good vs. the good of the neighboring landowners is that this sign will allow motorists to safely identify the location of this business and prepare for turns and stopping along the main road. If patrons cannot safely locate the property it becomes a vehicular hazard. Vehicular hazards create a financial burden for law enforcement and public safety. The financial burden of law enforcement and public safety becomes a burden for the citizens of the community. Safely locating a business is essential to the success of the business and the safety of the citizens of Ann Arbor as well as transient motorist. Ultimately, when considering all of these factors this variance would be for the public's good and the good of the neighboring landowners.

In evaluating the proposed variance, we hereby address the following concerns:

- There will be no adverse effect on existing and projected traffic volumes in the neighborhood, signs enhance motorist safety.
- The current and future need for the proposed use in the City of Ann Arbor will not be affected because this area is an existing business zone, the sign is existing.
- The character of the existing neighborhood and the effect of the proposed use on existing property values will not be negatively affected. Signs already exist in this area.
- This proposal is consistent and compatible with surrounding uses.
- The proposal is consistent with the intent of the Ann Arbor sign ordinance and the public interest, and all other provisions of law and ordinances of the City of Ann Arbor; signs already exist and signs of this height already exist at other locations.
- The proposed sign will have a positive effect on the proposed use as well as the peace and enjoyment of people in their homes by reducing the incidents of traffic related accidents because in absence of the sign motorists would not be able to safely locate this service.
- There will be no probable effect of noise and glare upon the uses of surrounding properties.
- The proposed use would not cause deterioration of the area and neighborhoods but rather enhance the business district.
- The proposed sign is consistent with the AutoZone brand image across the United States.

Conclusion:

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The sign requested is existing. The reface of an existing sign does little to effect the surrounding community but rather enhance it by giving an older sign a fresh appearance. The sign itself is regarding an auto service benefit to the members of the community.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The sign requested is consistent with the other signs in the business district and in harmony with what the current zoning ordinance aesthetically allows. The sign is only 22.92 sq. ft. as proposed and this a reduction from what was previously in place. The overall height of the current sign is surveyed at 231.5 inches which is 19.29 feet.

The strict application of the terms of the zoning ordinance will result in practical difficulties and undue hardship in the use of the property because:

The sign exists. Auto Zone wants to continue the use of an existing sign by refacing it. The proposal is to keep the existing sign in place to avoid having to excavate the foundation. Asking Auto Zone to remove this sign creates a financial burden for Auto Zone. There is a great amount of expense that goes into removing a sign and installing a new foundation. In keeping the sign there is benefit: There may be a need for emergency vehicle assistance and without the sign the citizens will be unaware of its location and availability here. The sign notifies the citizen of an automotive benefit service. The signs are necessary for Auto Zone to take its place in the shopping center and in the community to gain brand recognition that is consistent with their national image.

The granting of this variance is in harmony with the intended spirit and purpose of the zoning ordinance;

Previously a variance was granted for a sign in this area at 35' in height. The current sign is only 19.29' in height. Due to the large amount of transient traffic from nearby highways, lack of signage could cause vehicular confusion, especially for people not familiar with the area. The safety and welfare of the community is important. Fair competition within the city and outlying communities is important. This is a motorist benefit for anyone with vehicular needs.

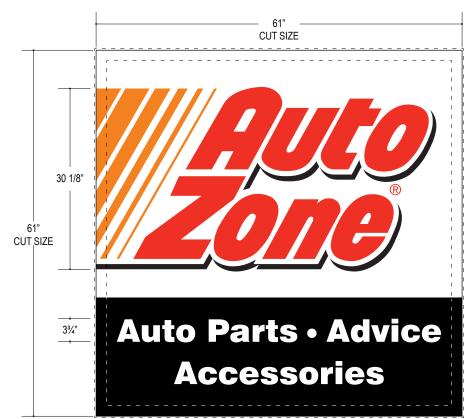
We respectfully request that the city allow the existing sign to remain and allow us to reface it reducing the overall sign area and keeping the height at 19.29'.

If '	you have an	y questions	about this	submittal I	can be reach	ed at trace	y@ex	peditethediehl.com
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Sincerely,

Tracey Diehl

FACE VIEW SCALE: 3/4"=1'-0"



DETAIL LEXAN VIEW SCALE: 1/2"=1'-0"

By Tim Grueschow at 10:36 am, Dec 03, 2014

REVIEWED

V-1 SIGN TECH (ARLON) 2500-2119 ORANGE CAST FLEX VINYL

V-2 SIGN TECH (ARLON) 2500-22 BLACK CAST FLEX VINYL

V-3 SIGN TECH (ARLON) 2500-2662 RED CAST FLEX VINYL

CALL OUTS:

1. WHITE LEXAN FACES

2. FIRST SURFACE APPLIED VINYL AZ GRAPHICS V-1, V-2, V-3

NOTE:

1. REPLACE ALL 2" BLACK RETAINERS

2. SAND AND PAINT POLES & SIGN CABINET GLOSS BLACK

3. SERVICE BALLASTS & BULBS IN SIGN CABINET AS REQUIRED

4. REMOVAL AND DISPOSAL OF EXISTING BOTTOM 2 CABINETS BY CUSTOMER



EXISTING SIGN



PROPOSED SIGN

DATE SIGNATURE OF APPROVAL

REVISIONS

Job Number 202160

QTY: (2 faces)

1193/4"

- #4370

FACE REPLACEMENT- 603/4" ANN ARBOR, MI ZONE AUTO Job Name:

Quality Grade:

of Circuits Req'd: Amp Draw:

Voltage

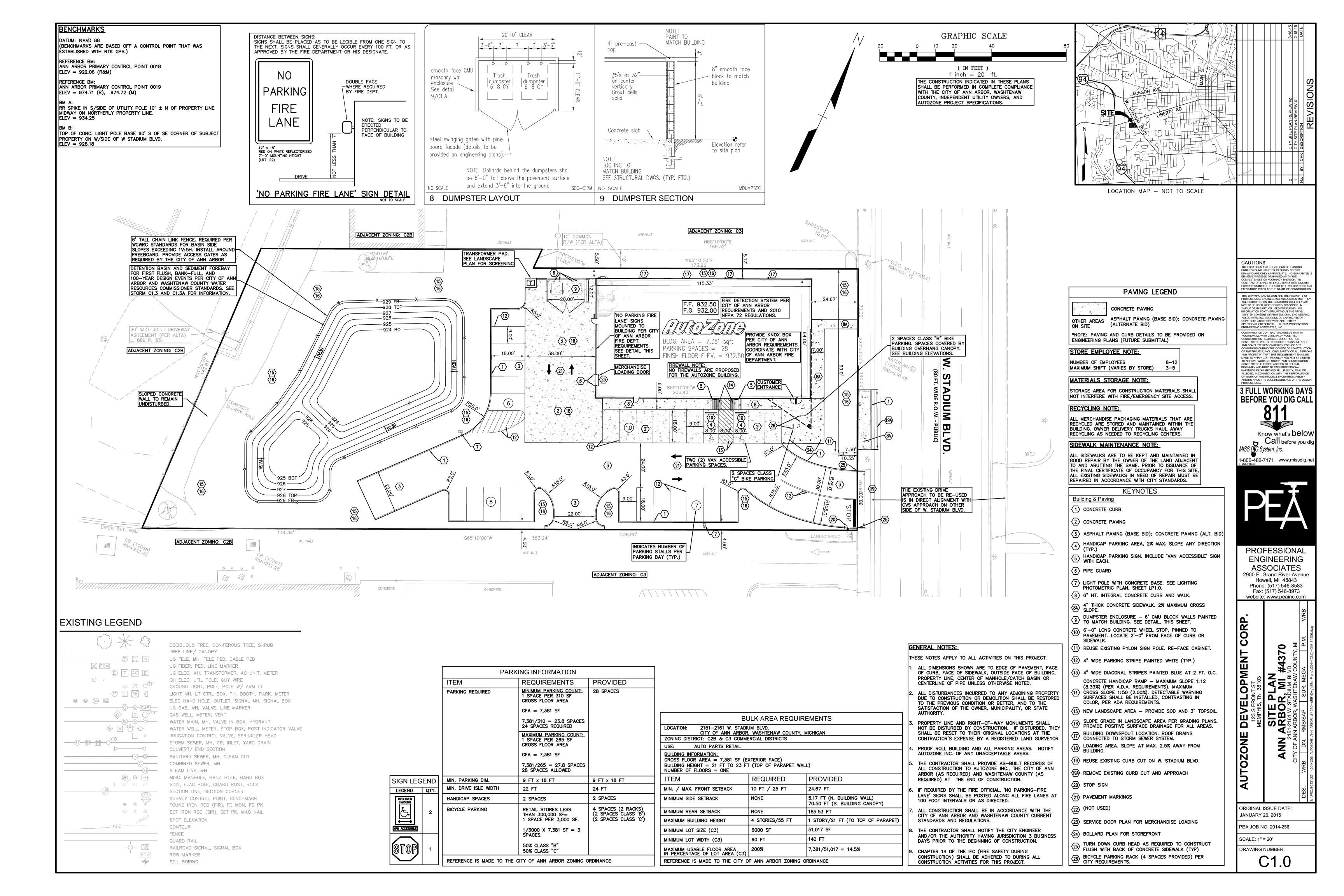
Project Manager:

Mickey Wiskow

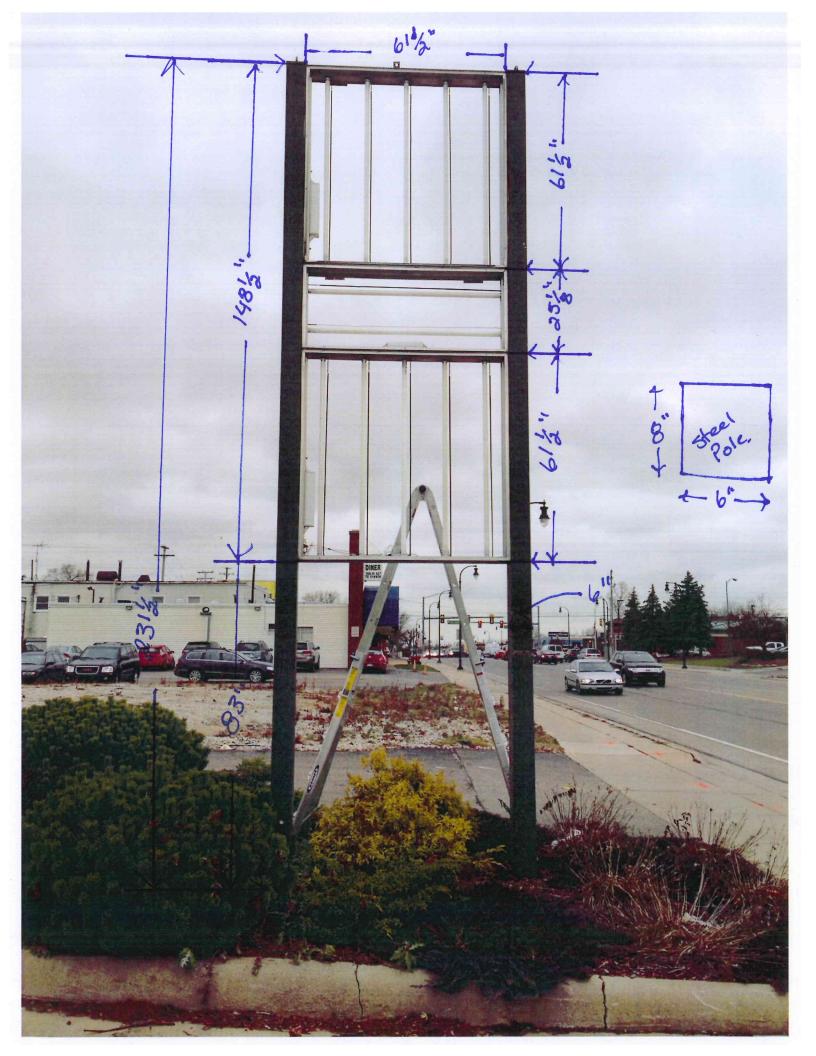
Mike Bjorklund

Revison Date (see revision table 12.03.14

Drwn By:



8" Deep Existing Gabinets
20 No refainer ON Sign Cabinets MAMP 25/180 - 62/2



L386 Ann Arbor, Mi.

Site

Freestanding 7N2 prototype 49 Parking spaces

Pylon sign

Full turn access



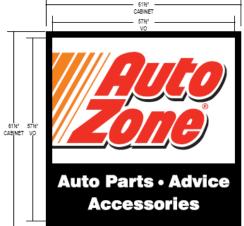


Existing Sign: 19.29' overall height 7.5' setback

Propose Reface keep top panel at 22.96 sq. ft. of sign area



26.27 SQ FT



FACE VIEW SCALE: 3/4"=1'-0"



DETAIL LEXAN VIEW

CALL OUTS:

- 1. WHITE LEXAN FACES
- 2. FIRST SURFACE APPLIED VINYL AZ GRAPHICS V-1, V-2, V-3

- 1. REPLACE ALL 2" BLACK RETAINERS
- 2. SAND AND PAINT POLES & SIGN CABINET GLOSS BLACK
- 3. SERVICE BALLASTS & BULBS IN SIGN CABINET AS REQUIRED 4. REMOVAL AND DISPOSAL OF EXISTING BOTTOM 2 CABINETS BY CUSTOMER



EXISTING SIGN

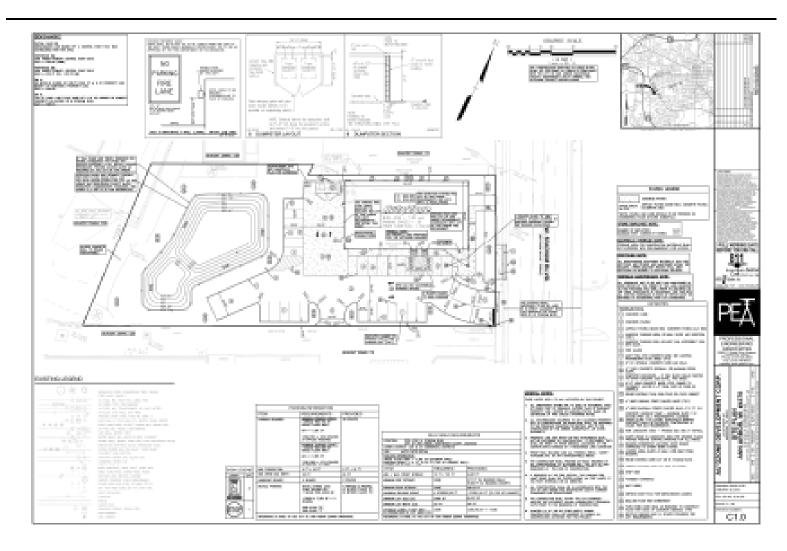


FIN	SHES	i .
	V-1	SIGN TECH (ARLON) 2500-2119 ORANGE CAST FLEX VIN
	V-2	SIGN TECH (ARLON) 2500-22 BLACK CAST FLEX VINYL
	V-3	SIGN TECH (ARLON) 2500-2662 RED CAST FLEX VINYL

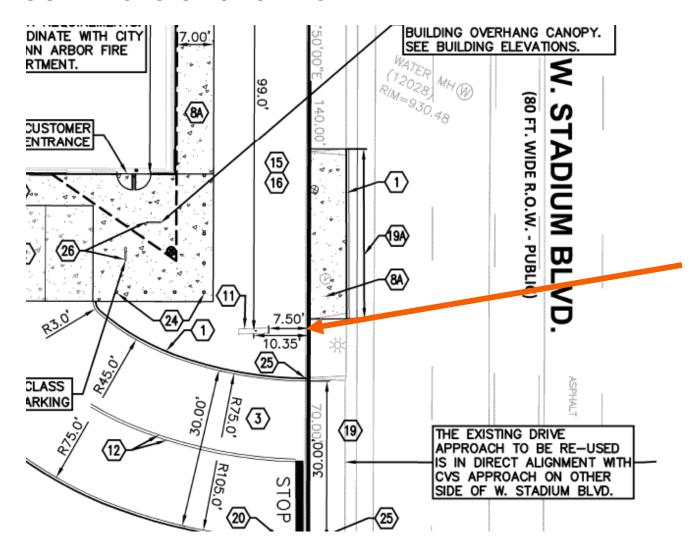
ſ	REVIEWED		
l	By Tim Grueschow at 10:36 am, D	Dec 03,	2014

SIGNATURE OF APPROVAL	DATE









Existing sign location

Close in aerial





Front View of Site





Driving North Towards Site





Competition Photos





SITE LAYOUT



