PUBLIC NOTICE

City of Berkley, Michigan

ELECTRONIC Meeting of the Zoning Board of Appeals
Tuesday, August 11, 2020
7:00 PM
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting of July 13, 2020
ITEMS FOR THE AGENDA
OLD BUSINESS

1. INTERPRETATION OF COMMERCIAL MESSAGE FOR PAINTED MURAL
   Timika Maybee, owner of Salon Simply Beautiful, is proposing to paint a mural on the south side of 2665 Coolidge Hwy, Parcel #25-18-279-037. Request was tabled at July 13, 2020 regular meeting.

2. APPLICATION NUMBER PBA-04-20
   Timika Maybee, owner of Salon Simply Beautiful, is requesting two (2) variances at 2665 Coolidge Hwy, Parcel #25-18-279-037, to paint a sign on the south side of the existing building. The proposed painted wall sign will face the south parking lot, does not face a main street and exceeds the sign area requirements and is proposed to expand the entire south wall. Request was tabled at July 13, 2020 meeting.

NEW BUSINESS

3. APPLICATION PBA-05-20
   Mark Zimmerman Designs, on behalf of Vibe Credit Union is requesting two (2) variances at 3082 Coolidge Hyw, Parcel #25-17-107-029 for reduction in numerical parking requirements and installation of an additional sign facing Coolidge Hwy.

OTHER BUSINESS
LIAISON REPORT
PUBLIC COMMENTS
ADJOURN

Notice: Official Minutes of the Zoning Board of Appeals are stored and available for review at the Office of the City Clerk. The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

If you would like to Join Zoom Meeting: https://berkleymich.zoom.us/j/99706528278
Meeting ID: 997 0652 8278
Phone: +1 312 626 6799 US (Chicago)
You can also watch the meeting: http://www.berkleymich.org/livestream/zba_livestream.php
THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, JULY 13, 2020 VIA ZOOM ELECTRONIC MEETING BY CHAIR EVANS.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen on-demand on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

PRESENT:          Joe Krug                          Ryan Gesund
                 Sue McAlpine                     Miles Uhlar
                 Steve Allen                      Maria Ward – Alternate
                 Paul Evans

ABSENT:           Greg Butts

ALSO PRESENT:     Nikki Maybee, 2665 Coolidge Hwy
                 Chris Maybee, 2665 Coolidge
                 Christos Goldemathis
                 Erin Schlutow, Community Development Director
                 Dennis Hennen, City Council Liaison
                 Torri Mathes, Community Engagement Officer
                 Dan Hill, Public Policy Assistant
                 Jennifer Finney, Executive Director DDA

* * * * * * * * *

APPROVAL OF AGENDA
It was moved by Mr. Gesund to approve the agenda as presented. Motion was seconded by Mr. Allen.

AYES:           Gesund, Krug, McAlpine, Uhlar, Ward, Allen, Evans
NAYS:           None
ABSENT:         Butts

MOTION CARRIED

* * * * * * * * *

APPROVAL OF MINUTES
It was moved by Mr. Ward to approve the minutes of May 11, 2020 and supported by Ms. McAlpine.

AYES:           Krug, McAlpine, Ward, Allen, Gesund, Evans
NAYS:           None
ABSENT:         Butts
ABSTAIN:        Uhlar
REGULAR AGENDA

1. **INTERPRETATION OF COMMERCIAL MESSAGE FOR PAINTED MURAL**

   Timika Maybee, owner of Salon Simply Beautiful, proposed to paint a mural on the south side of 2665 Coolidge Hwy., Parcel #25-18-279-037.

   Community Development Director Schlutow summarized the July 7, 2020 review letter. The applicant is proposing paint a mural on the south side of the existing building at 2665 Coolidge Hwy. The applicant discussed the proposed project with DDA Director Jennifer Finney and determined that she did not want to go through the DDA Mural Program, but instead wanted to petition the City to install the mural on the side of the building.

   The Zoning Ordinance has set forth one standard for review as to whether or not a painted work shall be considered a mural/work of art or a wall sign. The Zoning Board of Appeals is the responsible body for making the determination if the proposed work contains a commercial message.

   Timika Maybee provided background information and reasons why they would like the mural on the building.

   Chair Evans opened the public hearing at 7:10pm.

   Two emails were received by the Community Development Department in relation to the request.

   Eugene & Georgia Dixon noted their objections to the large painted wall sign and to a painted mural, stating that this type of signage is not harmonious with the residential and commercial areas of Berkley.

   Staci Giske, wrote in support of the mural and wall sign variance stating that the mural would be in good taste and the mural would likewise be well received and positively contribute to the aesthetic of the City of Berkley.

   Artist Christos Goldemathis spoke in favor of the proposed mural, stating that it would bring interest to the building and the community.

   Chair Evans closed the public hearing at 7:16pm.

   Ms. McAlpine asked about using the proposed mural on for sale merchandise.

   Board members and staff discuss the intent to use the proposed mural on sellable merchandise. The applicant noted that she wanted to retain copyright to the mural but had no intention to use on materials or merchandise to make profit.

   DDA Director Jennifer Finney provided background on the mural program and the review process of the Design Committee in relation to the proposed mural.
Ms. McAlpine motioned the proposed mural at 2665 Coolidge does not include a commercial message. Supported by Mr. Gesund.

AYES: McAlpine, Gesund, Krug
NAYS: Uhlar, Ward, Allen, Evans
ABSENT: Butts

Ms. Ward requested a reconsideration of the motion. Supported by Mr. Uhlar

AYES: Uhlar, Ward, Allen, Gesund, Krug, McAlpine, Evans
NAYS: None
ABSENT: Butts

Ms. McAlpine motioned to table the request for an interpretation of the proposed mural until the August 2020 meeting, so as to provide additional time for discussion between applicant and city staff. Supported by Mr. Krug

AYES: Ward, Allen, Gesund, Krug, McAlpine, Uhlar, Evans
NAYS: None
ABSENT: Butts

2. **APPLICATION PBA-04-20**
Timika Maybee, owner of Salon Simply Beautiful, is requesting two (2) variances at 2665 Coolidge Hwy, Parcel #25-18-279-037, to paint a wall sign on the south side of the existing building. The proposed painted wall sign will face the south parking lot, does not face a main street and exceeds the sign area requirements and is proposed to expand the entire south wall.

Community Development Director summarized July 7, 2020 review letter and standards of review for requested variances.

Chris Maybee provided a summary of the intent to put the rendering on the side of the building.

Chair Evans opened the public hearing at 8:10pm.

Eugene & Georgia Dixon noted their objections to the large painted wall sign and to a painted mural, stating that this type of signage is not harmonious with the residential and commercial areas of Berkley.

Staci Giske, wrote in support of the mural and wall sign variance stating that the mural would be in good taste and the mural would likewise be well received and positively contribute to the aesthetic of the City of Berkley.

Artist Christos Goldemathis again addressed the Board regarding the branding of the business and intention to retain copyright of the mural.
The Board discussed the request for the wall sign and the previous decision related to the commercial message.

Director Schlutow recommended postponing the motion related to the sign variance and interpretation of the commercial message to work with the applicant and DDA to come to a resolution.

Ms. McAlpine motioned to table variance request PBA-04-20 until the August 2020 meeting. Supported by Mr. Allen

<table>
<thead>
<tr>
<th>AYES:</th>
<th>Allen, Gesund, Krug, McAlpine, Uhlar, Ward, Evans</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAYS:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Butts</td>
</tr>
</tbody>
</table>

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OTHER BUSINESS

Director Schlutow updated the ZBA on the completion of the Master Plan survey and webinars.

Mr. Allen wished Happy Birthday to Mr. Gesund. Supported by the entire Board.

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LIAISON COMMENTS

Councilmember Hennen provided an update on the Planning Commission annual report that was sent to the City Council. The report included a summary of the past years planning and zoning cases, as well as a plan for future projects. Such projects include a technical review of the zoning ordinance after the Master Plan has been completed and adopted by the City.

City Council vacated a portion of the alleyway at Eaton to Vinsetta Garage and T-Mobile which will help with the construction of Vinsetta Garage parking lots.

The City received 31 marihuana applications. They will be scored and announced by September 29, 2020.

City Council approved to temporarily relax ordinance standards for outdoor dining, sales areas, as well as temporary signs for local businesses. The relaxation of ordinance requirements are intended to assist local businesses during the pandemic.

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BOARD COMMENTS

None
PUBLIC COMMENTS

None.

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With no further business, Chair Evans adjourned the meeting at 8:35pm.
MEMORANDUM

To: Berkley Zoning Board of Appeals
From: Erin Schlutow, Community Development Director
Subject: Interpretation of Commercial Message for Painted Mural
Date: August 4, 2020

The owner and operator of Salon Simply Beautiful, Timika Maybee, is proposing to commission a mural to be painted on the south side of the building located at 2665 Coolidge Hwy, Parcel #25-18-279-037.

At the July 13, 2020 meeting, this matter was discussed and additional details of the project were provided by the applicant during public discussion. In light of that, the ZBA tabled the interpretation and variance requestes in order for the DDA and City staff to work with the applicant to resolve the misunderstandings.

After lengthy discussion with DDA Director Jennifer Finney, it was determined that the DDA Mural Program is in place for public art that is commission by and paid for entirely by the DDA. In this respect, it becomes the property of the DDA and the property owner and artist would relinquish ownership. This was also discussed at length during the meeting. As Ms. Maybee has expressed her interest in funding the proposed wall mural in its entirety, the DDA Mural Program review and approval process and procedures are not applicable.

Director Finney has provided a separate letter explaining this direction.

As Ms. Maybee decided not to enroll in the DDA mural program, the standard city approval process is required. The Zoning Ordinance has set forth one standard for review as to whether or not a painted work shall be considered a mural/work of art or a wall sign. Please see below definitions.

Per Section 94-2:

*Mural/work of art*: any mural or work of art that does not contain a commercial message to be determined by the Zoning Board of Appeals.

*Commercial message*: any wording, symbol, image, shape, picture, or combination thereof, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, goods, service, institution, person, activity, location, or idea.
Sign: any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

The proposed rendering has been included in the packet for your reference.

In our subsequent discussions after the July 13, 2020 meeting, the applicant has agreed that the proposed rendering will not be used for promotional and/or for-sale merchandise to advertise the business. A Mural Installation and Maintenance Agreement was provided to the applicant and is included in your packet for reference.

The Agreement specifies that the business is permitted to use pictures of the mural on business websites or social media accounts, but the use of the proposed image on for-sale merchandise to make a profit, such as tee shirts, mugs, tote bags, etc. is explicitly prohibited.

We ask the Zoning Board of Appeals to make a determination whether or not the installation of the proposed rendering on the south wall at 2665 Coolidge Hwy would constitute a commercial message. We ask that the Zoning Board of Appeals discuss the following:

1. If the Zoning Board of Appeals determines that the proposed rendering does not contain a commercial message, it would be considered a mural and could move forward with installation.

2. If the Zoning Board of Appeals determines the proposed rendering does contain a commercial message, it would then be subject to the wall sign requirements in the Zoning Ordinance.

Please do not hesitate to contact me if you have any questions related to this case.

Cc: Matthew Baumgarten, City Manager
APPLICATION # PBA-04-20 Salon Simply Beautiful

Gene Dixon <rieidmondgene@comcast.net>
to me ~

7:59 PM (2 minutes ago)

To Whom it May Concern:

We object to both a large painted wall sign covering the outside wall and we object to a painted mural. Perhaps such signage may be appropriate for Eastern Market in Detroit but this type of signage is not harmonious with the residential and commercial areas of Berkley.

Thank you,

2615 Kenmore Road, LLC
Eugene & Georgia Dixon
July 6, 2020

City of Berkley
Building Department
3338 Coolidge
Berkley, MI 48072

VIA Hand Delivery and email to:
eschlutow@berkleymich.net

RE: Variances at 2665 Coolidge Highway
Parcel # 25-18-279-037

To Erin Schlutow and Whom else it may concern;

Please consider this letter of support for granting the two variances requested by the owner of Salon Simply Beautiful operating a salon at 2665 Coolidge Highway. My office is the closest business in proximity to Salon Simply Beautiful here in Berkley.

As I have observed new businesses come into the area, I have observed several businesses with large beautiful murals painted along their brick exterior. I understand that Ms. Maybee would like to paint a large mural along the South Wall of her building. I trust the mural will be in good taste and like the other businesses with beautiful murals, I anticipate that the mural will be likewise well received and will positively contribute to the aesthetic of the City of Berkley.

In closing, I support the two variance requests. My law office shares a south wall with this business.

Very Truly Yours,

Staci D. Giske, Esq.
A complete application, a check payable to the 'City of Berkley', and 15 copies of a survey, folded plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing. Fee: $300.00 If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given. Account Number: 1019.

The Zoning Board of Appeals meets the second Monday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

**APPLICANT:**

Name: Timika Maybee

Phone: 248 761 1696

Address: 17 Devonshire Pleasant Ridge MI

**PROPERTY OWNER:**

Name: Timika Maybee

Phone: 248 761 1696

Property Owner Address: 17 Devonshire Pleasant Ridge MI

**PROPERTY DESCRIPTION:**

Address: 2665 Coolidge

Sidew (Tax I.D. #): 27-0218390

Lot & Subdivision: 04-25-18-279-037

Current Zoning Classification: commercial

Current Use of Property: Hair Salon

**VARIANCE REQUEST:**

Description of Request: Allow painted mural on wall

From the City of Berkley Code, Chapter 94 Section 94-7 (h)

Has the City refused a permit for the request? no

**GROUND FOR APPEAL:**

There are two types of variances: non-use variances and use variances. A use variance permits the use of land that is otherwise not allowed in a zoning district. A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

In either case, the applicant must prove to the Zoning Board of Appeals that not receiving this variance will cause undue hardship or practical difficulty. Please complete either the use variance or non-use variance sections (whichever is applicable to your request)—DO NOT COMPLETE BOTH SECTIONS.
NON-USE VARIANCE

A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

The need for the variance is due to unique circumstances or physical conditions of the property because _Mural exceeds sign size limitation_.

The need for the variance is not the result of actions of the property owner or previous property owners because _no mural is currently in place_.

Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome because _Size limitation will limit visibility and aesthetic appeal_.

The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners because _Mural design is artistic and will enhance the appeal of the Coolidge business district_.

The requested variance will not adversely impact the surrounding properties because: _Mural is very artistic and interesting and will create interest_.

USE VARIANCE

A use variance permits the use of land that is otherwise not allowed in a zoning district.

The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district because: ________________________________

The need for the variance is due to unique circumstances or physical conditions of the property because: ________________________________

Proposed use will not alter the essential character of the neighborhood because: ________________________________

The need for the variance is not the result of actions of the property owner or previous property owners because: ________________________________

I understand that ZBA members may need to access my property to better understand my case. I understand that financial hardship cannot be considered. I have received the brochure outlining ZBA procedures and requirements.

Signature of Applicant: ___________________________ Date: __________________

Office Use Only
Date Application Received: 6-15-20 Fee: $300.00 Receipt Number: __________
Hearing Date: __________ Case Number: PBA-04-20
Zoning Board of Appeals Decision: __________

January 2017
To: ZBA Members

From: Nikki Maybee, Salon Simply Beautiful

Date: 6/12/2020

Subject: Mural Approval - 2665 Coolidge

Attached is the proposed design of the mural we would like to commission on the South wall of Salon Simply Beautiful located at 2665 Coolidge. The mural is intended to be an artistic work that will enhance and benefit the business, neighborhood, and the city of Berkley. The profile image along with the integrated cogs and gears is entitled “The Thinker” and urges the viewer to contemplate the endless possibilities of one’s imagination. It pays homage to our area’s industrial roots while suggesting a look forward to the progressive renewal and revitalization of our city.

The artist selected, Christos Golematis, (Fel3000ft.com) is well established in the local art scene and has a career that spans over 3 decades. His vast body of work includes “The Gearhead” located at the Hop Cat in Detroit, “The Fox” on Russell street in Eastern Market, “The Believer” on the Emerald in Mount Clemens and has been featured in many publications.

As a successful business in Berkley for 11 years strong, it is our intent to continue to be an important part of Berkley’s efforts to energize the business district. We see this as an investment in our community and our business. Images of the mural will be used on our website, social media as well other promotional materials.

It is our commitment to see that this mural is professionally completed and maintained for many years to come.

We are looking forward to your positive reaction and approval.
CITY OF BERKLEY, MICHIGAN
SIGN PERMIT APPLICATION

Application for a permit to (Describe what you are proposing to do):
Install an artistic mural on the exterior South wall

Work being done at:
Address: 2665 Coolidge
Name of Business: Salon Simply Beautiful LLC
Business Owner: Timika Maybee

Sign Contractor:
Company Name: EPH Three LLC
License Holder: Christos Golematis
Address: 1331 Holden Street Detroit 48208
Telephone: 313 492 1287

Requirements:
A copy of your insurance must be on file for all contractors doing work in our city. No registrations or permits are issued without this information.

Two (2) sets of plans showing the following:

<table>
<thead>
<tr>
<th>What will the sign look like?</th>
<th>What material is the sign?</th>
<th>Will the sign be illuminated?</th>
</tr>
</thead>
<tbody>
<tr>
<td>see attached</td>
<td>Paint on wall</td>
<td>no</td>
</tr>
<tr>
<td>South wall</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>840sf</td>
<td>840sf</td>
<td></td>
</tr>
<tr>
<td>Dimensions must be shown on all plans.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I agree to repair any damage done to public or private property.

"This permit is granted on the express condition that the said construction shall, in all respects, conform to the ordinances of this jurisdiction including the zoning ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any provisions of said ordinances."

Timika Maybee
Print Name Signed
Signature

Date Received

Received by (Department Representative)

Department use only:

Approved

Stipulations

Date

Permit Number:__________

January 2017
To: Zoning Board of Appeals  

From: Jennifer Finney, Executive Director of Berkley DDA  

Subject: Salon Simply Beautiful Mural - DDA Update  

Date: August 5, 2020  

As the DDA stated before, we believe that the art rendering presented by Salon Simply Beautiful is gorgeous. It will truly make a valuable asset to Berkley and our downtown.  

Upon a further conversation with the applicant after the July Zoning Board of Appeals meeting, it was indicated that there is no intent to use this art rendering on sellable merchandise. In learning this information, the art rendering would then not be considered a commercial message or sign by the DDA.  

The applicant also indicated that she isn't asking for funds from the DDA and will fully fund this art project herself. Due to the funding source, this art rendering is then not eligible for the DDA's mural program and would need to be reviewed/approved by the Zoning Board of Appeals.  

Please feel free to reach out to me with any questions.
To: Berkley Zoning Board of Appeals  
From: Erin Schlutow; Community Development Director  
Subject: PBA-04-20; 2665 Coolidge Hwy. – Variance requests for wall sign on south side of building that does not face public street and exceeds wall sign area requirements  
Date: July 8, 2020  

APPLICANT: Timika Maybee, Owner of Salon Simply Beautiful  
LOCATION: West side of Coolidge Hwy, North of Catalpa  
PARCEL ID: # 25-18-279-037  
REQUEST: The applicant is seeking two (2) dimensional variances to paint a wall sign on a façade that does not face a public or private street, and exceeds the wall sign area requirements  
REQUIRED: Section 94-7(a) of the Zoning Ordinance permits one sign for each of street frontage. 
Section 94-7(h) of the Zoning Ordinance permits walls signs in the Coolidge District in area of 10% of adjoining wall, up to 100 square feet.  

ZONING AND LAND USE  
The subject property is zoned Local Business District.  

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Coolidge District</td>
<td>Salon Simply Beautiful</td>
</tr>
<tr>
<td>West</td>
<td>R-1D, Single Family Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Downtown District</td>
<td>Retail</td>
</tr>
<tr>
<td>North</td>
<td>Coolidge District</td>
<td>Office, Retail</td>
</tr>
<tr>
<td>South</td>
<td>Coolidge District</td>
<td>Office</td>
</tr>
</tbody>
</table>
Section 94-7(a) states:

*Number permitted.* For each side of street frontage, one sign requiring a permit shall be permitted.

The proposed wall sign is to be located on the south side of the building, facing the south parking area. The wall sign would not face a public or private street.

Section 94-7(h) states:

*Wall signs.*

<table>
<thead>
<tr>
<th>Districts Permitted</th>
<th>Maximum Sign Area</th>
<th>Other Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential, R-2, Multiple Family Residential, Greenfield</td>
<td>6 square feet</td>
<td>In single family residential districts, signs are permitted for institutional uses. For buildings with more than one business in occupancy, the permitted signage for each business shall be less than or equal to 50% of the permitted signage.</td>
</tr>
<tr>
<td>High Rise Multiple Family Residential, Office, Downtown, Local Business, Gateway, Twelve Mile, Coolidge, Eleven Mile, Woodward, Industrial</td>
<td>10% of adjoining wall; up to 100 square feet</td>
<td></td>
</tr>
</tbody>
</table>

The wall sign is proposed to take up the entire south wall, totaling 840 square feet.

**STANDARDS FOR REVIEW**

**Variance #1 – Wall Sign That Does Not Face A Public or Private Street**

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:
A. The need for the variance is due to unique circumstances or physical conditions of the property.

The property owner is requesting a variance along the south wall for the proposed wall sign. There is an existing wall sign on the front East façade, facing Coolidge Hwy, that is conforming and advertises the business from Coolidge Hwy.

The proposed wall sign on the south wall would not fit or be appropriate along the front façade of the building, facing Coolidge Hwy, as it is an artistic piece that would not translate on a smaller wall or with the interruptions of windows and doorway.

B. The need for the variance is not the result of actions of the property owner or previous property owners.

The need for the variance is the result of the property owner’s desire to have additional signage on the building.

C. Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

Strict compliance with the ordinance will prohibit the property owner from using the south façade of the building for a wall sign. As noted above, the east façade of the building facing Coolidge Hwy has an existing wall sign to advertise the business. Additionally, the large front window facing Coolidge Hwy also has window decals that advertise the business and operations occurring within the building.

D. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.

The requested variance for the south wall sign is the minimum to be requested, as it is the only other façade that is generally viewed by the public.

E. The requested variance will not adversely impact the surrounding properties.

The requested variance will not impact the surrounding properties, as it will not emit any internal or external light and is intended to be painted on the façade of the building.

Variance #2 – Wall Sign Area to Exceed Area Requirements in the Coolidge District
The applicant is requesting a wall sign in area of 840 sq. ft. A wall sign for the existing building is limited to 84 sq. ft.

A. **The need for the variance is due to unique circumstances or physical conditions of the property.**

The property owner is requesting a variance for the size of the wall sign to be larger than the permitted requirement, for the purpose of the artistic sign that will fill the entire south façade wall of the building.

The additional sign on the south wall would alert motorists on Coolidge Hwy, traveling northbound, of the business, as it is possible that many would drive by and not see the front façade sign until having already passed the drive entrance.

B. **The need for the variance is not the result of actions of the property owner or previous property owners.**

The need for the variance is due to the property owner’s desire to have additional signage on the south façade of the building. As noted above, an additional wall sign on the south façade of the building would alert motorists to the business.

C. **Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.**

Strict compliance with the ordinance will prohibit the property owner from installing the wall sign on the south façade of the building. The front wall sign facing Coolidge Hwy will continue in place and is conforming to the standards in the Zoning Ordinance.

D. **The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.**

The requested variance for sign area is intended for the entire south wall to be part of the sign, as the design extends the entire length of the building. The property has noted that the desire is to use the entire wall for the design of the sign.

E. **The requested variance will not adversely impact the surrounding properties.**

The requested variance will not impact the surrounding properties, as the wall sign will not be internally or externally illuminated and will not pose a safety hazard after installation.
Summary

For either variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics of the property and whether a lesser variance would be acceptable.

If you have any questions regarding this case, please do not hesitate to contact us.

Sincerely,

Erin Schlutow
Community Development Director

Cc: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Jennifer Finney, DDA Executive Director
    Timika Maybee, salonsimplybeautiful@wowway.biz
CITY OF BERKLEY
Zoning Board of Appeals – Application Form

A complete application, a check payable to the ‘City of Berkley’, and 15 copies of a survey, folded plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing. Fee: $300.00 If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given.
Account Number: 1019.

The Zoning Board of Appeals meets the second Monday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

APPLICANT:
Name: ZIMMERMANN DESIGN, LLC (MARK ZIMMERMANN) Phone: 134 358 6001
Address: 12878 MOWKERT OAK G., PLYMOUTH, MI 48170 (MZIMMERMANN19@GMAIL.COM)
Relationship to Property (current tenant, representative, future tenant, future owner, owner)
OWNER’S REPRESENTATIVE

PROPERTY OWNER:
Name: VIRE CREDIT UNION Phone: 248 135 0500
Property Owner Address: 44575 W. TWELVE MILE RD.
NOVI, MI 48377

PROPERTY DESCRIPTION:
Address: 9082 COOLIDGE HWY.

Sidwell (Tax I.D. #): 04 25 11 07 029 Lot & Subdivision:
Current Zoning Classification: COOLIDGE DIST Current Use of Property: CREDIT UNION BRANCH W/ DRIVE UP TELLERS

VARIANCE REQUEST:
Description of Request: 
1) TWO STORY BUILDING FROM 30 TO 24 IN ORDER TO ENHANCE SITE LANDSCAPE & VEHICLE CIRCULATION
2) ADDITION OF PYLON SIGN (A 2ND SIGN) TO COOLIDGE FRONTAGE

Has the City refused a permit for the request?

GROUND FOR APPEAL:

There are two types of variances: non-use variances and use variances. A use variance permits the use of land that is otherwise not allowed in a zoning district. A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

In either case, the applicant must prove to the Zoning Board of Appeals that not receiving this variance will cause undue hardship or practical difficulty. Please complete either the use variance or non-use variance sections (whichever is applicable to your request)—DO NOT COMPLETE BOTH SECTIONS.
NON-USE VARIANCE

A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls. The need for the variance is due to unique circumstances or physical conditions of the property because

1) Vehicle circulation improvements & addition of 1,400 sq. ft. of landscaped area results in loss of 2,070 sq. ft. of landscaped area.
2) Addition of 2nd sign (pylon) for improved identification.

The need for the variance is not the result of actions of the property owner or previous property owners because

1) Landscaping aligns w/ ZBA overlay that requires site permeable area.
2) Wall sign visibility is partially obscured by existing row landscape & porch view angles.

Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome because

1) Ordinance re: Parking results in large expanse of hardscape vs proposed permeable.
2) Building has visibility issues, facade improvements + sign will ensure improved.

The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners because

1) 4 stall reduction represents a reduction of approx. 5% of parking, however, banking trends to online banking with fewer on site visits.
2) Pylon sign is less than size allowed by ordinance for the district.

The requested variance will not adversely impact the surrounding properties because

1) Proposed landscape enhances site.
2) Additional green space.
3) Pylon sign & wall sign are less than allowed size by ordinance.

USE VARIANCE

A use variance permits the use of land that is otherwise not allowed in a zoning district.

The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district because

The need for the variance is due to unique circumstances or physical conditions of the property because

Proposed use will not alter the essential character of the neighborhood because

The need for the variance is not the result of actions of the property owner or previous property owners because

I understand that ZBA members may need to access my property to better understand my case. I understand that financial hardship cannot be considered. I have received the brochure outlining ZBA procedures and requirements.

Signature of Applicant

07/03/20

Date

Office Use Only

Date Application Received: __________________ Fee: _________ Receipt Number: ____________
Hearing Date: __________________ Case Number: ________
Zoning Board of Appeals Decision: __________________
ACRYLIC SIGN FACE W/ VINYL VIBE GRAPHIC

METAL SIGN BASE PNTD.
MP KOTTH

4" Ø COLUMN

4" Ø CTL. COLUMN
IN 2 1/4" D. X 42" FOOT CO.

METAL CAB T. & 1/4" X 1/4" ROLLED RETAINER RINGS PNTD.
PMS 295C

DBL. FACED PYLON SIGN - INTERNALLY ILLUMINATED W/ LEDS
SIGN AREA = 41.8 SQ. FT. (EA. FACE), W/BASE = 21.8 SQ. FT.
SIGN AREA ALLOWED = 40 SQ. FT. PER FACE

YIBE CREDIT UNION BERKELEY, MI

1/2" = 1'-0"
To: Berkley Zoning Board of Appeals

From: Erin Schlutow; Community Development Director

Subject: PBA-05-20; 3082 Coolidge Hwy. – Variance requests to reduce numerical parking requirement for existing bank and for additional pylon sign facing Coolidge Hwy.

Date: August 4, 2020

APPLICANT: Mark Zimmerman Designs, on behalf of Vibe Credit Union

LOCATION: Southeast corner Coolidge Hwy and Earlmont Rd.

PARCEL ID: # 25-17-107-029

REQUEST: The applicant is seeking two (2) dimensional variances:

1. To reduce the minimum parking requirement for existing building by three (3) parking spaces.

2. To install a second advertising sign facing Coolidge Hwy.

REQUIRED: 1. Section 138-219 requires 37 parking spaces for the bank use with ATM, with bicycle credit. The submitted plans show 34 spaces.

2. Section 94-7 restricts one sign per street frontage. The proposed pylon sign would be the second sign to face Coolidge Hwy.

ZONING AND LAND USE

The subject property is zoned Coolidge District

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Coolidge District</td>
<td>Vibe Credit Union</td>
</tr>
<tr>
<td>West</td>
<td>Coolidge District</td>
<td>Office, Retail</td>
</tr>
<tr>
<td>East</td>
<td>R-1D, Single Family Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>North</td>
<td>Coolidge District</td>
<td>Office, Retail</td>
</tr>
<tr>
<td>South</td>
<td>Coolidge District</td>
<td>Office, Retail</td>
</tr>
</tbody>
</table>
STANDARDS FOR REVIEW

Variance #1 – Reduction of parking requirement for existing use

Vibe Credit Union is proposing redesign of the existing parking lot to include additional landscaping and site improvements. The redesign includes changing the existing perpendicular parking stalls to angled parking that will allow for the inclusion of the green parking islands. The redesign of the existing parking area would reduce the number of parking spaces on the property, below the minimum required for the use.

A bank or financial institution is required to provide the following parking for the facility:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>One per 200 square feet of usable floor area</td>
<td>19 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5500 sf x .70 = 3850/200 = 19</td>
<td></td>
</tr>
<tr>
<td>Three per teller station</td>
<td>18 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 tellers @ 3 spaces = 18</td>
<td></td>
</tr>
<tr>
<td>Two per ATM</td>
<td>2 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 ATM</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>39 spaces</td>
<td></td>
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<tr>
<td>CREDIT</td>
<td></td>
<td></td>
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<tr>
<td>Installation of bicycle rack allows for reduction by 2 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL with Credit:</td>
<td>37 spaces</td>
<td>34 spaces</td>
</tr>
</tbody>
</table>

*Stacking spaces will not be modified as part of the design of the parking lot and will not be altered or changed.

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The need for the variance is due to unique circumstances or physical conditions of the property.
The applicant is requesting a parking variance to modify the existing parking area in order to enhance the aesthetic appeal and to add green space on the site. The existing parking area meets the requirement of the Zoning Ordinance and the changes to the physical layout of the site dictates the need for the variance.

B. The need for the variance is not the result of actions of the property owner or previous property owners.

The need for the variance is the result of the property owner’s desire to change the existing layout of the site to reduce the number of parking spaces that service the financial institution.

C. Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

Strict compliance with the ordinance will not prohibit the property owner from using the property for the existing use. Strict compliance with the ordinance will prohibit the property owner from making improvements to the parking area that includes adding green space and landscaping.

D. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.

The requested variance for numerical parking reduction is the minimum to be requested, as the applicant is requesting to reduce and remove the minimum number of spaces that will add green space but will still serve the needs of the bank.

E. The requested variance will not adversely impact the surrounding properties.

The requested variance will not impact the surrounding properties, as the configuration of parking requirements is not used by surrounding properties. The property also does not have a shared parking agreement with any surrounding businesses so the reduction in parking will impact only the subject property and none others.

Additionally, the Fire Marshal and DPW were consulted regarding the change in the layout and configuration of the parking area and neither had any concerns related to the proposed changes.
Variance #2 – Installation of additional sign facing Coolidge Hwy.

The applicant is requesting a variance to install a second sign to face Coolidge Hwy.

The Zoning Ordinance permits the installation of one sign per frontage. The subject property is permitted to install one sign on Coolidge Hwy and one sign on Earlmont. The subject site has a wall sign facing Coolidge Hwy and will be installing a wall sign on Earlmont. The submitted variance request is to install a pylon sign in the expanded landscape area in front of the building facing Coolidge Hwy so as to attract attention from motorists traveling on Coolidge Hwy.

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

A. **The need for the variance is due to unique circumstances or physical conditions of the property.**

   The property owner wants to install a second sign on Coolidge Hwy so as to attract motorists traveling the roadway. The building is located close to the Coolidge Hwy right-of-way and the wall sign facing Coolidge is not seen by motorists until they have passed the bank. This requires the motorists to turn around at the next residential side street and travel through the neighborhood to get back to the subject site.

   (Photo: Vibe Credit Union, northbound Coolidge Hwy)

B. **The need for the variance is not the result of actions of the property owner or previous property owners.**

   The need for the variance is not the result of actions of the property owner. As shown above, the wall sign facing Coolidge Hwy is largely obscured by the front yard landscaping and a motorist does not see the sign to the building until they have passed the entrance drive.
C. **Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.**

Strict compliance with the ordinance will prohibit the property owner from installing the pylon sign on the subject site. The front wall sign facing Coolidge Hwy will continue in place and is conforming to the standards in the Zoning Ordinance.

D. **The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.**

The requested variance for the second sign is the minimum variance necessary to provide relief to the property owner. The pylon sign will comply with all other requirements in the Zoning Ordinance, including height, setback, area.

E. **The requested variance will not adversely impact the surrounding properties.**

The requested variance will not impact the surrounding properties, as the pylon sign will be located entirely on the subject site and will be set back from the right-of-way to allow for unobstructed site distance for pedestrians, bicyclists, and motorists along Coolidge Hwy.

Summary

For either variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics of the property and whether a lesser variance would be acceptable.

If you have any questions regarding this case, please do not hesitate to contact us.

Cc: Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
John Staran, City Attorney  
Jennifer Finney, DDA Executive Director  
Mark Zimmerman, mzimmerman19@gmail.com
To: Erin Schlutow, Community Development Director (via email)  
Cc: Shawn Young, DPW Foreman (via email)  

From: Derrick Schueller, DPW Director  
Date: July 17, 2020  
Subject: Vibe Credit Union  
   Façade Change, Landscaping & Parking Lot Improvements-Review #2  
   3082 Coolidge  

We have reviewed the revised drawings provided by the Community Development Department and prepared by Zimmerman Design LLC dated April 20, 2020.  

Our previous comments have been substantially addressed and we recommend plan approval at this time.  

Feel free to call with any questions or concerns. Thank you.