



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR
CITY COUNCIL CHAMBERS – AUGUST 11, 2009**

The meeting was called to order at 3:17 p.m. by Chair Steve Schweer.

ROLL CALL

Members Present: (4) S. Schweer, C. Brummer, E. Adenekan,
and G. Barnett, Jr. (arrived at 3:15 p.m.)
Members Absent: (3) S. Olsen, D. Eyl & 1 Vacant Position
& 1 Vacancy
Staff Present: (3) C. Cheng, C. Gochanour & B. Acquaviva

I – Intro

Staff introduced Ms. Chandra Gochanour, Contract Planner. Ms. Gochanour has been asked by management to address concerns with problems in Chapter 61 (Signs) and to form a committee to address those concerns and future changes.

Ms. Gochanour outlined what she would be doing and invited the Board members to select someone to become a member of the Advisory group that would assist in changes in the ordinance. She stated that she hoped that the group could meet once or twice per month, with hope that they could draft the revised ordinance for December of 2009.

A - APPROVAL OF AGENDA

B. Acquaviva – Asked to delete OLD BUSINESS Item number D-1 – SBA09-003 – Known As “E. Hoover Avenue – VACANT.” The petitioner has asked to withdraw this issue until next month’s meeting.

Moved by G. Barnett, Jr., Seconded by C. Brummer, **“That the Agenda be Approved as Amended.”**

On a Voice Vote – MOTION PASSED – *Unanimous*

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the Regular Session of June 9, 2009 were not available.

C – APPEALS & ACTION

C-1 SBA09-004 – 2340 Dexter Avenue (Aldi’s)

The petitioner is requesting two variances from **Chapter 61, Section 5:502(b)** for the placement of a two-sided monument sign fronting Maple Avenue. The proposed location of the sign is at the northwest corner of the site between the driveway and the proposed building. The variances include a reduction from the required setback from the right-of-way from 15-feet to 5-feet and to exceed the allowable sign height from 5.5-feet to 8-feet.

53 **Description and Discussion**

54
55 C. Cheng - This site was approved approximately one year ago as a "Planned Project." Planned
56 projects have their setback reduced to ten feet, so the sign that they're proposing is just to the
57 south of the proposed drive off of Maple. Since there will be a building on this site and the required
58 setback is 15 feet, the monument sign cannot possibly be set back 15 feet, staff supports a
59 variance of ten feet, which would allow for the sign to be set back five feet back from the public
60 right of way.

61
62 There are two variances being requested. The first is the setback variance which has been
63 discussed; the second is a height variance. Because this sign is only proposed to be set back 5
64 feet from the ROW, we would then allow 5.5 feet in height to comply with code. The petitioners
65 request is for an 8 foot sign; therefore, they would require a variance of 2.5 feet from the 5.5 feet
66 that is currently allowed. Staff does not support this second variance request.

67
68 Additionally, there is a conflicting land use buffer which requires a 6 foot tall fence and a 15 foot
69 wide buffer along with landscaping to screen from the nearby residential neighborhood. To
70 conclude, staff supports the setback variance but does not support the height variance.

71
72 **Petitioner Presentation**

73
74 Mr. Paul Deters of Metro Detroit Signs, petitioner for this appeal and Mr. David Kapuzanski ,
75 Realtor for Aldi, were present to speak on behalf of the appeal.

76
77 Mr. Deters stated that if they had a five foot tall sign, it would not allow them anything for the sign to
78 show the food market offering, and the sign would be right at the ground and would not leave any
79 room for plantings or landscaping. The placement that Aldi is working with (when they agreed with
80 the city to move the building 10 feet), significantly limits what they can use for signage, and they
81 are hoping to get consideration on overall height to identify the food market in addition to the logo.

82
83 Aldi is new to this area – this is their first store in the Ann Arbor area. All of their advertising and
84 marketing includes that logo. If they were to go to a 5 foot overall height, the word "Aldi" would be
85 tiny. With traffic on Maple road this would be difficult to identify. We would like to give Aldi a
86 chance to maintain the logo that they have. The total signage is drastically under what is allowed.
87 There are a couple of modest wall signs and we hope that this will compensate for our request.

88
89 **Questions of the Petitioner by the Board**

90
91 C. Brummer – What constitutes the "Aldi" logo, and if the second building is built, would there also
92 be a provision for whatever businesses occupy it?

93 P. Deters – The Aldo logo is a 1 x 1.2 high (a ratio setup). The item with the color bands is the
94 actual logo.

95
96 C, Brummer – So the name is not as important as the logo? (P. Deters - The food market portion is
97 important, but Aldi is known and recognized by the logo and coloring. To address your other
98 question, we have two parcels, and we agreed to have one monument sign for both. That other
99 building will only have building signs – no ground signs.)

100
101 C. Cheng – All of their other submitted signs are well within code. The monument sign is the only
102 one in question.

103
104 S. Schweer – (To C. Cheng) – The monument sign would be approved being 5 feet back from the
105 curb, but I thought that the law stated it was 2 feet back for each one foot of sign? (C. Cheng – It is.
106 If you do the math, you start at 3 feet at the ROW, then you can go up a foot for every 2 feet that it

107 is set back – because technically, 5 ½ feet would be allowed. We are making changes to the future
108 code to clarify that. It’s technically 5.5 feet and not 5 feet, and I would contend that if they have a
109 5.5 foot sign, why not put ‘food market’ right down the side of the brick column, but that is up to the
110 petitioner as to how they want their signage.)

111
112 S. Schweer (To Petitioners) – Regarding the fence that is required by the city, will that affect your
113 visibility? Petitioner states yes - (*Discussion on this between the board and petitioner*).

114
115 It seems to me that the city has created the reason for asking for this variance. The city has said
116 that you *have* to put this building closer to the street due to it’s zoning and planning regulations,
117 which makes it a lousy spot. They had a compliant sign, ready to put up in a reasonable spot. I’m
118 usually in favor of granting a variance in which one ordinance imposes on another. In addition to
119 the smaller setback the city requires, they’re also requiring a fence which further reduces visibility.
120 (*The chair asked for input from the board on this matter.*)

121
122 G. Barnett – The sign is closer to the right of way. Being closer to the right of way, the way visual
123 perception works is that it will make things seem smaller farther away and larger close up, correct?
124 That being the case, it seems to me that moving that same size sign closer to the roadway, it would
125 appear larger, correct? (P. Deters - You’re going to change it by 5 feet difference in depth. When
126 you’re 80 feet away, will that 5 feet make a big difference?)

127
128 I’m not sure that that argument speaks in favor of your proposal. (P. Deters – The other concern
129 that we have is that the sign is right at the driveway. That is the only place that it can go. If we
130 have a normal winter as we usually do, any snow that is plowed along that road or driveway will
131 obscure the sign. (G. Barnett – That condition can be corrected by a strong individual with a
132 shovel.)

133
134 P. Deters – The sign is on Maple, and at any point when we have piles of snow 3 and 4 feet high
135 piled up, and the plows come along there, that would be an excessive amount of snow for anyone to
136 shovel out.

137
138 G. Barnett – You believe that the size of the word “Aldi” would be imperceptibly small if the sign in
139 general were not increased in size, correct? (P. Deters - If that sign were to be at an overall height
140 of five feet that would significantly reduce the visibility, as the bottom of the sign would be sitting on
141 the ground. This would diminish the words “Aldi” within the logo.) It seems to me that you have an
142 issue with your graphic designer. They’ve designed that logo too small to be recognized.
143 Otherwise, if we buy that argument, our next petitioner might come forth and say that they have a
144 logo the size of the wall behind you and that the name of their business is in letters 3 inches high,
145 so they need a significant greater amount of space.

146
147 P. Deters – With all respect, Aldi agreed – at Ann Arbor’s request – to move that building back 10
148 feet from the original plans that we’ve submitted. We are obligated to have that building where it is,
149 so it reduces the amount of height we’re able to have. (*Discussion on rearranging the verbiage.*)

150
151 C. Brummer – If they wish to emphasize the logo, they should move the words “Food Market,” and
152 they’re have a better positioned sign than they would have previously. (That would give us an
153 additional 6 inches, which would take us down to 7.5 feet.)

154
155 D. Kapusansky (Aldi) – Mentioned that not only did they (Aldi) have to comply with moving this sign
156 closer as they had to move the building closer, but that originally, their location choice was to have it
157 at the corner of the site so that it is visible to traffic in both directions. Unfortunately, as you move
158 the sign forward, you lose the ‘site triangle’ that is required for this type of location – so it was no
159 longer eligible to provide exposure on Maple and Dexter.

(Additional discussion between the petitioner, staff and the board and the project requirements.)

Public Commentary

1. Mr. Scott Nuoffer, 604 North Maple Road, Ann Arbor, MI 48103. He stated that he is pleased with what Aldi has done with the site. This is a huge improvement on that corner and a big benefit for the community. He also stated that he likes the idea of the 'tree buffer' or landscaping buffer between the business and the residential area. However, he is concerned about the sign being much bigger than it was proposed. He also stated his concern for visibility due to the heavy traffic coming down Maple Road.

Seeing no further speakers, the Chair closed the public hearing.

Discussion by the Board:

MOTION #1

Moved by G. Barnett, Seconded by E. Adenekan, ***"In regard to Appeal Number SBA-004, 2340 Dexter Avenue (Aldi's), the Sign Board of Appeals grants the requested height variance of 5.5 feet for a monument sign at this location, bringing the total monument sign height to 8 feet."***

On a Voice Vote – MOTION TO APPROVE – FAILED - *UNANIMOUS*
(Height variance denied).

MOTION #2

Moved by G. Barnett, Seconded by C. Brummer, ***"In regard to Appeal Number SBA09-004, 2340 Dexter Avenue (Aldi's), the Sign Board of Appeals grants the requested setback of 5 Feet (instead of the required 15 Feet) from the Right-Of-Way for installation of a monument sign."***

On a Voice Vote – MOTION TO APPROVE – *PASSED* – *UNANIMOUS*
(Setback variance approved)

C-2 – SBA09-005 – 3480 Jackson Road (Varsity Ford)

Description and Discussion

The petitioner is requesting variances to exceed the total amount of sign area and message units allowed per **Chapter 61, 5:502 (1) (Exterior Business Signs)**. The petitioner currently has approximately 400-square feet of signage and 20 message units on site and seeks to add an additional 316-square feet of signage and 48 additional message units. The maximum allowable signage is 200 square feet and 30 message units (the business faces three streets and is allowed 10 message units/street frontage).

The petitioner has not presented evidence of a practical difficulty and/or undue hardship which does not exist generally throughout the city; therefore, there is no precedent for relief from this standard. The petitioner currently has approximately twice the area allowed for signage and allowing approximately 48 additional message units more than doubles what is allowable.

Staff contends that approval of this variance would not negatively impact other property owners, since this site is at an intersection with two other dealerships and fronts I-94 highway; however,

215 approval of the variance may set precedent for future similar appeals that would not be based on a
216 practical difficulty or undue hardship.

217
218 Staff recognizes the challenge presented to the petitioner to promote his business; however, code
219 compliant signage located and properly sized on the property should be sufficient to facilitate
220 business identification and promotion.

221
222 **Recommendation:** Staff does not support this variance request for either additional sign area or
223 message units. Staff supports allowing the existing non-conforming sign area on site to be
224 maintained, per Chapter 61, Section 5:516 (1). Currently, *anything installed before 1975 can be*
225 *considered "Non-Conforming."*

226 227 **Petitioner Presentation**

228
229 Mr. Rick Castanos of Varsity Ford, Mr. Roger Greene of Quick-Lane Oil Change and Mr. Jim
230 Heileman Signs were all present to speak on behalf of the appeal. Mr. Castanos stated that the
231 purpose of this requested signage is that they would like to expand their business offerings and put
232 in a new tire and auto center. They feel that this will add four or five technicians to strengthen their
233 business offering.

234
235 He stated that the first thing that you see when driving down Jackson Avenue is "Varsity Ford."
236 When you look at the front of the dealership, there is nothing more than a small sign that says
237 "Service." We would at least like to get the logo's and a marquee sign for "Quick Lane Tire and
238 Auto." (Mr. Castanos also stated that the signs within the parking lot such as 'batteries' etc., are
239 more of parking lot signs and not really visible to the public.)

240
241 Mr. Roger Greene of Quick Lane Tire and Auto stated that this is a 'business within a business.'
242 Quick Lane is independent of Varsity Ford, has its own financials, managers and operations
243 working out of Varsity Ford. This is a way of offering services to customers at one location.

244
245 **Public Commentary** – None

246 247 **Questions of the Petitioner by the Board**

248
249 G. Barnett, Jr. – I'm left with the impression that we have a new business coming into the building,
250 but all of the signage allotted to the building is already committed to the building owner/tenant,
251 which is Varsity Ford, which does not want to give up its signage. (Petitioner – You're correct, and
252 we're not opposed to remove the "Service" sign if that will facilitate this new signage. We just want
253 to make sure that the franchise survives and does well. We don't want it to get 'lost' within the
254 dealership.)

255
256 (Mr. Barnett stated that although the Board is also concerned that they get the signage they need
257 to help their business thrive, they also have to consider the total signage allowed by code.)

258
259 S. Schweer – I would have difficulty justifying this additional signage because in order to approve it
260 (by the law), you have to show that you're in a unique situation and/or that you have a hardship
261 situation in telling someone about your business relating to signage. You already have twice as
262 much as comparable businesses have, and it's difficult for me to say 'you need more.' This issue
263 seems to me that as the business has grown over the years, so has the signage (and this is
264 another example). Maybe it's time to consolidate all of your signs into what we call 'business
265 center signs – one that would comply with the overall objective of the ordinance which is to reduce
266 signage clutter.

267

268 Petitioner – Varsity Ford is first and foremost, a Ford dealership. Their focus is to sell cars, and
269 unfortunately, that is tied in with the signage. The two monument signs that state ‘service’ are also
270 a part of their business.

271
272 C. Brummer – We have a problem in that we have to uphold the city ordinance and we can’t ‘help’
273 you install signs that are ‘non-conforming.’ In fact, making a change in the way a building is used –
274 even if it involves signage before the date in 1975 (which changed the code and grandfathered
275 earlier versions of the code – causes what you already have to be non-conforming, including what
276 you’re discussing here. If you have a sign that says SERVICE with an arrow, that can be
277 construed as a directional sign, and we might take that into account. Again, we can’t help you be
278 MORE non-conforming

279
280 *(Continued discussion between the board and the petitioners).*

281
282 **MOTION**

283
284 Moved by G. Barnett, Seconded by E. Adenekan, ***“In regard to Appeal Number SBA09-005,
285 3480 Jackson Road, the Sign Board of Appeals grants the requested variances to exceed
286 the total amount of sign area and message units allowed per Chapter 61, 5:502 (1)
287 (Exterior Business Signs). The petitioner currently has approximately 400-square feet of
288 signage and 20 message units on site and will add an additional 316-square feet of
289 signage and 48 additional message units.”***

290
291 **On a Voice Vote – MOTION TO APPROVE – *FAILED* – UNANIMOUS (Variances DENIED)**

292
293 ***PUBLIC COMMENTARY??***

294 ***None.***

295
296 **D - OLD BUSINESS – None.**

297
298 **E - NEW BUSINESS –**

299
300 E-1 Discussion on new member for Sign Ordinance Advisory Committee

301
302 The city is undertaking a new revision of Chapter 61 (Signs) and has asked the board for a
303 representative to sit on this committee for input.

304
305 C. Brummer – Suggested that the Board not act on this at present until they have more
306 information about when the meetings would take place, the duration of the meetings and who
307 else will be serving as representatives on the committee.

308
309 S. Schweer – Suggested that the Board wait until attendance at the meeting was improved in
310 order to give rest of the board input and/or a chance to sit on this committee. (The Board would
311 like to have a copy of the current draft of this revision.)

312
313 G. Barnett – Stated that although he would like to see these proposed changes, he can’t help
314 feeling like they’re just ‘rearranging the deck chairs on the Titanic.’ As happy as I am to hear
315 that there is some movement to improve the ordinance on several of the issues that we’ve
316 tripped over in the past, the best ordinance in the world is absolutely useless without
317 enforcement I’m frustrated by seeing the town increasingly look like Sunday at the circus.
318 Whether the word is being passed among the business community or however its happening,
319 we’re seeing a proliferation of grossly out of ordinance signage. Plymouth Road relly does look
320 like a carnival. Coming in today in a single block in front of the mall, I counted nine or more
321 signs that shouldn’t be there.

322 C. Brummer – Wendy Rampson is currently on vacation, but she stated that she would be in
323 touch with us again regarding this, and that, too, will have a bearing on this committee.

324
325 G. Barnett – In the weekend edition of the A2 News, there was an article about huge cutbacks
326 and city layoffs, budget shortfalls, etc. We can't be unaware of these things in asking the city to
327 actually use some resources to enforce the ordinance, and I've very mixed-minded about it.
328 Someone has to do something about the proliferation of non-conforming signs around the city.
329 One of my serious concerns (as a lawyer) is that I can see a time coming when the city has the
330 resources, tries to enforce it and gets all sorts of estoppel arguments.

331
332 *(Extensive discussion regarding this situation).*

333
334 **F - REPORTS and COMMUNICATIONS** – Staff stated that there is still a vacancy on this
335 Board, and that we have brought this to the attention of the Mayor's Office.

336
337 **G - AUDIENCE PARTICIPATION** – None.

338
339
340 **ADJOURNMENT**

341
342 *Moved by G. Barnett, Seconded by C. Brummer, "that the meeting be adjourned."*
343 **Chair adjourned the meeting at 4:15 p.m. without objection."**

344
345 **On a Voice Vote – MOTION TO ADJOURN – PASSED – UNANIMOUS**

346
347
348 **Submitted by: Brenda Acquaviva, Administrative Support Specialist V**
349