



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR
CITY COUNCIL CHAMBERS – AUGUST 12, 2008**

The meeting was called to order at 3:11 p.m. by Chair Steve Schweer.

ROLL CALL

Members Present: (5) S. Schweer, C. Brummer, G. Barnett, Jr., D. Eyl
and S. Olsen

Members Absent: (2) 2 Vacancies

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

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

B. APPROVAL OF MINUTES

B-1 Minutes of the July 10, 2008 Regular Session

Moved by G. Barnett, Jr., Seconded by C. Brummer, **“to approve the minutes of the July 10, 2008 Regular Session as Presented.”**

On a Voice Vote – MOTION PASSED – *UNANIMOUS*

C. APPEALS & ACTION

C-1 2723 South State Street – SBA08-001

Description and Discussion

The petitioner is requesting a variance to install signage that would exceed the allowable square footage and message units under the code. It has also been noted that the existing signage does not meet the code and does not have a variance.

Staff Report:

The sign code as shown above allows for the ground floor business to have up to 200 square foot of signage. The code also allows a business center to have an additional 200 square feet (*per side) on a business center sign (*a total of 600 square feet of total signage*). The petitioner’s request exceeds the allowable limit by 24 square feet and 17 additional message units.

The petitioner has stated that:

1. The existing signage square footage and message units exceed the code (**Non-Conforming Signs**).
2. Due to the number of tenants in this complex and the definition of message units in the code, it is not feasible to properly identify the property.
3. That multiple driveways require directional information to safely direct the public into the proper area of the building.

50 **Petitioner Presentation:**
51

52 Mr. John Mathey, Wachovia Securities Office Manager was present to speak on behalf of the appeal.
53 He stated that about a year ago, A. G. Edwards Co., merged with Wachovia Securities. We did have
54 a Wachovia office in Ann Arbor, but chose to go to the A.G. Edwards office at 2723 South State
55 Street. We're struggling with the name change now with our clients due to the merger, and we are in
56 need of changing the current signage to Wachovia Securities. It is extremely important that we have
57 a sign on the building that people can recognize from the street.
58

59 Jay Johnson of Johnson Sign Company was also present to speak on behalf of the appeal. Mr.
60 Johnson stated that he does not agree with the determination that the requested signage is not
61 compliant with the ordinance. We're not adding a sign, we're replacing an existing sign and the new
62 sign is 1.3 square feet smaller. *(He passed out copies of photos of the site from various elevations).*
63

64 The pictures depict that there is no sign 'clutter,' the signs that exist are not overwhelming. He stated
65 that he would first like to address the number of message units. Staff stated that by code, we're
66 allowed 20 message units, and that we're over by 17; however, Mr. Lussenden also noted 'verify that
67 message units are over 4 inches.'" In the city code, Chapter 61 (Signs), Section 5.501 (11) states:
68

69 *"Letters or numbers 4 inches or smaller in height and punctuation marks are not counted in*
70 *computing the number of message units."* (He pointed out the monument sign which they measured).
71 The monument sign has twenty message units, but the only ones that are larger than 4 inches are the
72 "SSC" (which measures 5 inches) and the 2723 address (which measures 6 inches). All the other
73 copy is considerably under 4 inches.
74

75 Looking at the "United Bank and Trust" sign, the Indian head logo is 4 3/8 inches, so that would be
76 counted as a message unit. As we look at the other signs, we encounter the same thing. This should
77 have been addressed before being here, but there are really only four message units on that sign
78 where we have 20 calculated. If you look at it in that aspect, our request is actually 20 calculated.
79 This is 16 less than what staff stated was allowable and should have been addressed by us much
80 earlier.
81

82 The directional signs all have smaller copy – 2 inches. (Mr. Johnson asked Mr. Lussenden if he
83 agreed with this determination. Mr. Lussenden said it was very possible, and this is why he included
84 the notation about the size of the lettering). Looking at this with this information, we believe that we
85 are very close to having code compliant lettering in our request.
86

87 **Questions of the Applicant by the Commission:**
88

89 G. Barnett, Jr. – By your calculation, what you propose is not 20 message units over, but 1 message
90 unit over, is that correct? (J. Johnson – The report stated we were 17 over, and we've just calculated
91 20 message units that should not be counted, so this puts us 3 message units under our actual
92 request). What is the height of the lettering that you propose to put on these signs? (We have a print
93 that shows a comparison. The existing signage "Edwards" is 18 inches, but our proposed for
94 "Wachovia Securities" is 10 to 12 inches. Looking at the elevation photos, the existing "A.G.
95 Edwards" letters look ridiculously small from the street view, and those we propose are even smaller).
96

97 C. Brummer – So you're talking about the sign on the building now instead of the monument? (Yes).
98

99 G. Barnett, Jr. – My question wasn't answered. What is the height of the lettering itself that you
100 propose for "Wachovia Securities" monument sign?
101

102 *(Discussion between staff and petitioner regarding total allowable signage).*
103

104 **Recommendation:**

105
106 K. Lussenden – The number of tenants, length of names, logo's, etc. is common to buildings of this
107 type. The petitioner has not presented evidence of a practical difficulty and/or undue hardship which
108 does not exist generally throughout the city and consequently, there is no precedent for relief from
109 this standard. Approval of this variance could negatively impact other property owners and possibly
110 set precedent for future appeals.

111
112 Staff recognizes the challenge presented to the petitioner to promote his business; however, current
113 code compliant signage properly sized and located on the property should be sufficient to facilitate
114 business identification and promotion. **Staff does not support this variance request.**

115
116 **Discussion by the Board**

117
118 S. Schweer – The ordinance seems clear to mean that in multi-floor business centers, the ground
119 floor gets 200 sq. ft. The “Business Center” gets a Business Center Sign listing the tenants. The
120 practice of putting large signs on the side of buildings is prohibited under the ordinance.

121
122 K. Lussenden – Not necessarily. Another part of the ordinance speaks to “other tenants” in the
123 building – they can have signage as long as they don’t exceed the allowable amount for the total
124 building.

125
126 S. Schweer – (Agrees) – ‘Allowable amount’ for the total building. You add together all tenant signs,
127 and it can’t exceed 200 sq. ft. If you have a forty story building, and you have eighty clients in there,
128 the framers of the ordinance certainly didn’t want eighty large signs on the side of a building. This is
129 why it’s limited to 200 sq. ft. The building manager would decide who gets that. What is the total
130 signage on the building now. (K. Lussenden – With the new sign on the building, 224 sq. ft.).

131
132 C. Brummer – Was a variance requested previously for the existing signage and this is a name
133 change? (K. Lussenden – I don’t know).

134
135 G. Barnett (to K. Lussenden) - To clarify, Steve asked what is the current – *not requested* – but
136 current amount of signage on that building in square feet? (I don’t have that number). So when you
137 said 224 sq. feet in response to Steve’s question, you were telling him what they are currently
138 requesting, not what is existing? (Right).

139
140 Mr. Johnson (Petitioner) – I can answer that. If you compare these two and compare the print that
141 was submitted for permits for the A.G. Edwards sign – The Edwards’ sign is 1.3 sq. feet more than
142 what we’re proposing for Wachovia. If we’re at 224, the current would be 225.3 sq. ft.

143
144 S. Schweer – Stated that he thought that it was up to the manager of the building to request who gets
145 what in terms of signage and amount, as the original idea was not to have tenant signs on the side of
146 the building – that is what the business signs are for. In response to the question posed by your
147 customers of “where are you?” – The answer would be “we’re in the 777 Building” (*referring to the*
148 *large address on the building*). We get in trouble granting individual variances per tenant, as this
149 could set a precedent for the next tenant that comes along asking why they can’t have one. Since
150 this is a newer building, I don’t recall any variances being requested for this building. I think they
151 were just ‘installed’ there. ****(Building Dept. records show that a permit was requested and***
152 ***granted to MAV Development for the A.G. Edwards’ Sign. Staff member J. Turnbull stated that***
153 ***the total signage on site including this sign was 160 sq. ft. – Permit Number PS050041 was***
154 ***obtained for this. Since it complied according to staff, there was no variance necessary.***
155 **Current staff (C. Gochanour) has since visited the site and re-calculated the signage**
156 **requested and approved this permit under the current request).**

158 (Discussion by the Board, Staff and Petitioner regarding the directional signs and other signage on
159 the building and staff calculations).

160
161 S. Schweer – Stated that the Board is only allowed to grant variances on situations that have a
162 ‘unique nature,’ and he doesn’t see that this request qualifies as ‘unique.’

163
164 (Manager for Wachovia stated that they have a lot of elderly people as clients and believes it makes
165 sense that they have something that gives them direction in terms of where they are located. Once
166 they arrive, they could find us, but there are people that don’t know where we are, and the change of
167 name from Edwards to Wachovia becomes an issue for us. The only outside sign we have is a little
168 sign off the road, and some of those on these signs are on another building behind us. We feel that
169 having an outside sign would help our clients find us, and we do have the support of the building
170 owner).

171
172 Mr. Johnson (Johnson Sign) – Explained the square footage and how he believes it was calculated
173 and thinks that this sign was done by permit and was calculated differently by staff at that time.

174
175 C. Brummer – Pointed out that if the sign was calculated with the ‘background’ included in the
176 lettering, this could change the calculation significantly.

177
178 S. Schweer (to K. Lussenden) – Let’s figure this signage. (Lussenden – As I’m looking at the revision
179 request form submitted by Johnson Sign Co., it shows the total square footage for that sign is 78 sq.
180 ft. If you’re coming back with another way to calculate this, we can explore this. If you want to
181 resubmit and we can look at this, you may not need a variance).

182
183 (Discussion between petitioner and staff regarding calculation of square footage).

184
185 S. Schweer – Stated that if this is the case, then the petitioner does not require a variance as it would
186 be in compliance; however, placing the sign on the side of the building that says “Wachovia,” is going
187 to beg trouble and we should take note when people want to put a large tenant sign on the side of
188 their business center, they’re going to run into trouble when the fourth or fifth tenants asks for the
189 same consideration, although the sign ordinance does not specifically speak to ‘who’ has the
190 authority to request this. (Discussion by the Board to add this type of situation to the ‘list’ of possible
191 changes to the Sign Ordinance).

192 193 **MOTION**

194
195 Moved by G. Barnett, Jr., Seconded by C. Brummer, to table the issue for 30 days until the petitioner
196 can investigate the possibility of using revised calculations to obtain a permit for the requested sign
197 that complies with Chapter 61, thereby not requiring a variance.”

198
199 **On a Voice Vote – MOTION TO TABLE – PASSED (Unanimous)**
200 ***Tabled for 30 days, or until the next SBA Regular Session.**

201 202 203 **E – NEW BUSINESS**

204
205 E-1 – Discussion on revisions to the current BY LAWS –

206
207 C. Brummer – Submitted previous editions of by-laws as well as a possible edited version for
208 consideration by the Board. She stated that there is a peculiar provision in the statute that states that
209 we have to have a quorum of four people to hold a meeting, and then states that we must have four
210 affirmative votes in order to approve a variance. (S. Schweer – Kind of ‘unfair’ but embedded in the
211 ordinance).

212 G. Barnett – Stated that the formula for a quorum would be the number of members divided by two
213 plus one – in order to avoid having two ‘competing’ quorums at a Board meeting. We currently have
214 five members, but we are supposed to have seven members. (Always an odd number). Four would
215 constitute a quorum. When we have four members ONLY at a meeting, the question is, how many do
216 we need to favorably determine the outcome. That number is currently a unanimous four. That is
217 exactly the situation we encountered two months ago, where we had four members present, and the
218 vote was three yes, and one no, and the variance was denied because of it.
219

220 Four is a majority of the *entire* Board, but the idea of a quorum is that there is a sufficient number to
221 conduct business. The effect is to take the votes of the absent members and turn those into ‘no’
222 votes. In other organizations that I’ve been a member of, and written by-laws for, we define a quorum
223 as I have, and that business was conducted by majority vote within the quorum. If we have a quorum
224 of four, a majority would be 3-1.
225

226 S. Schweer – The ordinance probably contains this as they thought that if you couldn’t convince four
227 people, you didn’t need the variance.
228

229 D. Eyl – Stated that he thought that the ordinance framers probably assumed that the Board would
230 always have seven members present.
231

232 (Discussion by the Board on whether to ask City Council to change this portion of the ordinance).
233

234 S. Schweer – Stated that this makes sense to him. It has the effect of requiring one less vote if you
235 have a minimum of people. It’s also embarrassing to tell the petitioners that they have to convince
236 “all” of us when we have a bare quorum of 4, just because we don’t have enough members. I would
237 be in favor of that change.
238

239 G. Barnett – We’re also having issues with how we ‘calculate’ signage. Simply counting the letters or
240 numerals that constitute the sign, and not counting the spaces in between those, or taking it into
241 context as a ‘box’.
242

243 C. Brummer – Stated that it was her understanding that if the sign is attached to a board/box,
244 illuminated or otherwise, that has to be calculated into the signage. That’s a common practice, and
245 it’s not specified in the ordinance.
246

247 S. Schweer – (Asked if K. Lussenden had left the meeting – the discussion was not over). In the
248 past, staff always calculated the sign, it was never left up to the petitioner. We always used to trust
249 that, but it’s failing us as in the last two meetings, staff has not calculated the footage – it was the
250 petitioner – which is unacceptable.
251

252 C. Brummer – It’s more than that. It’s signage not calculated, message units not calculated, figuring
253 out where the various parameters are – whether it’s the street, the curb, the lot line, the right of way –
254 I don’t know this and I would expect that staff would provide that.
255

256 *(The Board discussed the lack of staff support in preparing for these petitions. The Board is*
257 *supposed to ‘support’ the Building Department in a ‘quasi-judicial’ aspect, and the board is not the*
258 *technical experts on square footage, etc. They felt that the issue was greater than that in that these*
259 *permits are being denied without full staff scrutiny).*
260

261 Possible changes included:
262

- 263 1. Instead of 4 Member votes - Affirmative votes/5 members
- 264 2. Attendance at meetings – Taking the ‘absent members’ out of the equation for voting?
- 265 3. Quorum/How many – Should they recommend a change to the ordinance?

268 S. Schweer - 20/20 Communications on North Fourth, the old "Lawyers Title" building – Wanted to
269 change the "Lawyers Title" sign a few years ago – they wanted to put a clock in there and change the
270 Lawyers Title sign. I believe we denied that request. They claimed that it was a 'historic monument'
271 or that it was written into the easement that the sign had to exist, but they couldn't substantiate those
272 claims. We stated they couldn't have it both ways; just like the "Big 10 Party Store," it's either historic
273 and stays the same, or if it's not historic and you want to change it, it's illegal and you can't have it. I
274 drove by there the other day and it says "20/20 Communications" on a backlighted sign, with a clock
275 right in the middle of it – just like they wanted and we refused. Where is our enforcement here?
276

277 NOTE: (106 N. Fourth Avenue – 2001 Denial from the Sign Board of Appeals. Records show that
278 Building Permit PB053177 was "Cancelled" in 2005 – then in 2006, a Sign Permit #PS050252 was
279 issued for 20/20 Communications in January of 2006 to "Reface" the current sign. 20/20
280 Communications no longer resides in that building. Upon further investigation, staff and the Chair of
281 the HDC encouraged the Sign Board to approve the sign, as it was existing historically in the Main
282 Street Historic District).
283

284 *The Board also discussed the letter that they had sent to the Attorney's office, with copies to Building,*
285 *City Council, etc. The Board talked about resigning en mass as their presence doesn't seem to*
286 *matter. Another mention was that they felt that these concerns just needed to be brought to the*
287 *attention of the right people, because their hands are essentially 'tied.'* The Board also discussed not
288 *having proper enforcement for signs as well as the ordinance and how it pertains to high rise*
289 *buildings.*
290

291 S. Schweer – Stated that he would draft another document to Mayor Hieftje bringing out these points.
292

293 **G - AUDIENCE PARTICIPATION – GENERAL – None.**
294

295 **ADJOURNMENT**
296

297 Moved by C. Brummer, Seconded by S. Olsen "**that the meeting be adjourned.**"
298 Chair Steve Schweer adjourned the meeting at 4:27 p.m. without objection."
299

300 **On a Voice Vote – MOTION TO ADJOURN – PASSED – UNANIMOUS**
301 **Submitted by: Brenda Acquaviva, Administrative Support Specialist V**