CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
CONFIRMATION OF A QUORUM
APPROVAL OF AGENDA
APPROVAL OF MINUTES – *Meeting Minutes of May 9, 2022*
OLD BUSINESS
NONE
NEW BUSINESS

1. **APPLICATION PBA-06-22: 2485 Coolidge Hwy.** – Dimensional variance request to e to construct wall signs for 5 tenants in a multi-tenant building that would increase the total area of all wall signs to more than 100 square feet on the building façade facing Coolidge Highway and to construct 5 identification signs larger than 6 sq. ft. facing the rear parking lot.

   Brian Tomina, on behalf of Stella’s Marketplace, LLC, 2485 Coolidge Highway, Parcel #25-18-427-038, west side of Coolidge Highway, between Catalpa Drive and Sunnyknoll Avenue, is requesting a dimensional variance to construct wall signs for 5 tenants in a multi-tenant building that would increase the total area of all wall signs to more than 100 square feet on the building façade facing Coolidge Highway and to construct 5 identification signs larger than 6 sq. ft. facing the rear parking lot.

OTHER BUSINESS
STAFF / BOARD MEMBER REPORT
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.

You can watch the meeting on Channel 10 for both Comcast and WOW, at [http://www.youtube.com/CityofBerkley](http://www.youtube.com/CityofBerkley) or [http://www.berkleymich.org/livestream](http://www.berkleymich.org/livestream).
THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, May 9, 2022 BY CHAIR MCALPINE

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:
Ryan J. Gesund
Sue McAlpine
Joseph V. Krug
Joann Serr (Alternate)

Kevin Wilner
Miles Uhlar
Maria Ward

ABSENT:
Erick McDonald

ALSO, PRESENT:
Megan Masson-Minock, Interim Community Development Director

Motion by Mr. Gesund to excuse the absence of Mr. McDonald without notice and supported by Mr. Uhlar.

AYES: Gesund, Krug, McAlpine, Serr, Uhlar, Ward, Wilner
NAYS: NONE
ABSENT: McDonald

MOTION CARRIED

* * * * * * * * * *

APPROVAL OF AGENDA

Motioned to approve the agenda as presented by Mr. Gesund and supported by Ms. Ward. With clarification on the public notice per Chuck Tyrell’s email.

The Board concluded that the meeting could still continue as planned. The addresses were correct on the public notices that were sent out.

Email read into record from Chuck Tyrell dated May 6, 2022.

AYES: Gesund, Krug, McAlpine, Serr, Uhlar, Ward, Wilner
NAYS: NONE
ABSENT: McDonald

MOTION CARRIED

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APPROVAL OF MINUTES

Motioned to approve the minutes of the April 11, 2022 regular meeting by Ms. Ward and supported by Mr. Wilner

AYES: Gesund, Krug, McAlpine, Serr, Uhlar, Ward, Wilner
NAYS: NONE
ABSENT: McDonald

MOTION CARRIED
OLD BUSINESS

NONE

NEW BUSINESS

1. **APPLICATION PBA-04-22; 3020 Coolidge Hwy.** - Dimensional variance request to waive on-site parking requirements.

Interim Community Development Director Masson-Minock stated that this property is zoned Coolidge District and presented the background/history of changes of use in the applicants that have been at this location. Interim Community Development Director Masson-Minock also specifically presented the variance that is specific to grandfather use and the rules that correlate, along with the lot split. She discussed how a parking agreement for this property was noted in a list of properties with parking agreements but that the agreement was not found in City files, after despite searches by both herself and Building Clerk Kim Anderson. Interim Community Development Director Mason-Minock also provided the standard of review for the Board to consider and discuss.

The Board asked questions to Interim Community Development Director Masson-Minock pertaining to the lot split.

Interim Community Development Director Masson-Minock stated what the intended plans are for this location and what the owner is willing to agree on to make this variance work.

The Board asked questions and discussed information provided about this application.

**Petitioner**

Takesha Dubose

20038 Oxley St

Detroit, MI 48235

Ms. Dubose stated that her business will offer a small day spa and salon, with three employees including herself, offering by appointments only. Ms. Dubose stated that she feels this variance should be approved, because it will not only help her business, but it will be an asset to the city. Ms. Dubose stated that this building is an opportunity for her business, and in order for anyone to purchase the building there has to be some sort of parking agreement.

Co-Chair Uhlar asked Ms. Dubose what the potential plans are for the second floor of the building. Ms. Dubose stated that she does not have a definite plan but would like to finish it, considering it as a residential space and not to use it as a part of her business.

The Board asked Ms. Dubose specific questions on her current business and how it is run with the number of employees, services provided, and the length of the appointments.

Chair McAlpine opened the floor for public hearing at 7:45 p.m.

Denise Falenski, 2425 Earlmont - Ms. Falenski stated that she has had an at length conversation with both Kim Anderson and Megan Masson-Minock for information on this situation. After hearing Ms. Dubose tonight, Ms. Falenski stated she is still concerned about the hours of operation considering her property is right next door to Vibe Credit Union. Ms. Falenski stated her frustrations with the Vibe Credit Union renovations that have happened. Ms. Falenski stated that for as long as Vibe has been around, seeming to be a verbal shared parking agreement with what is 3020 Coolidge. Ms. Falenski stated that if
surrounding businesses offer shared parking, that would relieve her as a neighbor especially with the challenges that Vibe presents. Ms. Falenski specified she would want clarification on hours of operation.

Letter read into record from Denise and Daniel Falenski dated May 5, 2022.
Letter read into record from Dennis and Jennifer Hennen dated May 9, 2022.

Chair McAlpine closed the floor for public hearing at 8:02 p.m.

Gary Imhoff
8583 Immense St
Commerce Township MI, 48382
Current Property Owner of 3020 Coolidge Hwy

Ms. Ward asked particular questions about the current business in this building. Ms. Ward also discussed with Mr. Imhoff about parking and the history with the building, what the second floor was used for, customer traffic, and any knowledge of a parking agreement with Vibe Credit Union.

Mr. Imhoff stated that since the pandemic the business has acquired unforeseen costs, and the best decision would be to liquidate the building and move his business somewhere else.

Co-Chair Uhlar asked Mr. Imhoff the current hours of the building, number of employees, and where the employees park.

There was discussion between the Board and Interim Community Development Director Masson-Minock about clarification in the letter from Dennis Hennen, the variance and parking, and placing conditions on the waiver of the parking. Mr. and Mrs. Hennen had asked in their letter when the lot split had occurred.

Interim Community Development Director Masson-Minock clarified that the applicant has been given verbal agreements, not written agreements for shared parking. There was discussion with The Board about finding the parking agreement.

There was more discussion on the verbal agreements with Ms. Dubose on what verbal agreements she has received from the VFW Hall and Vibe Credit Union. The Board also discussed with Ms. Dubose how she operates her business.

There was more discussion on parking and the parking agreement with possibilities and conditions of what the Board can do finding this elusive agreement.

Jeff Anderson
4615 Robinwood Ave
Real estate agent (seller agent)

Mr. Anderson stated that the current contract is through June 1, 2022.

There was more discussion amongst the Board about concerns of parking in the neighborhood.

Co-Chair Uhlar stated that at this property you cannot have a viable business without a variance, and it is better to have this than moving forward with a decaying building.

Motion by Ms. Ward to table application PBA-04-22 until the staff can do additional research to see if there is an existing parking agreement for this property with support by Mr. Gesund.

AYES: Gesund, Krug, Ward
NAYS: McAlpine, Serr, Uhlar, Wilner
ABSENT: McDonald
MOTION FAILED (4-3)

Motion by Ms. Serr to approve application PBA-04-22 with the conditions:
- There are two bike racks at the location
- Employees agree to park in municipal parking during hours of operation
- Operating hours are limited to 9 a.m. - 6 p.m. Monday through Saturday
- Operation is by appointment only
- No more than three employees including the owner can be on site with customers during operating hours
- These conditions apply to the use of the first floor only

Support by Mr. Krug

AYES: Gesund, Krug, McAlpine, Serr, Uhlar, Wilner
NAYS: Ward
ABSENT: McDonald

MOTIONED CARRIED

2. APPLICATION PBA-05-22: 28105 Woodward - Dimensional variance requests to change the message displayed on a nonconforming pole sign.

Interim Community Development Director Masson-Minock provided an overview of the application for a nonconforming pole sign with a new face. The current site has three wall signs facing Woodward, and one wall sign facing Catalpa that have been approved. Interim Community Development Director Masson-Minock stated that the sign is non-conforming based on the height, sign area, distance from the property line on Woodward, and the radius from the sidewalk to sidewalk intersection. Interim Community Development Director Masson-Minock stated the standards of review the Zoning Board would discuss.

Petitioner
Dustin Kennedy
42319 Addison Ave
Canton, MI 48187

Petitioner, Mr. Kennedy stated that he wants to change the copy of the sign in accordance with the new tenant that has moved into a space. Mr. Kennedy stated that the current signage has caused a nuisance to the new business that is in this space. Mr. Kennedy also stated that there is an outbuilding that sits behind the buildings on Woodward and with zero exposure. With the new signage, people would be able to locate this building.

Mr. Gesund asked the petitioner Mr. Kennedy if this sign will be a static sign or digital sign. Mr. Kennedy stated that this is a static sign, a copy of what is already on the panel.

Chair McAlpine opened the floor for public hearing at 8:59 p.m.

Sarah Szirtes, 52 Oakdale Blvd, Pleasant Ridge - Stated that she is the general counsel for HealthCall of Detroit the current tenant at 28105 Woodward. Ms. Szirtes provided an overview of what HealthCall is and what the building is used for. Ms. Szirtes stated this is the administrative and training center for HealthCall, where it is only by appointment. Ms. Szirtes stated that since the signage has not been changed yet, many people are trying to enter their secure building causing executives and other administrative staff to get up throughout the day causing a nuisance and just want to replace the panel.

Chair McAlpine closed the floor for public hearing at 9:01 p.m.
Motion by Mr. Wilner to approve application PBA-05-22 with the recommendations of only changing the copy of the sign, and if more is changed it has to meet the current ordinance with support by Ms. Ward.

AYES: Wilner, Ward, Uhlar, Serr, McAlpine, Krug, Gesund
NAYS: NONE
ABSENT: McDonald

MOTION CARRIED

OTHER BUSINESS

NONE

STAFF/BOARD MEMBER REPORT

Interim Community Development Director Masson-Minock stated to the Zoning Board that they will have a sign case and plan for the June meeting, pertaining to Aqua Tots which is a multi-unit building.

LIAISON REPORT

NONE

PUBLIC COMMENT

NONE

With no further business, the meeting was adjourned at 9:04 p.m.
ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board’s purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

APPLICANT INFORMATION

Name: Brian Tomina
Address: 
Email: 
Relationship to Property (current tenant, representative, future tenant, current owner, future owner): Current Owner

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Stellas Monteleone LLC
Address: 
Email: btomina@gmail.com

PROPERTY DESCRIPTION

Address: 2485 Coolidge Ave
Parcel #: Zoning Classification: Coolidge District
Current Use of Property: Multi-tenant Strip Center - Commercial
NATURE OF REQUEST

Check which applies:  

- [x] Variance from Zoning Ordinance (Section I)
- [ ] Interpretation of Zoning Ordinance (Section II)
- [ ] Administrative Review / Appeal of Decision (Section III)
- [ ] Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: Proposed sign allowance for shopping center

Has the City denied a permit related to the proposed work?  

- [x] Yes  
- [ ] No

Please fill out ONLY the section below that applies to your request.

I. VARIANCE FROM ZONING ORDINANCE

Please provide a written response to each question below that relates to the variance that is being requested. DO NOT COMPLETE BOTH SECTIONS.

A. Use Variance

The Zoning Board of Appeals may grant a use variance (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: ____________________________

Requested Use of Property: ____________________________

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

   ____________________________
2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

B. Dimensional Variance (Non-Use Variance)

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

   The unique circumstances of this particular building is that there are multiple tenants, each with their own store frontage. (Front Signage)

   Also requesting rear signage for tenants for visibility and identification purposes. (Back Signage)
2. Explain how 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 the actions of the property owner, but of the outdated city ordinances. (Front Signage)

The need for the variance is not the result of the actions of the property owner, but of the outdated city ordinances. (Back Signage)

3. Explain how 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.

The hardship is that there is not enough sign allowance for all 5 tenants in the strip center that the city approved to be built. (Front Signage)

The hardship is that there is not enough sign allowance for all 5 tenants in the strip center that the city approved to be built. Rear entrance identification is necessary. (Back Signage)

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

The variance is within the 10% per business of the current ordinance. This would be adequate and in line with all other buildings and properties in the area. (Front Signage)

The variance is approximately 3% or less per business for rear signage. This would be adequate and in line with all other buildings and properties in the area. (Back Signage)

5. Explain how the requested variance will not adversely impact the surrounding properties.

The requested variance is in line with other signs in the area. This is a strip center and not individual single buildings. (Front Signage)

The requested variance is in line with other signs in the area. This is a strip center and not individual single buildings rear signage is needed for identification purposes. (Back Signage)
II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: ______________________________

Please describe the request and what needs to be clarified or interpreted by the ZBA.

III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.
IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.

** Applicant and artist must provide signed Mural Installation and Maintenance Agreement prior to the public meeting.

SUBMIT THE FOLLOWING:

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.
Office Use Only

<table>
<thead>
<tr>
<th>Fee</th>
<th>Residential</th>
<th>$400</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commercial</td>
<td>$600</td>
</tr>
<tr>
<td></td>
<td>Mural</td>
<td>$300</td>
</tr>
</tbody>
</table>
PROPERTY OWNER'S APPROVAL (Initial each line)

I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

APPLICANT'S ENDORSEMENT: (Initial each line)

All information contained herein is true and accurate to the best of my knowledge.

I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.

Brian Tomina
Applicant Name (print)  Applicant Signature  Date
5-3-22

Brian Tomina
Applicant Name (print)  Applicant Signature  Date
5-3-22

Stella's Marketplace
Property Owner Name (print)  Property Owner Signature  Date
5-3-22
MEMORANDUM

To: Berkley Zoning Board of Appeals
From: Megan Masson-Minock; Interim Community Development Director
Subject: PBA-06-22; 2485 Coolidge Hwy. – Dimensional variance request to construct wall signs for 5 tenants in a multi-tenant building that would increase the total area of all wall signs to more than 100 square feet on the building façade facing Coolidge Highway and to construct 5 identification signs larger than 6 sq. ft. facing the rear parking lot
Date: June 10, 2022

APPLICANT: Brian Tomina, on behalf of Stella’s Marketplace, LLC
LOCATION: West side of Coolidge Highway, between Catalpa Drive and Sunnyknoll Avenue
PARCEL ID: # 25-17-427-038
REQUEST: The applicant is requesting two (2) dimensional variances:

1. Variance to construct wall signs for 5 tenants in a multi-tenant building that would increase the total area of all wall signs to more than 100 square feet on the building façade facing Coolidge Highway.
2. Variance to construct 5 identification signs larger than 6 sq. ft. facing the rear parking lot.

REQUIRED: 1. Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (h) Wall signs table requires a maximum sign area of 10% of adjoining wall; up to 100 square feet.
2. Sec. 94-4, Exempt signs, (7) Identification signs, not exceeding 6 sq. ft.

ZONING AND LAND USE

The subject property is zoned Coolidge District. The table on the following page show the zoning district and land use of the site and surrounding properties.
<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Site</strong></td>
<td>Coolidge District</td>
<td>Multi-tenant retail building under construction</td>
</tr>
<tr>
<td>West</td>
<td>RM District</td>
<td>Multiple-family</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Single-family</td>
</tr>
<tr>
<td>East</td>
<td>Coolidge District</td>
<td>High school</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Retail</td>
</tr>
<tr>
<td>North</td>
<td>Coolidge District</td>
<td>Dental office</td>
</tr>
<tr>
<td>South</td>
<td>Coolidge District</td>
<td>Take-out ice cream</td>
</tr>
</tbody>
</table>

**BACKGROUND**

The site was previously occupied by Farina's, a banquet hall. At the December 17, 2019 meeting, the Planning Commission approved a site plan with conditions for a multi-tenant retail building, with a swimming school as the anchor tenant. Construction was initially paused due to the delays as a result of COVID-19. The aerial photograph below shows Farina’s, but that building has been demolished.

Earlier this year, staff approved a site plan amendment to change from two (2) retail units of 1,400 square feet each and a 2,250 square foot restaurant to a 1,300 square foot carry-out restaurant, a 1,220 square foot restaurant, and a 2,00 square foot space which could be retail/restaurant/professional office/medical office and convert the outdoor patio dining space to outdoor space. Building permits for the swimming school and carryout restaurant uses have been issued. Construction of the building is almost complete.

**AERIAL PHOTOGRAPH**
When the applicant applied for a sign permit for the Aqua Tots space, staff made the property owner aware that the proposed ninety (90) square foot sign on the eastern façade facing Coolidge would use the majority of the allowed one hundred square of sign area. Staff also told the property owner that the proposed sign facing the parking lot on the western façade would not be permitted since it was too large to be an identification sign.

Staff encouraged the property owner and their sign contractor to develop a sign plan for the overall building to be brought to the Zoning Board of Appeals for consideration of the requested variance in a single hearing. The sign plan is in the packet.

If the proposed wall signs on the eastern façade facing Coolidge were held to the standard of ten percent (10%) of the wall area of the façade for that tenant would be as follows:

<table>
<thead>
<tr>
<th>Sign</th>
<th>Wall Area</th>
<th>10% of Wall Area</th>
<th>Proposed Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aqua Tots (91' x 22')</td>
<td>2,002 sq. ft.</td>
<td>200.2 sq. ft.</td>
<td>90 sq. ft.</td>
</tr>
<tr>
<td>24' x 22'</td>
<td>528 sq. ft.</td>
<td>52.8 sq. ft.</td>
<td>36 sq. ft.</td>
</tr>
<tr>
<td>22' x 22'</td>
<td>484 sq. ft.</td>
<td>48.4 sq. ft.</td>
<td>36 sq. ft.</td>
</tr>
<tr>
<td>22' x 20'</td>
<td>440 sq. ft.</td>
<td>44.0 sq. ft.</td>
<td>36 sq. ft.</td>
</tr>
<tr>
<td>22' x 20'</td>
<td>440 sq. ft.</td>
<td>44.0 sq. ft.</td>
<td>36 sq. ft.</td>
</tr>
</tbody>
</table>

Section 94.4 lists identification signs, not exceeding 6 sq. ft. as exempt signs. Identification signs are defined as “Any non-illuminated sign indicating the name and/or address of the occupant of the building.”

**SCOPE OF PROJECT**

The property owner is proposing to erect the following wall signs:

- Five (5) wall signs to identify the tenants of the building, totaling 234 square feet:
  - Ninety (90) square foot sign for the Aqua Tots location, and
  - Four (4) signs for the other tenant spaces, each thirty-six (36) square feet in area.

- Five (5) identification signs:
  - Thirty-six square foot identification sign for the Aqua Tots location, and
  - Four (4) identification signs for the other tenant spaces, each sixteen (16) square feet in area.

**SUMMARY OF REQUEST**

The applicant is proposing to construct wall signs that do not conform to the Sign Ordinance. Below is a summary of each request in detail and each will be analyzed separately below under the Standards of Review.

1. **Maximum Area of Walls Signs is 10% of adjoining wall; up to 100 square feet**

The Sign Ordinance allows the sign area of wall signs to be a maximum sign area of 10% of adjoining wall; up to 100 square feet. The proposed signs on the eastern façade facing Coolidge would increase the total area of all signs on the building to 234 sq. ft.
2. Maximum Area of an Identification Sign as an exempt sign is 6 sq. ft.

The applicant is proposing the construct five (5) identification signs the western façade facing the parking lot that are larger than the maximum 6 sq. ft. allowed. The proposed signs range in size from 16 sq. ft. to 36 sq. ft.

STANDARDS FOR REVIEW

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:

1. Maximum Area of Walls Signs is 10% of adjoining wall; up to 100 square feet

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

The applicant states that the unique circumstance is that it is a multi-tenant building. The building is the largest multi-tenant building constructed in Berkley recently.

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

The applicant states that the need for the variance is due to outdated ordinances. The Sign Ordinance was updated as a whole in 2003 and amendments to Sec. 94-7 were adopted in 2010. Sec. 94-7 has regulations allowing for additional signs per tenant for awning, pole signs, pylon signs, projecting signs and roof signs. The most similar regulations would be roof signs, which also place a limit of 100 sq. ft. overall.

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 render conformity with those regulations unnecessarily burdensome. Wall signs of the size required by the Sign Ordinance would be out of proportion with the building. The lack of signage could also negatively impact the applicant’s ability to lease out the building and the visibility of future businesses located in the multi-tenant 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 is the minimum variance necessary to do justice to the property owner. The size of the proposed signs is commiserate with the scale and character of signs in the adjacent blocks on Coolidge. In all cases, the proposed signs are less than 10% of the adjoining wall for that tenant.
E. The requested variance will not adversely impact the surrounding properties.

The requested variance will not adversely impact the surrounding properties. Again, the sign location and size proposed is similar to that on adjoining buildings on Coolidge.

2. Maximum Area of an Identification Sign is 6 sq. ft.

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

The applicant states that the unique circumstance is that it is a multi-tenant building, where each tenant needs visibility and identification from the rear. Other physical conditions to consider are the large size of the lot, the parking for the multi-tenant building is pooled in the rear, and each tenant has a door for customers from the parking lot in addition to an entrance for customers on Coolidge.

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

The applicant states that the need for the variance is due to outdated ordinances. The Sign Ordinance was updated as a whole in 2003 and amendments to Sec. 94-4 were adopted in 2010. The applicant is making a choice to put larger wall signs on the upper portion of the building as identification signs on the rear of 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 could render conformity with those regulations unnecessarily burdensome. The Sign Ordinance likely did not envision identification signs to be wall signs, hung above entrances for the public off a rear parking lot. Six square feet is better suited to a wall sign at pedestrian level to be viewed from an adjacent sidewalk. While signs that meet the ordinance could be erected as identification signs, due to the design of the site and building, the signs would likely be ineffective.

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

The proposed signs are less than 3% of the adjoining wall for each tenant and are at the size where they can be functionally visible from the rear of the parking lot.

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

The requested variance will not adversely impact the surrounding properties. The signs would face the parking lot, are not illuminated, and likely would not be visible over the screen wall between the site and the adjacent residential uses to the west.
Summary

This request is an example of how the current ordinance no longer implements the vision of the City. The multi-tenant building and proposed sign plan in the packet align with the design standards outlined in the 2018 Berkley Downtown Design Guidelines and the City’s Master Plan, adopted in November 2021. While the variances requested are somewhat self-created, strict compliance with the requirements of the Sign Ordinance would result in sign size and placement that detracts from the existing and intended character of this portion of Coolidge Highway, in addition to other negative impacts mentioned above.

For a 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. Whether voting to approve or deny the variances, we request the Zoning Board of Appeals to determine if there are unique characteristics of the property, whether strict compliance would be unnecessarily burdensome and whether the variance would negatively impact surrounding properties.

We also recommend that any motion to approve either variance directly link the size, location and design of the wall signs on this property to what is shown as the “proposed tenant signage allowance” on the plans for Stella’s Marketplace at 2485 Coolidge submitted from Sign Emporium dated April 27, 2022.

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

Thank you.

Cc: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Kim Anderson, Building Clerk
    John Lipchik, Building Official
    Brian Tomina, applicant
Notice
Meeting of the Berkley
Zoning Board of Appeals

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 13, 2022 at 7:03 p.m. or as near thereto as the matter may be reached.

**Application Number PBA-06-22**
Brian Tomina, on behalf of Stella’s Marketplace, LLC, 2485 Coolidge Highway, Parcel #25-18-427-038, west side of Coolidge Highway, between Catalpa Drive and Sunnyknoll Avenue, is requesting a dimensional variance to construct wall signs for 5 tenants in a multi-tenant building that would increase the total area of all wall signs to more than 100 square feet on the building façade facing Coolidge Highway and to construct 5 identification signs larger than 6 sq. ft. facing the rear parking lot.

1. The total area of all roof signs on the building would be 234 sq. ft.
2. Areas of the 5 identification signs would be 36 sq. ft., 16 sq. ft., 16 sq. ft., 16 sq. ft., and 16 sq. ft.

**Berkley City Code**
*Berkley City Code, Chapter 94 Signs,*

1. *Berkley City Code, Chapter 94 Signs, Sec. 94-7,* **Signs requiring permits,** (h) *Wall signs* table requires a maximum sign area of 10% of adjoining wall; up to 100 square feet.

2. *Berkley City Code, Chapter 94 Signs, Sec. 94-4,* **Exempt signs,** (7) Identification signs, not exceeding 6 sq. ft.

Comments on the granting of the above variance may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 4:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR
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MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR

Publish Once:
Royal Oak Tribune
May 27, 2022
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HIGHLAND VENTURES REAL ESTATE II L
2701 A W LAWRENCE AVE STE A
SPRINGFIELD IL 62704 7215

BERKLEY SCHOOL DISTRICT
14700 W LINCOLN ST
OAK PARK MI 48237 1366