



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
NOVEMBER 13, 2007**

The regular session of the Sign Board of Appeals was held on Tuesday, November 13, 2007 at 3:00 p.m. in the second floor of City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan.

The meeting was called to order at 3:00 p.m. by Chair Steve Schweer.

**ROLL CALL**

Members Present: (4) S. Schweer, S. Olsen, C. Brummer and G. Barnett, Jr.

Members Absent: (3) H. Corey & 2 Vacancies

Staff Present: (1) B. Acquaviva

Staff Absent: (1) K. Lussenden

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

**B. APPROVAL OF MINUTES**

**B-1** Minutes of the June 12, 2007 Regular Session

Moved by G. Barnett, Jr., Seconded by C. Brummer, “to approve the minutes of the June 12, 2007 Regular Session as presented.”

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

**B-2** Minutes of the August 14, 2007 Regular Session

Moved by G. Barnett Jr., Seconded by C. Brummer, “to approve the minutes of the August 14, 2007 Regular Session as presented.”

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

**C. APPEALS & ACTION**

**C-1** **2007-S-006 – 3720-3750 Washtenaw Avenue**

**Thomas J. Miller of Wheeler Building, L.L.C. is requesting a variance from Chapter 61, Section 5:502 (1), Business Center Signs. If granted, variance would:**

- 1. Allow installation of three new wall signs (280.6 sq. ft.) and;**
- 2. One new two faced ground sign (49.6 sq. ft.) for a total of 330.2 square feet of signage.**

53 **Description and Discussion**

54

55 **5:502 Exterior Business Signs**

56 (1) Each ground floor business is permitted exterior on-premises and non-  
57 commercial signs having an area totally 2 square feet per linear feet of ground  
58 floor frontage. The total area of such signs may not exceed 200 square feet.

59

60 The petitioner has provided elevation drawings indicating that the ground floor frontage  
61 equals 186' 0" which would allow the petitioner the maximum 200 square feet of signage.

62 **The request exceeds that amount by 130.2 square feet.**

63

64 **Standards for Approval**

65

66 *The Sign Board of Appeals has the power granted by State law and by Section*  
67 *5:517(4), Application of the Variance Power from the City of Ann Arbor Sign*  
68 *Ordinance. The following criteria shall apply:*

69

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

73

74 **Staff Comments**

75

76 The petitioner has stated that the practical difficulty or undue hardship exists because of the  
77 location of the property in relationship to Washtenaw Avenue, Yost Boulevard, US-23 and the  
78 existing entrance ramp to southbound US-23. The only access to the site will be from Yost  
79 Boulevard. The speed limit of 45 makes identifying, making a lane change and turning right  
80 from eastbound Washtenaw Avenue onto Yost Boulevard extremely difficult. This site is very  
81 difficult to reach due to its proximity to the various roads and thoroughfares. Therefore, there  
82 is precedent for relief from this standard and the petitioner has presented evidence of a  
83 practical difficulty and/or undue hardship.

84

85 **(b)** *That allowing the variance will result in substantial justice being done,*  
86 *considering the public benefits intended to be secured by this Chapter, the*  
87 *individual hardships that will be suffered by the failure of the Board to grant a*  
88 *variance and the rights of others whose property would be affected by the*  
89 *allowance of the variance.*

90 On August 16, 1984 the Sign Board of Appeals granted a variance of 323 square feet for a  
91 total of 523 square feet at this location for the same or similar reasons for another business.  
92 Staff recognizes the challenge presented to the petitioner to promote his business, and that  
93 current code compliant signage cannot be located and properly sized to be sufficiently legible  
94 to facilitate business identification.

95  
96 **Recommendation**

97  
98 Staff supports this variance request.

99  
100 **Questions from the Board to Staff**

101  
102 B. Acquaviva - (Presented the petitioner request to the Board).

103  
104 **Petitioner Presentation**

105  
106 Keith Vosburgh, representing the Petitioner Tom Miller of Wheeler Building Co. and Chuck  
107 Miller Development, was present to speak on this appeal. He stated they are proposing to  
108 demolish all the existing structures – the motel, the gas station and build a new Best-Buy  
109 Store with about 30,000 square foot footprint.

110  
111 The nature of the site is such that we will close off the ingress/egress point of the gas station  
112 on to Washtenaw, leaving only one ingress/egress point off of Yost Boulevard. This will be  
113 the only access point to the site, and with the 45 mile per hour speed limit along Washtenaw  
114 near Arborland and US 23, we want to make it as obvious as possible so that drivers will  
115 know that they have to make this turn on Yost. Once they pass Yost, there is no second  
116 opportunity to turn in and no immediate way to turn around.

117  
118 **Discussion by the Board**

119  
120 S. Olson – Why are you asking for the pole sign at the corner of Yost and Washtenaw?  
121 (Petitioner – We thought that our primary identification would be through the building signs,  
122 but wanted some identification to ‘anchor’ that corner at the entry). I had occasion to drive by  
123 another Best Buy, and the store signs make it very visible from ½ mile away or more. I don’t  
124 see the need for the pole sign.

125  
126 G. Barnett, Jr. – It seems you’re asking for a variance for a situation you’ve in part created for  
127 yourself by closing that second access ingress/egress. What is the reason for that? Again,  
128 that eliminates the second chance to get into the property, which seems to form a basis for  
129 your claim. (Petitioner – The ingress/egress that is being closed as it is so close to Yost that  
130 we didn’t think it was of much benefit). Why don’t you open one farther down? (Petitioner –  
131 By the time you’re past that point, you’re nearly into the US 23 entry ramp).

132  
133 C. Brummer – How far and/or visible is the sign on US 23, given that that’s an entrance and  
134 exit ramp. My second question is why not just a directional sign at Yost? (Petitioner – There  
135 is only about 22’ there, so not enough to utilize. As to the directional sign, a ground mounted  
136 arrow sign indicated our business?). Yes, it’s more than just a sign, but the most common  
137 place you see them is at a car dealership – “Service,” etc. Those signs are not subject to the  
138 square footage rules, you can have as many of those as you need.

139

140 S. Schweer – Once you take the gas station out, it looks to me like you’re pretty much in the  
141 same boat with the businesses that are west on Washtenaw. Drivers have to find the exit –  
142 one of those is off Yost, another on Washtenaw, another on Pittsfield Boulevard. Why is that  
143 different from your site?  
144

145 Petitioner – These businesses along Washtenaw have a couple of opportunities if they miss  
146 for example, the Bank of Ann Arbor, they can get onto Yost to access. Once they’re past  
147 Yost, that is the only chance I have to capture that business.  
148

149 S. Schweer – This doesn’t strike me as wholly ‘unique’ though, which is one of the tests of a  
150 variance – a situation where no one else is in that same condition.  
151

152 Petitioner – We feel we do have a unique situation – they have two opportunities, we have  
153 one. Also, once someone does not identify my store, it’s too late. (S. Schweer – Suggested  
154 that the petitioner was free to put up a sign indicating ‘Best Buy – Turn Here.’).  
155

156 The neighboring businesses have one face of a building for signage – onto Washtenaw,  
157 whereas we have frontage onto Washtenaw, Yost and US 23.  
158

159 G. Barnett, Jr. – If you had to lose a sign on one of those three faces of the building, which  
160 would you pick? I do not think of a Best Buy as a ‘drop in’ type of business – it’s a  
161 destination. People say “let’s go get \_\_\_\_\_” at Best Buy. You’re not looking for walk by or  
162 drive by traffic. This makes me think that generally you don’t go where you’re going without  
163 intent.  
164

165 S. Schweer – Stated that Circuit City across the street does not have a ‘turn here’ sign, so  
166 they may have something to say about that if we ok’d that type of signage for you.  
167

168 S. Olsen – Pointed out that the sign he observed on another Best Buy store was extremely  
169 visible from a great distance, not just because of the “Best Buy” sign but of the large blue  
170 ‘swoop’ that accompanies it. I would say this would obviate the need for the east facing sign.  
171 Secondly, I would suggest a second entrance from Washtenaw – this would provide the  
172 second opportunity you seek.  
173

174 Petitioner – Stated that as was included in the staff report, they are actually reducing the  
175 current signage on the site as everything else will be demolished and with it, the clutter and  
176 signage.  
177

178 G. Barnett, Jr. – Asked why the second ingress/egress point was being eliminated.  
179 (Petitioner – This may be a situation that we revisit at site plan review. We didn’t think it  
180 offered a great advantage).  
181

182 K. Short (Huron Sign) – The current motel there has one entrance only, no entrance through  
183 the gas station. (S. Schweer – The sign is in the city right of way). Circuit City has three  
184 entrances, we have one. The variances granted in the past at this location, it stated that the  
185 square footage stayed.  
186

187 C. Brummer – That is incorrect. When there is a change of ownership, the variance lapses.  
188 (The Board agreed. At one time it went with the property, as Zoning would – but that law has  
189 been specifically amended, and that doesn’t hold true any longer. If the ‘use’ of the property  
190 has changed, such as this, it also makes a difference. The Board gave the petitioner the  
191 option to have the issue tabled and return again at the next month’s meeting to submit a  
192 revised plan). The petitioner requested the tabling.  
193

194 **MOTION #1**

195

196 Moved by G. Barnett, Jr., Seconded by C. Brummer, “to postpone the request of the  
197 petitioner for Appeal Number 2007-Z-006, 3720-3750 Washtenaw Avenue, a.k.a.  
198 Best Buy, until the April 2008 Regular Session.”

199

200 **On a Voice Vote – MOTION TO POSTPONE – APPROVED – UNANIMOUS.**

201

202

203 **D - OLD BUSINESS – None.**

204

205 **E - NEW BUSINESS**

206

207 S. Schweer – Stated that the Board is short handed. He urged the Board members to  
208 speak with colleagues, friends and interested parties to serve on the Sign Board. He  
209 stated that it did not require extensive work, it’s rewarding and necessary. He also  
210 stated that the Board should contact their City Council representatives to encourage  
211 participation.

212

213 C. Brummer – Would like to see someone from the downtown business community  
214 involved in the Board’s efforts.

215

216 **F - REPORTS & COMMUNICATIONS – None.**

217

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

219

220 **ADJOURNMENT**

221

222 Moved by G. Barnett/C. Brummer “that the meeting be adjourned. Chair  
223 Steve Schweer adjourned the meeting at 3:29 p.m. without objection.”

224

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

226

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