

**Zoning Board of Appeals
November 15, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-033; 155 North Maple Road

Summary:

Brixtmoor Property Group is requesting a variance from Chapter 61 Signs, Section 5:502 (1) Exterior Business Signs. The owners are proposing 246 square feet of signage for new commercial construction of a fitness center located at the Maple Village Shopping Center. The ordinance provides for a maximum of 200 square feet of signage. The sign package will consist of three (3) sets of 40" LED illuminated channel letters, with one (1) set on the north, east and west elevations of the building.

Description and Discussion:

The site is located on the southwest corner of South Maple Road and Jackson Avenue across from Veterans Park. The property is zoned C3 Fringe commercial district. The existing English Gardens business will be demolished and replaced with a 34,000 square foot fitness center. The new building will be located in the northeast section of the shopping center. The proposed project was submitted as Site Plan project 17-010 and was formally approved in August of 2017.

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.

At the request of the City of Ann Arbor to respect the new ordinance for building setbacks of 25' from the right-of-way the need for the third set of signage on the west elevation and the need for a third sign identifying the building entrance pushes the total signage over the 200 square feet allowed.

The subject property has the same setback requirements as all parcels zoned C3 Fringe Commercial within the City of Ann Arbor. There are no known unique or special circumstances that distinguish this property from any similarly zoned property. The applicant can reduce the font size of each channel letter set and may install the same number of signs on three elevations.

(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 tenant's acceptance of the building setback from Maple Road and their ability to revise the interior layout design from the prototype is consistent with their continued cooperation with the community to promote the redevelopment of the existing shopping center. Acceptance of this additional 46 square feet of signage is reasonable.

The applicant will not suffer a hardship without the granting of the variance, the ability to install signs on three (3) wall elevations remains the same. The rights of others will not be affected if a variance is granted.

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

The conditions for the added signage is a result from the City of Ann Arbor imposed building setback requirements, which forced a change in the location of the entrance door location.

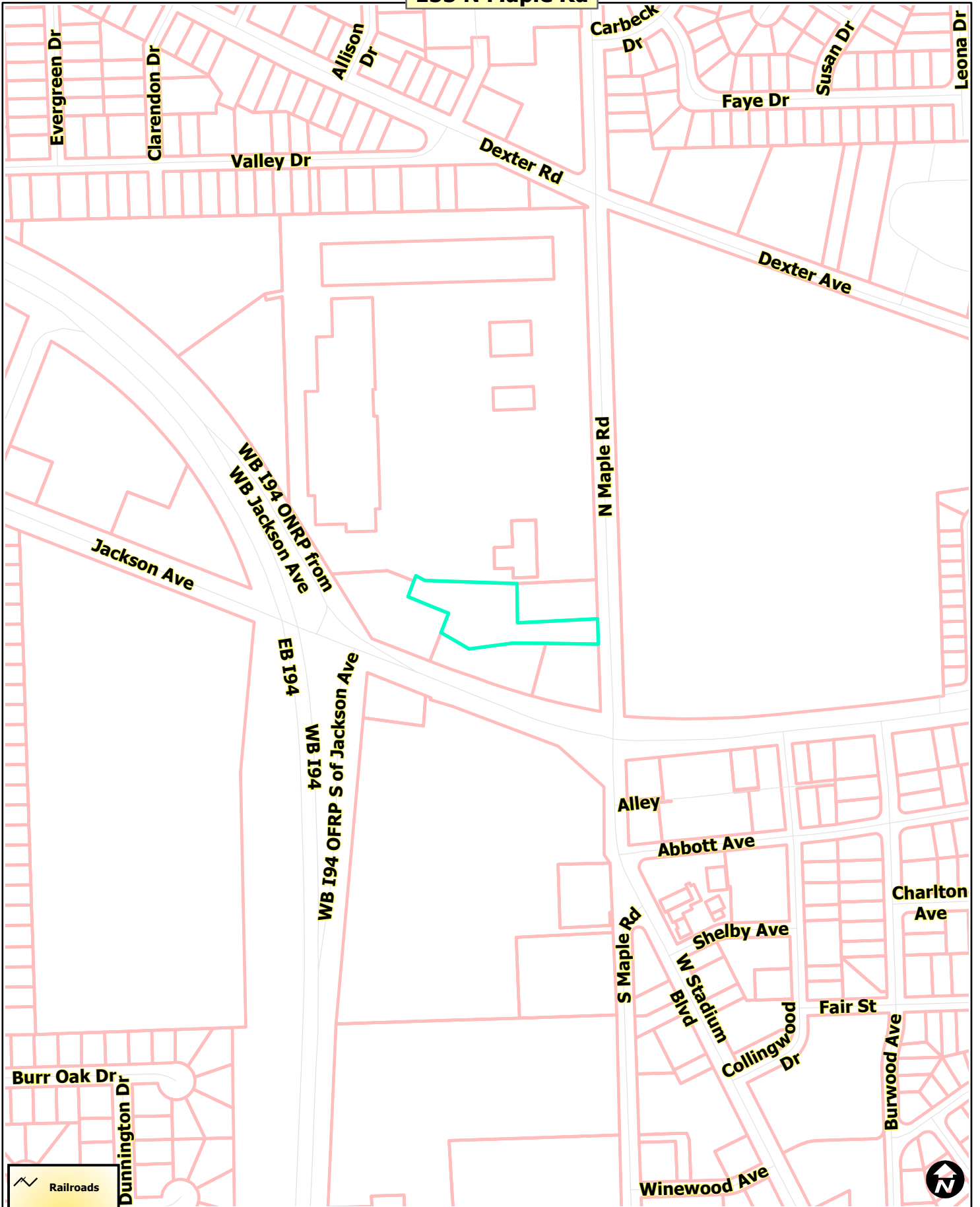
All properties within the City of Ann Arbor have building setback requirements. If the variance denied the applicant still has the option of installing 200 square feet of signage.

Respectfully submitted,



**Jon Barrett
Zoning Coordinator**

155 N Maple Rd

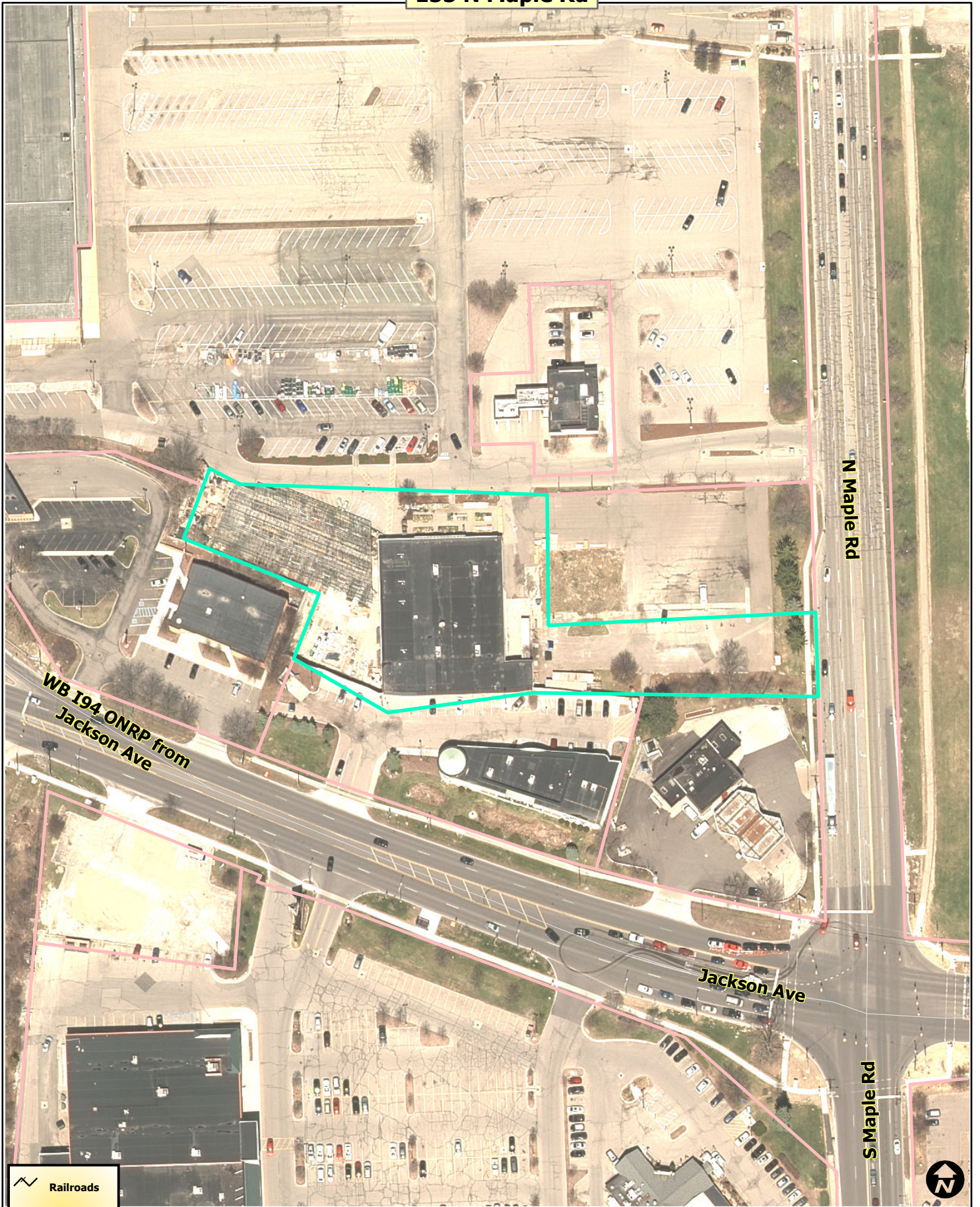


Map date 3/27/2017
Any aerial imagery is circa 2015 unless otherwise noted
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155 N Maple Rd



155 N Maple Rd



-  Railroads
-  Huron River
-  Tax Parcels



Map date 3/27/2017
Any aerial imagery is circa 2015
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**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: <u>\$600</u>	ZBA: <u>17-033</u>
DATE STAMP CITY OF ANN ARBOR RECEIVED OCT 18 2017	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: 155 North Maple Road, Ann Arbor, MI 48103	
ZONING CLASSIFICATION: C-3 Fringe Commercial	TAX ID: (if known) 09-08-25-102-021
NAME OF PROPERTY OWNER*: Brixmor Property Group	

**If different than applicant, a letter of authorization from the property owner must be provided*

APPLICANT INFORMATION

NAME OF APPLICANT: Brixmor Property Group	
ADDRESS OF APPLICANT: 22054 Farmington Road, Farmington, MI 48336	
DAYTIME PHONE NUMBER: 248-442-5903	FAX NO: 248-476-9506
EMAIL: Dewayne.hein@brixmor.com	
APPLICANT'S RELATIONSHIP TO PROPERTY: Senior Project Manager	

REQUEST INFORMATION

<input checked="" type="checkbox"/> X VARIANCE REQUEST (Complete the section 1 below)	<input type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)
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Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) Chapter 61-5:502 (1)	
Required Dimension: (Example: 40' front setback) 200 Square Feet	PROPOSED Dimension: (Example: 32') 246 Square Feet
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) We are installing 3 sets of 40" LED illuminated channel letters, 1 set of signage on the North, East and West Elevations.	



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Section 1 - VARIANCE REQUEST con't

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals.

1. 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.

At the request of the City of Ann Arbor to respect the new ordinance for building setbacks of 25' from the ROW the need for the third set of signage on the west elevation and the need for a third sign identifying the building entrance pushes the total signage over the 200 square feet allowed.

2. That 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.

The tenant's ability to promote its identity and provide pedestrian travel paths to reach the desired entrance will required an additional sign located on the west elevation.

Third sign over the entrance.

3. 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.

The tenant's acceptance of the building setback from Maple Road and their ability to revise the interior layout design from the prototype is consistent with their continued cooperation with the community to promote the redevelopment of the existing shopping center. Acceptance of this additional 46 square feet of signage is reasonable.

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

The conditions for the added signage is a result from the City of Ann Arbor imposed building setback requirements, which forced a change in the location of the entrance door location.

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

The new signage located on the west elevation, would face and benefit the newly remodeled shopping center by promoting and pull together both developments.



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change from Jackson Road and is only visible to the remodeled shopping center and tenants parking field.



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Current Use of the Property: N/A

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
- a. The alteration is 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.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area	N/A	
Lot Width	N/A	
Floor Area Ratio	N/A	
Open Space Ratio	N/A	
Setbacks	N/A	
Parking	N/A	
Landscaping	N/A	
Other		

Describe the proposed alterations and state why you are requesting this approval:

N/A

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

N/A



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit:

N/A

REQUIRED MATERIALS

The following materials are required for **ALL** variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 ½" by 11"** sheets:

- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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. N/A
- Photographs of the property and any existing buildings involved in the request. N/A
- Any other graphic or written materials that support the request.

ACKNOWLEDGEMENT

I, the applicant, hereby request a variance from the above named Chapter (s) and Section (s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

Phone number:

248-442-5903

Signature: X

Email address:

dewayne.heine@brunor.com

Print Name:

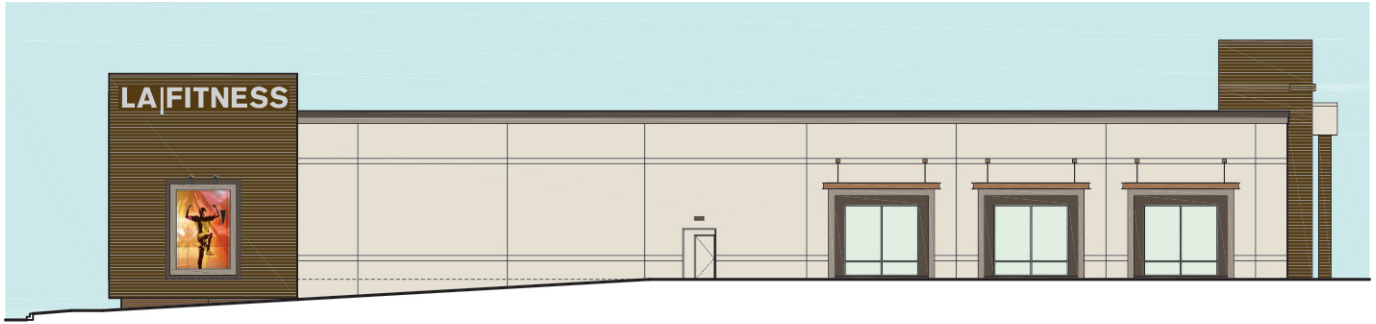
Dewayne Heine

I, applicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials submitted herewith, as true and correct.

Signature

Further, I hereby give the City of Ann Arbor Planning and Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

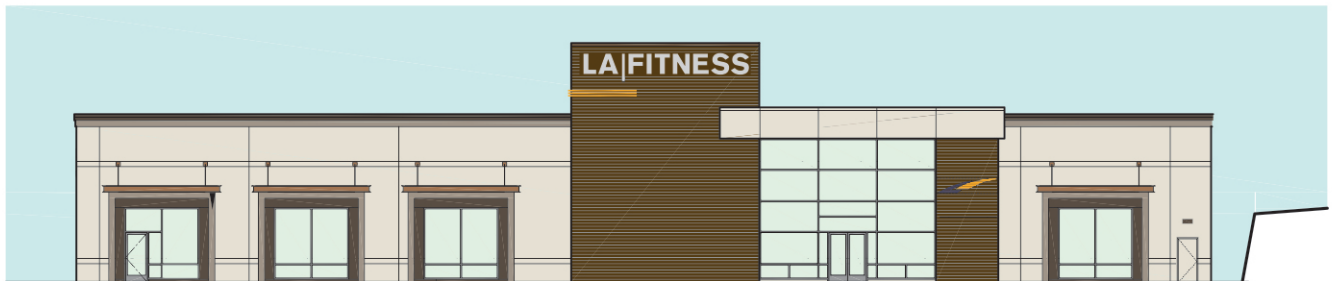
Signature



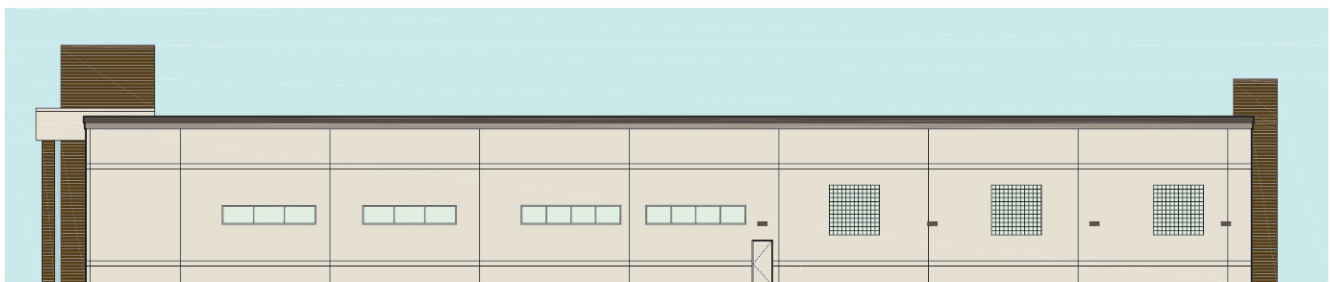
North Elevation



East Elevation



West Elevation



South Elevation



North Elevation



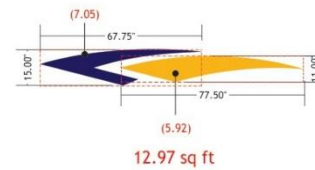
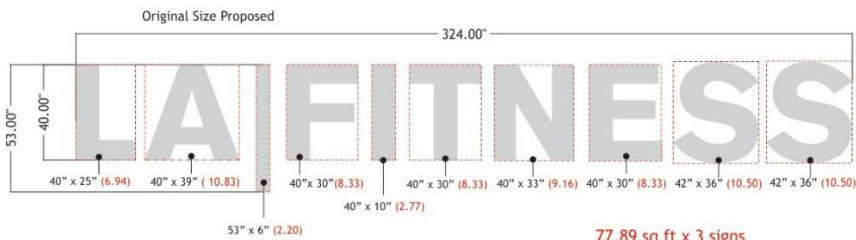
East Elevation



West Elevation



South Elevation



77.89 sq ft x 3 signs

12.97 sq ft x 1 sign

TOTAL 246.64 sq ft

CUSTOMER APPROVAL: _____ DATE: _____



Distribution or exhibition of this design other than personnel of your company is expressly forbidden under stated agreement. In the event that such an exhibition should occur, Bill Carr Signs will be compensated for minimum of \$500 to 15% of the proposed sign project.

Salesperson Mike Ellithorpe

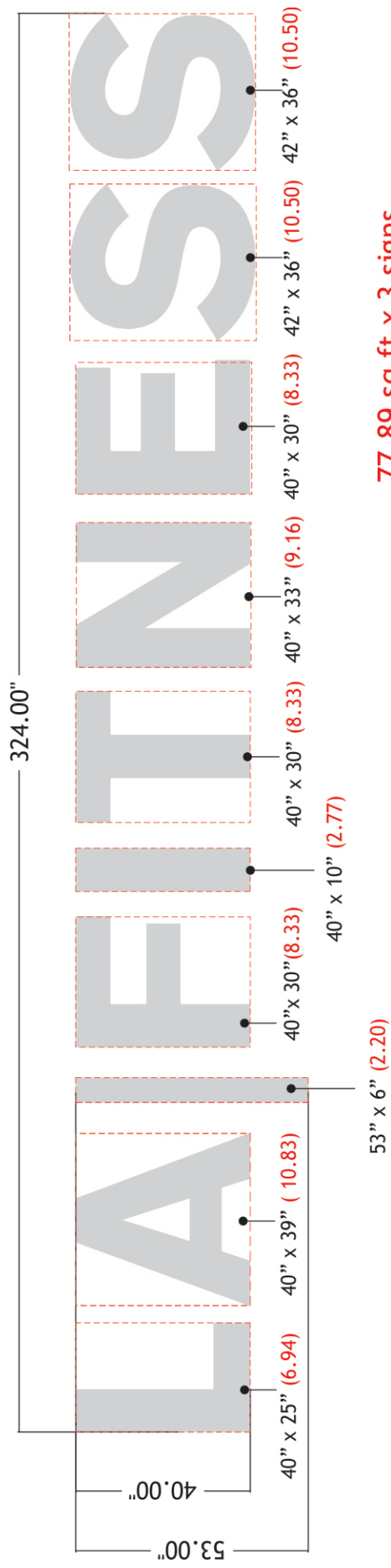
COMPUTER CODE: La Fitness - Building Elevations - 246.64 sq ft OPT E

DRAWING SCALE: see above DATE: 10-10-17 DESIGNED BY: GFB

719 W. TWELFTH STREET, FLINT, MICHIGAN 48503 810-232-1569 FAX: 810-232-6879 www.billcarrsigns.com



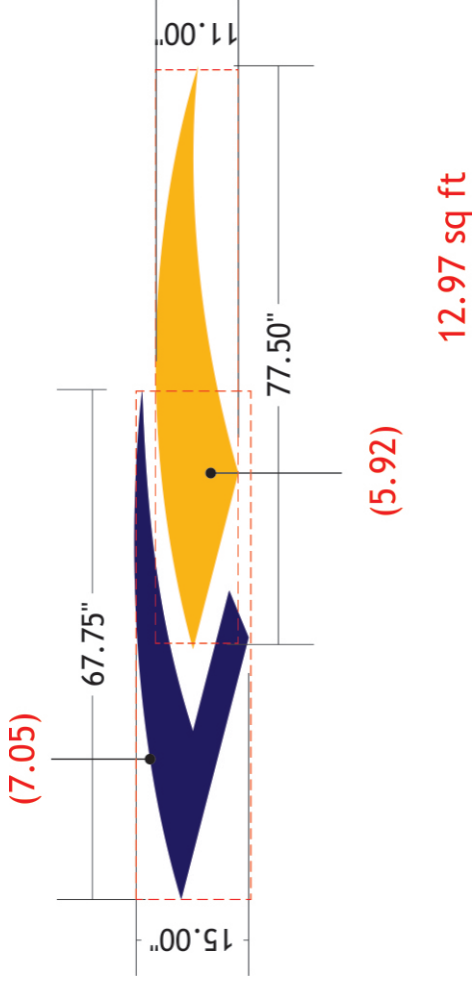
Original Size Proposed

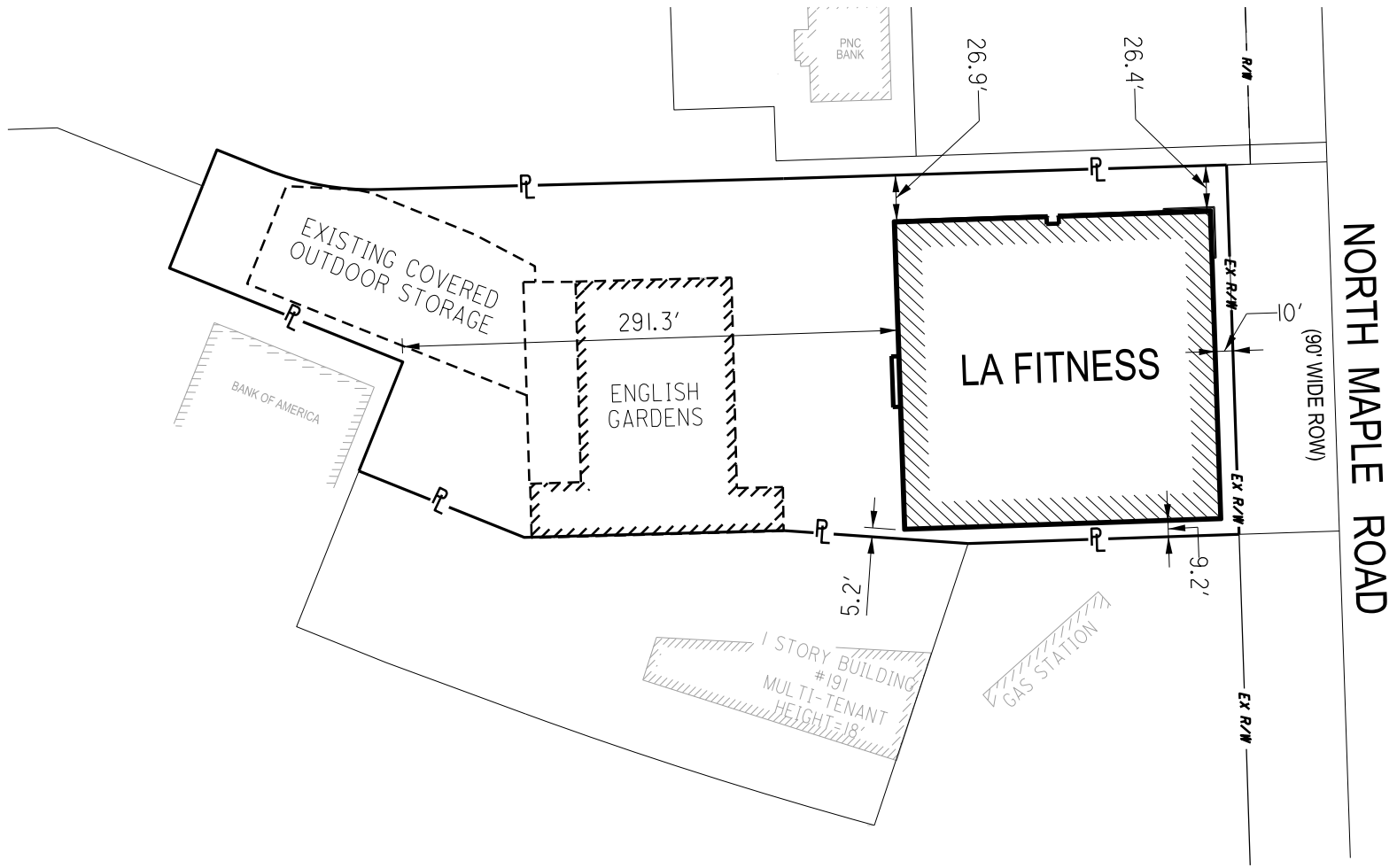
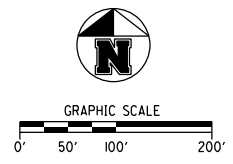


77.89 sq ft x 3 signs

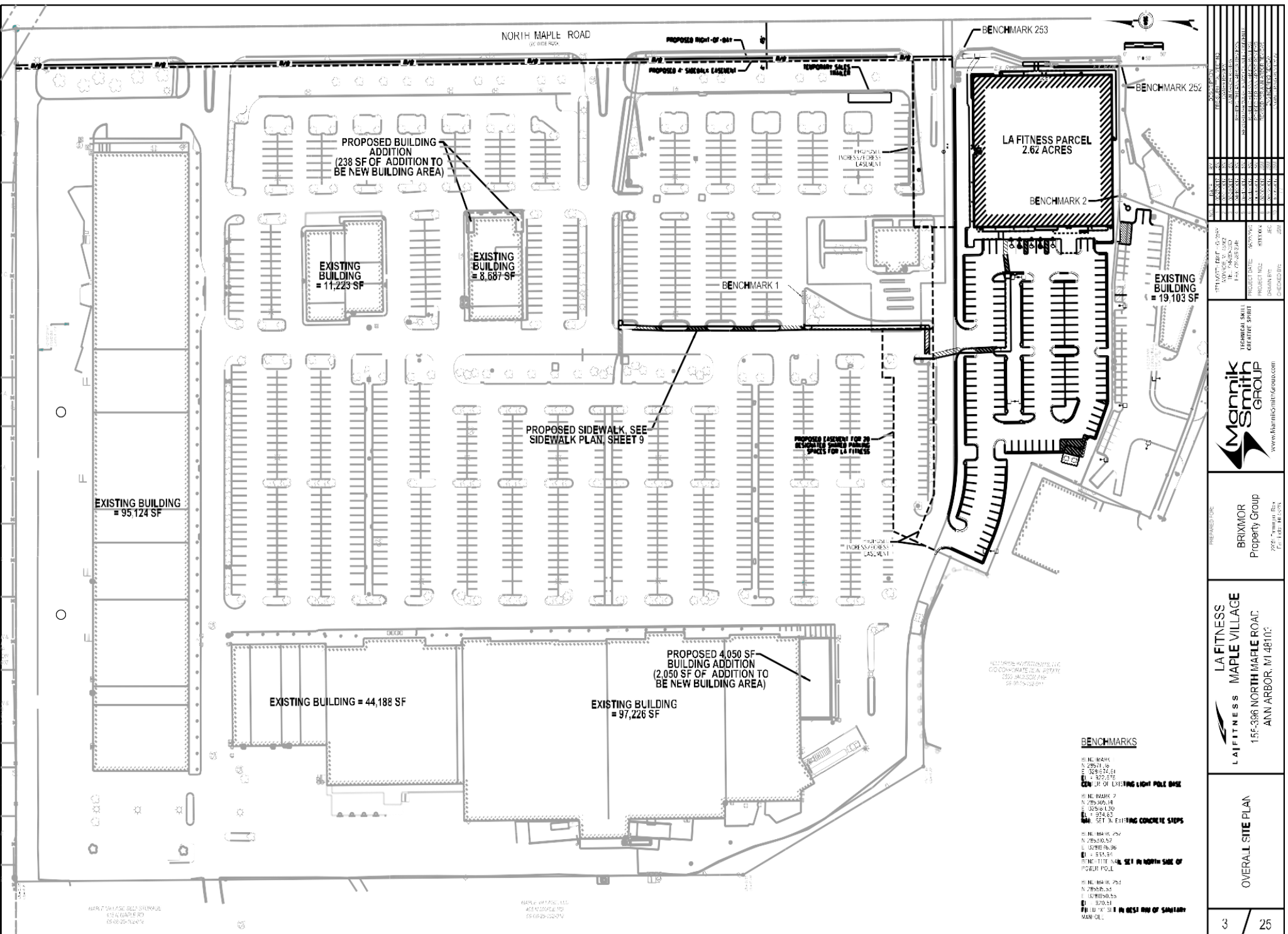
12.97 sq ft x 1 sign

TOTAL 246.64 sq ft





<p>TECHNICAL SKILL, CREATIVE SPIRIT. www.MannikSmithGroup.com</p>	<p>PREPARED FOR: BRIXWOR Property Group 2054 Farmington Road Farmington, NJ 08840</p>	<p> LA FITNESS MAPLE VILLAGE 155 NORTH MAPLE ROAD ANN ARBOR, MI 48103</p>	<p>SITE PLAN</p> <p>1 / 1</p>
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APR 7 2014 10:00 AM
 1124 0004 00
 05/08/2014

APR 7 2014 10:00 AM
 403 0004 00
 05/08/2014

10111111111111111111
 CO COORDINATE LOCAL SYSTEM
 CSO PROJCSO.P10
 10 000000000

BENCHMARKS

- BM 251 11.18
- BM 252 11.51
- BM 1 = 325.373
- BM 2 = 325.373
- BM 251 SET IN EXISTING LIGHT POLE BASE
- BM 252 SET IN EXISTING CONCRETE STEPS
- BM 1 = 325.373
- BM 2 = 325.373
- BM 1 SET IN NORTH SIDE OF POWER POLE
- BM 251 = 325.373
- BM 252 = 325.373
- BM 1 SET IN WEST END OF SANITARY MANHOLE

<p>PROJECT NO. 14-0004 SHEET NO. 01 OF 02 DATE 05/08/2014 DRAWN BY [NAME] CHECKED BY [NAME]</p>	
<p>PROPERTY NO. 14-0004 PROJECT NAME: LA FITNESS MAPLE VILLAGE PROJECT FILE: 14-0004-01 DRAWING BY: [NAME] CHECKED BY: [NAME]</p>	
<p>FORUM SKILL CREATIVE SPIRIT</p>	
<p>Mannik Smith GROUP www.manniksmithgroup.com</p>	
<p>PREPARED FOR: BRIMMOR Property Group 200 S. Main St. Ste. 100 Ann Arbor, MI 48106</p>	
<p>LA FITNESS MAPLE VILLAGE 155-388 NORTH MAPLE ROAD ANN ARBOR, MI 48110</p>	
<p>OVERALL SITE PLAN</p>	
3	25