



THE REGULAR SESSION OF  
THE ANN ARBOR SIGN BOARD OF APPEALS WILL BE HELD AT  
301 East Huron- First Floor (South) Conference Room  
FEBRUARY 14, 3:30 P.M.

AGENDA

MEETING CALLED TO ORDER

ROLL CALL

A. APPROVAL OF AGENDA

B. APPROVAL OF MINUTES

B-1 Draft Minutes of the October 11th, 2011 Regular Session

C. APPEALS & ACTION

C-1 SBA12-001 – 407 N. Main Street

Michigan Sign is requesting a variance from **Chapter 61 (SIGNS), Section 5:502 (2)(b)** for the placement of a two-sided monument sign fronting North Main Street. The proposed location of the sign is west of North Main Street south of West Kingsley Street. The variance request includes a reduction from the required setback from the right-of-way from 15-feet to 11-feet.

D. OLD BUSINESS

E. NEW BUSINESS

F. REPORTS & COMMUNICATIONS

G. AUDIENCE PARTICIPATION – GENERAL

ADJOURNMENT

\*Note: The complete record of this meeting is available in video format at:  
<http://a2govtv.pegcentral.com/index.php> or is available for a nominal fee by contacting CTN at (734) 794-6150.



**DRAFT MINUTES OF THE REGULAR SESSION OF  
THE SIGN BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
CITY COUNCIL CHAMBERS – OCTOBER 11, 2011.**

The meeting was called to order at 3:05 p.m. by C. Brummer

**ROLL CALL**

Members Present: (4) P. Zielak, A. Milshteyn, C. Brummer,  
& E. Adenekan  
Members Absent: (3) 3 Vacancies  
Staff Present: (2) C. Cheng & B. Acquaviva

**Election of Officers:** “Moved by C. Brummer, Seconded by E. Adenekan, that the election of officers be deferred to a future date when there are additional standing board members and not vacancies.” On A Voice Vote - Motion To Postpone – *UNANIMOUS – Postponed Indefinitely*

**A - APPROVAL OF AGENDA**

**A-1 - Moved by C. Brummer, Seconded by S. Olsen, “To Approve the Agenda as Presented.”**

**On a Voice Vote – MOTION PASSED - *Unanimous***

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the September 9, 2009 Regular Session. “Moved by C. Brummer, Seconded by E. Adenekan, that the approval of minutes be deferred to a future date when there are additional standing board members and not vacancies.” On A Voice Vote - Motion To Postpone – *UNANIMOUS – Postponed Indefinitely.*

**C – APPEALS & ACTION**

**C-1 SBA11-001 – 2180 W Stadium Blvd.**

**Description & Petitioner Presentation**

Lake Trust Credit Union is requesting a Variance from **Chapter 61 (Signs), Section 5:509 (Off-Premise Signs)**. Petitioner wishes sign to exceed the allowable sign height of 7.5-feet to 10.5-feet (a 3 foot variance); in addition, Code states that any sign cannot be closer than 300-feet to another off-premise sign OR within 500-feet of a residential dwelling (*the proposed sign cannot comply with either of these requirements due to existing signage and dwellings*)

**Staff Report**

**Background:** As part of the site plan approval for the Lake Trust Bank, a land division was approved in March, 2011, separating this site, 2180 West Stadium Blvd., from the parent parcel located at 2196 West Stadium. The existing shared monument sign at the southeast corner of West Stadium and Liberty Street was removed during construction of the bank and a temporary sign is now at this location.

53 The petitioner is proposing a shared monument sign in the same general location for the bank  
54 and surrounding businesses. Because the bank site has been divided from the parent parcel,  
55 a variance is required for an off-premise sign and for the sign to exceed the allowable sign  
56 height from 7.5-feet to 10.5-feet, be no closer than 300-feet to another off-premise sign or within  
57 500-feet of a residential dwelling.

58  
59 **509 Off-Premise Signs.**

60  
61 **(3) It shall not be closer than 300 feet to any other off-premise sign.**

62 **(4) It shall have a maximum height of 1 foot for each 2 feet it is set back from any street**  
63 **and must not be closer than 50 feet to any on-premise sign and 500 feet to any**  
64 **playground, school, residential dwelling, church or park.**

65  
66  
67 **Recommendation:** The Lake Trust Bank building was part of a site plan that was approved by  
68 City Council, which permitted the building along West Stadium Blvd. to be setback 25-feet from  
69 the West Stadium Blvd. right-of-way. The petitioner then divided the site creating two individual  
70 parcels, which makes the previously approved monument sign an off-premise sign for the  
71 parent parcel. This off-premise sign is within 300 feet of a billboard, within 500 feet of a  
72 residential dwelling and within 50 feet to any future on-premise sign. While the off-premise  
73 sign regulations were likely intended for billboards, Chapter 61, Section 5:509, does not  
74 explicitly exclude off-premise signs that are less than 200 square feet. As part of the Chapter  
75 61 code amendments, staff is proposing to change this section of the code to apply to  
76 billboards only. The approved land division creates an off-premise sign that does not create  
77 the hardships typically associated with a billboard.

78  
79 The proposed monument sign was previously approved for a 15 foot setback off both West  
80 Stadium and West Liberty Street. This application requests the monument sign be located in  
81 the same general location with a 3 foot height variance to allow a 10.5 foot tall sign setback 15  
82 feet per the off-premise sign code. A 10.5 foot tall sign would be allowed as an on-premise  
83 sign setback 15 feet.

84  
85 Staff supports this variance as it would be approved if this were developed as one site.

86  
87 **MOTION #1**

88  
89 Moved by – C. Brummer, Seconded by Eleanor Adenekan “**In regard to Appeal Number**  
90 **SBA11-001, 2180 W. Stadium Blvd., the Board grants a variance from Chapter 61, Section**  
91 **5:509(3)(4) for an Off-Premise monument sign to be located at the northwest corner of**  
92 **the site between the driveway and the proposed building.”**

93  
94 **On a Voice Vote – MOTION PASSED – *UNANIMOUS*- Variance Granted**

95  
96 **D - OLD BUSINESS**

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98 **E - NEW BUSINESS**

99  
100 **MOTION #1**

101  
102 **F - REPORTS and COMMUNICATIONS – *None.***

103  
104 **G - AUDIENCE PARTICIPATION – *None.***

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**ADJOURNMENT**

Moved by A. Milshteyn, Seconded by C. Brummer “**that the meeting be adjourned.**”  
Chair adjourned the meeting at 3:350 p.m. without objection.”

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

***Submitted by: Brenda Acquaviva, Administrative Support Specialist V***



## City of Ann Arbor

### PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647  
p. 734.794.6265 | f. 734.994.8312 | [planning@a2gov.org](mailto:planning@a2gov.org)

### STAFF REPORT

January 30, 2012

City of Ann Arbor  
Sign Board of Appeals  
301 East Huron Street  
Ann Arbor, MI 48107-8647

**Subject: 407 North Main Ground Sign  
Setback Variance**

**SBA12-001  
Tax ID # 09-09-29-139-023**

Dear Board Members:

#### **Description and Discussion**

The petitioner is requesting a variance from **Chapter 61, Section 5:502 (2)(b)** for the placement of a two-sided monument sign fronting North Main Street. The proposed location of the sign is west of North Main Street south of West Kingsley Street. The variance includes a reduction from the required setback from the right-of-way from 15-feet to 11-feet.

**Chapter 61** addresses sign height and setback requirements in the following sections:

#### **5:502 Exterior Business Signs.**

##### **(2) (b) Ground Signs.**

Signs not structurally attached to the building shall be at least 15 feet from any street or from any lot line of the premises. Such signs shall have a maximum height starting at 3 feet in height at the right-of-way line, and increasing 1 additional foot for each 2 feet the sign is set back from the right-of-way line, provided that, if it is located within 20 feet of the building, it may have the same maximum height as could a sign located on the building, provided that the

height of any such sign shall not exceed 25 feet.

### **Standards for Approval**

The Sign Board of Appeals has the power granted by State law and by **Section 5:517(4)**, Application of the Variance Power from the City of Ann Arbor Sign Ordinance. The following criteria shall apply:

**(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.**

The petitioner states that the setback is impractical due to the 19 foot building setback. If the sign were to meet the 15-foot setback, it would be located behind the front of or adjacent to the building. There is no effect on neighboring properties as the ground sign does not block other structures in the area.

Staff agrees that a reduction in the required setback from 15-feet to 11-feet does not impede the flow of on-coming traffic nor create a dangerous viewing situation while either entering or exiting this site. Staff supports the proposed 4-foot setback reduction since the site is surrounded by residential and office uses and the building is setback 19 feet from the right-of-way.

Staff is currently working on revising the sign code section addressing setbacks. This particular section of code is proposed to be changed to allow a minimum 5 foot setback.

**(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.**

Staff contends that approval of the setback variance would not negatively impact other property owners, and the proposal does not cause negative traffic impacts. The front setback for this office structure is 19-feet and does not leave adequate room to meet the minimum 15-foot front setback requirement.

Staff recognizes the challenge presented to the petitioner to promote his business; the proposed reduction in the setback on the property should be sufficient to facilitate business identification and promotion.

**Recommendation: Staff supports a 4 foot reduction in the sign setback from 15-feet to 11-feet.**

Respectfully submitted,

*Chris Cheng*

Chris Cheng, AICP  
Planning and Development Services

Attachments: 407 North Main SBA Application

CC: Wendy Rampson, Planning Manager  
Brenda Acquaviva, Administrative Support Specialist

**APPLICATION FOR VARIANCE OR ADMINISTRATIVE APPEAL**  
**SIGN BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: MICHIGAN SIGNS INC  
 Address of Applicant: 4101 JACKSON RD A<sup>2</sup> MICH 48103  
 Daytime Phone: 734-662-1503  
 Fax: 734-662-4134  
 Email: MICHIGAN SIGN@SBCGLOBAL.NET  
 Applicant's Relationship to Property: NONE

**Section 2: Property Information**

Address of Property: 407 NORTH MAIN  
 Zoning Classification: \_\_\_\_\_  
 Tax ID# (if known): 38-3435197  
 \*Name of Property Owner: 407 North Main LLC  
*\*If different than applicant, a letter of authorization from the property owner must be provided.*

**Section 3: Request Information**

Variance

Chapter(s) and Section(s) from which a variance is requested:

Required dimension:	PROPOSED dimension:
<u>15 FT SST</u>	<u>11 FT FROM</u>
<u>BACK FROM</u>	<u>SIDE WALK</u>
<u>RIGHT OF WAY</u>	_____
<small>Example: Chapter 61, Section 5:26</small>	<small>Example: 40' Setback from Right of Way</small>
<small>Example: 40' Setback from Right of Way</small>	<small>Example: 36' Setback from Right of Way</small>

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

11 FT FROM SIDEWALK, IF WE SST BACK  
15 FT THE SIGN WILL BE IN THE  
ENTRANCE TO BUILDING

**Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)**

The City of Ann Arbor Sign Board of Appeals has the powers granted by City Code Chapter 61. A variance may be granted by the Sign 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 will form the basis for evaluation of the request by staff and the Sign Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

THE HARDSHIP IS VISABILITY OF THE SIGN, AND THE BUILDING IS CLOSE TO THE SET BACK.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

THE SIGN PLACEMENT IS FOR VIEWING

3. What effect will granting the variance have on the neighboring properties?

NONE THAT WILL EFFECT THE ADJOINING PROPERTIES

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

THE BUILDING IN CLOSE TO SIDEWALK

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

IS AN EXISTING STRUCTURE

**Section 5: Administrative Appeal (ONLY – DO NOT COMPLETE IF FILING FOR VARIANCE)**

Current use of the property \_\_\_\_\_

Explain what you were denied and why you are requesting an Administrative Appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 6: Required Materials**

The following materials are required for all variance requests or administrative appeals. Failure to provide these materials will result in an incomplete application and will delay staff review and Sign 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 1/2" by 11" sheets.

- Building showing frontage dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.
- Property Site Plan showing setbacks, right of ways, etc.

**Section 7: Acknowledgement**

**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, 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.

734-667-1503  
Phone Number

[Signature]  
Signature

mmcligan@s.gncsbc.com  
Email Address

HAROLD L. BRAUN  
Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.

[Signature]  
Signature

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

[Signature]  
Signature

On this 10<sup>th</sup> day of January, 2012, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

[Signature]  
Notary Public Signature

7/27/2014  
Notary Commission Expiration Date

Jennifer L. Braut  
Print Name

**Staff Use Only**

Date Submitted: 1/10/12.

Fee Paid: \$500 -

File No.: SBA12-0001

Date of Public Hearing \_\_\_\_\_

Pre-filing Staff Reviewer & Date: (BR) 1/10/12.

SBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

Staff Reviewer & Date: \_\_\_\_\_

**TISHKOFF & ASSOCIATES PLLC**

TRIAL ATTORNEYS AND COUNSELORS

407 NORTH MAIN STREET

ANN ARBOR, MICHIGAN 48104

TEL (734) 663-4077

FAX (734) 665-1613

TishLaw.com

KARYN J. KASPAREK  
PARALEGAL

KACEY T. O'NEILL  
PARALEGAL

WILLIAM G. TISHKOFF  
JENNIFER L. BRANT  
R.J. CRONKHITE\*

\*Illinois bar admission pending

WRITER'S EMAIL: [kacey@tishlaw.com](mailto:kacey@tishlaw.com)

January 10, 2012

**VIA HAND DELIVERY**

Harold Braun

Michigan Signs Incorporated

4101 Jackson Road

Ann Arbor, MI 48103

Re: *Michigan Signs Incorporated*

To whom it may concern,

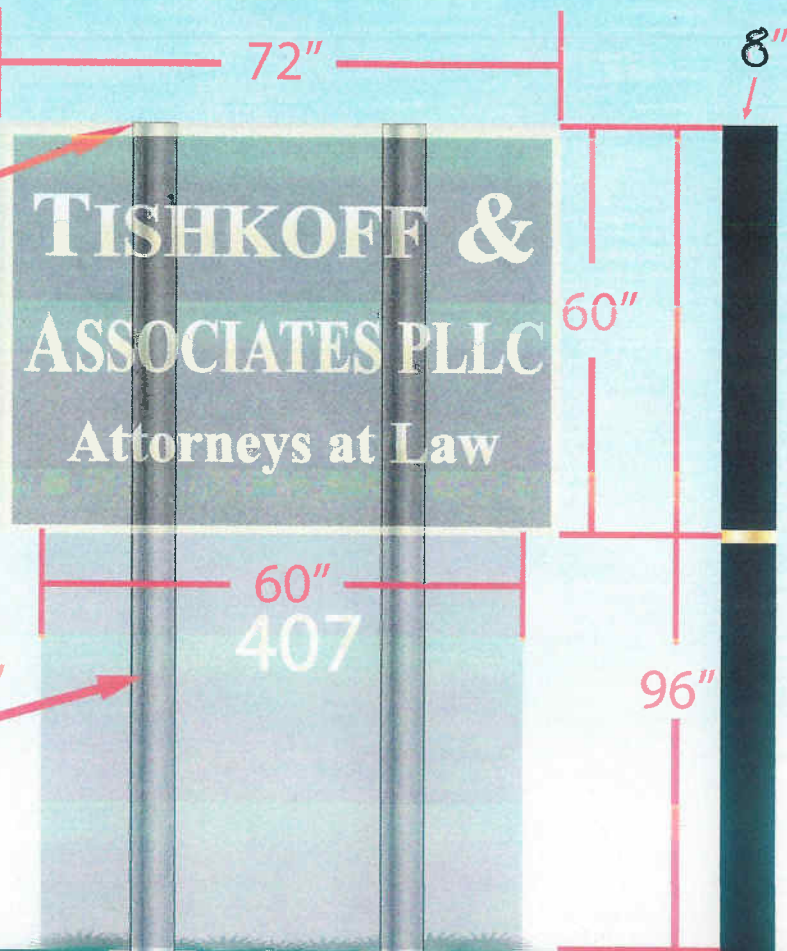
In connection with the above referenced matter, I William G. Tishkoff, owner of the building located at 407 N. Main, Ann Arbor, MI 48104, give my authorization to Michigan Signs incorporated to erect a sign on the property located at 407 N. Main, Ann Arbor, MI 48104.

Very Truly Yours,



William G. Tishkoff

box welded  
to pipe



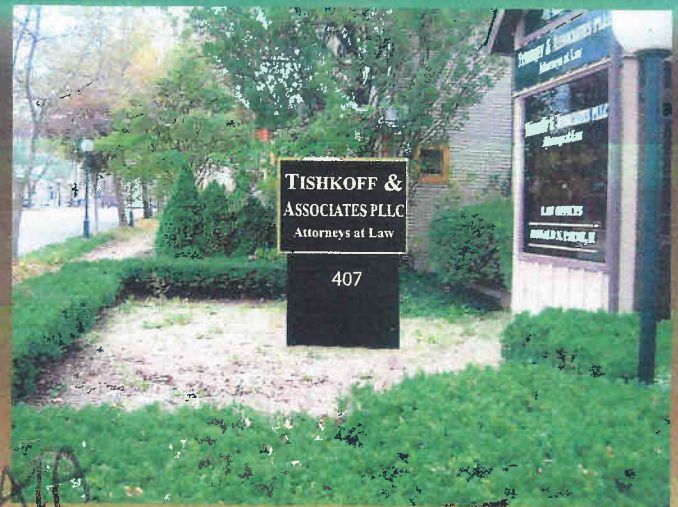
**TISHKOFF &  
ASSOCIATES PLLC**  
Attorneys at Law

6" X 2" X 144"  
Aluminum  
square pipe

60"  
407

3000 psi  
concrete

12" X 40"



Location



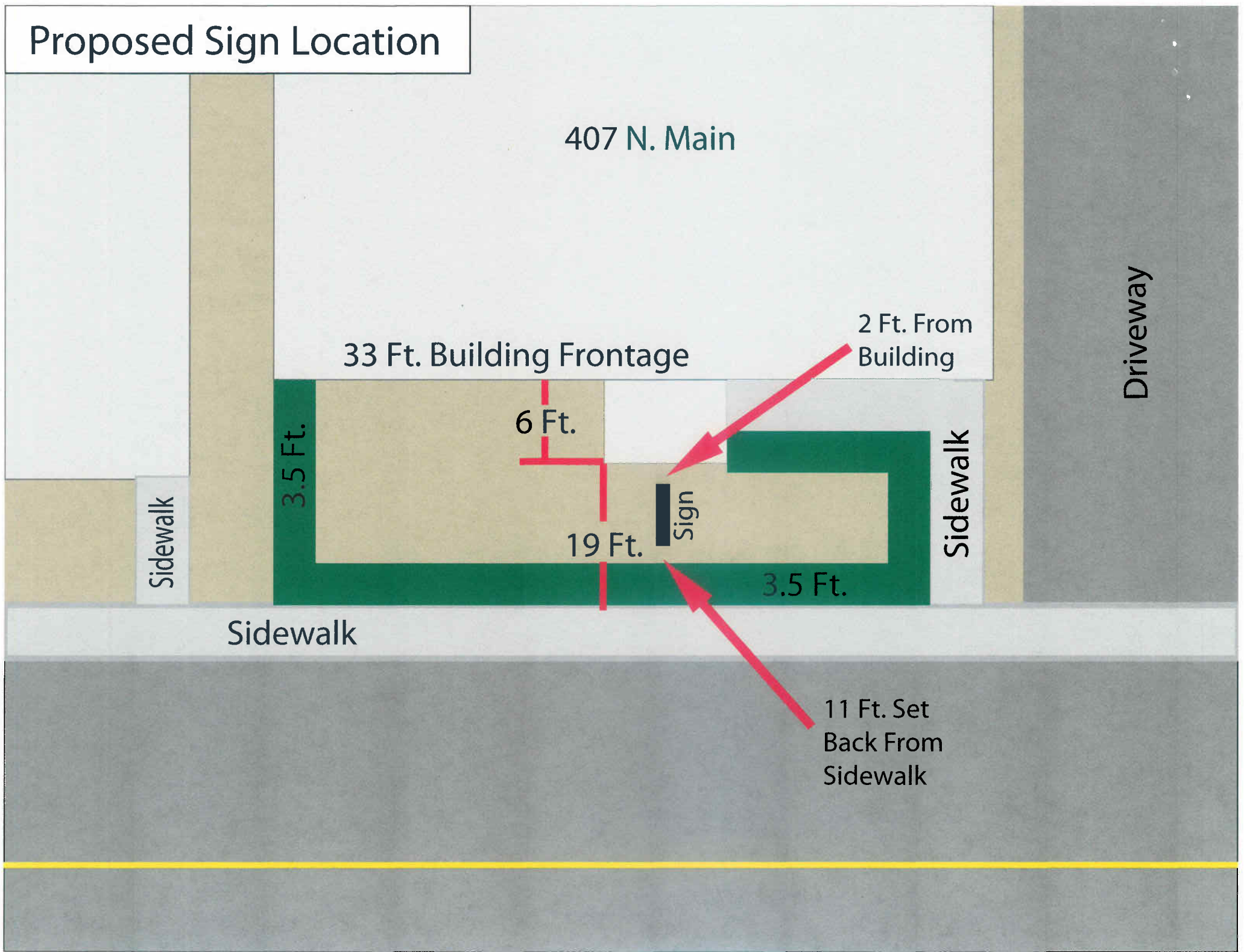
VP: Harold Braun  
 GM: Jeff Deakin  
 Phone: 734-662-1503  
 Fax: 734-662-4134  
 E-Mail: michigansign@sbcglobal.net  
 Web: www.michigansigns.net

THIS IS AN ORIGINAL  
 DESIGN CREATED BY  
 Michigan Signs, Inc.  
 4101 Jackson Rd.  
 Ann Arbor, Michigan 48106

It is Submitted for your personal use in conjunction with a project being planned for you by our company. It is not to be used, reproduced, or copied in any fashion without the permission of MICHIGAN SIGNS, INC. Any violation shall constitute a Charge to cover expense incurred in developing the idea and design.

ALL RIGHTS RESERVED

# Proposed Sign Location





Google earth

