

CHARTER TOWNSHIP OF LOWELL  
ZONING BOARD OF APPEALS

VARIANCE HEARING  
December 16, 2010

PRESENT: Bonn, Mayhew, Clements, Jones, and Thompson.

CITIZENS IN ATTENDANCE: Carlton Blough, Lynn Richardson

The meeting of the Lowell Township Zoning Board of Appeals was called to order by Chairperson Clements at 7:02 pm.

The first order of business: The Meijer Variance Request

Lynn Richardson, real estate developer for Meijer, addressed the Board by stating that Meijer has been in Lowell for ten years and is due for a redo. Ms. Richardson reviewed all 782 square feet of Meijer signage. Ms. Richardson said she understands the sign square footage in Lowell Township is 100 square feet. According to Ms. Richardson Meijer in Lowell reduced signage by dropping FRESH from the store front in 2008. Ms. Richardson said the remodeling will require changes in Pharmacy signage and new signage for the new bottle return entrance. Ms. Richardson is requesting a variance on behalf of Meijer to have signage viable. The new signage requested will be a net reduction of 14 square feet but will meet the highest and best use by reducing the signage. Ms. Richardson stated all the signs will be on the front of the building and that the deep setback causes the need for a variance.

Bill Thompson asked if the Garden Center will have enough room. Ms. Richardson explained the revamping will accommodate the Garden Center and the building will maintain the LED certification.

Mr. Thompson asked if the bottle return is a universal problem. Ms. Richardson stated that remodeling the bottle return will keep the store cleaner and eliminate the noise problem.

Mr. Jones asked if the bottle return will be encapsulated within the store. Ms. Richardson replied yes.

Mr. Thompson remarked that Tim Johnson said the Meijer gas station sign does not need a variance.

PUBLIC COMMENT:

Chairperson Clements opened and closed the meeting to public comment at 7:17pm after clarifying there was no public comment.

Chairperson Clements closed the public hearing.

#### MINUTES:

Mr. Thompson requested several corrections to the November 18, 2010 minutes. Mr. Jones moved to accept the minutes with suggested corrections. Mr. Thompson seconded the motion. All voted in favor and the minutes were approved with corrections.

#### DISCUSSION OF MEIJER VARIANCE REQUEST:

The total would be 56 square feet to signage change. Tim Johnson called both additional signs incidental signs which would leave 40 square feet of variance where 16 square feet are allowed. Mr. Thompson pointed out that would be 2.5 times more than allowed.

Ms. Richardson asked the number of incidental signs allowed. A brief discussion of the sign ordinance changes followed.

Chairperson Clements pointed out that the MEIJER sign did not need to be addressed because of the legal nonconforming status. Mr. Clements said incidental signs are not limited in number.

#### REVIEW OF SIGN ORDINANCE VARIANCE CRITERIA:

CRITERIA 1: A literal application of the Ordinance would not allow the property to be used at its highest and best use as zoned.

Mr. Thompson said a large building with a large parking lot needs signs to be proportional.

Mr. Bonn said proportional signage would help with safety concerns.

Mr. Jones speculated if the building were a mall there would be multiple signs. Chairperson Clements clarified that the ordinance distinguishes between multiple businesses in one building and one primary business. Mr. Thompson admitted the ordinance does need clarifying in that regard.

It was agreed the first criteria was met because of size, setback, and Meijer's history of signage at this location.

CRITERIA 2: The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

It was agreed the second criteria was met because the changes were minor.

CRITERIA 3: Hardship caused the sign user under a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to other properties in the Township.

Mr. Clements remarked that the problem could be considered self-created because of the large setback.

It was generally agreed the being a big box store with a huge setback created the unique condition.

CRITERIA 4: The granting of the variance would not be contrary to the general objectives of this Ordinance.

Chairperson Clements said the changes would help with health and safety issues. Mr. Thompson said the sign ordinance addressed here is different than the general ordinances as it allows for changes in size due to proportionality and the incidental signs won't be overpowering. Mr. Clements said article 18.01 addresses criteria 4.

Mr. Thompson stated the request meets the Sign Ordinance Criteria for the incidental signs for bottle return and pharmacy and moved to grant the variance. Mr. Jones seconded. Chairperson Clements again pointed out that a variance is not needed for the gas station.

Chairperson Clements requested a roll call vote: Cliff Bonn - yes  
Mary Mayhew - yes  
Tim Clements - yes  
Bill Thompson - yes  
Ray Jones - yes

The variance request is granted.

Chairperson Clements opened and closed the meeting for public comment.

Mr. Bonn moved for adjournment. Mr. Thompson seconded the motion. All in favor adjourned the meeting at 8:03 pm.

Submitted \_\_\_\_\_

Mary Mayhew, Secretary

Approved \_\_\_\_\_