THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:02 PM, MONDAY, NOVEMBER 9, 2020 VIA ZOOM ELECTRONIC MEETING BY VICE CHAIR SUE MCAULPINE.

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 Gesund Sue McAlpine
Joe Krug Steve Allen
Erick McDonald - Alternate Miles Uhlar

ABSENT: Paul Evans
Maria Ward

ALSO PRESENT: Nas Gulli, Mr Kabob, 3372 Coolidge Hwy
Jennifer Glover, Aver Sign Company
Erin Schlutow, Community Development Director
Dennis Hennen, City Council Liaison
Torri Mathes, Community Engagement Officer
Dan Hill, Public Policy Assistant

It was moved by Mr. Gesund to excuse the absence of Chair Evans and Ms. Ward. Motion supported by Mr. Krug. Mr. Allen asked if both members had made contact prior to the meeting to explain the absence.

Mr. Gesund moved to amend his motion to excuse the absence of Chair Paul Evans due to prior commitments. Motion supported by Mr. Krug.

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

Mr. Gesund moved to excuse the absence of Ms. Ward. Motion supported by Mr. Uhlar.

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

Mr. Gesund moved to modify his motion to table the absence of Ms. Ward. Motion supported by Mr. Krug.

AYES: McDonald, Uhlar, Gesund, Krug, McAlpine
NAYS: Allen
ABSENT: Ward, Evans
**APPROVAL OF AGENDA**

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

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

**MOTION CARRIED**

**APPROVAL OF MINUTES**

It was moved by Mr. Allen to approve the minutes of October 12, 2020. Motion supported by Mr. Gesund

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

**MOTION CARRIED**

**NEW BUSINESS**

1. **APPLICATION PBA-09-20; 3372 Coolidge Hwy – Variance for Canopy Signs**

   Aver Sign Company, on behalf of Sunoco Gas Station, is requesting three (3) dimensional variances at 3372 Coolidge Hwy, Parcel #25-17-101-001, to install three (3) signs on the existing canopy. The proposed illuminated canopy signs will face south, west, and north and decorative design will face east.

   Community Development Director Schlutow summarized the November 3, 2020 review letter and went through the standards of review for granting a variance. Ms. Schlutow also provided information on the site plan for the installation of the canopy that was approved by the Berkley Planning Commission, SP-04-01. The conditions of approval noted that Signage is prohibited from being installed on the canopy and the canopy color and materials shall be neutral in nature and not primary colors.

   Jennifer Glover, Aver Sign Company, addressed the Board and provided reasoning for Sunoco’s request for additional signage on the canopy. The reason for the request is that it is part of the brand standard for Sunoco. Not installing the additional signage is against the contract that the station owner will have with Sunoco. It also provides a cleaner appearance and more visibility.
Mr. Nas Gulli, owner of Mr. Kabob and the gas station, noted that the request is in normal operation for Sunoco businesses. The size, location of the canopy is not changing and the request is to make the canopy look nicer.

Vice-Chair McAlpine opened the Public Hearing at 7:21pm and provided instructions to the public.

No public comment.

Vice Chair McAlpine closed the Public Hearing at 7:23pm.

The Board discussed the nature of the request.

Mr. Allen noted that the location has a lot of signage already and the Planning Commission acted to limit the number of signs on the property.

Mr. Gesund inquired about reducing the number of existing signs on the building and the area of signage allowed under the Ordinance.

Mr. Allen understood the need for signage to fulfill the contract, however, that it should not trump city laws.

Vice-Chair McAlpine noted the specific standards for approval. The business is currently operating and will continue to operate, even if the variances are denied.

Mr. Uhlar asked the applicant to provide details on the nature of the change that requires additional signage.

Mr. Nas Gulli noted that the new contract has new branding requirements, including signage and promotion of the business. He also noted that the Marathon gas station on Twelve Mile Road has wall and canopy signage and he would like to remain competitive with other businesses in the area.

Mr. Allen inquired on the additional signage on the Marathon gas station.

Vice-Chair McAlpine asked the owner about the timeline to be in compliance with Sunoco.

Mr. Allen walked through the standards of review.

Mr. Allen motioned to deny variance application PBA-09-20; 3372 Coolidge Hwy to install canopy signs based on the fact that the standards of review have not been met.

Motion supported by Mr. Krug.

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

Motion Carried. Variance has been Denied.

2. **Meeting Dates**
Matter of reviewing meeting dates for 2021 calendar year.
Community Development Director Schlutow presented the 2021 calendar meeting dates for the Zoning Board of Appeals. She drew attention to the August 2021 meeting, due to the scheduling of the City Council meeting.

Mr. Krug motioned to approve the 2021 meeting dates, as presented. Motion supported by Mr. Allen.

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

3. **PRESENTATION BY COUNCILMEMBER DENNIS HENNEN**

Presentation by Councilmember Dennis Hennen to fulfill requirements for the Master Citizen Planner course.

Councilmember Hennen presented his capstone presentation, Making Legally Defensible Zoning and Planning Decisions, to fulfill the requirements for the Master Citizen Planner credentials.

Board members expressed appreciation for the presentation.

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**OTHER BUSINESS**

None.

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**LIAISON COMMENTS**

Councilmember Hennen noted the Community Development Report, provided by Director Schlutow has a lot of planning and zoning updates. Also, he updated the Board on the marihuana appeals process.

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**BOARD COMMENTS**

None

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**PUBLIC COMMENTS**

None.

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With no further business, Vice-Chair adjourned the meeting at 8:10pm.