

CHARTER TOWNSHIP OF LOWELL
ZONING BOARD OF APPEALS

VARIANCE HEARING/FALL MEETING
November 18, 2010

PRESENT: Clements, Bonn, Thompson, Mayhew, and new member Ray Jones

CITIZENS IN ATTENDANCE: Chris Clark

The meeting of the Lowell Township Zoning Board of Appeals was called to order by Chairperson Clements at 7:04 pm.

APPROVAL OF AGENDA:

Mr. Thompson moved to add the election of a Vice Chairperson to the agenda. Mr. Clements seconded, with all in favor the agenda was amended.

MINUTES:

Mr. Thompson made the motion to approve the minutes of the April Zoning Board of Appeals meeting as written. Mr. Bonn seconded, and upon voting the minutes were approved.

ELECTION:

Mr. Bonn was nominated by Mr. Thompson for the position of Vice Chair vacated by Mr. Edwards. Mr. Jones seconded the motion. Mr. Clements closed the nominations, asked for a vote and all approved Mr. Bonn as the new Vice Chairperson.

CITIZEN COMMENTS:

Public comment opened at 7:07 pm and with none present closed at 7:07pm.

GENERAL DISCUSSION:

The minutes of April 28 set May 28 as the date for a variance request hearing from Mr. Dale Ritchie. Mr. Ritchie withdrew his request and the hearing was cancelled.

PUBLIC HEARING:

Notice of the Public Hearing was read into the record by Mrs. Mayhew. Chairman Clements explained the hearing process to the requestor, Mr. Chris Clark. Mr. Clark explained that the side of Lowell Lanes had been opened visually by tree removal. The side of Mr. Clark's building looked shabby so he had it painted and included his web address and phone number. Mr. Clark felt Marc Larabel had led him to believe that phone number and web address would be acceptable. Mr. Clark realized upon reading the Lowell Township Sign Ordinance that his painted message on the side was too big and he would be happy to correct that but the configuration of the front of the building and the ordinance requirements would not allow for an addition sign on the front of the building. Mr. Clark explained that any message

on the available space on the front of the building is blocked whenever vehicles are parked along the front of the building. Mr. Clark feels his side sign has been effective in bringing in business. Mr. Clark pointed out that Ordinance 18.04.f p2ii will not allow a sign above the roof and that Ordinance 18.07.c will not allow enough square footage for a sign to be readable from the road because Lowell Lanes has a 200 foot setback. Mr. Clark continued to explain that canopy signs are limited to 32 square feet, again unreadable from that distance.

Mr. Thompson asked Mr. Clark if his existing street sign is lit. Mr. Clark replied it is lit and is hoping for addition revenue from the holidays to revamp the road sign. Mr. Thompson commented that the street sign had been grandfathered in. Mr. Clark remarked that his current sign even updated will be too small to include the web address and phone number and that he cannot afford to replace the street sign completely.

Mr. Thompson suggested looking at alternatives on the front wall of the building and questioned availability of space on the front wall below the roof line. Mr. Clark responded that the front wall would be legal but not visible at 32 square feet.

Mr. Bonn pointed out that the street sign is lit and visible day and night. Mr. Clark pointed out that the phone number is not on the street sign and it is limited to eleven characters and 3 lines. Mr. Clark said he cannot afford a new, larger street sign. Mr. Bonn questioned whether the existing street sign could be enlarged. Mr. Clark replied that his street sign is too old. Mr. Clements noted that two feet per five feet of street frontage up to 125 sq. ft. is the allowable street sign size.

Chairperson Clements questioned whether Mr. Clark has looked at options of temporary signs. Mr. Clements explained that temporary signs are allowed four times per year during the week with permit and no permit is required for weekend signs. Mr. Clements suggested the temporary signs could be utilized to bring in enough revenue to replace and enlarge the street sign.

Mr. Thompson and Mr. Bonn both expressed the Township's desire to see businesses succeed. General discussion continued searching for alternatives to the variance request.

Mr. Clements reiterated that a point of sale sign won't work because of the 32 square foot limit that the 100 square foot limit won't work on the building because parked customer cars block the view, and that Mr. Clark stated he cannot afford to replace and enlarge the street sign.

Mr. Clark remarked that he was having difficulty understanding the ordinance because with 60% of the business is open bowling and leagues have been reduced to 40%. Mr. Clark's concern was that open bowling relies more on signage and that there is confusion between Lowell Lanes and Rollaway which signage would help clarify. Chairperson Clements said the Planning Commission would have interest in this issue and he would present it to the Commission.

Mr. Thompson urged Mr. Clark to meet with the Township personnel on this issue. He reassured Mr. Clark the Township will be happy to work with him.

Mr. Thompson moved to deny the variance request because Mr. Clark had failed to meet the 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 the bowling alley is being used as such. Criteria 2: The

granting of the requested variance would not be materially detrimental to the property owners in the vicinity. Mr. Thompson pointed out that although there had been no citizen opposition to the hand painted side sign it would be hideous to look at from the new construction next door.

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. Thompson said the 200 foot setback creates problems but it is not unique in the Township and Mr. Clark did not demonstrate a unique hardship.

Criteria 4: The granting of the variance would not be contrary to the general objectives of this Ordinance. Mr. Thompson stated that the side sign on Lowell Lanes would be contrary to the general objectives of the Ordinance.

Mr. Bonn seconded Mr. Thompson's motion.

Mr. Clements called for a roll call vote:

Cliff Bonn – yes

Mary Mayhew – yes

Tim Clements – yes

Bill Thompson – yes

Ray Jones - yes

With all in favor the variance request was denied.

Chris Clark was given a copy of the decision.

HEARING DATE:

Meijer Inc. has requested a variance. With a motion Mr. Thompson suggested December 16, 2010 at 7:00 pm as the hearing date. Mr. Jones seconded. With all voting in favor the hearing date was set.

ADJOURNMENT:

Ray Jones made a motion to adjourn and Bill Thompson seconded. All voted aye and the meeting adjourned at 8:17 pm.

Submitted _____

Mary Mayhew, Secretary

Approved _____