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
Sue McAlpine
Steve Allen
Paul Evans

RYAN GESUND
MILES UHLAR
MIA WAR – ALTERNATE

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

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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

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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 to 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

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

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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.

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