

**Zoning Board of Appeals  
October 23, 2024, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 24-0030; 516 East Liberty Street**

**Summary:**

Mark Chalou, representing the business, is seeking a seven foot seven inch variance from Table 5.24-2 D1 District Permanent Signs to install a wall sign at 27 feet seven inches above the maximum allowed height of 20 feet. The applicants are also seeking a variance of 17 square feet above the maximum allowable wall sign square footage of 140 square feet. Section 5.24.5 Permanent Signs allows two square feet of sign area per linear foot of building frontage. The building is 70 feet in width. The property is zoned D1, Downtown District.

**Background:**

The subject property is located on the south side of East Liberty Street and is in the downtown district. According to the City Assessor's records, the building was constructed in 1920. The building is now occupied by NECTO, Dawn Treader Book Shop, and TK WU restaurant.

**Description:**

Table 5.24-2: D1, D2, and C1A/R District Permanent Signs requires wall signs to be in the lowest 20 feet of the building when installed on a building less than 45 feet in total height. The subject building is approximately 3 stories overall height. The applicant requests a variance to install a wall sign at a maximum height of 27 feet 7 inches instead of the required 20 feet.

TABLE 5.24-2: D1, D2, AND C1A/R DISTRICT PERMANENT SIGNS			
SIGN TYPE	HEIGHT	PLACEMENT	MAXIMUM NUMBER
Projecting Signs	Max. 30 ft. but no higher than the top of the <i>building</i>  Min. 8 ft. if projecting into <i>public right-of-way</i>	May not project more than 4 ft. from the building	1 per <i>business frontage</i>
Wall Signs	Min. 8 ft. if projecting into <i>public right-of-way</i>	Must be within lowest 20 ft. of the <i>building</i> . If the <i>building height</i> is 45 ft. or higher, may be placed within the uppermost 15 ft. of the <i>building</i> and may extend up to 3 ft. above the top of the <i>building</i> .  May not project more than 2 feet from the <i>building</i> .	No maximum
Awning Signs	Max. 20 ft.	Entirely within the <i>awning</i>	1 per <i>business frontage</i>
Canopy Signs	Max. 20 ft.	Entirely within <i>canopy</i>	1 per <i>business frontage</i>

The applicant is seeking a second variance of 17 square feet above the maximum allowed sign area of 140 square feet. If the variance is approved, this will allow the NECTO three-sided wall sign as well as the Dawn Treader Book Shop and TK WU restaurant awning signage.

#### 5.24.5 Permanent Signs

##### A. D1, D2, and C1A/R Districts

##### 1. Area

Each *building* in the D1, D2, and C1A/R district is permitted **two square feet of sign area per linear foot of building frontage** up to a maximum of 200 square feet of *sign area* for *permanent signs*. The permitted *sign area* may be distributed among permitted *sign* types, provided that:

#### Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the Unified Development Code (UDC).

The following criteria shall apply:

- (a). ***That the practical difficulties 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.***

Applicant response: *"We are striving for a creative replacement on Liberty Street. By removing the two OLD existing awnings, for Dawn Treader bookshop and TK WU Restaurant. This will enhance and beautify the area by removing the outdated light blue and burgundy awnings, that have been there for years and in bad condition that have a very weak color scheme on the existing facade. The intentions are to glorify and Showcase Liberty Street and its many restaurants and shops to increase commerce. These new signs are as follows, NECTO blade sign, two signs for Pinball Pete's new location, Knights Steakhouse and changing the Marquee on the Michigan theater."*

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

Applicant response: *"The NECTO sign and awning would be, dominated by Pinball Pete's, the allotment would be 115 linear feet which would allow them to up to 200 ft.<sup>2</sup> the NECTO signage that appeared to be smaller in size, would not fit into the overall transformation of Liberty Street."*

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the***

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***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.***

Applicant response: *"The new public benefits, besides the signage there will be a NEW metal heated canopy, that will have additional lighting underneath the canopy that reaches across the entire space, for the safety of patrons to be covered in adverse weather conditions. Signage lighting for public Safety of patrons of business throughout Liberty corridor between Maynard and Thompson streets."*

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

Applicant response: *"This is truly about the enhancement and glorification of Liberty Street corridor."*

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

Applicant response: *"In the aftermath of COVID and its emotional and economic impact on our community, businesses, and citizens, and in this time of political uncertainty and division, this offers the unique opportunity to highlight our resilience and hopefulness moving forward. Light brings us together. It reminds us of possibilities. It reminds us to look up. Highly creative/artistic signs like the new NECTO signage and the Michigan & State Theatre's with their chasing lights, brightly light up Ann Arbor as well as in big cities and small towns across the country, in our town, they are the ART of the people. They inspire us and serve as a symbol of enlightenment and the power of our imaginations. We are asking today for approval of this variance in support of this visionary plan For the Liberty Street corridor."*

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

**Jon Barrett- Zoning Coordinator  
City of Ann Arbor**