

VARIANCE REQUEST
BEACH LOOP REALTY SIGN
Project Narrative and Proposed Findings of Compliance

APN: 28S-14W-30BC Tax Lot 5200
ADDRESS: 535 Second Street SE, Bandon, OR 97411
OWNER/APPLICANT: Beach Loop Realty LLC
APPLICANT'S REPRESENTATIVE: Coos County Consulting (Sheri McGrath)
PO Box 1548, Bandon, OR 79411

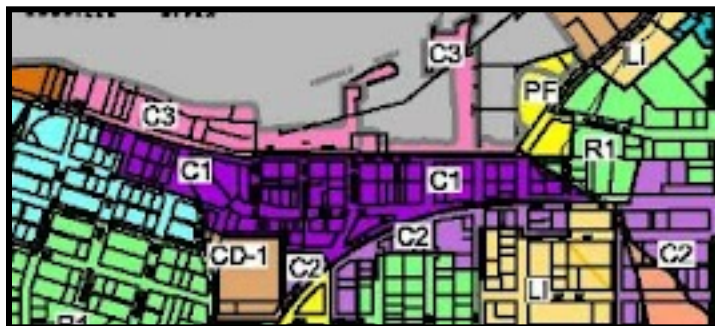
PROJECT NARRATIVE

The subject property is located at 535 Second Street SE (Highway 101), a corner lot with frontage on Highway 101 and Elmira Ave SE. Beach Loop Realty owns and operates a business at this location which is located within the Old Town Commercial (C-1) and Architectural Review Overlay (AR) Zones. This property is unique in that it is one of six C-1 properties located along Highway 101 east of the Old Town Arch. There are four structures and two parking lots, all of which were developed between 1936 and 1968. Of those four businesses, three of them have an internally lit sign advertising their business name.

Beach Loop Realty, LLC is requesting permission to install a new sign that will face Elmira Avenue- the front facade of their business and main door entry. The sign is designed to match the aesthetics of an existing, and approved, sign that is located on the building's Highway 101 facade. BMC 17.90.100(A)(1)(c) reads "Internally illuminated signs are prohibited. Neon tubing signs shall not be considered internally illuminated signs."

A Variance is necessary to allow Beach Loop Realty to proceed with the improvements to their property and business. The request is to be afforded the same right as other businesses in their exact zone and overlay as well as the other businesses along Highway 101 within the vicinity. The applicant believes that the intention of the Architectural Review Overlay is focused on and intended to maintain a level of aesthetics for Old Town by setting standards for design and scale of development. The unintended consequence is that the properties East of the Old Town Arches and located on Highway 101 are held to a signage standard that was intended for Old Town properties and new construction. Improvements needed to stabilize property values and conduct business are restricted in contrast to the AR Overlay intention to guide design and also support business growth. The city is aware of other text amendments that need to be made for C-1 and AR Overlay, and this Variance request will further assist with those efforts to "clean up the code."

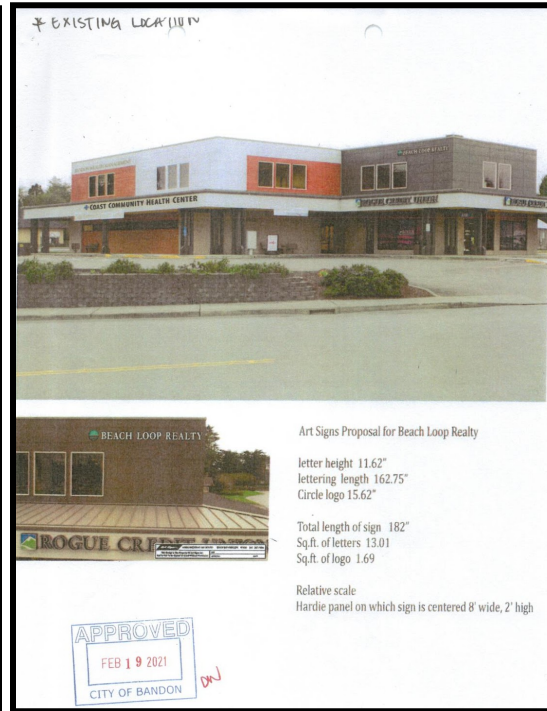
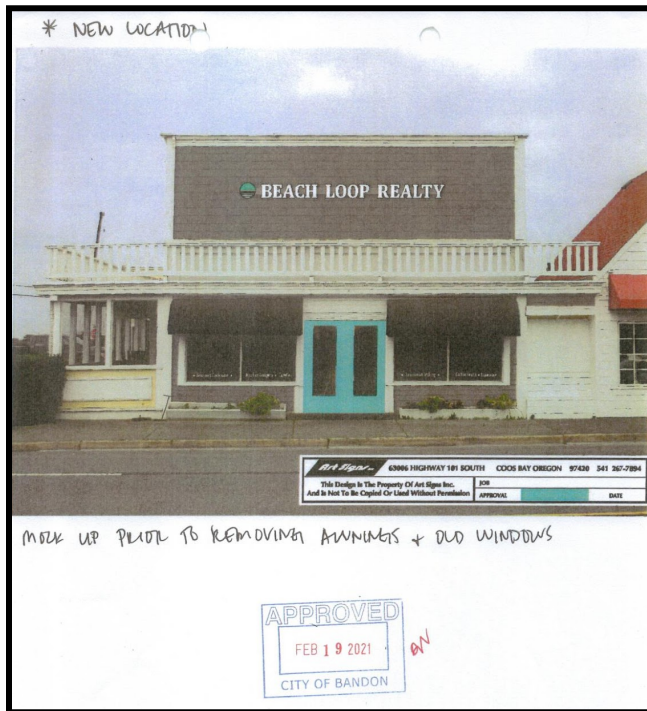
As required by the City of Bandon, compliance with each of the approval standards of the Bandon Municipal Code are included below. Maps, plans and photographs of the existing building and signage are enclosed. The application has been submitted and applicable fees have been paid to the City.



BANDON ZONING MAP OF C-1 ZONE

EXISTING SIGNAGE

Beach Loop Realty currently has a City approved, internally illuminated sign on the building facade facing Highway 101 and a temporary banner on the building facade facing Elmira Ave. SE. The existing internally lit sign was approved on February 19, 2021 for the current location at 535 Second Street SE. The sign was moved from its previous location at 1010 1st Street where it was also permitted by the City to be installed.



SIGN APPROVAL FOR EXISTING SIGNAGE IN 2021



EXISTING AND APPROVED INTERNALLY ILLUMINATED SIGN ON BUILDING FACADE FACING HWY 101

PROPOSED SIGNAGE

Beach Loop Realty has commissioned Art Signs to build a second internally illuminated sign that will appear over the front entry of their business which faces Elmira Avenue SE. The sign will be identical to the one facing Hwy 101 in regard to craftsmanship, architectural overlay approved colors, scale to the building facade and overall minimal yet effective appearance. The following proposal was created by Art Signs to show a representation of how the sign may appear on the building when installed.



PROPOSED SIGN ON BUILDING FACADE FACING ELMIRA AVE SE

VICINITY SIGNAGE

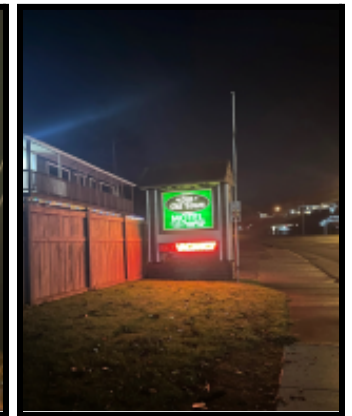
There are six C-1 properties located along Highway 101 east of the Old Town Arch. There are four structures and two parking lots, all of which were developed between 1936 and 1968. Of those four businesses, three of them have an internally lit sign advertising their business name. There are a total of seven internally lit signs within the direct vicinity.



INTERNALLY ILLUMINATED SIGNS WITHIN THE VICINITY OF BEACH LOOP REALTY



INTERNALLY ILLUMINATED SIGNS IN C-1 ZONE LOCATED ON EITHER SIDE OF THE SUBJECT SITE



INTERNALLY ILLUMINATED SIGNS IN THE VICINITY LOCATED ACROSS THE STREET FROM SUBJECT SITE

BANDON MUNICIPAL CODE REVIEW

17.40 Old Town Commercial (C-1) Zone

The purpose of the C-1 zone is to provide space and protection for businesses and to promote a mix of businesses that will serve residents and visitors to the area intended to exclude those uses which would detract from its appeal as an aesthetically pleasing commercial district for residents and visitors.

Applicant's Response: Beach Loop Realty is an outright permitted use in the C-1 district. Since their ownership began in 2020, the building has been restored and painted to be aesthetically pleasing for residents and visitors.

17.40.040(A) *Development activity in the Old Town area is subject to the architectural review standards as provided in Section 17.84.010.*

Applicant's Response: Beach Loop Realty has complied with the AR standards and findings for this Section are listed below.

17.84 Architectural Review Overlay

The purpose of this chapter is generally the promotion of the general welfare of the public through the preservation, restoration, protection and regulation of the buildings, structures, appurtenances, sites, places and elements of Old Town Bandon, and to achieve a visual atmosphere of a coastal village of long ago. Specifically, this chapter is meant to aid in the following:

1. Stabilize and improve property values in the district;
2. Foster civic pride in the beauty and accomplishments of both the past and present;
3. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry;
4. Strengthen the economy of the city;
5. Promote the use of the historical district, its landmarks and scenic areas for the education, pleasure and welfare of Bandon citizens.

Applicant's Response: Beach Loop Realty LLC purchased the subject property in 2020 and immediately began the necessary improvements to:

1. Stabilize and improve property values in the district by restoring and fixing the existing structure that was constructed in 1936. All building improvements benefit the surrounding properties and improve the value of the area.
2. Beach Loop Realty, an existing long standing business in Bandon, was motivated to invest in the land purchase and show civic pride in improving existing real estate.
3. The applicant believes that the proposed signage protects the "coastal village" while providing advertising for their business.
4. The economy of the city is benefited when business owners take action on building and sign repairs. A town with well kept buildings and signs attracts visitors and creates a sense of pride for locals to spend locally.
5. Beach Loop Realty has made improvements to the building, land and signage without additional construction. This promotes continued use of existing landmark places in our community and protects scenic views by eliminating further development of structures.

17.84.020 *Within the architectural review overlay zone all uses permitted outright or conditionally within the underlying general use zone shall be allowed subject to the provisions of that use zone. The provisions of the architectural review overlay zone shall be applied in addition to the requirements of the underlying zone. None of the provisions of the architectural review overlay zone are meant to reduce or replace the provisions of the applicable underlying general use zone.*

Applicant's Response: The intention of the Architectural Review Overlay is focused on and intended to maintain a level of aesthetics for Old Town by setting standards for design and scale of development. The unintended consequence is that the properties East of the Old Town Arches and located on Highway 101 are held to a signage standard that was intended for Old Town properties and new construction. Improvements needed to stabilize property values and conduct business are restricted in contrast to the AR Overlay intention to guide design and also support business growth.

17.84.030 *A. No buildings or structures shall be erected, reconstructed, altered, restored or painted, within the AR overlay zone; and no sign, light, fence, wall or other appurtenant fixture hereinafter called "appurtenant fixtures" shall be erected or displayed within the AR overlay zone on any lot or visible from the exterior of any building or structure, and no landscaping or plantings shall be located unless an application of a Certificate of Appropriateness (COA) has been approved in accordance with this chapter. Further, no zoning compliance or other permit shall be granted for any such purpose in the Architectural Review Overlay Zone until a COA has been issued.*

B. The Planning Director shall be the Reviewing Body for COA's except as noted in subsection C of this section.

Applicant's Response: The applicant has applied for all previous COA's for paint and signage; all of which were approved by the Planning Director.

C. The Planning Director is authorized to issue administrative decisions regarding the following items without notice: routine maintenance projects, replacement of existing appurtenant fixtures of like material and design, landscaping, painting (if the colors are consistent with the approved color chart), signs, and other actions determined by the Planning Director to have little or no impact on the building or streetscape. The Planning Director may refer any application to the Planning Commission.

Applicant's Response: The Planning Director determined that the proposed sign could not be approved by city staff without a Text Amendment or a Variance. A text amendment for this request is not necessary as the applicant meets the criteria for a Variance.

17.90 Signs *The purpose of this chapter is:*

A. to ensure that signs are designed, constructed, installed and maintained to promote safe public automobile, bicycle, and pedestrian traffic;

B. to protect the health, safety, property and welfare of the public;

C. to provide prompt identification of businesses and residences for emergency access;

D. to promote economic development;

E. to provide clear achievable standards and balance the need of business with the desire to preserve and enhance the visual character of the City

Applicant's Response: The proposed sign will be mounted flush on the building facade and the colors are muted and will not distract motorists or cyclists. It is considered safer than freestanding or hanging signs. The sign will be located above the front entrance of the building which is beneficial both for prompt identification of the business and for economic development.

The proposed sign does balance the need of business advertisement while enhancing the visual character of the City.

17.90.030 *General provisions apply to all signs and advertising structures in all zones.*

Applicant's Response: There are several signs in Bandon that do not have permits. The applicant has taken the required steps to seek approval, has paid the necessary permit fees and desires to be in continued compliance with the City of Bandon. A lack of code compliance brings to question the need for a variance when there are so many other illegally sited signs that the city can focus on. Regardless, in an honest attempt to meet the municipal code, the applicant has applied for a Variance in order to gain approval for their well designed, low maintenance and aesthetically pleasing sign.

Old Town (C-1) and Architectural Review Overlay (AR)

A. Exterior Signs Requiring a Certificate of Appropriateness. Exterior signs within the Architectural Review Overlay Zone of this section must receive a COA before installation or before any change in design, size, color(s), or location is made.

1. Criteria. In considering applications for COA's, signs shall be reviewed for their compliance with the following requirements:

a. Graphics: These shall be clear, legible and of a professional quality.

Applicant's Response: The sign is clear, legible and built by a professional sign company.

b. Colors: Colors used for exterior signs shall be from the previously approved color chart or receive approval from the Planning Commission through the ARB application process.

(1) Each building shall be allowed a total exterior sign area for the front or facade of the building equal to ten (10) percent of the facade area of the building.

Applicant's Response: The proposed sign is approximately 4% of the building facade.

(2) On the side and back exterior walls of buildings, signs equaling five percent of the wall's area can be permitted. These signs must be flush-mounted parallel to the wall.

Applicant's Response: The proposed sign is on the front facade facing Elmira Ave SE where the front entry is located.

c. Internally illuminated signs are prohibited. Neon tubing signs shall not be considered internally illuminated signs.

Applicant's Response: The proposed sign is internally illuminated which is prohibited. There are four businesses with Hwy 101 frontage in the C-1 zone and three of them contain an internally lit sign. The subject property has a permitted internally lit sign.

The applicability of the "neon tubing signs" allowance in the C-1 Zone to this situation is unclear. The City has included no definition for "neon tubing signs" in the Code, so it is assumed it refers to the neon tubing which has typically been used for bar signs, "Open/Closed" and "Vacancy/No Vacancy." Because there is no clear definition, the Applicant is providing examples of the type of signs that could be permitted without a Variance, none of which appear as attractive or appropriate for location in the C-1 zone.

The Applicant is also including other types of illuminated signs that could be permitted without a Variance. A Text Amendment to this section of the ordinance would include definitions or commentary about the type of signs that the City would like to see in Old Town. A simple text amendment could read "*Internally illuminated signs are prohibited. Exception: properties with Highway 101 frontage.*"



EXAMPLES OF NEON SIGNS FROM INTERNET SEARCH



FRONT LIT CHANNEL LETTER SIGN

EXTERNALLY LIT SIGN

(PHOTOS BY DAVESIGNS.COM)



HALO LIT SIGNS ARE PERMITTED WHEREAS THE SECOND OPTION IS NOT

d. No part of any sign shall extend above the roofline or the top of the facade or marquee, whichever is higher.

Applicant's Response: The proposed sign is flush mounted on the facade and does not extend above the roofline or the top of the facade.

e. In the ARB overlay a free-standing sign shall not exceed fifteen (15) feet above grade.

Applicant's Response: The proposed sign is not freestanding.

f. Trademarks or symbols: Signs which display the symbol, slogan or trademark of any product or business other than the business or businesses occupying the site are prohibited.

Applicant's Response: The proposed sign contains the Beach Loop Realty logo and does not advertise for other brands or products.

g. A nameplate for a residence not exceeding one square foot in area is allowed and shall not require a Certificate of Appropriateness.

Applicant's Response: The proposed sign is not located on a residence.

16.36 Adjustments and Variances

Chapter 16.36 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

16.36.020 *Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.*

A. Adjustments. Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed in limited situations pursuant to Section 16.36.030.

B. Variances. Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

Applicant's Response: The proposed sign requires a Variance because the request is not for an adjustment to a setback, lot coverage, lot dimensions, lot area or other dimensional standard.

16.36.040

A Variance is a variance that does not otherwise meet the criteria under Section 16.36.030. B. Approval Criteria. The Reviewing Body through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;

Applicant's Response: The proposed sign

Beach Loop Realty is located in Old Town Commercial (C-1) Zoning, with double frontage on Highway 101 and Elmira Avenue SE. The site is surrounded by other commercial businesses with internally lighted signs including Chevron and The Station Restaurant which are located in the same C-1 zoning district. The proposed signage is more closely related to the development and uses in the adjacent and surrounding C-2 Zone that exists along both sides of Highway 101 than with those within the central Old Town Commercial C-1 Zone which are located on the other side (west) of the "Welcome to Old Town Bandon" Arches or along First Street SE.

There are four C-1 businesses located east of the Old Town Arches and three of them contain an internally illuminated sign. There are an additional four internally lit signs directly across the Highway from the subject site. The proposed signage is compatible with the development patterns of this specific area of Bandon.

2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

Applicant's Response: The requested Variance is for a single exception to the Code regulation that precludes the installation of internally lighted signs in the C-1 Zone. It is the minimum request necessary to address this situation. Beach Loop Realty is asking to be afforded the same rights and privileges available to other businesses in this commercial neighborhood.

3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);

Applicant's Response: The need for the Variance has not been self-imposed by the applicant/property owner. This situation has resulted from the blanket application of a regulation [BMC 17.90.100 (A)(1)(c)], "Internally illuminated signs are prohibited. Neon tubing signs shall not be considered internally illuminated signs." to this particular property just because it is located in the C-1 Zone, without considering the previously described special and unique physical circumstances of the subject site, existing development patterns, or adjacent land uses and signs.

4. The Variance does not conflict with other applicable City policies or other applicable regulations;

Applicant's Response: The only City policy or regulation impacted by this request is the C-1 Zone prohibition against internally illuminated signs, which is the sole regulation for which this Variance application is being requested. There is no conflict with any other applicable City policies or other applicable regulations, as the signs will be designed, sized, and installed in accordance with all other applicable City policies and applicable regulations.

5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and

Applicant's Response: Due to the number of internally illuminated signs in the vicinity, it does not appear that there would be any foreseeable harm to adjacent property or the public. The adjacent property owner has an internally illuminated sign that exceeds the allowances for facade coverage and type of sign. It is considered non-conforming and will likely maintain its sign and use of the business as a gas station.

Approving this Variance would likely benefit the surrounding businesses and the public by providing the improved aesthetics of a lighted sign along Elmira Avenue SE that matches the existing City approved internally lighted sign along Highway 101. The installation of another style or type of lighted sign (neon, halo, etc) would result in completely different types and appearances of two separate signs on the same building. The difference would be considerably noticeable both during nighttime when the lights are turned on and during the daytime when the lights are turned off. Both building facades with signs are seen simultaneously from the Highway 101 street and sidewalk at and west of the Elmira Avenue SE intersection. A different type of sign would result in a compliance issue with the other parts of the AR overlay in regard to aesthetics and property value improvements.

6. All applicable building code requirements and engineering design standards shall be met.

Applicant's Response: The existing internally illuminated sign was manufactured and installed by Art Signs, who have been a major sign maker working on projects from Lincoln City, Oregon to Crescent City, California. They are familiar with the building code requirements and engineering design standards in both Oregon and California, and will ensure that the new sign will comply with all those codes.