

June 17, 2014

Jeff Shrum, AICP  
Commercial Development Director  
City of Venice, Florida  
Dear Mr. Shrum:

I wish to request the mural at 536 E Venice Ave be designated as art and not as advertising signage. An approved sign with the store name is on the front of the building. The mural, however, is art and not signage.

**MURAL AS ART:**

In the short span of a year the graphic mural depicted on the storefront of Father Fish Aquarium has become a landmark in the city.

**The Main Street Merchant's Association** has presented Father Fish with an award recognizing the mural's artistic beautification.

**The Venice Arts Council** has acclaimed it a significant artistic endeavor.

**The Architectural Review Board of Venice** has granted a Certificate of Architectural Compliance with a special notation allowing a paint color variance based upon the presentation.

**The Venice Gondolier** has featured the mural on page one.

**Countless tourists and residents** have commented favorably on the mural as art.

**Venice East Merchants** in the immediate area acknowledge the importance of the mural in revitalizing this little village.

**THE MURAL IS NOT REPRESENTATIVE OF PRODUCT:**

The mural does not represent the product line of Father Fish. The mural contains rocks, giant sponges, turtles, octopus, and various colorful shapes. There are some fish depicted most of which are not commercially available in the tropical fish industry. While the subject matter is reefscape it does not present a style of scaping possible in an aquarium.

**THE MURAL IS NOT SIGNAGE:**

With minor, inconsequential exception there is nothing in the context of the mural that depicts items sold at Father Fish. The 2 small fish, not easily found on the mural can be painted out to remove any possibility of product representation.

**MURAL IS NOT PRODUCT SPECIFIC:**

There are no brand names, logos or other representations of products available at Father Fish on the mural. The shop sells reptiles, birds, small rodents, frogs, salamanders, tortoises, a wide variety of freshwater fish and invertebrates, as well as salt water fish and invertebrates. Clearly the mural does not represent the product line of Father Fish.

I have attached a letter written earlier to Scott Pickett, AICP, relative to this issue.

Sincerely,

  
Louis Foxwell

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May 21, 2014

Scott Pickett  
Senior Planner  
City of Venice

Dear Mr. Pickett:

I am sincerely appreciative of your efforts to shepherd me through the approval process for the mural at 536 E Venice Ave. Your generous assistance and continued support have given me the confidence to pursue this course of action.

You have determined that the mural is signage because it depicts fish and fish are sold at Father Fish Aquarium. You have admitted that the mural, without change, would be perfectly acceptable if the business sold anything other than tropical fish. Your position, then, goes to content. I maintain that the coral reef mural is a stand-alone graphic design. Neither explicitly nor implicitly signage.

The specific content of the mural depicts rocks, coral reef invertebrates, octopus, sea turtle and 10 fish. 5 of these fish are never available at Father Fish Aquarium. 3 are occasionally in stock. 2 are routinely available. The 2 fish represent less than 1% of the entire mural. I would be satisfied to paint out these 2 species.

Father Fish Aquarium sells fresh water and salt-water critters, reptiles, birds, small mammals and related products. Salt-water critters represent less than 5% of the store's product sales. The mural does not represent more than a small fraction of the store's product line.

Based on the mural there is no expectation by customers that Father Fish sells salt water fish. "Do you sell salt water fish?" is a routine query by new patrons upon entering the premises.

The mural is a significant, stand-alone work of art that would be appropriate in many venues. It does not depict a product line (sea turtles and giant octopus are not commercially available), a manufacturer's logo, or a specific business. The signage "Father Fish Aquarium" is approved and tagged as permitted with fee paid.

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If it is the city's position that the mere depiction of fish is sufficient to designate the mural signage then it must follow that any serendipitous depiction of any item marginally related to a business's products is signage whether intentional or not. Indeed, a flea market with the identical mural could be in and out of compliance with each truckload of goods brought in for sale.

Coral reef depictions are a routine and popular theme for muralists. The mural in question was not designed to represent Father Fish Aquarium. It is, of course, thematically coherent. A cityscape or wooded glen would be disjunctive both for Father Fish and the city of Venice.

The mural is popular especially because it is consistent with the seaside character of Venice, Florida. Some of the creatures depicted, such as sea turtles, giant octopus and schools of small colorful fish, are found in the nearby Gulf. None are available at Father Fish.

The mural represents the community and stands as a substantial gift to the city of Venice. The mural would be appropriate if painted on the Chamber of Commerce building or of City Hall itself. It is not intrinsically signage.

Thank you for your interest and continued support. I will, of course, abide by your final decision and will proceed accordingly.

Sincerely,



Louis W. Foxwell  
Aka Father Fish

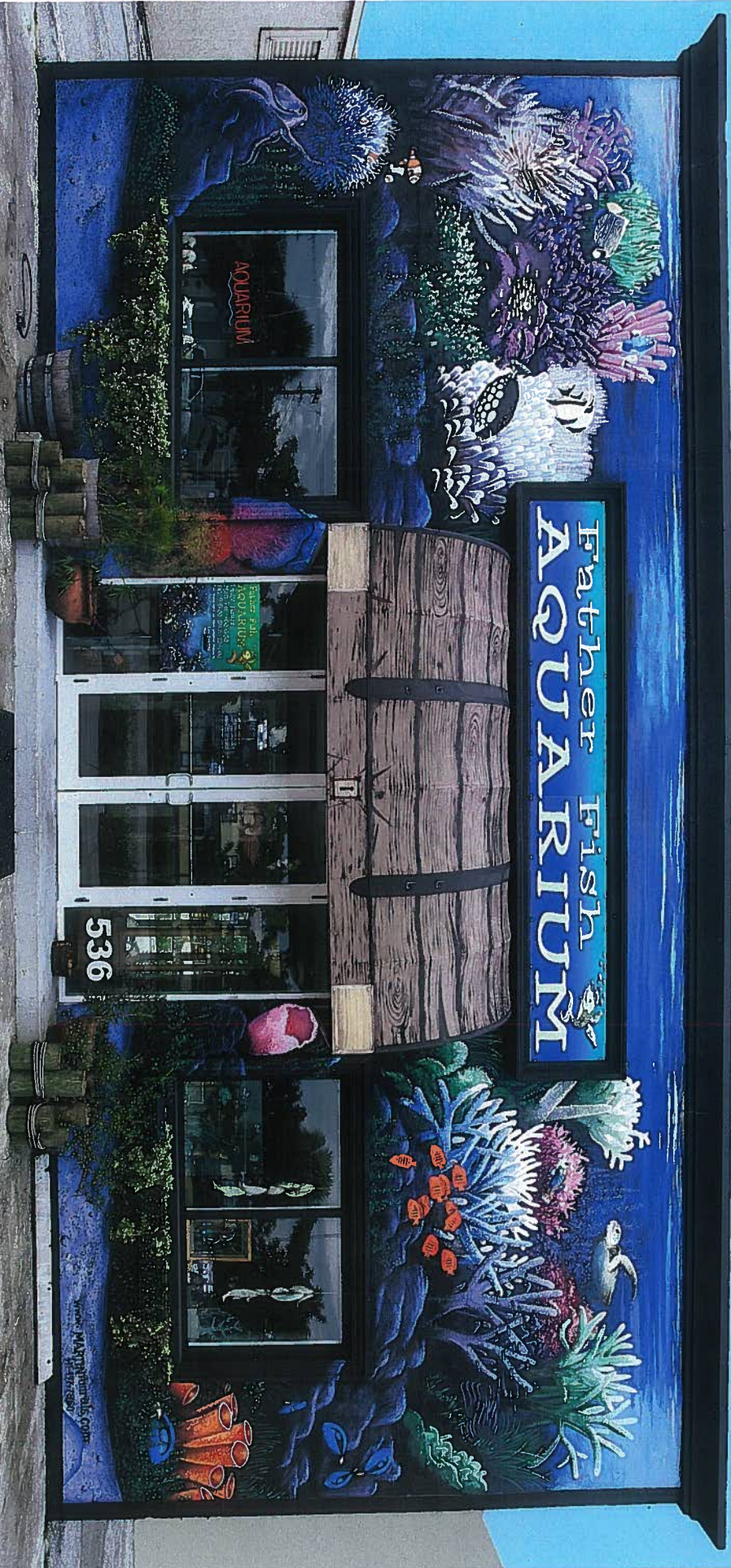
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# Father Fish AQUARIUM



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www.fatherfish.com