



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
MAY 13, 2008.**

The regular session of the Sign Board of Appeals was held on Tuesday, May 13, 2008 at 3:01 p.m. in the second floor of City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan.

The meeting was called to order at 3:01 p.m. by Acting Chair Gordon Barnett, Jr.

**INTRODUCTION –**

**I-1** The Chair welcomed Mr. David Eyl, newest member to the Sign Board. Mr. Eyl lives and works in Ann Arbor and is the owner/director of Kaplan Test Preparation on South University.

**ROLL CALL**

Members Present: (4) G. Barnett, Jr., S. Olsen, C. Brummer and D. Eyl  
Members Absent: (3) H. Corey, S. Schweer & 1 Vacancy  
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 November 13, 2007 Regular Session

Moved by C. Brummer, Seconded by Steve Olsen, “**to approve the minutes of the November 13, 2007 Regular Session.**”

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

**C. APPEALS & ACTION**

**C-1** ~~2008-S-001 – 200 South Main Street~~

~~The petitioner is requesting a variance from Chapter 61 (Signs), Section 5:502 (1) (Exterior Business Signs) and Section 5:516 (Nonconforming Signs) to install new wall signs which would modify the existing non-conforming wall signs. Withdrawn by Petitioner.~~

**C-2** 2008-S-002 – 2100 Commonwealth, Suite #102

Jeff Dimaya of IHP was present to speak on behalf of the appeal. He stated that he is a part of a Medical Center that does after hour care and they are experiencing problems with patients not being able to find their location due to lack of appropriate signage.

**Description and Discussion**

The petitioner is requesting a variance from **Chapter 61 (Signs), Section 5:509** (Off-Premises Signs) to install a double sided, off-premise sign which would not be non-conforming.

53 **Staff Comments:**

54  
55 The petitioner has stated that:

56  
57 (1) *“First the sign would be an off-premises sign, but would not conform to the regulations set*  
58 *forth in Section 5:509 “Off-Premises Signs.”*

59  
60 (2) *“Second, the sign would be located within an easement for public utilities which extends 40*  
61 *feet north of the Plymouth Road property line.”*

62  
63 **The sign location would not be the required 50 feet to any on-premise sign. The condition**  
64 **exists throughout the city where businesses are not located on main thoroughfare. The**  
65 **location in a public utility easement would require approval from Public Services.**

66  
67 **The petitioner has not presented evidence of a practical difficulty and/or undue hardship;**  
68 **therefore, there is no precedent for relief from this standard.**

69  
70 (b) That allowing the variance will result in substantial justice being done, considering the  
71 public benefits intended to be secured by this Chapter, the individual hardships that will  
72 be suffered by the failure of the Board to grant a variance and the rights of others  
73 whose property would be affected by the allowance of the variance.

74  
75 **Approval of this variance could negatively impact other property owners and possibly set**  
76 **precedent for future appeals that would not be based on a practical difficulty or undue**  
77 **hardship.**

78  
79 **Staff recognizes the challenge presented to the petitioner to promote his business, however**  
80 **current code compliant signage located and properly sized on the property should be**  
81 **sufficient to facilitate business identification and promotion.**

82  
83 **Recommendation: Staff does not support this variance request.**

84  
85 **Petitioner Presentation**

86  
87 Mr. Jeff Dimaya of IHA Health Services was present to speak on behalf of the appeal. He  
88 stated that they are a medical company with twenty six practices throughout Ann Arbor and  
89 the surrounding area. They have opened an after hours care facility and patients are having  
90 trouble locating the facility (partially because they seek it at night time). Their building is a  
91 block behind Plymouth Road, and they talked about a small sign indicating ‘medical facility.’  
92 The sign would have an area of four square feet (2 x 2).

93  
94 S. Olsen – (To Petitioner) – You operate outside of normal business hours? (Yes. This is an  
95 entire different set of patients than those that visit us during normal hours. Most of our  
96 daytime patients are local, but after five o’clock, they come from everywhere – Pinckney,  
97 Brighton, Canton, etc. on nights and weekends.)

98  
99 G. Barnett – Is this facility open 24 hours per day? (This is open from 5 p.m. until 10 p.m.  
100 during the week, and on weekends open 12 to 9 and 9 to 9 on Saturday and Sunday,  
101 respectively.) Do you contemplate a permanent sign or would this only be placed during the  
102 hours the office is open? (We had a ‘sandwich board’ that we were putting out after five, but  
103 people still missed the entrance.) So, why would you need a permanent sign if you’re only  
104 open after hours and on weekends. When is your facility open? (Well, it’s out of the same  
105 location, so the day shift works out of that building, then at 5, the night shift takes over.)

106  
107 C. Brummer – What are you using now, and do you need the sign on Plymouth Road, or on  
108 Commonwealth? (Petitioner – It’s on Plymouth at the corner of Commonwealth.)

109 What are you using right now? (Nothing, but we previously used a sandwich board.) Have  
110 you tried directional signs? They're small and indicate where something might be.

111  
112 *(Discussion by the Board as to directional signs and whether those are allowed 'off-premise.')*  
113

#### 114 **Questions from the Board to Staff**

115  
116 K. Lussenden – The issue is that they want to place this sign in the public right-of-way. The  
117 code states that an off-premise sign has to be a certain distance from other on and off  
118 premise signs, and this doesn't meet that requirement.

119  
120 C. Brummer (To K. Lussenden) – If they use a sign similar to a Real Estate 'open house' and  
121 it's only up after hours and on weekends, and then removed – what does the ordinance say  
122 about that? It wouldn't be 'permanent.' (It's very specific as far as uses – I can't quote the  
123 code.)  
124

125 S. Olsen – Is this considered a "Business Park?" (Yes. It's called "Plymouth Park.")  
126

#### 127 **Discussion by the Board**

128  
129 Bob Gates (First Martin Corp.) – Representative for the owner of the parcel of land in  
130 question. I wanted to verify that yes, there is a business park sign for that cluster of buildings  
131 at the corner of Commonwealth and Plymouth. *(The Chair invited the speaker to give further*  
132 *information on behalf of the petitioner and land owner.)*  
133

134 Mr. Gates also stated that the property owner is highly amenable to what is proposed. To  
135 elaborate, we're sympathetic to IHA's situation, because Plymouth Road has a posted speed  
136 limit of 45 mph, the sign needed to be a certain size and illuminated so that drivers could see  
137 it in time to signal and turn off onto Commonwealth Blvd.  
138

139 G. Barnett – I don't recall seeing details on the construction of the sign – can you elaborate  
140 on that? (It would be a concrete pedestal 2 ft. x 2 ft. and on top of it would be a double faced  
141 illuminated sign on top of 2ft. x 2ft.) So you're looking for a total of 8 ft. of total signage?  
142 (Yes.)  
143

144 K. Lussenden – The business center sign currently identifies the business center, and you  
145 have the option on those types of signs to identify those businesses within the center and the  
146 center itself. It might be better use of that sign to also identify the location of the medical  
147 offices.  
148

149 G. Barnett – That is actually permitted under the ordinance.  
150

151 C. Brummer – Ace hardware has one. There is an entrance from Maple and Stadium and it  
152 has a name in smaller letters and they designate each of the businesses in color and  
153 illuminated.  
154

155 G. Barnett – That would provide a solution that would not require a variance.  
156

157 C. Brummer – They should either investigate the business sign or directional sign.  
158

159 G. Barnett – Does First Martin Corp. own that entire business park? (Essentially, yes. We'll  
160 have to investigate shrubbery and other possible obstacles, but we can look into that.)  
161

162 G. Barnett – Asked staff to elaborate on petitions that are postponed or tabled and any issues  
163 associated with that. (*B. Acquaviva – You can table this until you decide that they’ve*  
164 *investigated this issue and if they can comply, they won’t need to return; or, if they find that*  
165 *they need a variance, the Board grants them an extension for a particular period of time and*  
166 *thus doesn’t incur an additional fee for the petitioner to return to the Board or the Board can*  
167 *deny it.)*

168  
169 (*There is an additional issue that we did not present to the Board as we felt it would ‘muddy’*  
170 *the issue at hand, but when we asked the petitioner for proof of ownership of the easement, it*  
171 *doesn’t say that they can do anything on that easement as they’ve granted use rights to the*  
172 *City. In addition to that, the addresses they’re using are incorrect as well, and we’ve asked*  
173 *them to meet with our GIS staff and straighten this matter out.)*

174  
175 G. Barnett – Gave the petitioner the option to table the issue and give them time to  
176 investigate and iron out these problems before they return to the Board.

177

178 **MOTION #1**

179

180 Moved by S. Olson, Seconded by D. Eyl to table until no later than the May, 2009  
181 Regular Session.

182

183 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS. (Appeal to be heard**  
184 **no later than the May 2009 Regular Session.)**

185

186

187 **C-3                    2008-S-003 – 2980 Packard Street**

188

189 The petitioner is requesting a variance from **Chapter 61 (Signs), Section 5:502**  
190 **(Exterior Business Signs)**, to install additional wall signs which would exceed  
191 the total square footage for signage allowed by the Sign Code.

192

193 **Description and Discussion**

194

195 **The petitioner is requesting a variance to install additional wall signs which would**  
196 **exceed the total square footage for signage allowed by the Sign Code.**

197

198 The petitioner has provided elevation drawings indicating that the ground floor frontage  
199 equals 96’ 2” which allows the petitioner a maximum of 192.33 square feet of signage.

200

201 Currently, permits have been issued for 128.98 square feet of wall signs and 62.0 square feet  
202 on a pole/pylon sign located in the St. Aubin Street Right Of Way as per License Agreement  
203 dated 10-02-2007.

204

205 A third sign permit application has been submitted and denied due to excessive amount of  
206 sign square footage (see attached). The requested amount exceeds the allowed amount by  
207 87.30 square feet and 11 message units.

208

209 **Staff Comments:**

210

211 The petitioner has stated that:

212

213 (1) “Rite Aid has frontage on (3) streets”,

214

215 (2) “They also have (2) entryways”, and

216 (3) "Rite Aid does need (3) wall mounted directional signs."  
217

218 **This business has only one front, which is St. Aubin/Packard Street. Platt Road**  
219 **and Rosedale Street both are side streets. The Sign Code does not prohibit**  
220 **businesses from locating signage on any elevation of a building as long as it**  
221 **meets the size, height and message unit requirements. The addition of the Rite**  
222 **Aid Shield/Logo, 1 Hr Photo, GNC Live Well, Food Mart, Drive Thru Pharmacy**  
223 **would serve to promote the various products and services of this business.**  
224

225 **The petitioner has not demonstrated how the traffic would be inhibited without**  
226 **this variance for these additional signs. Since this is a new building, the**  
227 **hardships that have been identified appear to have been self created and could**  
228 **have been avoided by properly planning the previously permitted signs to meet**  
229 **the ordinance without relying on a variance. The petitioner has not presented**  
230 **evidence of a practical difficulty and/or undue hardship; therefore, there is no**  
231 **precedent for relief from this standard.**  
232

233 **Approval of this variance could negatively impact other property owners and**  
234 **possibly set precedent for future appeals that would not be based on any**  
235 **practical difficulty or undue hardship.**  
236

237 **Staff Comments: Staff recognizes the challenge presented to the petitioner to**  
238 **promote his business; however, current code compliant signage located and**  
239 **properly sized on the property should be sufficient to facilitate business**  
240 **identification and promotion.**  
241

242 **Recommendation: Staff does not support this variance request.**  
243

244 **Questions from the Board to Staff**  
245

246 None.  
247

248 **Petitioner Presentation**  
249

250 Mr. Patrick Steeber was present on behalf of Rite Aid Corporation in regard for a request for  
251 variance for new signage. This is a new Rite Aid store. We've previously permitted and  
252 installed a Rite Aid letter-set on two of the elevations along with the Pharmacy letter-set.  
253 We've also installed a Road Sign. Basically, Rite Aid has a basic Sign Package that they like  
254 to have at all of their stores. Today is a request to install the corporate shield logo's and Rite  
255 Aid letters. This would have put us over the code limit. The company feels that they have a  
256 corporate identification issue and without the logo's, they have a lack of identification. There  
257 are also two directional type of wall signs that point toward the drive through. *(He presented*  
258 *informational photo's and drawings of what they propose.)*  
259

260 G. Barnett – Would you put the logo in with a smaller letter-set? (That could be done, but for  
261 visibility reasons, if you downsize the lettering, it would not be visible from the traffic flows.)  
262 We hear arguments at every single meeting that "more is better," that "bigger is better," that  
263 there are people out there with impaired vision. Let me call to your attention that the object of  
264 the ordinance is to 'limit' signage.  
265

266 Can you offer us a compelling reason why we should grant you a waiver from the provisions  
267 of the city ordinance so that Rite Aid Corporation may go to sleep at night, satisfied that its  
268 logo has been added to the signage? (All I can say is that they feel that they have a hardship  
269 with lack of identification due to the traffic flows.)

270 C. Brummer – I would state that some of these things don't need to be 'on' the building itself.  
271 We spoke about 'directional' signs earlier. (Yes. Their experience through the years shows  
272 that those signs get run over by cars, snow plows, etc., and they felt that if they came up with  
273 wall mounted versions and illuminated, they would be more visible.)  
274

275 S. Olsen – I don't see a need for one on Rosedale street, which is a minor side street. These  
276 one hour, 24 hour food mart types of signs – if anyone is looking for a Rite Aid, they know  
277 these things exist already. I see those as redundant.  
278

279 D. Eyl – This proposal must be approved in totality or can we break those down? (G. Barnett  
280 – We have crafted different proposals from time to time.)  
281

### 282 **Discussion by the Board**

283  
284 K. Lussenden – This is a new building and new signage and is a self-created hardship by  
285 Rite Aid. If they had designed the signage properly, they wouldn't be in this position. They  
286 were also allowed a sign in the Right-of-Way through a *previous* agreement with the city.  
287

288 C. Brummer – So, you actually have these that state Rite Aid and Pharmacy? (Yes.)  
289

290 S. Olsen – It would have been helpful to have a site plan layout in the application.  
291

292 D. Eyl – I appreciate the need for corporate logos for identification, but being this was new  
293 construction and still being able to have fallen within the regulations, I think it would have  
294 behooved the planners to use that more efficiently.  
295

### 296 **MOTION #1**

297  
298 Moved by C. Brummer, Seconded by S. Olsen, to table Appeal Number 2008-S-003,  
299 2980 Packard Street no later than the May 2009 Regular Session in order to allow the  
300 Petitioner time to investigate alternative solutions.”  
301

302 **On a Voice Vote – MOTION TO TABLE – PASSED – *UNANIMOUS. (Appeal Tabled)***  
303

304  
305 **D - OLD BUSINESS – None.**  
306

307 Discussion on “Tabling” vs. Denial. DISCUSSION AT NEXT MEETING  
308

309 **E - NEW BUSINESS - None.**  
310

311 **F - REPORTS & COMMUNICATIONS – None.**  
312

313 **G - AUDIENCE PARTICIPATION – GENERAL – None.**  
314

### 315 **ADJOURNMENT**

316 Moved by C. Brummer, Seconded by S. Olsen “**that the meeting be**  
317 **adjourned.** Acting Chair G. Barnett Jr. adjourned the meeting at 4:29 p.m.  
318 without objection.”  
319

320 **On a Voice Vote – MOTION TO ADJOURN – PASSED - *UNANIMOUS***  
321

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