



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JUNE 10, 2008**

The meeting was called to order at 3:07 p.m. by Chair Steve Schweer.

ROLL CALL

Members Present: (4) S. Schweer S. Olsen, C. Brummer and D. Eyl
Members Absent: (3) G. Barnett, Jr., S. Schweer & 1 Vacancy
Staff Present: (1) B. Acquaviva

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

B. APPROVAL OF MINUTES

B-1 Minutes of the May 13, 2008 Regular Session

Moved by C. Brummer, Seconded by David Eyl, **“to approve the minutes of the May 13, 2008 Regular Session.”**

On a Voice Vote – MOTION PASSED – UNANIMOUS

**S. Schweer recused himself from the vote as he was absent at the May meeting.*

C. APPEALS & ACTION

C-1 777 East Eisenhower Parkway - 2008-S-004

Petitioner Thomson Reuters is requesting a variance from the Ann Arbor City Code, **Chapter 61, Section 5:52** (Exterior Signs), to install two 469.2 square foot, non-conforming wall signs.

Description and Discussion

The Petitioner, Thompson Reuters, is requesting a variance from Chapter 61, Section 5:502 to install a total of 469 square feet of signage; 200 square feet is allowed by code.

Standards for Approval

5:502 Exterior Business Signs.

- (1) Each ground floor business is permitted exterior on-premises and noncommercial signs having an area totaling 2 square feet per linear feet of ground floor frontage. The total area of such signs may not exceed 200 square feet. Such signs may contain a total of 10 message units and shall meet the placement standards contained in this section. If all the signs of a business do not exceed a maximum height of 15 feet, such business shall be permitted sign area and message units of 20 percent more than would otherwise be permitted by this Chapter.**

53 **Staff Comments**

54

55 Approval of this variance could negatively impact other property owners and possibly set
56 precedent for future appeals that would not be based on a practical difficulty or undue
57 hardship.

58

59 The petitioner has stated that *the 777 building is one of only two high-rise buildings in Ann*
60 *Arbor*. The 2003 Michigan Building Code under Section 403, High-Rise Buildings defines
61 high rise buildings as those having occupied floors located more than 55 feet (16764 mm)
62 above the lowest level of fire department vehicle access.

63

64 There are numerous buildings in the City of Ann Arbor that exceed that height with at least 6
65 more under construction or in planning stages at this time. The information provided with this
66 petition labeled option 1 and option 3 have vastly different perspectives. Option 3 shows a
67 view of one side of the entire building from a much greater distance than option 1 and it
68 doesn't include dimensions which would be useful in making this comparison.

69

70 The petitioner has not presented evidence of a practical difficulty and/or undue hardship
71 which does not exist generally throughout the city; therefore, there is no precedent for relief
72 from this standard.

73

74 Staff does not support this variance request.

75

76 **Petitioner Presentation**

77

78 Representatives of Thompson Reuters and TransWestern (owner of the building) spoke on
79 behalf of the appeal.

80

81 "We are respectfully asking to install a sign that is visible to the public. This location of
82 Thompson Reuters was just designated the global headquarters for the health care division.
83 We've recently combined with another company, and we'd like to have an 'identity' for us at
84 this location. The 200 square feet of signage we currently have is not legible due to the size
85 of the building (11 stories). We would like to increase that in order to be recognizable. We
86 are the largest tenant at this building that is owned by TransWestern, and they fully support
87 renaming the building Thompson Reuters (currently known as the '777' building)."

88

89 **Discussion by the Board**

90

91 S. Olsen – Are you asking for a sign on all four sides of the building, or just one side?
92 (Petitioner – No, we're asking for two sides. The '777' signs are currently on four sides of the
93 building, comprising a little more than 200 square feet. We're asking for 462 square feet
94 facing the highway and 462 square feet facing the city. The '777' signage would be removed.

95

96 S. Schweer – Have you considered other options? What about a monument sign in the
97 corner near the street? (Petitioner – There are currently a couple of monument signs
98 representing some of the other tenants, but it's rather crowded.

99

100 Bill Harvey (with TransWestern, owner of the building) - When a tenant as large as
101 Thompson Reuters negotiates a lease, one of the main things that comes with that is the
102 prestige of having the building carry their name. There are two factors affecting this building;
103 the sheer height of the building and the setback of the penthouse, which is the only place you
104 can put the sign.

105

106 C. Brummer – On the plan passed out today, the ‘front façade’ presented – what street does
107 that face? (Petitioner – That would face Eisenhower, and the other side would face the
108 freeway. The State Street side would not have signage.)

109
110 Who do you want to see these signs? (Petitioner - The most visible side is I-94 and
111 Eisenhower, which is what we propose for the exposure. Obviously, the employees know
112 where the building is, but we have a lot of guests and prospective employees that we seek to
113 hire, and by seeing it from the freeway and Eisenhower, people will quickly associate the
114 building with the presence of a major international corporation. Branding is very important to
115 businesses. Even on your cell phone you’ll see ‘Verizon’ or ‘ATT’ pop up. They want a
116 recognizable identity. Since this corporation has purchased Reuters, we want it to be well
117 known that we’re here and can find us from the airport via the freeway and the region.)

118
119 C. Brummer - Your photo in ‘Option 3’ – Where would the person looking at the sign be
120 standing? (Janeen Robeson, representing TransWestern, owner of the building – You would
121 be standing at the corner just to the south of Eisenhower by the Wolverine tower, which is
122 directly across the street from 777.)

123
124 The building protrudes on one side more than the other; so could you see this if you were
125 driving down Eisenhower? (Petitioner – You could see that ‘something’ was there – we had
126 previously hung a blue banner that was 200 square feet, and you could see part of it, but not
127 all of it from the ground view presented.)

128
129 Does the building itself prevent you seeing a sign up there from ground level? So you’re
130 focused on State street visibility and I-94? (We’re trying to get large enough to be seen from
131 across the street, but from those perspectives, even walking you would be able to view the
132 sign.)

133
134 S. Olsen – I also question whether at your larger requested size (469 sq. ft.), it could be seen
135 legibly from I-94. This is about ¼ mile or more away. (J. Robeson – The 777’s are roughly
136 that size on the south side, and our tenants as well as the surrounding businesses use our
137 building as a landmark to direct people to those surrounding location.)

138
139 S. Schweer – The problem for the Sign Board of Appeals is that the sign ordinance is very
140 specific regarding what we can grant a variance for. Generally, it’s for something unique; for
141 instance, if there is something about your property that the framers of the ordinance did not
142 anticipate when they wrote it, then we’re supposed to catch those things that fall through the
143 cracks. For instance, if there is a set back of 20 feet required, and the property is only 15 feet
144 wide, you couldn’t possibly put up a sign there. That is an example of what we could grant a
145 variance for.

146
147 The framers of the ordinance did take tall buildings into consideration - it’s mentioned. You
148 get 200 square feet. Anyone who has a large building likes this because of the opportunity to
149 use it as a large ‘billboard;’ you can see it from the freeway, etc., but the ordinance really
150 didn’t anticipate using buildings and signage for the purpose. I don’t believe that the
151 ordinance allows me to vote ‘yea’ on a variance in this case. We have previously had
152 petitioners that said, “we’re a larger building, we should have larger signage.” I would
153 hesitate to set a precedent on that matter. (The petitioners stated that they currently have a
154 variance for the 777’s because the smaller renderings could not be recognizable. It is for the
155 same reason we’re here now that we’re changing the name to Thompson Reuters and
156 removing the 777’s.)

157
158 C. Brummer – The problem I’m having, as Steve has alluded to, is that we have had
159 applicants appearing before us because there are ‘berms’ in front of their buildings, such as

160 those across the street from you along State street – those professional buildings and their
161 signs can't really be seen. We have previously had tenants here from Briarwood Mall,
162 because as development has grown up around that, their signs cannot be seen from the
163 major thoroughfares.

164
165 We have also had buildings come in that were much shorter than yours, essentially for the
166 same reasons. For instance, the signage that they're allowed (the characters/letters,
167 numbers that they need) dwarfs what they actually need, but this is not something that we
168 can speak to. All we can speak to is size. The theory is probably that we need an
169 amendment to the sign ordinance and not to try and do this 'piecemeal.' I haven't heard
170 anything here today that would separate you from the other applicants that would ask for the
171 same thing.

172
173 (Petitioner – A variance had previously been granted for this building because the building
174 was viewed as a special circumstance.)

175
176 B. Acquaviva – Asked the petitioner which variance they keep referring to. The building
177 owner stated that the current 777's that are on the building were granted in or about 1985.

178
179 C. Brummer – Asked TransWestern (Janeen Robeson) if they had owned the building at the
180 time that the previous variance was granted. (J.R. – No, it was Eric Lutz – but he lost the
181 building – it went into receivership.) With every change of ownership, the variance ceases,
182 so that is a non-conforming situation already. (The petitioner reiterated that the previous
183 variance was granted due to the same conditions that they currently have.)

184
185 S. Olsen – This is exactly what happens when a variance is granted – it becomes the new
186 'law,' and we're trying very hard to avoid that. Looking back at that time, there was an
187 attitude that 'what's good for business is good for Ann Arbor, and if business asks for it, we're
188 going to give it to them,' so literally, everything was granted, which I thought made a mockery
189 of the sign ordinance.

190
191 C. Brummer – In addition, the last sign ordinance was revised by a task force in January of
192 2005. This came at a time when we had already looked at and had several inquiries – and
193 specifically, that portion of the ordinance was not changed. It's possible that the 20%
194 provision came in there. This provision stated that if your sign does not exceed 15 feet in
195 height, there were provisions made for people who had long names – so if the sign didn't
196 exceed 15 feet, they could have 20 % more signage.

197
198 *(The Board suggested that the petitioners explore alternate methods to get more mileage out
199 of the signage that they currently have. The proposed logo could be smaller, and the letters
200 bigger. The Board sympathizes with the petitioners need, but City Council revisited this
201 ordinance only 3 years ago, specifically dealt with this issue, and decided to leave it the way
202 it was. They don't want big signs on big buildings.)*

203
204 Petitioner stated that the 200 square feet allowable would not work for them. If they had a
205 400 square foot sign on one side of the building instead of two, would that be approvable?
206 We'd like to have some sort of compromise.

207
208 C. Lussenden – An observation – your logo alone is 10 feet in diameter. I did the calculations
209 based on your 10 ft. x 2 and 5/8 in. x 45 ft. 11 in. – calculating out to 469 sq. ft. I did not
210 realize that you were trying to put this on two sides of the building, which would be double the
211 469. If you look at the name 'Thompson Reuters,' that would be no more than 5 ft. in height
212 for just the letters.

213

214 If it's 5 ft. in height by, for instance, 30 ft. long, that's 150 square feet without the logo. If
215 you're saying that the sign is dependent on that, you could modify that without the logo or
216 make the logo smaller, you could conform based just on your dimensions. Although the
217 renderings you've submitted today don't specify those dimensions, it appears that you could
218 make this work. (S. Olsen and K. Lussenden did preliminary calculations that show this could
219 be done with approximately 225 to 250 sq. feet per side, which would be approximately the
220 469 sq. ft. total they're asking for. If they put the sign on only one side, then the variance
221 they would be asking would be for half of this.)
222

223 Kevin Short (Huron Sign Co.) – The 469 sq. ft. is one rectangle. The actual letters are 28 in.
224 tall, so if we're able to box those separate from the logo.....
225

226 K. Lussenden – Boxed separately, you could come close to what you need.
227 Petitioner – If we did that, would this body consider the 20% rule, and allow us to put the sign
228 on two sides of the building? (K. Lussenden – No. You can have a 'Business Center' sign
229 separate from signage.)
230

231 Petitioner – When we look at our neighbor, South State Commons, they have two signs on
232 each building and they're major tenant signs that appear to be of that 200 ft. range.
233 (K. Lussenden – I actually just did some review on those buildings and I believe that they are
234 over their lot coverage for square footage. As to the additional 20%, that rule only applies
235 when there is no other sign on the property that exceeds 15 ft. in height. Obviously at 11
236 stories, you've exceeded 15 ft. in height. I think that if you recalculate, you'll be a lot closer.
237 Right now you're asking for 469 sq. ft. per sign, and that is a tremendous amount of signage.
238 We wouldn't calculate these numbers – the sign company did this.)
239

240 S. Schweer and C. Brummer – The calculations would be smaller if there is not a
241 'background' attached to the logo.
242

243 *(Continued discussion between the Board and sign company and petitioner regarding the*
244 *calculations presented by the petitioner. The Board stated that one side of the building could*
245 *be larger than the other. The petitioner stated that one sign would be better than no sign.*
246 *The Board stated that the logo was taking up a lot of the square footage. Making the logo*
247 *smaller and the lettering bigger would come close to compliance. The petitioner questioned*
248 *the signs that their neighbor South State Commons has. The Board and staff stated that if*
249 *this is the case, it was not granted by the Board nor approved by staff, but they can't speak to*
250 *what had transpired in the past as they did not have specifics on that particular case.)*
251

252 S. Olsen – Stated that he sympathizes with the petitioner's need to have corporate identity,
253 but we're hamstrung by the ordinance. I wonder if this could be considered a hardship
254 situation due to the uniqueness of the height of the building.
255

256 S. Schweer – Stated that it is not unique – unique means it's one of a kind, and it's not.
257

258 S. Olsen – Stated that the Sign Board might want to discuss this issue (among others) with
259 the city for a future modification of the ordinance.
260

261 S. Schweer - It does make sense, but we can't change that right now. The petitioner can get
262 one sign that is bigger than they are currently asking a variance for.
263

264 C. Brummer – Are the spatial constraints with your logo? If you got rid of or reduced the size
265 of the non-letter piece (the logo), you could easily come within the ordinance. If you made
266 the logo the same size as the letters, you could come into compliance. If you got rid of the
267 logo completely, you could make the letters larger. (Petitioner – The relationship of the logo

268 and the letters is fixed. We don't have the authority to change that as it is a fixed identity. If
269 we were IBM for instance, we couldn't change that.) If you were IBM, we wouldn't be here.
270 (Petitioner – We're probably just as big.)

271
272 Huron Sign – I did the calculation of the logo itself as 104 sq. ft. (within a 'box') and the height
273 of the letters at 28 in. and lengthwise, it comes out to 126 sq. ft., letters boxed by itself – so
274 two sets of letters without the logo would be 252 sq. ft., still over the maximum allowed by the
275 code (approximately 52 square feet over the allowable limit for two sides.) Bare minimum for
276 visibility would be 28 in. letters.

277
278 K. Lussenden – You could do one side at those calculations, and be well within the code.
279

280 C. Brummer – Then you could do something at street level for state street.

281 S. Schweer – Stated that this had reached a circular discussion and that the Board could vote
282 yes or no on the issue, or offer the Petitioner the option of tabling the issue (saving an
283 additional application fee to the petitioner) to give them the time period of one year to go back
284 and discuss their options or reconfigure the signage to be compliant with the suggestions that
285 all have provided.

286
287 C. Brummer – Some have asked us in the past to deny a specific logo application so that
288 they could return to their corporate management and ask for a variance from their own
289 company as to what the company would normally demand.

290
291 **MOTION #1**

292
293 Moved by C. Brummer, Seconded by D. Eyl, “**that an appeal be granted to 777 E.**
294 **Eisenhower Road, Thompson Reuters on behalf of TransWestern (owner) for a**
295 **variance per the plans submitted by the petitioner.**”

296
297 **On a Voice Vote – MOTION TO APPROVE – FAILED – 1 YEA and 3 NAY.**
298 **YEA – S. Olsen (1) – NAY – S. Schweer, D. Eyl and C. Brummer (3)**

299
300 *(The petitioner stated that they would sort the dimensions out – apparently by adding the*
301 *'box' they were using additional square footage that didn't need to be used. They would*
302 *reconfigure the sign to conform. They thanked the Board for their help and guidance.)*

303
304
305 **D - OLD BUSINESS –**

306
307 **D-1 2980 Packard (Rite Aid) – 2008-S-003**

308
309 This appeal was tabled by the Board at the May 13, 2008 regular session. The petitioner has
310 withdrawn their original request for a variance.

311
312 **D-2 Discussion on Tabling Issues vs. Denial**

313
314 C. Brummer – Stated that the Board has not looked at its By-Laws in some time now, and at
315 staff's request, had forwarded three different versions of the past by-laws. We need to
316 discuss how we want to revise those and make those current.

317
318 The second issue was concern over tabling and denials. One concern is time limits. We
319 need to decide what those limitations will be so that staff can keep tabs on the status of
320 appeals that are outstanding.

321

322 S. Schweer – This would be something that would be written into the by-laws? An issue is
323 tabled for a particular period of time? (Yes.) Who is doing that? (No one yet.)
324

325 B. Acquaviva – Stated that most of her boards have guidelines that are at least reviewed
326 each year, and changes made as necessary, dependent on various factors – membership,
327 amount of appeals, trends in variance requests, offices held and general procedures. I have
328 three versions of past by-laws forwarded to me by Christine Brummer. I will forward those to
329 the board so that you can look at them and suggest changes if necessary. The city attorney's
330 office is usually involved in these modifications to make certain they comply with all
331 applicable laws. I will also send you via email, some samples of by-laws from other boards
332 which may assist in re-shaping your own.
333

334 S. Schweer – I think that all of the board should get a stab at 'marking up' a working copy of
335 those. I think the tabling issue is a perfect example of something that needs to be addressed.
336

337 C. Brummer – Stated that she had spoken with a person who is on the board of realtors who
338 is interested in filling one of two vacancies we now have on the board since the recent
339 resignation of Helen Corey. *(Ms. Acquaviva stated that she had corresponded with this
340 individual, and had explained the boards duties and objectives and schedule, and welcomed
341 her to contact the Mayor's office to fill out an application for a seat on the board.)*
342

343 **E - NEW BUSINESS**

344

345 S. Schweer – We had some issues regarding what we feel is the city attorney's office
346 basically "taking over" the responsibilities of the Sign Board of Appeals. He cited the Rite Aid
347 store and their new signage at Packard and Platt Roads.
348

349 *(At the May 13, 2008 Regular Session, Rite Aid Corporation submitted a variance appeal for
350 their new store at the 2980 Packard Road address. When the board investigated the site, as
351 well as other Rite Aid sites within the city, they discovered a large, non-compliant sign in the
352 right-of-way at Packard and Platt that had never gone before the board for variance
353 discussion. After speaking with staff, it was determined that this was questioned when the
354 permit came before them and was told that this was somehow arranged within the planning
355 documents at the planning stages and signed by the City Administrator, and staff was
356 unaware that this had been done.)*
357

358 S. Schweer – The city has created an 'alternative path' to obtaining non-conforming signage
359 that does not comply with the ordinance. Another instance of this is the Clock Tower on
360 Washtenaw. This was done without our approval as well, and it has to stop. If it's a sign
361 variance, it has to come here as is written into the sign ordinance.
362

363 *(The Board discussed that they would construct a letter to the Mayor, City Administrator and
364 City Attorney that would question these recent incidents and why they were not consulted.
365 The following letter was dictated to staff for these purposes.)*
366

367 June 10, 2008.
368

369 To: Mayor John Hieftja, City Administrator Roger Fraser and City Attorney Stephen Postema
370

371 From: The duly appointed members of the City of Ann Arbor - Sign Board of Appeals
372 Steve Schweer, Chair, Steve Olsen, Christine Brummer, Gordon Barnett, Jr. and David Eyl:
373

374 It has come to our attention that certain signage has been approved by your offices without
375 review by the Sign Board of Appeals. (Most recently, the non-conforming pole sign in front of

376 the Rite Aid store at Packard and Platt roads.) The city code Chapter 61 dictates that the
377 Sign Board of Appeals is the sole granter of any variances from that Chapter for signage
378 within the city of Ann Arbor.

379
380 We are now presented with a dilemma of how to remove and/or make this sign conforming
381 with current code. This has set dangerous precedent now where other businesses are
382 concerned and makes our job as stewards of this ordinance very difficult.

383
384 Your assistance in resolving this issue is requested and of the utmost importance.

385
386 Sincerely, The Sign Board of Appeals
387 Steve Schweer, Chair

388
389 S. Olsen – We keep coming up with ideas on how we could improve or change the
390 ordinance. How or who do we address in order to get the ordinance revised.

391 S. Schweer – Since you and Christine were on the previous subcommittee, you could
392 address it the same as in the past.

393
394 C. Brummer – We can bring it up through City Council or it can be addressed through staff.
395 One of the primary examples are the real estate signs that were started by Edward Surovell
396 company that were being installed on the berm between the street and the sidewalk. We
397 were on that committee, and it took a year, and made no progress.

398
399 Staff stated that they would look into who to speak to about the Board's interest in being an
400 integral part in the revision of the ordinance.

401
402 K. Lussenden – Stated that Mark Lloyd stated that there is a group upcoming that might be
403 discussing this issue.

404
405 S. Olsen – I raise the issue of revision of the ordinance as the city appears to be approving
406 taller and taller buildings. In an instance like this one, there should be provisions that could
407 accommodate these businesses for visibility.

408
409 C. Brummer – Can staff send a letter to Mr. Lloyd stating that there have been numerous
410 incidences before the Board in the past year where individual City Council members or
411 individual citizens are bringing questions in reference to the sign ordinance. Does he have a
412 committee that is working on this issue?

413
414 S. Schweer – There should be a repository of ideas for changes. I would certainly entertain –
415 in proportion to some giant building – some change. They do look fairly small.

416
417 C. Brummer – Stated that there could be provisions for these buildings based on linear
418 footage or other means. There should be something about visibility on higher buildings.

419
420 The Board also mentioned the 'sandwich boards' that are everywhere in the city, and that
421 these need to be addressed as well. These are in the right-of-way of public access and are
422 not allowed by Chapter 61. This affects every business up and down the street. It makes a
423 mockery of the sign code. It's already addressed by the ordinance, but the ordinance is not
424 being enforced by Community Services, who we understand is responsible for enforcement.

425
426
427 **F - REPORTS & COMMUNICATIONS – None.**

428
429 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

430

431

ADJOURNMENT

432

433

Moved by C. Brummer, Seconded by S. Olsen “**that the meeting be adjourned.** Chair Steve Schweer adjourned the meeting at 4:45 p.m. without objection.”

434

435

436

437

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

438

Submitted by: Brenda Acquaviva, Administrative Support Specialist V