



City of Ann Arbor

Formal Minutes - Final

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Wednesday, September 25, 2019

6:00 PM

Larcom City Hall, 301 E Huron St, Second floor, City Council Chambers

A CALL TO ORDER

Meeting called to order at 6:00 p.m.

B ROLL CALL

Present: 7 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Elizabeth Nelson, and Megan Peters

Absent: 1 - Charlotte Wilson

C APPROVAL OF AGENDA

Moved by Daniel, seconded by Grant, approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [19-1786](#) Zoning Board of Appeals Meeting Minutes of August 26, 2019

Attachments: 8-28-2019 ZBA Minutes 1 .pdf

Moved by DeVarti, seconded by Grant, approved unanimously as presented and forwarded to the City Council.

E PUBLIC HEARINGS

Comments about a proposed project are most constructive when they relate to: (1) City Code requirements, or (2) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.

E-1 [19-1787](#) ZBA19-026; 1643 Traver Street
Brian Burkett Aspire Architecture, LLC, representing property owners, is requesting an

Alteration to a Nonconforming Structure, Section 5.32.2, in order to construct an accessory dwelling unit (ADU) a second story master suite and a one car carport to the north elevation of the residence. The proposed construction does not meet the required front setback.

Attachments: ZBA19-026; 1643 Traver St Staff Report w Attachments.pdf

City of Ann Arbor Planner Chris Cheng presented the Staff Report.

PRESENTATION BY PETITIONER:

Brian Burkett, architect representing the property owners, explained the proposed project and further clarified that there has been a lot combination, and that since the lot combination occurred the Accessory Dwelling Units being built, when a house could have been built on the lot had it not been combined. He explained that two trees will be removed but the three in the rear will remain.

PUBLIC HEARING

Seeing no further speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti, seconded by Eisenmann, in petition ZBA19-026;
1643 Traver Street**

Alteration to a Nonconforming Structure:

Based on the following findings of fact and in accordance with the established standards for approval the Zoning Board of Appeals hereby grants permission from Section 5.32.2 to alter a non-conforming structure, per submitted plans.

a) The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

The board discussed the impact on surrounding properties.

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 7 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Councilmember Nelson, and Peters

Nays: 0

Absent: 1 - Wilson

E-2 [19-1788](#) ZBA19-024; 2275 West Stadium Boulevard
Bela Sipos Managing Partner, 2275 W Stadium LLC, is requesting a 60 square foot variance from Section 5.24.4, On-Premises Exterior Signs to allow 240 square feet of tenant signage. The Code requires the subject property not to exceed 180 square feet.

Attachments: ZBA19-024; 2275 W Stadium Blvd Staff Report w Attachments.pdf

Cheng presented the Staff Report.

PRESENTATION BY PETITIONER

Bela Sipos, applicant, explained the proposed application. He explained that there is a need for signage at the proposed location.

Andrew Coleman, representing the sign company, further explained the need for the proposed signage as well as the sign options available.

Grant discussed alternative signage options for the property and discussed the standards for granting the approval for the variance.

DeVarti explained that the net square footage of this proposal is less than what is allowed and asked if business center signage could be restricted.

Cheng explained that the Board can put restrictions in the motion if it wishes.

PUBLIC HEARING

Seeing no further speakers, Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Daniel, in petition ZBA19-024; 2275 West Stadium Blvd

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby **GRANTS** the following variance from Chapter 55 Unified Development Code Section 5.24.4 On-Premises Exterior Signs with the additional provision that this variance is granted with the requirement that no further business center signage be allowed.

A variance of 60 square feet to allow 240 square feet of tenant signage for the multi-tenant property.

- a) The alleged practical difficulties are peculiar to the property and result from conditions which do not exist generally throughout the City.
- b) That the practical difficulties, 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.
- c) The variance, if granted, will not significantly affect surrounding properties.
- d) The circumstances of the variance request are not self-imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

BOARD DISCUSSION:

The Board discussed other options for signage, the need for signage, and the standards for granting a variance.

On a roll call vote the vote was as follows with the Chair declaring the motion passed.

Yeas: 5 - Chair Briere, DeVarti, Daniel, Eisenmann, and Peters

Nays: 2 - Grant, and Councilmember Nelson

Absent: 1 - Wilson

- E-3** [19-1789](#) ZBA19-027; 3521 Washtenaw Avenue
Johnson Sign Company, representing Brixmor Arborland LLC, is seeking a 50 foot height variance from Sections 5.24.4 (2) Ground signs and a 46.8 square foot (per sign face) variance from Section 5.24.13 (A) Changeable

Copy Signs. The variances would allow a 75 foot tall ground sign to remain and the existing time and temperature panels to have changeable copy messages and text.

Attachments: ZBA19-027; 3251 Washtenaw Ave Staff Report w Attachments.pdf

PRESENTATION BY PETITIONER

Brian Wissenhunt, explained the proposed variance request. He explained that the existing sign is very difficult to maintain, and that the bulbs used currently aren't produced anymore. He explained that the goal is to preserve the sign and allow the sign to become more sustainable and efficient. He explained that there is no road signage, and that the changing sign would provide advertisement.

Grant inquired about when the signs would change.

Will Johnson, Johnson Sign Company, explained that typically the copy would change every 6 seconds, but that it is adjustable.

DeVarti stated for the record that University of Michigan sign near the stadium changes constantly and is very distracting. He explained that he does not support changeable signs.

Chris answered zoning changes

Eisenmann inquired about the color of the sign and replacement aspects.

Wissenhunt answered that the colors would remain the same.

Megan Peters inquired about the replacement process.

Johnson answered that it would be a combination of onsite repairs and replacements.

PUBLIC HEARING

Seeing no further speakers, Chair Briere closed the Public Hearing.

MAIN MOTION

Moved by Daniel, seconded by Peters, in petition ZBA19-027; 3521 Washtenaw Avenue

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.24.4 (2) Ground Signs and Section 5.24.13 (A) Changeable Copy Signs.

A variance to allow a 75 foot tall ground sign to remain and the existing time and temperature panels to have changeable copy messages and text. The panels will be 46.8 square feet (per face).

- a) The alleged practical difficulties are peculiar to the property and result from conditions which do not exist generally throughout the City.
- b) That the practical difficulties, 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.
- c) The variance, if granted, will not significantly affect surrounding properties.
- d) The circumstances of the variance request are not self-imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

The Board discussed the historical significance of the sign, options for restricting aspects of the proposed sign, and changeable signs.

AMENDMENT TO MAIN MOTION

Moved by DeVarti, seconded by Grant, that the Main Motion be amended to read as follows:

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.24.4 (2) Ground Signs and Section

5.24.13 (A) Changeable Copy Signs.

A variance to allow the 75 foot tall ground sign to remain and the existing time and temperature panels to be updated with current technology and to maintain the existing historic character of the sign displaying time and temperature. The panels will be 46.8 square feet (per face)

- a) The alleged practical difficulties are peculiar to the property and result from conditions which do not exist generally throughout the City.
- b) That the practical difficulties, 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.
- c) The variance, if granted, will not significantly affect surrounding properties.
- d) The circumstances of the variance request are not self-imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

DISCUSSION OF AMENDMENT TO MAIN MOTION:

None.

On a roll call vote the vote was as follows with the Chair declaring the Amendment to Main Motion failed.

Yeas: 3 - DeVarti, Grant, and Councilmember Nelson

Nays: 4 - Chair Briere, Daniel, Eisenmann, and Peters

Absent: 1 - Wilson

DISCUSSION OF MAIN MOTION:

None.

VOTE ON MAIN MOTION

On a roll call vote the vote was as follows with the Chair declaring the main motion passed.

Yeas: 5 - Chair Briere, Daniel, Eisenmann, Councilmember Nelson, and Peters

Nays: 2 - DeVarti, and Grant

Absent: 1 - Wilson

E-4 **19-1790** ZBA 19-025; 3400 Nixon Road

Metro Detroit Signs, representing the property owners, are requesting a variance from Section 5.24.6 (C) Residential Development Signs. The variance would allow fourteen non-illuminated directional signs (2’x4’) to remain installed within the multi-family community.

Attachments: ZBA19-025; 3400 Nixon Road Staff Report wAttachments .pdf, Sign Inquiry and Barrett Repsonse.pdf

PRESENTATION BY PETITIONER

Kevin Deters, Metro Detroit Signs, explained the variance request and explained that the directional signs are needed for wayfinding.

Grant discussed the proposed signage.

QUESTIONS FROM BOARD TO STAFF

Grant inquired about occupancy

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing.

Moved by Eisenmann, seconded by Grant, Petition ZBA19-025; 3400 Nixon Road

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.24.6 (C) Residential Development Signs.

A variance to allow 14 non-illuminated directional signs (2’x4’) to

remain installed within the multi-family community.

- a) The alleged practical difficulties are peculiar to the property and result from conditions which do not exist generally throughout the City.
- b) That the practical difficulties, 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.
- c) The variance, if granted, will not significantly affect surrounding properties.
- d) The circumstances of the variance request are not self-imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

BOARD DISCUSSION

The Board discussed the proposed signage.

On a roll call vote, the vote was as follows with the Chair delcaring the motion approved.

Yeas: 7 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Councilmember Nelson, and Peters

Nays: 0

Absent: 1 - Wilson

F UNFINISHED BUSINESS

G NEW BUSINESS

H COMMUNICATIONS

H-1 [19-1791](#) Various Communication to the ZBA

Attachments: Email regarding 1643 Traver Rd. from Hu and Kriz.pdf, Petition Regarding 2275 W. Stadium 1.pdf, Petition Regarding 2275 W. Stadium 2 .pdf

Received and Filed

I ADJOURNMENT

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website and also on demand at any time.

Live Web Streaming: a2gov.org/watchctn

Video on Demand: Replay public meetings at your convenience online: <https://a2ctn.viebit.com>

Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794 6150.

Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl