



Community Development Department  
Planning Division  
12725 SW Millikan Way /PO Box 4755  
Beaverton, OR 97076  
General Information: (503) 526-2222 V/TDD  
www.BeavertonOregon.gov

## STAFF REPORT

HEARING DATE: September 25, 2019

STAFF REPORT DATE: September 18, 2019

TO: Planning Commission

STAFF: Sierra Peterson, Associate Planner

APPLICATION: **ACMA School Sign Variance  
VAR2019-0005**

LOCATION: ACMA School is located at 11375 SW Center Street. The property is also identified as Tax Lot 18700 on Washington County's Tax Assessors Map 1S110DB02000.

ZONING/ NAC: Residential Urban Medium Density (R2) / Central Beaverton

REQUEST: The proposal is to vary from the standard as described in Section 60.40.40.1.A of the Development Code that limits the size of signs in residential zones. Where the code allows one 32 square foot sign for an authorized non-residential use, the applicant, Beaverton School District, proposes a 492 square foot wall sign.

PROPERTY OWNER/  
APPLICANT: Beaverton School District  
16550 SW Merlo Road  
Beaverton, OR 97003

DECISION CRITERIA: Beaverton Development Code, Section 40.95.15.1.C.1-12  
*Variance.*

RECOMMENDATION: **Denial of VAR2019-0005 (ACMA School Sign Variance).**

## BACKGROUND FACTS

### Key Application Dates

| Application  | Submittal Date | Submittal Complete | Final Written Decision Deadline | 365-Day*      |
|--------------|----------------|--------------------|---------------------------------|---------------|
| VAR2019-0005 | July 9, 2019   | August 1, 2019     | November 29, 2019               | July 31, 2019 |

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

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### Existing Conditions Table

|                            |   |   |
|----------------------------|---|---|
| <b>Zoning</b>              | Residential Urban Medium Density (R2)                                       |   |
| <b>Comprehensive Plan</b>  | Urban Medium Density (R2)   |   |
| <b>Current Development</b> | Public Middle and High School   |   |
| <b>Site Size</b>           | Approximately 8.94 acres  |   |
| <b>Surrounding Uses</b>    | <b>Zoning:</b><br>North: R2<br>South: RC-E<br>East: R2 and RC-E<br>West: R2 | <b>Uses:</b><br>North: Residential<br>South: Residential<br>East: Residential and Church<br>West: Residential |

The redevelopment of ACMA School received approval from the Planning Commission on January 23, 2019 (CU2018-0016, DR2018-0114, and SDM2018-0012). Signs were included with the applicant's renderings; however, signs are not permitted through Design Review and require Sign Permit applications which are reviewed administratively.

## DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

|  | <u>Page No.</u> |
|--|-----------------|
| <u>Attachment A: VAR2019-0005 Variance</u> | VAR1 – VAR7     |

### EXHIBITS

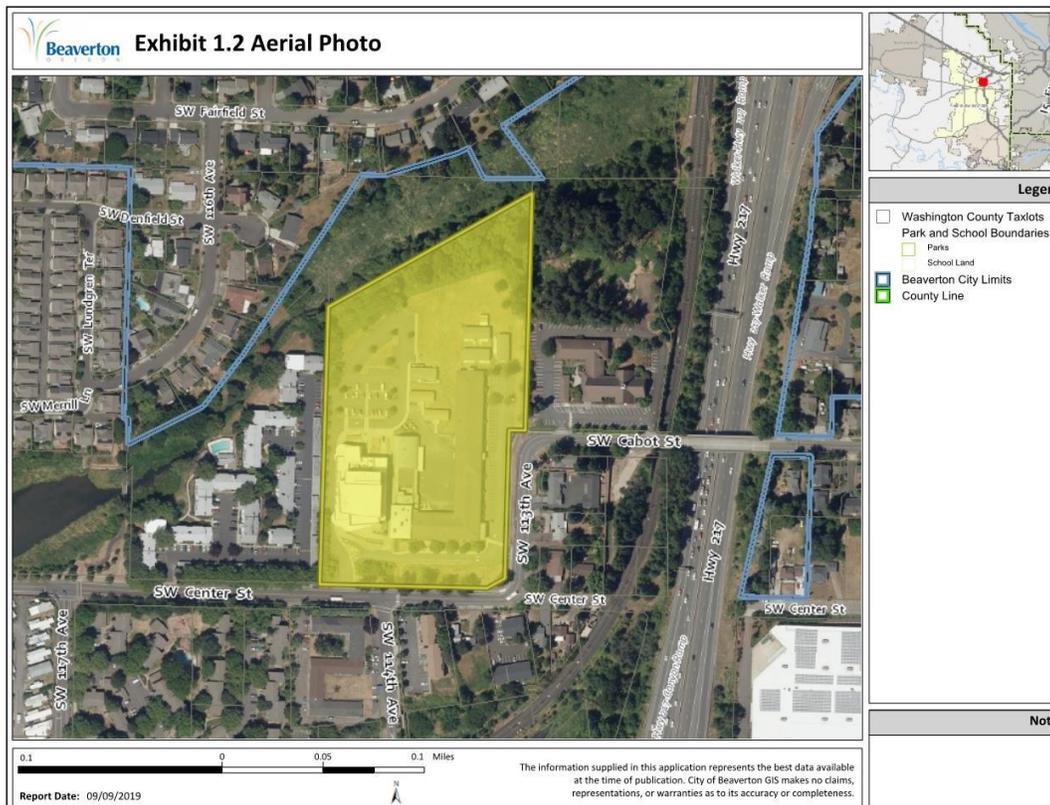
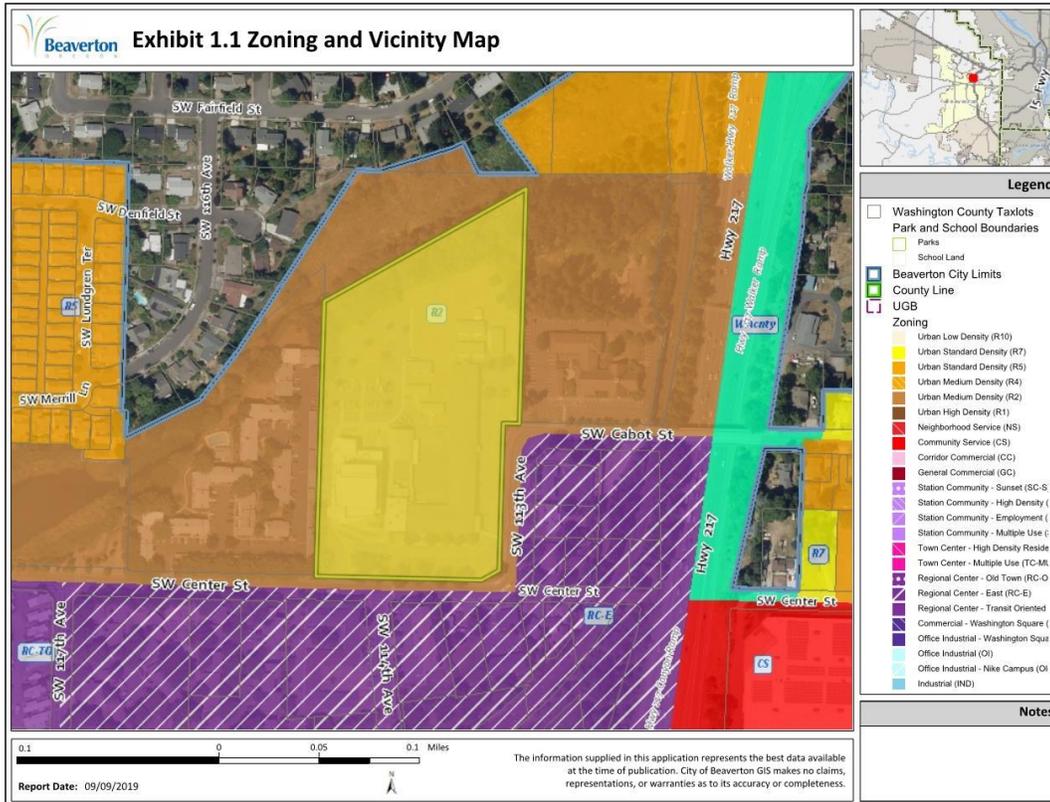
**Exhibit 1. Zoning Map and Aerial Photograph** (page SR-4)

**Exhibit 2. Materials Submitted by the Applicant**

**Exhibit 3. Materials Submitted by the public**

No written materials received to the date of this report.

# ZONING/VICINITY/AERIAL MAP



**ANALYSIS AND FINDINGS**  
**ACMA Sign Variance**  
**VAR2019-0005**

**Section 40.95.05 Variance Applications; Purpose**

*The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of the Development Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.*

**Section 40.95.15.1.C Variance Approval Criteria**

In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

**1. *The proposal satisfies the threshold requirements for a Variance application.***

The proposal is to vary from the provision found in Section 60.40.40.1.A of the Beaverton Development Code which limits the number, size and height of freestanding and wall signs in residential zones. Threshold No. 2 of the Variance application describes any change from the numerical requirements contained in Section 60.40 (Sign Regulations). In this case, the applicant proposes a 492 square foot wall sign, where 32 square feet is allowed as described in Section 60.40.40.1.A.

**Staff therefore finds that the proposal meets the criterion for approval.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The requisite application fee for a Variance has been paid.

**Staff therefore finds that the proposal meets the criterion for approval.**

**3. *Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.***

Staff refers to and incorporates the applicant's written statement prepared by Angelo Planning Group, dated July 9, 2019, (Exhibit 2.1). The applicant has provided findings, discussed below, as to why they believe there are special conditions that are not applicable to other lands, buildings or structures in the same zoning district.

The applicant's response to criterion 3, that special conditions exist that are peculiar to the land, structure or building involved are in the applicant's narrative and summarized herein. The applicant states that the proposed wall sign is the ACMA school logo that is integral to the masonry wall and not a sign that is applied or attached to the wall. The school uses architectural details that the architect and applicant say reflect the artistic environment at the school. The architectural detail of the sign is made by a technique called "skittling" which is made by slightly turning select bricks that make up the masonry facade. The "ACMA" school logo effect is created only by the perception of the shadow cast on the brick when the sun shines on the facade. The pattern moves and changes based on sun angles and where the shadow lines lie. The applicant has chosen to use the skittling technique, which is an acceptable treatment for masonry walls as a means of providing visual interest, the issue under consideration is that the proposed skittling creates a sign by spelling out ACMA, the schools logo. Staff concludes that the applicant's proposed technique of skittling the ACMA logo constitutes a sign as defined in Chapter 90 of the Beaverton Development Code (BDC) which defines a sign as, "*Any lettered or pictorial device designed to inform or attract attention.*" The applicant proposes a lettered logo which informs the public that the building is the ACMA School. Therefore the proposed skittling technique spelling of ACMA is considered a sign.

The applicant states that the grade changes at the front of the school and the proposed and existing landscaping will make it difficult to see the sign from the front of the school. Staff notes that the existing building, to be demolished and replaced, is located at a similar grade as the approved new building and is approximately 130 feet from back of sidewalk. The approved new building will be approximately 160 feet from back of sidewalk with a proposed landscaping hedge and fence south of the new drive aisles and circulation pattern at the front of the school. The existing school is at an elevation of 209 feet with the existing sidewalk to be maintained at an elevation of 194 feet, and the approved school will be at an elevation of 208 feet. The overall grade change between the sidewalk and the new school is approximately 14 feet and substantially the same as the existing school. The applicant has not provided evidence as to how the grade requires a larger sign. The landscaping proposed by the applicant and approved as part of the ACMA rebuild project is not a peculiar physical condition that requires a larger sign; all sites are required to have landscaping.

Staff finds that the applicant has failed to provide sufficient evidence that the site is subject to special conditions which are not applicable to other lands, buildings, or structures within the same zoning district.

Staff notes that Approval Criterion 8 applies specifically to sign variances and is also based on the special circumstance of the property. As this variance proposal is solely related to signs, staff refers to and incorporates the findings as stated in response to Criterion No. 8 herein. In part, Criterion No. 8 contains criteria similar to Criterion No. 3. Specifically, Criterion No. 8 describes:

*"...special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district."*

Therefore, staff finds that the proposal does not meet the criterion for approval.

**4. *Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.***

The applicant states that the ACMA logo was an integral part of the previously approved Design Review and Conditional Use applications for the ACMA School Rebuild Project (CU2018-0016 / DR2018-0114 / SDM2018-0012) approved by the Planning Commission on January 23, 2019. Strict interpretation of the ordinance would deprive the applicant with the right to implement what was presented to the public and Planning Commission. As discussed in response to criterion 3 above, signs are not evaluated or approved in the Design Review process. Separate sign permits are required for approval as signs; as such any signage shown on Design Review plans is disregarded by staff in their review of the proposed development.

The applicant also cites that the applicant's land use application narrative (Applicant's Land Use Narrative page 19) referenced the south elevation ACMA sign in its findings for Development Guidelines 60.05.35.4B – Building Design and Orientation Guidelines for exterior building materials specifically where masonry is used, decorative patterns (other than running bond pattern) should be provided. The decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete.

Although the ACMA shadow was identified as a decorative pattern by the applicant, it creates a logo which is defined as a sign and is subject to the sign code. The use of skittling as a decorative element is acceptable, so long as it is not creating a sign, unless that sign is permitted outright by the code or a variance is granted for a sign that exceeds code allowances. The applicant is currently seeking that variance approval. Should the applicant want to provide skittling at this location that does not create lettered or pictorial devices, which could be approved through a Type 1 Design Review Compliance Letter.

As previously stated, signs included in land use applications are not subject to or reviewed through Design Review. The applicant's claim that the inclusion of the signs in the Design Review application for the ACMA redevelopment constitutes approval of the signs is not consistent with the Development Code or with the City interpretation of the sign code.

Staff finds that the applicant has not provided substantial evidence that the strict interpretation of the sign code, limiting the signage on site to one (1) 32 square foot sign would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district. The applicant's response to criterion 4 relies upon an assumption that their sign was approved through the Design Review process, which is not consistent with the requirements of the BDC which require independent sign

permit applications.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

- 5. *The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

The applicant states special conditions and circumstances related to the requested variance are not based on a financial hardship or an inconvenience to the applicant. The actions of the applicant are intended to implement the design reviewed by and approved by the Planning Commission on January 23, 2019.

The sign variance is requested for a 492 square foot sign, that the applicant has stated is the necessary size to achieve the desired effect of the masonry technique. Granting a sign variance for the size of the sign based on the applicant's chosen masonry technique would be granting a special privilege to the applicant to increase the size of the sign. Staff notes that the applicant has chosen to propose a sign using the skittling technique which requires a significantly larger area to make the sign visible. The applicant could have chosen to provide a sign in a more typical signage material which would have higher visibility at a smaller size. Staff finds that the need for a sign created using the skittling technique to be larger than the sign requirements is a result of the applicant's decision to propose the skittling technique for the sign.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

- 6. *If more than one variance is being requested, the cumulative effect of the variances will result in a project which is still consistent with the overall purpose of the applicable zoning district.***

According to the applicant, Beaverton School District is requesting a single variance to the city's sign standards. The applicant therefore states that Criterion No. 6 is not applicable. Staff concurs with the applicant's statement as the subject variance proposal is limited to one sign with a total face area of approximately 492 square feet, and no additional variance is required to approve the proposed sign.

**Therefore, staff finds that the criterion is not applicable.**

- 7. *Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.***

The applicant states that the size of the ACMA logo (492 square feet) is the minimum size required to achieve the intended design result using the skittling technique. Because of the chosen technique, a smaller version would become pixelated and the ACMA logo would not be recognizable. Based on the applicant's narrative staff would

concur that this is the smallest size sign based on the chosen masonry technique.

However, the applicant could choose other materials or techniques which would not require a sign which is significantly greater than the size of a sign permitted in the zoning district. Staff finds that the applicant has not provided sufficient evidence as to why other methods which could allow the reasonable use of land, building, and structure are not possible for this site.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

- 8. *For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.***

The requested sign variance approval criteria must specifically address Criterion No. 8 in addition to Criterion No. 3. Staff incorporates the findings provided in response to Criterion No. 3 above as applicable to Criterion No. 8. The applicant states that the requested variance would allow the School District the ability to provide the proposed unique logo on the new ACMA facility based on the special arts curriculum. The size and shape that is being proposed will efficiently and fully achieve the design outcome intended. Staff notes that a desired design outcome is not a special circumstance involving size, shape, topography, location, or surrounding property that does not apply to other properties in the same zoning district.

The applicant states that the school is a non-residential use in the R-2 zoning district and a conditional use in this zone. Staff concurs that granting the proposed variance will not impact other properties in the area and will have no impact to public safety or welfare.

The approval criteria requires a finding be made that a variance shall not be granted merely for the convenience of the applicant. The applicant had stated that this is the smallest sign based on a standard size brick. Different sign locations and materials are available to the applicant that would result in a standard size school sign that is allowed for all schools in residential zones.

Staff finds that the applicant has not provided sufficient evidence that there is a special circumstance involving the size, shape, topography, location or surroundings attached to the property which do not apply to other properties in the same zoning district. The applicants request is based upon a desired design aesthetic.

**Therefore, staff finds that the proposal does not meet the criterion for approval.**

9. ***The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.***

The applicant states that all applicable provisions of Chapter 20 are met by the proposed sign. Staff concurs and finds provisions of Chapter 20 (mostly related to land use and site development) more relevant in review of buildings or structures when subject to Variance consideration. For signs, provisions that govern height, size and location are only identified in Chapter 60.

**Therefore, staff finds that the criterion is not applicable.**

10. ***The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

In response to Criterion No. 10, the applicant refers to the scope of the Variance proposal which is limited to review of specific sign standards as contained in Section 60.40.40 of the Development Code. Staff concurs and finds no other provisions of Chapter 60 to be relevant to the proposed sign variance.

**Therefore, staff finds that the proposal meets the criterion for approval.**

11. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Section 50.25.1 identifies the various items necessary for the city to determine land use applications as complete, thereby initiating the land use process. For the purpose of this application, staff finds the proposal to contain all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

**Therefore, staff finds that the proposal meets the criterion for approval.**

12. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

The applicant has provided the applications and documents necessary for this requested Variance application. Should the Variance be approved the applicant will be required to apply for a sign permit.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**Recommendation and Conditions**

Based on the facts and findings presented, staff recommend **DENIAL** of **VAR2019-0005 (ACMA School Sign Variance)**.