

**Zoning Board of Appeals  
June 25, 2025, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA25-0018; 3675 Washtenaw Avenue**

**Summary:**

Tina Arcuri, representing property owner, is requesting a six foot height variance from Table 5.24-3 Other Mixed-Use and Nonresidential and Special Purpose Zoning Districts Permanent. The proposed signage is 26 feet in height. The permitted height for signage is 20 feet maximum. This property is zoned TC1, Transit Corridor District.

**Background:**

The subject property is located on the north side of Washtenaw Avenue between Chalmers Drive and US-23. The property is in the Arborland Shopping Center. According to City Assessor's records, the building was erected in the early 1960s prior to site plan approvals.

**Description:**

Table 5.24-3: Other Mixed-Use and Nonresidential and Special Purpose Zoning Districts 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 35 feet in overall height. The applicant requests a variance to install a wall sign at a maximum height of 26 feet instead of the required 20 feet.

TABLE 5.24-3: OTHER MIXED-USE AND NONRESIDENTIAL AND SPECIAL PURPOSE ZONING DISTRICTS 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 <i>building</i>	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 ft. from the <i>building</i>	No maximum
Freestanding Signs	Min.: 1 ft. for each foot set back from the nearest <i>lot line</i> , up to 25 ft. maximum	Min. <i>required setback</i> 5 ft.  Min. 200 ft. between each <i>freestanding sign</i> on the same <i>premises</i>	1 per street frontage
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>

### **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: *“The practical difficulties faced by the Ross Dress for Less location at 3675 Washtenaw Avenue are exceptional and peculiar due to the property’s unique physical and locational characteristics. Specifically, the building is set back a considerable distance from Washtenaw Avenue, a major arterial roadway with high-speed traffic and multiple travel lanes. This setback, combined with the presence of mature landscaping, a wide right-of-way, and existing site features such as parking lots and access drives, significantly obstructs the visibility of standard-height signage from the road.”*

- (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: *“Failure to grant the requested sign height variance at 3675 Washtenaw Avenue would result in practical difficulties that go well beyond simple inconvenience or reduced financial return. As previously stated, due to the building’s significant setback from the roadway, as well as physical obstructions such as mature trees, utility infrastructure, and the wide multi-lane configuration of Washtenaw Avenue, standard-height signage is not adequately visible to eastbound or westbound traffic.*

*This lack of visibility significantly hinders the public’s ability to locate the store, particularly for first-time or out-of-town customers, which can lead to confusion, missed turns, and safety issues related to last-minute lane changes. Moreover, because Ross Dress for Less typically relies on brand visibility to attract foot traffic in multi-tenant retail centers, inadequate signage impacts the store’s core ability to function effectively at this location.*

*The practical difficulty here is operational — it affects the store’s ability to serve its intended function as a retail anchor, provide direction to customers, and contribute to the vitality of the shopping center. These issues rise to the level of a hardship that impairs the full, permitted use of the property in a manner that is not speculative or financial alone.”*

- (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: *“Granting the requested sign height variance will result in substantial justice by balancing the public interest in orderly signage regulation with the unique hardships of this property. The intent of the ordinance—to promote clear, effective, and safe signage—is not compromised by this variance. In fact, improved sign visibility for this location supports public safety by allowing drivers to identify the store at a safe distance and make lane changes accordingly.*

*The individual hardship to the tenant, Ross Dress for Less, includes significantly impaired visibility from the main road, which is not faced by similarly situated businesses with more favorable signage conditions. Denial of the variance would unfairly burden this property while granting the variance would allow the site to function comparably to other commercial properties. Additionally, the variance does not negatively impact the rights or aesthetics of surrounding properties, as it is consistent with nearby commercial signage in scale and purpose.”*

- (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: *“The conditions and circumstances giving rise to this variance request are not the result of any action taken by Ross Dress for Less or the property owner and therefore do not constitute a self-imposed practical difficulty. The challenges stem from the inherent characteristics of the site, which include the building’s substantial setback from Washtenaw Avenue, the wide roadway with high-speed traffic, the presence of public right-of-way landscaping, and other visibility-obstructing features such as utility poles and parking lot layout.*

*These physical and environmental factors existed prior to Ross Dress for Less occupying the space and were not created or modified by the applicant. Additionally, the tenant has no control over the positioning of the building or the design of the surrounding infrastructure. The request for a sign height variance is a response to these existing, external conditions, not a result of design decisions or business operations initiated by the applicant.*

*Therefore, the variance request is based on legitimate, non-self-imposed difficulties that directly impact the property's ability to comply with standard sign visibility expectations.”*

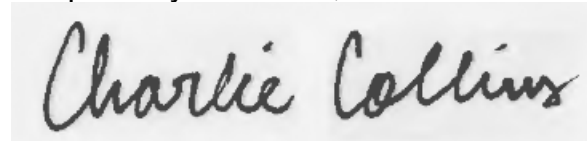
- (e). *A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

Applicant response: *“The requested sign height increase is the minimum necessary to address the visibility issues caused by the site’s unique configuration and location along a high-speed, multi-lane roadway. No excessive increase or multiple variances are being sought; the request is focused solely on the height adjustment required to make the sign legible and effective for passing drivers.*

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*Other alternatives, such as repositioning the sign or relying on monument signage, are not sufficient to resolve the hardship caused by the building's setback and surrounding obstructions. The proposed adjustment is carefully calculated to meet the need without exceeding what is essential for clear, functional signage."*

Respectfully submitted,

A handwritten signature in black ink that reads "Charlie Collins". The signature is written in a cursive style with a large initial "C".

**Charlie Collins- Zoning Coordinator  
City of Ann Arbor**