

**Zoning Board of Appeals
June 24, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-009, 3945 S. State Street

Summary: Brownie Signs, LLC is requesting a variance to exceed the total amount of sign area allowed per Chapter 61, 5:502 (1). The site is currently vacant and the petitioner seeks to add approximately 62-square feet above the allowable signage to the east, west, and south elevation of the retail building and add a monument sign fronting South State Street. The maximum allowable signage is 48.6- square feet and 10 message units (the business faces one street and is allowed 10 message units per street frontage).

Background:

The petitioner, Brownie Signs, LLC is requesting a variance on behalf of Jimmy John's, located at 3945 S. State Street, from **Chapter 61, Section 5:502 (1)**.

No current signage exists on site. The previously existing house on site was recently demolished and a site plan was approved in 2013 to construct two one-story retail buildings totaling 8,531 sq ft. This lot is narrow (82-feet wide) with a modest building frontage of 24.3-feet facing S. State Street allowing for a maximum of 48.6-square feet of signage.

The petitioner is requesting additional signage for this site totaling 110-square feet, therefore, requiring a sign area variance of 61.4-square feet.

Chapter 61 addresses sign area in the following section:

5:502 Exterior Business Signs.

(1) Exterior Business Signs

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.

Standards for Approval - Variance

The Zoning Board of Appeals has the power granted by State law and by **Section 5:517**, Application of the Variance Power from Chapter 61, the City of Ann Arbor Sign Ordinance. The following criteria shall apply (*petitioner's response in italics*, staff's response in regular type):

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

The petitioner states the narrow lot combined with high traffic volume will prevent customers from locating this business. Traditionally, Jimmy John's restaurants do not have a drive-thru which is unique to this business and property. Strict compliance with the ordinance would make for low-visibility signage making identification of the business difficult for motorists and customers.

Staff responds that the petitioner has not presented evidence of a practical difficulty and/or undue hardship which does not exist generally throughout the city; therefore, there is no precedent for relief from this standard. Most commercial sites throughout the City are fronted by a public street and meet the maximum signage allowed by sign code.

Staff discussed the sign alternatives with the petitioner on options for signs at this site. The petitioner is allowed to install up to a maximum of 48.6-square feet of signs on site with a combination of wall signs and a monument sign without needing a sign area variance.

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

The requested variance would have minimal effect on neighboring businesses as this property abuts a parking lot on the south side with an area of trees and natural foliage that includes a raised "mound" of earth which partially obscures the building from northbound traffic.

Staff agrees that approval of the sign area variance would not negatively impact other property owners, and the proposal does not cause negative traffic impacts.

Most commercial sites throughout the City are fronted by street trees in the extension that potentially block visibility of a sign from certain angles. Further, the petitioner has approximately 48-square feet of signage that can be placed on any of the sides of the

building or on a monument sign to maximize visibility from South State Street.

(c) Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

The petitioner states the location, building frontage and narrow lot width creates a hardship limiting the amount of signage on site.

Staff recognizes the challenge presented to the petitioner to promote this business, however, code-compliant signage located and properly sized on the property should be sufficient to facilitate business identification and promotion.

As part of the site plan approval in 2013, staff discussed the challenges of signage on site and the petitioner indicated there was no sign master plan for this site and any proposed signs will meet the requirements of Chapter 61, Signs and Outdoor Advertising.

The proposed building allows for 48.6-square feet of signs on site and should be sufficient to facilitate business identification and promotion.

Respectfully submitted,

Chris Cheng

**Chris Cheng, AICP
City Planner**