



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR
CITY COUNCIL CHAMBERS – OCTOBER 14, 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: (1) 1 Vacancy

Staff Present: (3) J. Ellis, M. Lloyd & B. Acquaviva

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

B. APPROVAL OF MINUTES

B-1 Minutes of the August 12, 2008 Regular Session

Moved by C. Brummer Seconded by G. Barnett, Jr., **“to approve the minutes of the August 12, 2008 Regular Session as Presented.”**

On a Voice Vote – MOTION PASSED – *UNANIMOUS*

C. APPEALS & ACTION

C-1 2891 Jackson Avenue – SBA08-002

Description and Discussion

The petitioner, Michelle Cools, is requesting a variance to install a monument sign in the right-of-way.

Staff Report:

J. Ellis, Inspection Supervisor, was present to give the staff report on this petition. Mr. Ellis stated that the installation of a monument sign in the same location as the current pole sign would not meet the front and side setback requirements of the code. In addition, a monument sign allowed to be placed in that location may not result in increased visibility for this business since the maximum height of a sign at the lot line is two feet. Although staff understands the petitioner’s concern regarding limited visibility, we have reservations with placing the monument sign in the same location which may not increase sight lines for vehicular traffic.

Petitioner Presentation:

She stated that she receives constant complaints from customers about not being able to see their building. She told the board that she had brought at least one police report on an accident that occurred in front of her business because someone didn’t see the building, then tried to quickly swerve in, causing an accident.

She added that she is very concerned about placement of signage that would be compliant with code. They would first have to lose a parking space in order to be compliant with the code. She cannot lose that parking space because there are only 14 non-handicapped spaces as it is, with 3 to 4 employees

52 working per shift. Even at the height allowed with a monument sign, it won't be prominent enough.
53 She also produced and submitted in excess of 1400 signatures from surrounding businesses and
54 customers showing support for having a sign that would fit the needs of the business and the
55 customers. She stated that effective signage will be a make it or break it issue for their young
56 business due to the large setback of their property.

57
58 **Questions of the Applicant by the Commission:**

59
60 S. Schweer – Asked what particular changes Ms. Cool has put into this application that were not in
61 the last application? (She stated that she is asking to be able to put a monument sign in the location
62 of the existing pole sign (the right-of-way) since the pole sign is not allowed. Based on the previous
63 meeting, it was understood that the Board did not want her to use that pole sign, but there was
64 discussion at the end of that meeting about possibly maintaining the *placement* of the sign.)

65
66 We spoke about the conflict in the Ordinance that states that any sign be 25 ft. behind the right-of-
67 way, and the other descriptions states that it can be 'x' amount of feet from the street – so it seemed
68 to us that a monument sign, conforming to the height requirements vs. distance back to the street –
69 could be installed. (Correct – The city denied that request for my sign permit, and I would need your
70 variance for that.)

71
72 **Recommendation:**

73
74 J. Ellis - After looking at the site in relation to the street and traffic, staff would rather support use of
75 the current pole sign in the right of way. As was referenced at the last meeting, a sign installed at this
76 site that conforms with setback requirements would end up in the middle of her parking lot, so, staff
77 feels that the two foot monument sign would not only *not* increase business visibility, but would be a
78 greater hazard than the pole sign that currently exists. In the interest of public safety, staff suggests
79 continued use of the pole sign in that location.”

80
81 **Discussion by the Board**

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83 S. Schweer – Pointed out the contradictions in the current ordinance and agreed that this does place
84 business owners at a disadvantage of having, for instance, a sign needing to be placed in the middle
85 of their parking lot. We think that it would be better to allow smaller signs closer to the street and we
86 would probably be willing to give a setback variance for that.

87
88 J. Ellis – Stated that the city agrees with him, and suggested that they come to some sort of a
89 compromise – but the other concern we have is as was stated in my staff report, is that a sign too
90 close to the right-of-way there would provide difficulty for drivers in cars trying to exit out onto Jackson
91 Road as they're looking down the road.

92
93 *(General conversation about what would be proposed for the variance language request).*

94
95 C. Brummer – I don't have a problem with treating this as an 'extension' of the prior application which
96 was to make use of the existing pole sign – she's amended her request with a conforming sign that
97 would be subject to the same oversight and permitting process.

98
99 S. Schweer – Are you suggesting that we vote now on a pre-approved set back and all other portions
100 of the ordinance would have to be adhered to and dealt with though the city? (C. Brummer – Yes).
101 That's probably specific enough. (He asked if anyone else on the Board had any thoughts on that.)

102
103 G. Barnett - Point of order. Your comment that we are limited and unable to reconsider the issue of
104 the pole sign variance, which was the subject of the former hearing, I think our outcome today should
105 contain something as to the nature of our limitation. I would be pleased to consider, with the

106 additional information provided today (*consisting of 1400 citizen signatures and the documentation of*
107 *an auto accident at the scene and statements in support of a pole sign from nearby property and*
108 *business owners*) to reconsider the pole sign. Reopen the issue of the pole sign itself.

109
110 C. Brummer – Asked Mr. Ellis to clarify his staff report statement regarding the pole sign.

111
112 J. Ellis – Stated that he felt that due to safety reasons, that the pole sign would actually be a better
113 option than a monument sign, and that if he had been at the first meeting regarding this, he would
114 have suggested it.

115
116 S. Schweer - Article 6 of the by-laws: A rehearing will not be permitted unless first approved by a
117 majority of the Board members present (we haven't done that). The Board may grant a re-hearing if it
118 determines they may have committed an error of law (not determined), or there is newly discovered
119 evidence that might affect this decision. I don't think Article 6 is satisfied.

120
121 G. Barnett – I would ask to put that to a vote, based on the new evidence presented.

122
123 C. Brummer – Stated that she believes that they have made an 'error of law,' given that there are two
124 conflicting statutory provisions. Given the extent of our discussion after that vote? I'm not sure
125 everyone was cognizant of the actual statutory language when we took the vote.

126
127 **MOTION**

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129 Moved by G. Barnett, Seconded by D. Eyl, "to re-hear of former request for a pole sign, based on the
130 newly discovered information presented today that might affect the decision of the Board – consisting
131 of the police report, the statement from the accident, and the petition of approximately 1400 citizens."

132
133 **On a Voice Vote – MOTION TO APPROVE – *PASSED***

134 (Yes – 5) – Barnett, Eyl, Brummer, Olsen and Adenekan

135 (No – 1) – S. Schweer.

136
137 Rehearing:

138
139 **MOTION**

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141 Moved by D. Eyl, Seconded by G. Barnett, Jr. – "To grant a setback and height variance for the
142 petitioner to re-use the original, existing pole sign, refaced."

143
144 (Yes – 5) – Barnett, Eyl, Brummer, Olsen and Adenekan

145 (No – 1) – S. Schweer.

146
147 **E – NEW BUSINESS**

148
149 **E-1 – Discussion on revisions to the current By-Laws**

150
151 Mark Lloyd – Spoke about assistance to the boards, responsibilities, changes, ordinance issues and
152 beginning dialogue with the board and staff to change this information.

153
154 Asked for input from the Board as to input to improve things. He stated that we had some 'fine-
155 tuning' that needed to be done. He asked to come back next month to speak to the board regarding
156 these changes in lieu of the November 2008 Regular Session and provide them with a presentation
157 that will walk them through staff roles, responsibilities, our current processes, things that do need to
158 be changed and things that have changed, the Board and it's responsibility, how our organization is
159 currently structured, etc.

160 Working Session - C. Brummer suggested a list of general issues.

161

162 M. Lloyd stated that the intention at this time would not be to work through all of those issues, but to
163 broach the information about staff support and enhanced dialogue. He let the Board know that staff
164 has been improving its processes and want to make the Board aware of those changes.

165

166 After further consideration, the Board decided that they would meet to discuss these things at the
167 December meeting.

168

169 C. Brummer – Asked what had transpired with the meeting between the Sign Board representatives
170 and the Mayor and City Administrator. Did enforcement come up? (G. Barnett – Yes).

171

172 S. Schweer – Issue of one more vacancy on the board was discussed as well.

173

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

175

176 **ADJOURNMENT**

177

178 Moved by C. Brummer, Seconded by S. Olsen “**that the meeting be adjourned.**”

179

179 Chair Steve Schweer adjourned the meeting at 3:57 p.m. without objection.”

180

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

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