PUBLIC NOTICE
City of Berkley, Michigan
ELECTRONIC Meeting of the Zoning Board of Appeals
Monday, July 13, 2020
7:00 PM
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting of May 11, 2020
ITEMS FOR THE AGENDA

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.

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.

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, MAY 11, 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  Michael Hanchett - Alternate
Ryan Gesund  Sue McAlpine
Steve Allen  Maria Ward – Alternate
Paul Evans

ABSENT: Greg Butts
Miles Uhlar

ALSO PRESENT: Erin Schlutow, Community Development Director
Dennis Hennen, City Council Liaison
Stephen Pollock, applicant 3849 Kipling
Linda Kaiser, applicant 2079 Twelve Mile
Bill Eisenhower, Post Commander

* * * * * * * *

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

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

MOTION CARRIED

* * * * * * * *

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

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

MOTION CARRIED

* * * * * * * *
1. **APPLICATION PBA-02-20**

Stephen Pollock is requesting a dimensional variance at 3849 Kipling Rd., Parcel #25-07-430-003, for proposed driveway expansion that exceeds the width of the garage. Sec. 138-222(a)(3)(f) limits the width of a driveway area or parking strip and shall not exceed the width of the garage and shall taper uniformly to a width of 16 feet at the front line. Applicant is proposing to expand the driveway outside the structural footprint of the garage.

Community Development Director Schlutow summarized review letter dated May 4, 2020 and the standards for review of dimensional variances.

Stephen Pollock explained the nature of the project and his reasons for needing a larger driveway area than currently exists and permitted by Ordinance.

Board members inquired about the use of the expanded driveway, increase in impervious surface, stormwater runoff, and possibility of changing configuration of driveway.

Chair Evans explained the process for speaking during the public hearing. Chair Evans opened the public hearing at 7:16pm.

No public comment received.

Chair Evans closed the public hearing at 7:19pm.

Mr. Allen noted his aversion to increase in impervious surface area due to stormwater runoff issues throughout the community.

Mr. Krug noted that there is a possibility for a circular driveway, based on the size of the lot, and that would be the same or more impervious surface area than what the applicant is requesting.

Ms. Ward stated that the unusual shape of the lot and length of the driveway, that additional parking is needed. The circular driveway would hinder or damage the street trees and this would be the least impactful option for the neighborhood and property.

Ms. McAlpine referred to the standards of review for granting variance requests.

Ms. McAlpine motioned to grant dimensional variance to expand the driveway, as presented, at 3849 Kipling. Motion supported by Ms. Ward.

**AYES:** Krug, McAlpine, Ward, Hanchett

**NAYS:** Allen, Gesund, Evans

**ABSENT:** Butts, Uhlar

2. **APPLICATION PBA-03-20**

Ultimate Signs, on behalf of the Berkley American Legion Post 374, is requesting a variance at 2079 W. Twelve Mile Rd, Parcel #25-17-126-001, to replace an existing legal non-conforming sign that
encroaches into the required minimum five (5) foot setback. The existing sign is approximately two (2) ft. from the property line.

Community Development Director Schlutow summarized the review letter dated May 4, 2020 and the standards for review for dimensional variances.

Chair Evans disclosed his business contacts with Ultimate Signs related to his occupation with the City of Troy. Chair Evans noted that he has not worked with or met the applicant and does not believe his involvement with the company would present a conflict of interest or would prove to be a problem with acting and deciding the case fairly.

Ms. McAlpine disclosed her affiliation with the American Legion Post 374, as her husband is a member of the organization and are actively engaged with their activities and events. Ms. McAlpine noted that she does not believe her involvement would present a conflict of interest or would prove to be a problem with acting and deciding the case fairly.

Ms. Ward noted that she did not view the affiliations with the sign company or the organization as a conflict or would prove to be problematic for either board member.

Linda Kaiser, representative of Ultimate Signs, summarized the need for the new sign to replace the damaged sign and to attract visitors.

Post Commander Bill Eisenhower provided details to the age of the sign and how it was damaged by a truck pulling onto the property. Mr. Eisenhower explained why the American Legion would like to retain the existing pole in the setback, as opposed to relocating the pole on the property.

Ms. Ward noted the sign needs a facelift and the relocation of the post could cause additional damage by vehicles.

Mr. Allen asked about moveable text and lights. Ms. Kaiser noted that it is a static sign.

Ms. McAlpine noted that the new sign will look modern and up to date and the need for the change in sign is due to damage, rather than a desire of the property owner.

Chair Evans summarized methods of providing public comment and opened the public hearing at 7:47pm.

Director Schlutow read an email received from Dottie Payne who lives on Rosemont. The resident wrote in favor of granting the variance, citing that the American Legion does a lot for the community and are great neighbors.

Chair Evans closed the public hearing at 7:52pm.

Chair Evans asked if a wall sign would be permitted on Twelve Mile Rd.

Ms. Ward stated that a wall sign facing Twelve Mile would not be beneficial to signal or alert motorists, as the pole sign currently does.

Mr. Gesund asked about other LED signs located in the community.

Mr. Krug noted that the proposed sign is positioned so as to limit the nonconformity and projection into the front yard setback.
Mr. Hanchett agreed that this is in a better position.

Ms. Ward motioned to approve the requested variance for the sign change of the nonconforming pole sign located at 2079 W. Twelve Mile. Motion supported by Mr. Allen.

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

3. RULES OF PROCEDURE
Discussion to adopt Zoning Board of Appeals Rules of Procedure.

Director Schlutow summarized the minor revisions for the yearly review of the Rules of Procedure.

Chair Evans inquired about a mandatory time limit for individual public comment writing in the Rules of Procedure.

The Board agreed.

The Board requested designating a timeline to be included and addressed during the next annual review.

Mr. Allen motion to approve the Rules of Procedure, as presented. Motion supported by Ms. Ward.

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

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OTHER BUSINESS

Mr. Allen stated that the previous 8 weeks had demonstrated what a great community Berkley is, and expressed hope to return to normal life.

Director Schlutow noted that Board members whose terms are ending in 2020 need to submit their applications if they wish to continue to serve on the ZBA.

Director Schlutow updated the ZBA on the repeal of Section 138-603, which allows for city administration to grant dimensional variances without the review by the ZBA. The Planning Commission held the required public hearing at the April 28, 2020 meeting and they recommended approval to City Council. The City Council had the first reading and they approved the repeal of Section 138-603 and it is anticipated to go for the second reading at the next available meeting.

Director Schlutow also updated the ZBA on the status of the Master Plan survey which is open and available to be submitted until May 29, 2020.
LIAISON COMMENTS

Councilmember Hennen expressed his wish that everyone stays healthy and job well done for the first virtual ZBA meeting. He noted that the Mayor can set reasonable limits for public comment, as noted in the City Council’s Rules of Procedure. The Ordinance on required attendance and training has passed and is in effect. The City Council will soon be undertaking the yearly budget discussion, in which there is an allocation for board training.

BOARD COMMENTS

None

PUBLIC COMMENTS

None.

With no further business, Chair Evans adjourned the meeting at 8:15pm.
MEMORANDUM

To: Berkley Zoning Board of Appeals
From: Erin Schlutow, Community Development Director
Subject: Interpretation of Commercial Message for Painted Mural
Date: July 7, 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.

The applicant has discussed the proposed project with DDA Executive Director Jennifer Finney. Director Finney spoke with two representatives from the Design Committee, the body that reviews and approves painted murals within the DDA. During their conceptual discussion, it was determined that the proposed mural was aesthetically beautiful, but not in line with the intent and purpose of the DDA mural program. Director Finney has provided a separate letter explaining how and why the decision was made.

Thereafter, Ms. Maybee decided not to enroll in the DDA mural program, but to go through the traditional standard city approval process for a mural. 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. While the rendering does not contain any words or symbols that specifically denote or convey advertisement to a particular business or activity, during our conversations Ms. Maybee explained that the proposed rendering and image would be used on promotional and for-sale merchandise to advertise the business.

While it is common for local businesses to use pictures of the mural on business websites or social media accounts, the use of the proposed image on merchandise, such as tee shirts, mugs, tote bags, etc. is considered to be a commercial message. As such, the mural would then be classified as a wall sign and would be subject to sign area, location, height, etc. requirements within the Zoning Ordinance.

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 and if so, 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  
    Victoria Mitchell, City Clerk  
    John Staran, City Attorney  
    Jennifer Finney, DDA Executive Director  
    Timika Maybee, salonsimplybeautiful@wowway.biz
To: Zoning Board of Appeals

From: Jennifer Finney, Executive Director of Berkley DDA

Subject: Salon Simply Beautiful Mural

Date: July 8, 2020

The DDA believes that the art rendering presented by Salon Simply Beautiful is gorgeous; however, it is not eligible for the DDA’s mural program for the following reason:

The applicant is intending to use the proposed rendering as a mural on the side of their building in addition to using it on sellable merchandise. By incorporating this art rendering in merchandise, it shifts from public art to branding and advertising. With this shift, this rendering then becomes a commercial message.

The DDA’s mural program was created to develop artwork for the public to enjoy. The artwork in this program enhances the district through dynamic and varied artistic expression, and also creates timeless pieces to last for many years. While businesses can use murals on their website and social media pages to draw people in, they aren’t allowed to use it to further enhance their bottom line.

With Salon Simply Beautiful’s intention of incorporating the rendering in sellable merchandise, it puts a timestamp on it. If for any reason Salon Simply Beautiful decides to move to a new location, this building would have an irrelevant mural on it that a new property/business owner would have to remove.

Furthermore, the use of this art rendering in sellable merchandise would be distinguishable and tied specifically to Salon Simply Beautiful and would almost act like a logo. A similar example would be the Nike swoosh. Oftentimes, people see the swoosh and associate it with the Nike brand. A logo in the eyes of the DDA is considered a commercial message, and the use of this rendering as a mural and in sellable merchandise would then be classified as a sign and would need to be reviewed/approved by the Zoning Board of Appeals.
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.

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
Sidwell (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__  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 Golemati, (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
Day Telephone: 248 761 1696

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
City: Detroit
Zip: 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>see attached</th>
<th>What material is the sign?</th>
<th>Paint on wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where will the sign be located?</td>
<td>South wall</td>
<td>How will the sign be installed or supported?</td>
<td>na</td>
</tr>
<tr>
<td>If the sign is a wall sign, how large is the wall?</td>
<td>840sf</td>
<td>Will the sign be illuminated*?</td>
<td>no</td>
</tr>
</tbody>
</table>

*Dimensions must be shown on all plans.

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."

Signature

Print Name Signed

Date Received

Received by (Department Representative)

Department use only:

Approved

Stipulations

Date

Permit Number________________

January 2017
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**
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