

**Zoning Board of Appeals  
July 31, 2019 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA19-018, 1500 E. Stadium Boulevard**

**Summary:**

Aver Sign Company, representing property owner, is seeking a variance from Section 5.24.4 On-Premises Exterior Signs (2) Ground signs. The applicants are requesting to re-brand the existing non-conforming ground sign. The sign is located three feet from the property lines of Packard Street and East Stadium Boulevard and is required to be a minimum of 45 feet from the property lines. The ground sign is 22 feet 6 inches in height and is required to be two feet from the property line for every one foot in height.

**Background:**

The property is an existing gas station and convenience store that is located on the southeast corner of East Stadium Boulevard and Packard Road. The site is zoned C3 Fringe Commercial.

**Description:**

The site currently has an existing double-faced LED (light emitting diode) identification sign. The petitioner proposes to reface the cabinet and change the top cabinet (see photos). The structural components of the sign will remain the same, only the cabinets will be replaced. The sign will be reduced in overall size by approximately 19 square feet. The sign will remain in the existing location.

**Standards for Approval - Chapter 55 (Zoning) Variance -**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

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

Aver Sign Company did not install the sign and the fuel brand and image has changed and all signage needs to be changed.

- (b). *That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The applicant states that if the sign met the setback requirements it would be located in the parking lot and would become a safety issue for patrons.

- (c). ***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 a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

If the variance is denied the relocation of the sign will create a safety issue to drivers.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The applicant states the current conditions were not self-imposed.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure***

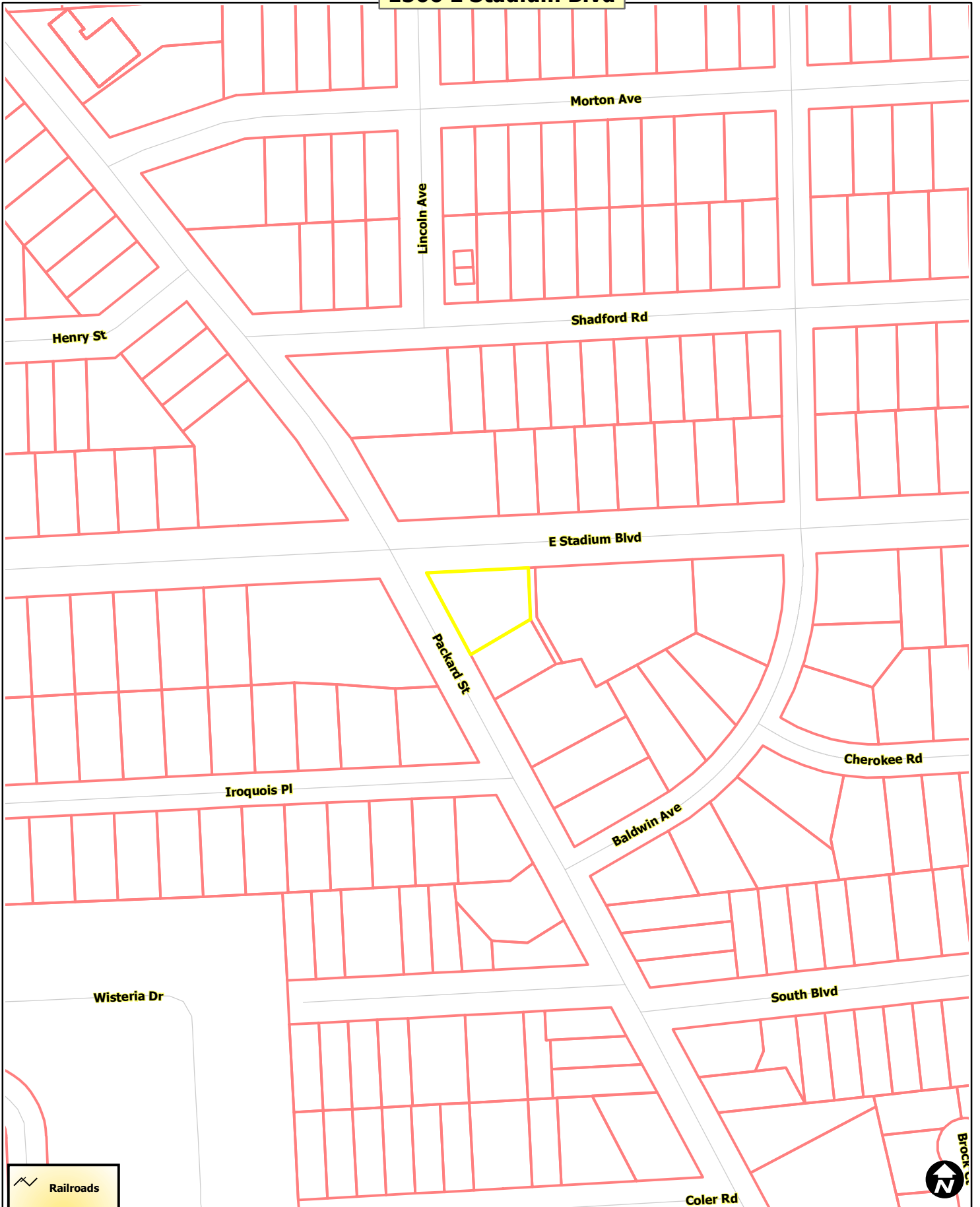
The variance requested allows the sign to remain in its current location which is reasonable due to site layout and traffic concerns




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized with large loops and a cursive font.

**Jon Barrett**  
**Zoning Coordinator**

# 1500 E Stadium Blvd



-  Railroads
-  Huron River
-  Tax Parcels






Map date: 7/12/2019  
Any aerial imagery is circa 2018 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 1500 E Stadium Blvd



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 7/12/2019  
Any aerial imagery is circa 2018 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 1500 E Stadium Blvd



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 7/12/2019  
Any aerial imagery is circa 2018  
unless otherwise noted.  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)





# ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: [planning@a2gov.org](mailto:planning@a2gov.org)

## PROPERTY INFORMATION

ADDRESS OF PROPERTY

ZIP CODE

1500 E Stadium

48104

ZONING CLASSIFICATION

NAME OF PROPERTY OWNER \*If different than applicant, a letter of authorization from the property owner must be provided

201 C3

Nabic Hassan

PARCEL NUMBER /

OWNER EMAIL ADDRESS

09-09-33-410-005

N/A

## APPLICANT INFORMATION

NAME

Aver Sign Co.

ADDRESS

359 Livernois

CITY

Ferndale

STATE

mi

ZIP CODE

48220

EMAIL

jennifer@aversign.com

PHONE

(248) 542-0678

APPLICANT'S RELATIONSHIP TO PROPERTY

Contractor - Sign Installation

## REQUEST INFORMATION

VARIANCE REQUEST

Complete Section 1 of this application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

Complete Section 2 of this application

## REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

### Required Attachments:

- Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.

## OFFICE USE ONLY

Fee Paid: \$600 ZBA: 19-018

DATE STAMP  
CITY OF ANN ARBOR  
RECEIVED

JUN 26 2019

PLANNING & DEVELOPMENT SERVICES

## ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: See attached.

Date: \_\_\_\_\_

# Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Article IV SECTION 5.24.4 ON-PREMISES EXTERIOR SIGNS (2) GROUND SIGNS

REQUIRED DIMENSION: (Example: 40' front setback)  
 Feet: -- Inches: 45' SETBACK

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)  
 Feet: 3' Inches: EXISTING LOCATION

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Re brand existing pole sign using existing structure. Reduce total sign size by 19 sq ft.

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.

The alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

Current structure (not installed by AVER sign Co) is carrying Citgo sign + needs to be rebranded. If we moved sign to proper set back it will end up in parking lot + become safety issue for drivers.

The alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

If moved to set back according to ordinance this will place sign into parking lot + become a hazard to the public.

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 a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Current sign structure will cause a safety issue + hindrance to drivers.

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

Safety hazard to drivers

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

allowing structure to remain in its current place will ensure public safety. Rebrand signs will give station opportunity to supply residents w/ more competitive prices on fuel

# Section 2 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

Replace existing Citgo sign w/ new Sunoco diamond sign using existing footing. Reduce sign size by 19 sq ft.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area		
Lot Width		
Floor Area Ratio		
Setbacks	25'	5' from all property lines
Parking		
Landscaping		
Other		

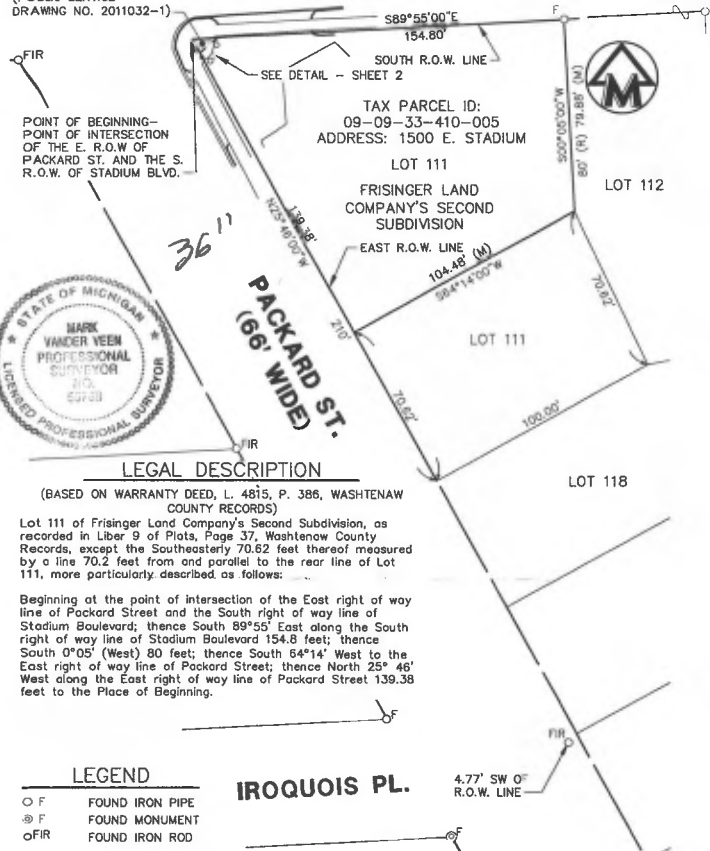


CERTIFIED SURVEY

CERTIFIED SURVEY OF THE NORTHWEST CORNER AND ADJACENT RIGHT-OF-WAYS FOR AN EXISTING PARCEL OF LAND LOCATED IN THE SW 1/4 OF SECTION 33, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

SIDEWALK EASEMENT  
CITY OF ANN ARBOR  
(PUBLIC SERVICE)  
DRAWING NO. 2011032-1)

STADIUM BLVD. (80' WIDE)



112



LEGAL DESCRIPTION

(BASED ON WARRANTY DEED, L. 4815, P. 386, WASHTENAW COUNTY RECORDS)

Lot 111 of Frisinger Land Company's Second Subdivision, as recorded in Liber 9 of Plots, Page 37, Washtenaw County Records, except the Southeasterly 70.62 feet thereof measured by a line 70.2 feet from and parallel to the rear line of Lot 111, more particularly described as follows:



Beginning at the point of intersection of the East right of way line of Packard Street and the South right of way line of Stadium Boulevard; thence South 89°55' East along the South right of way line of Stadium Boulevard 154.8 feet; thence South 0°05' (West) 80 feet; thence South 84°14' West to the East right of way line of Packard Street; thence North 25° 46' West along the East right of way line of Packard Street 139.38 feet to the Place of Beginning.

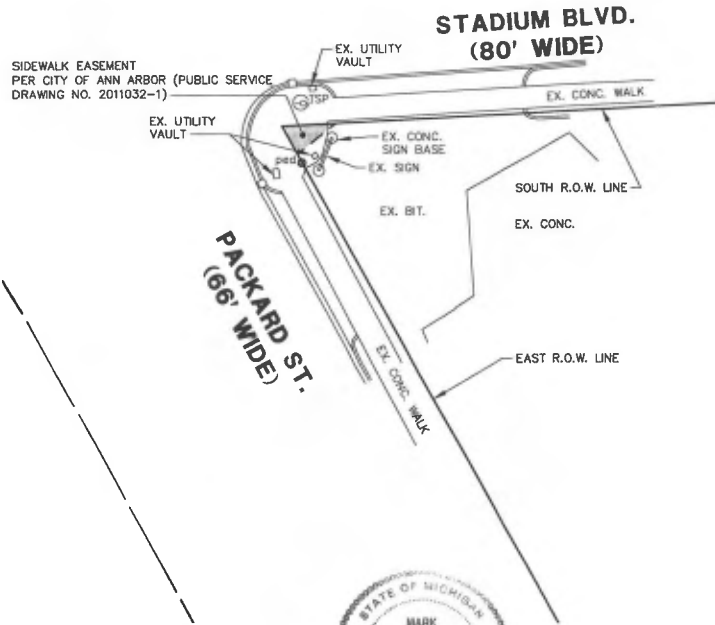
LEGEND

- F FOUND IRON PIPE
- ⊗ F FOUND MONUMENT
- FIR FOUND IRON ROD

IROQUOIS PL.

4.77' SW OF R.O.W. LINE

CLIENT: AVER SIGN CO.	DATE: 8/14/18	 Mark Vander Veen PROFESSIONAL LAND SURVEYOR NO. 56788
JOB NO.: 18234	SHEET 1 OF 2	
SECTION: 33 TOWN: 2S RANGE: 6E	SCALE: 1 in. = 40 ft.	
CITY OF ANN ARBOR	BOOK: 495	
WASHTENAW COUNTY, MICHIGAN	BY: DAG	
 <b>MIDWESTERN CONSULTING</b> 385 Plaza Drive Ann Arbor, Michigan 48108 (734) 955-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services	I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON August 14, 2018 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5000 AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.	



LEGEND

- EXIST. CATCH BASIN OR INLET
- TSP TRAFFIC SIGNAL POLE
- ped PEDESTRIAN CROSSING SIGNAL



CLIENT: AVER SIGN CO.	DATE: 8/14/18	Mark Vander Veen PROFESSIONAL LAND SURVEYOR NO. 56788
JOB NO.: <b>18234</b>	SHEET 2 OF 2	
SECTION: 33 TOWN: 2S RANGE: 6E	SCALE: 1in. = 20 ft.	I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON August 14, 2018 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5000 AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.
CITY OF ANN ARBOR	BOOK: 495	
WASHTENAW COUNTY, MICHIGAN	BY: DAG	
<b>MIDWESTERN CONSULTING</b> 385 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services		



June 5, 2019

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104-6120

Re: 1500 Stadium Blvd. Variance

To Whom it May Concern,

I NABIC HASSAN property owner at 1500 Stadium Blvd. give permission to Aver Sign Company to file a Variance and represent myself at the pre-submittal meeting and also the ZBA meeting for the ground sign located at my Fueling Station 1500 Stadium Blvd.

Sincerely,

*Nabil Hassan*

Existing  
 86" x 85" Logo  
 75" x 85" Pricer  
 24" x 85" Auto Center  
 109.20 sqft  
 22'-6" OAH

Propos  
 49 1/2" x 108" Logo (26.6 actual sqft)  
 23" x 85" OFN  
 54 3/4" x 85" Pricer  
 30" x 85" Auto Center  
 90.6 sqft  
 22'-6" OAH



**Aver**  
 SIGN COMPANY  
 359 Livernois  
 Ferndale MI. 48220  
 tel: 248-542-0678  
 fax: 248-542-2023

Citgo to Sunoco  
 1500 E Stadium Blvd.  
 Ann Arbor MI. 48104

Rendering is conceptual, discrepancy in appearance and color can occur in real life. Images and layouts are property of Aver Sign Co. Sales or Copying of the images are not permitted without written consent of Aver Sign Co.

Rev#  
 Date: