

**Zoning Board of Appeals
January 27, 2021 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-032; 400 South Maple Road

Summary:

Mary Ellen Madary, representative of Kroger, is requesting a 78.4 square foot variance from Section 5.24.5 (B)(1) Area of Permanent Signs. Applicant is proposing 278.4 square feet of signage exceeding the allowable 200 square foot of signage. The sign package is to include a new Kroger and Pharmacy sign and relocation of the existing Starbucks sign. The property is zoned C3, Fringe Commercial District.

Background:

The existing Kroger grocery store received site plan approval in December of 1996 and completed construction in 1998. The commercial property is located on the west side of South Maple Road and south of the Westgate Shopping Center.

Description:

The proposed new Kroger image wall sign is 192.9 square feet in size. The new Pharmacy sign is 34.8 square feet and the existing Starbucks sign to be re-located is 50.7 square feet.

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 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.***

The body of the existing Kroger wall sign is larger than the proposed new wall sign. However, the large stroke/swoosh of the “K” and “G” must be measured as the newly adopted sign code requires the most outer limits of a sign be calculated into the overall square footage of the sign.

- (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.***

The applicant states the request to change the signage at the subject location is for a new image and fresh signage. No additional signage is being proposed, just an updated image and maintenance for the exiting.

- (c). *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***

Zoning Board of Appeals
January 27, 2021

variance, and the rights of others whose property would be affected by the allowance of the variance.

If the variance is not granted, the signs will have to be reduced which will reduce the visibility of signage from the public right of way. The store is setback approximately 350 feet from South Maple Road.

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

The site does not have a ground sign which makes the larger wall sign package necessary for visibility.

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

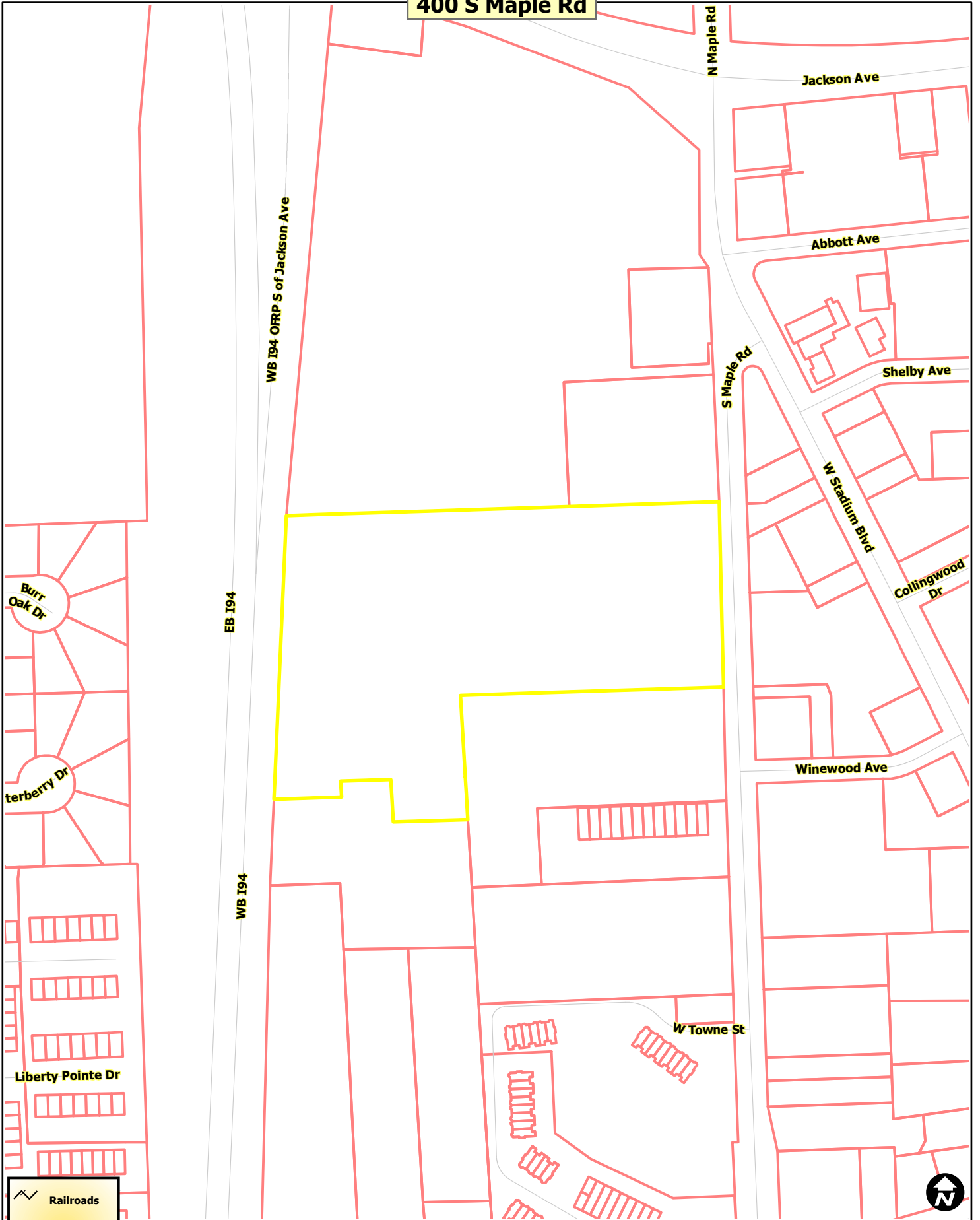
The petitioner states that variance request is a direct relationship to the size of the storefront, location and application of the proposed signage. Due to the limitations on building distance and ground signage (not present), it is vital to the business operations of Kroger to have the signage as proposed without any reduction in size.




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized with a large, circular initial "J" and a cursive "B".

**Jon Barrett-
Zoning Coordinator**

400 S Maple Rd



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 1/4/2021
 Any aerial imagery is circa 2020 unless otherwise noted
 Terms of use: www.a2gov.org/terms

400 S Maple Rd



Map date: 1/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms

400 S Maple Rd




CB 194

WB 194 OFRP S of Jackson Ave

S Maple Rd

WB 194

Winewood

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 1/4/2021
 Any aerial imagery is circa 2020
 unless otherwise noted
 Terms of use: www.a2gov.org/terms





ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY		ZIP CODE
ZONING CLASSIFICATION C3	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided	
PARCEL NUMBER 09-08-25-400-009	OWNER EMAIL ADDRESS	

APPLICANT INFORMATION

NAME			
ADDRESS	CITY	STATE	ZIP CODE
EMAIL		PHONE	
APPLICANT'S RELATIONSHIP TO PROPERTY			

REQUEST INFORMATION

<input type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
---	---

REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary 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.
- Photographs of the property and any existing buildings involved in the request.

OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature : Mr. Anselty

Date: _____

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Variance from section 5.24.4 - Premise for exterior signs

REQUIRED DIMENSION: (Example: 40' front setback)
Feet: Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)
Feet: 278.4 Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Allowable signage is 200sft. Proposed is 278.4 which includes relocating the existing Starbucks Sign

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

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.

The existing Kroger letters 96" tall (8' x 11' 10"). The New proposed set is 82" tall (82" x 10' 4-1/2"). The stroke of the new Kroger image is wider/more spaced out than the older image. The proposed signage is smaller in size in comparison to the existing.

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 request for change to signage at this location is to update the Kroger image and provide a new/fresh sign for the building. No additional signage is being proposed. Just an update/maintenance to the existing

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.

Proposing a smaller sign will drastically reduced the visibility of the signage from the road as the store is setback quite a distance and any reduction would limit the view.

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

The site has no ground sign making the building sign a necessary part of the building and branding for the store.

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

This request is not out of bounds or excessive in comparison to the size of the store, location and application of the proposed signage, and in comparison to other signage in the area. Due to the limitations on building distance and ground signage (not present), it is vital to the business operations of Kroger to have the signage as proposed without any reduction in size

ALTA/ACSM LAND TITLE CERTIFICATE:

To The Kroger Company and Chirco Title Company:

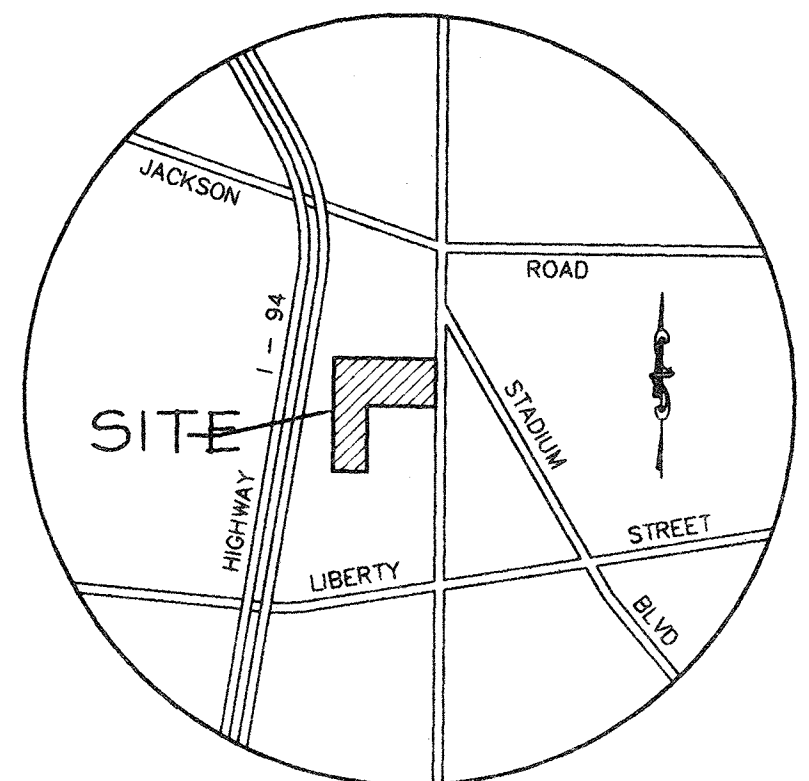
This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and ACSM in 1997, and includes items 1, 2, 3, 4, 6, 7 (a), 8, 9, 10, 11 and 13 of Table A thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification of an Urban Survey.



Douglas K. Richardson
Douglas K. Richardson
Professional Surveyor No. 31603
Date: April 15, 1998

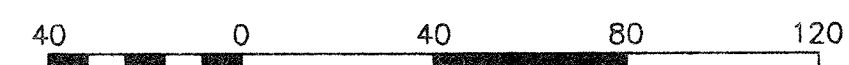
NOTE: ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 260537 0025 A AND PANEL NO. 260213 0007 B THIS PARCEL DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA.

SURVEYOR'S NOTE:
A current title policy for this parcel has not been furnished as of the date of this Survey. The legal description and easement information as shown were obtained from a previous title policy and construction plan information.



LOCATION MAP

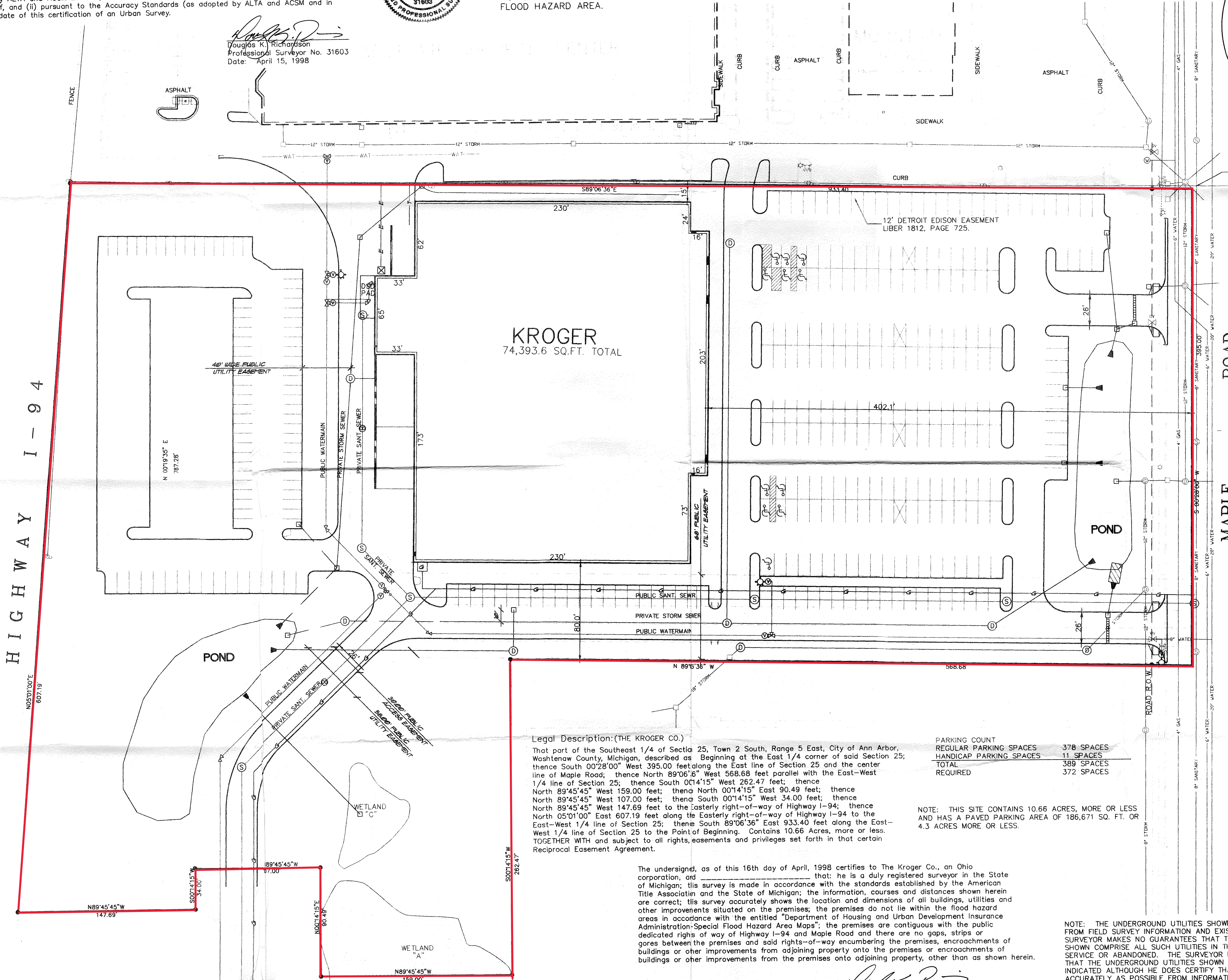
EAST 1/4 CORNER SECTION 25, T25, R5E, AND POINT OF BEGINNING



Scale 1" = 40'

LEGEND:

- ⊙ = STORM MANHOLE
- ⊙ = CATCHBASIN
- = STORM LINE
- ⊙ = SANITARY MANHOLE
- ⊙ = SANITARY CLEANOUT
- = SANITARY LINE
- ⊙ = ELECTRIC MANHOLE
- = UTILITY POLE
- = OVERHEAD UTILITY LINE
- = UNDERGROUND UTILITY LINE
- ⊙ = TRANSFORMER
- = AC-LINE
- ⊙ = TELEPHONE MANHOLE
- ⊙ = ROOF DRAIN
- ⊙ = TELEPHONE PEDESTAL
- ⊙ = ELECTRIC PEDESTAL
- ⊙ = ELECTRIC METER
- ⊙ = LIGHT POLE
- ⊙ = SIGN
- ⊙ = WATER MANHOLE
- ⊙ = WATER METER
- ⊙ = WATER LINE
- ⊙ = WATER VALVE
- ⊙ = FIRE HYDRANT
- ⊙ = MONITORING WELL
- ⊙ = GAS METER
- ⊙ = GAS VALVE
- ⊙ = GAS LINE
- ⊙ = FENCE LINE
- ⊙ = DECIDUOUS TREE
- ⊙ = CONIFEROUS TREE
- ⊙ = CURB AND GUTTER
- ⊙ = TREE LINE
- ⊙ = SET IRON & CAP #31603
- ⊙ = FOUND IRON & CAP #31803
- ⊙ = SECTION CORNER
- ⊙ = DISTANCE NOT TO SCALE
- ⊙ = YARDBASIN
- ⊙ = POST INDICATOR VALVE
- ⊙ = WALL HYDRANT
- ⊙ = CONCRETE
- ⊙ = ASPHALT



Legal Description: (THE KROGER CO.)

That part of the Southeast 1/4 of Section 25, Town 2 South, Range 5 East, City of Ann Arbor, Washtenaw County, Michigan, described as Beginning at the East 1/4 corner of said Section 25; thence South 00°28'00" West 395.00 feet along the East line of Section 25 and the center line of Maple Road; thence North 89°06'36" West 568.68 feet parallel with the East-West 1/4 line of Section 25; thence South 00°14'15" West 262.47 feet; thence North 89°45'45" West 159.00 feet; thence North 00°14'15" East 90.49 feet; thence North 89°45'45" West 107.00 feet; thence South 00°14'15" West 34.00 feet; thence North 89°45'45" West 147.69 feet to the easterly right-of-way of Highway I-94; thence North 05°01'00" East 607.19 feet along the easterly right-of-way of Highway I-94 to the East-West 1/4 line of Section 25; thence South 89°06'36" East 933.40 feet along the East-West 1/4 line of Section 25 to the Point of Beginning. Contains 10.66 Acres, more or less. TOGETHER WITH and subject to all rights, easements and privileges set forth in that certain Reciprocal Easement Agreement.

PARKING COUNT	
REGULAR PARKING SPACES	378 SPACES
HANDICAP PARKING SPACES	11 SPACES
TOTAL	389 SPACES
REQUIRED	372 SPACES

NOTE: THIS SITE CONTAINS 10.66 ACRES, MORE OR LESS AND HAS A PAVED PARKING AREA OF 186,671 SQ. FT. OR 4.3 ACRES MORE OR LESS.

The undersigned, as of this 16th day of April, 1998 certifies to The Kroger Co., an Ohio corporation, and _____ that: he is a duly registered surveyor in the State of Michigan; this survey is made in accordance with the standards established by the American Title Association and the State of Michigan; the information, courses and distances shown herein are correct; this survey accurately shows the location and dimensions of all buildings, utilities and other improvements situated on the premises; the premises do not lie within the flood hazard areas in accordance with the entitled "Department of Housing and Urban Development Insurance Administration-Special Flood Hazard Area Maps"; the premises are contiguous with the public dedicated rights of way of Highway I-94 and Maple Road and there are no gaps, strips or gores between the premises and said rights-of-way encumbering the premises, encroachments of buildings or other improvements from adjoining property onto the premises or encroachments of buildings or other improvements from the premises onto adjoining property, other than as shown herein.

Douglas K. Richardson
Douglas K. Richardson
Professional Surveyor No. 31603

NOTE: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

MISS DIG

3 WORKING DAYS
BEFORE YOU DIG OR DRILL CALL
1-800-482-7171
(TOLL FREE)

NO.	DESCRIPTION	DATE	REVISIONS



3135 PINE TREE ROAD
SUITE C
LANSING, MI 48911
PH.# (517) 393-2902
FAX (517) 393-2608

PREPARED FOR:
Kroger
THE KROGER COMPANY
17197 LAUREL PARK DRIVE
SUITE 340
LIVONIA, MI 48151

ALTA/ACSM LAND TITLE SURVEY
FOR
KROGER STORE D-688
PART OF THE SOUTH-EAST 1/4 OF SECTION 25, T25, R5E,
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

FILE	S94-0005.DWG
FIELD WORK	SK BV
DRAWN BY	DJVD
CHECKED BY	DKR
DATE	APR. 16, 1998
SCALE	1" = 40'
HOR.	N/A
VERT.	N/A
PROJECT NO.	S94-0005A
SHEET NO.	1 OF 1

FRESH FOR EVERYONE™
Kroger®



CUMMINGS

KROGER #688
400 S. MAPLE ROAD
ANN ARBOR, MI
104574.03 12.28.2020

	QTY.	DESCRIPTION	SQ. FT.
A	1	82" KROGER LETTER SET	192.9
B	1	PHARMACY LETTER SET	34.8
D	1	18" STARBUCKS LETTER SET	50.7



21 EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED
C
EXISTING STARBUCKS LETTER SET - RELOCATED AS SHOWN.
54.0 SQ. FT.

PROPOSED
B
INSTALL NEW PHARMACY LETTER SET.
34.8 SQ. FT.

PROPOSED
A
REMOVE EXISTING SIGN. TOUCH UP PAINT & PATCH WALL AS NEEDED. INSTALL NEW KROGER LETTER SET. MOVE EXISTING STARBUCKS LETTER SET TO LEFT FRONT ELEVATION - SEE B
192.9 BOXED SQ. FT.

KROGER #688
400 S. MAPLE ROAD
ANN ARBOR, MI



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

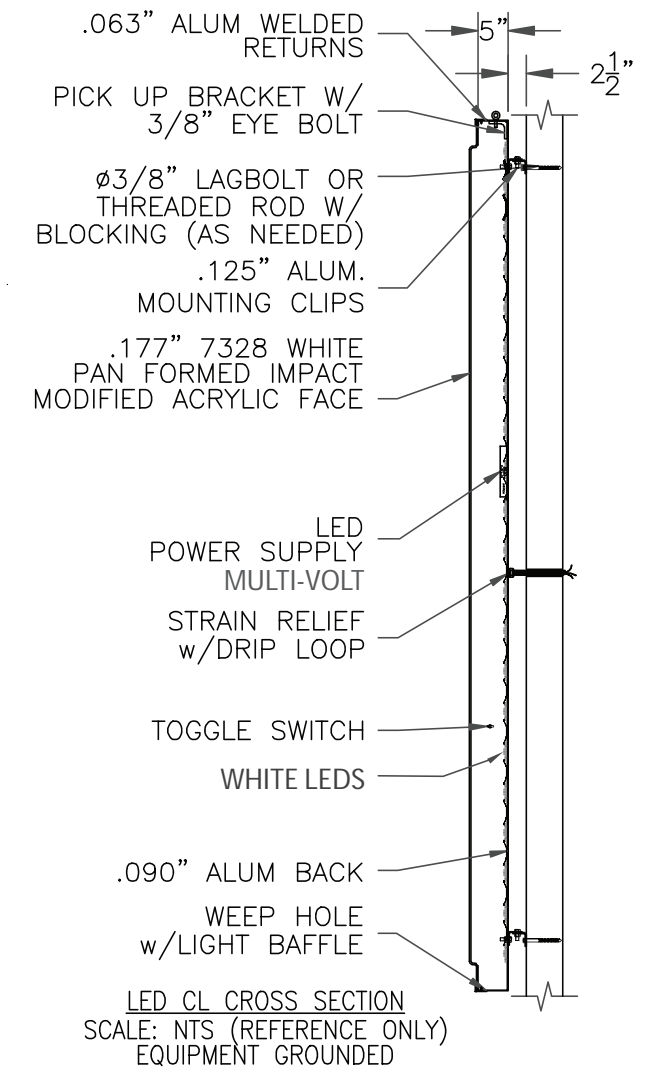
Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____



DRAWING NO:
104574.03
DATE: 12-28-2020
S. Hawke

82" KROGER LETTERS - 2020 IMAGE - PANNED/SELF CONTAINED - STANDARD FOR MTCE, LIGHT ELEVATIONS (BLUE SET)

A



3730-8537 KROGER BLUE

RETURNS:
AKZO TO MATCH
MATTHEWS P&L 2530
CATTAIL GRAY
(Gloss Level T.B.D.)

TRIMCAP:
AKZO TO MATCH
MATTHEWS P&L 2530
CATTAIL GRAY
(Gloss Level T.B.D.)

192.9 BOXED SQ. FT.
51.1 ACTUAL SQ. FT.

PACKAGE 104400.03

PART # 403-20-CL82KRG-BLCAT



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE:

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____



DRAWING NO:

100271.10C

DATE: 3-2-2020

S. Hawke

THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT

B

24" Pharmacy

13'-5"

SCALE: 3/4" = 1'-0"

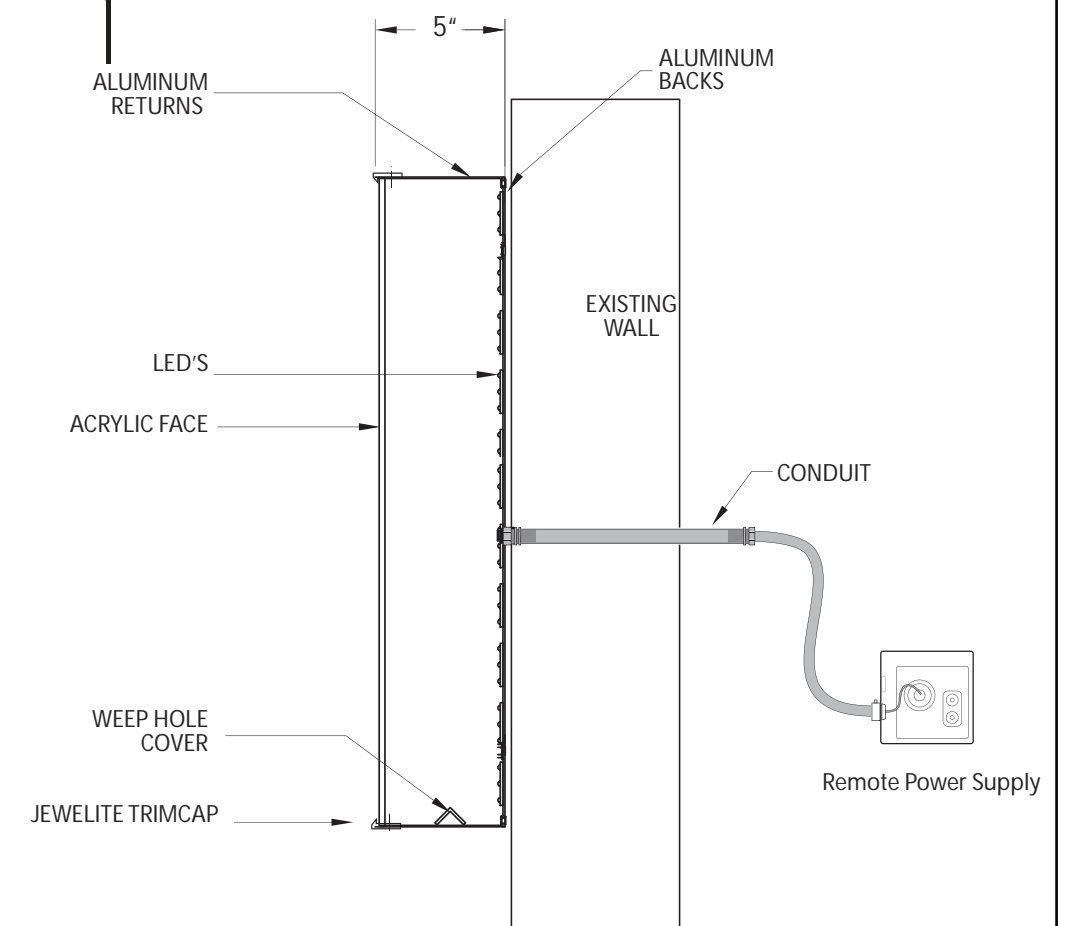
INTERNALLY ILLUMINATED LETTERS

3730-8538 KROGER BLUE

RETURNS:
AKZO TO MATCH
MATTHEWS P&L 2530
CATTAIL GRAY
(Gloss Level T.B.D.)

TRIMCAP:
AKZO TO MATCH
MATTHEWS P&L 2530
CATTAIL GRAY
(Gloss Level T.B.D.)

LED ILLUMINATION



34.8 SQ. FT.

PACKAGE 104574.03



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____

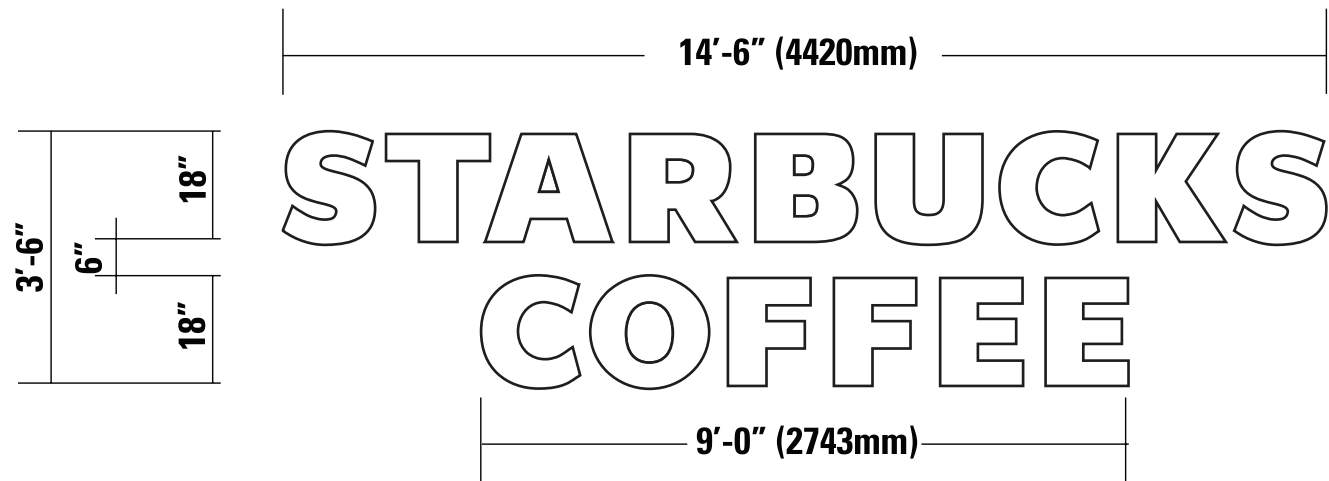


DRAWING NO:
100522.01C1

DATE 1-7-2020
S. Hawke



18" CHANNEL LETTERS - REMOTE

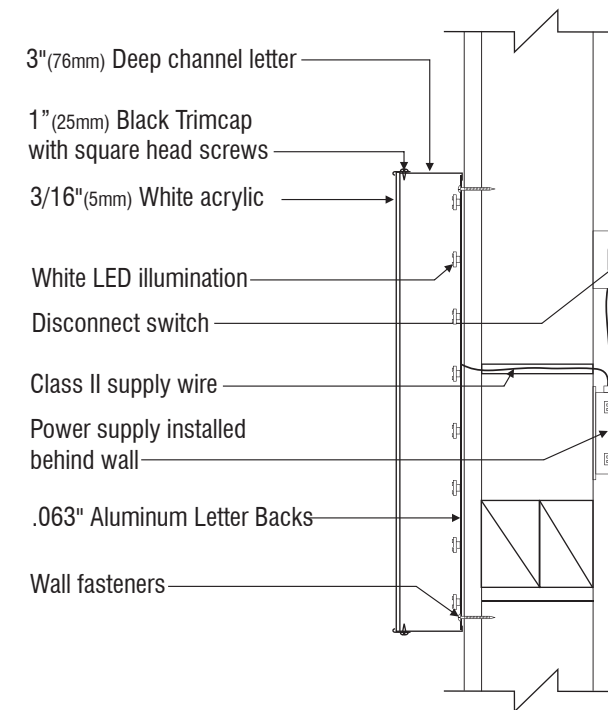


1 Front View

Scale: 3/8" = 1' (11x17 Paper)

SPECIFICATIONS

- A** Internally illuminated channel letters to be fabricated from .040/3003 aluminum with pre-painted White interiors and painted satin finish Black polyurethane exteriors. Letter backs to be aluminum pop-riveted to sidewalls and sealed.
- B** Faces to be 3/16" (5mm) White acrylic with 1" (25mm) Black trimcap retainer edging
- C** Letters illuminated w/ "Lumificient LED's w/ remote power supply.
- D** Letters to be installed flush to wall.



50.7 SQ. FT.

PACKAGE 104574.03



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

	DATE	BY
Rev. #1	_____	_____
Rev. #2	_____	_____
Rev. #3	_____	_____

	DATE	BY
Rev. #4	_____	_____
Rev. #5	_____	_____
Rev. #6	_____	_____



THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT