



301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
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CITY OF LOWELL
ZONING BOARD OF APPEALS AGENDA
TUESDAY, FEBRUARY 22, 2022 AT 7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF AGENDA
3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

4. NEW BUSINESS
 - a. Public Hearing – 746 W. Main Street Sign Variance Application
5. BOARD/COMMISSION REPORTS
6. COUNCIL COMMENTS
7. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.

MEMORANDUM

To: City of Lowell Zoning Board of Appeals
 Date: February 17, 2022
 From: Andy Moore, AICP
 Tanya DeOliveira, AICP
RE: 746 W. Main Street Sign Variance Application

Mr. Charlie Jeffrey, representing Betten Baker, has applied for a variance on his property located at 746 W. Main Street (PN 41-20-02-307-004). The applicant is proposing to move the business sign that is located at 746 W. Main Street to 749 W. Main Street, and to then move the business sign that is located at 749 W. Main Street to 746 W. Main Street. Both signs do not meet the standards of the Zoning Ordinance, and because the entire sign is being moved, each is required to comply with zoning ordinance requirements. Thus, a variance was requested. The purpose of this memorandum is to evaluate the request pursuant to Chapter 20 of the City of Lowell Zoning Ordinance.

Background

The applicant owns the properties at 746 W. Main Street and 749 W. Main Street, respectively, where he is proposing to swap the signs from one piece of property to the other. This would result in the sign that is located at 746 W. Main Street be moved to 749 W. Main Street and the sign that is located at 749 W. Main Street be relocated to 746 W. Main Street. The applicant is proposing to switch the existing signs as they are currently, intending to keep the existing sign area size and height intact. The applicant is requesting a variance from Section 20.08 D of the Ordinance, which states:

D. The following sign types shall be permitted in accord with the following regulations in the C-3 District:

Type	Maximum Number	Maximum Sign Area	Height
<i>Ground or Freestanding</i>	<i>1 per street frontage; provided that a double-frontage lots is permitted only one freestanding sign</i>	<i>48 square feet, Or 32 square feet if the lot has a street frontage of 66 feet or less</i>	<i>6 feet for a ground sign and 20 feet for a freestanding sign</i>

The applicant's freestanding sign at 749 W. Main Street on the north side of the road (that would be moved to 746 W Main) is approximately 69' square feet in sign area and is 28 feet in height, which is more than the 48 square feet permitted for the maximum sign area and taller than 20 feet allowed in height. The applicant's sign at 746 W. Main Street, on the south

side of the road, is 37' 4" square feet in sign area and is 21 feet in height, which is within the 48 square feet allowed in the maximum sign area, but taller than the 20 feet allowed for height.

Part 1. Variance Review Standards – Sign Ordinance

When reviewing a request for a variance, the ZBA must find that a "practical difficulty" exists. In determining if a practical difficulty exists, the ZBA is guided by the standards of Section 21.04 of the zoning ordinance. This section authorizes the ZBA to grant non-use variances only if it finds that all six of the standards listed in this Section are met.

The standards of Section 21.04 are listed below, along with our remarks on each as it relates to the request:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;

Exceptional or extraordinary circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties;

Remarks: The subject property, 746 W. Main Street, is approximately 1.17 acres in area and contains approximately 340 feet of frontage. The parcel is under development as a new Betten Baker vehicle dealership. The site is flat and does not contain any known unique features that would make zoning ordinance compliance practically difficult.

The applicant states that the sign already exists, and, therefore, that the signs at 746 W. Main Street and 749 W. Main Street could be switched and installed. While true, this rationale does not address the standard. We are hard-pressed to identify any exceptional or extraordinary features or circumstances that preclude the applicant from meeting the standards of the Zoning Ordinance within the C-3 district.

2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Remarks: This standard tests whether the city should amend the zoning ordinance instead of repeatedly reviewing similar variance requests. Since the sign ordinance was adopted in 2013, there have been two variance requests related to signage: (1) for O'Reilly Auto Parts (denied) and (2) for the Lowell City Mall (granted). If the Board feels that the Ordinance is too restrictive in its current form with regard to the sign area and/or sign height, it could consider directing the Planning Commission to revisit the Ordinance. However, two variance requests in nine years do not, in our

estimation, constitute a "recurring" request. Therefore, the request is not so general that it would make the formulation of a general regulation reasonably practical.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Remarks: The applicant states that there are signs of similar height as competitive businesses in the City. One of the primary reasons stated by the applicant for requiring a variance is because the signs already exist. As was previously noted, the sign that is located at 746 W. Main and is proposed to be moved to 749 W. Main can do so, as long as the height is reduced to no taller than twenty feet. The sign that exists at 749 W. Main street and is proposed to be located at 749 W. Main Street does not comply with the maximum sign size area nor the maximum height in the existing ordinance. The zoning ordinance does not preclude the applicant from having a sign. Other signs in the area may exist that are larger than what is permitted, but these are likely legal conformities that, like the applicant's existing signage, are allowed to continue indefinitely until they are destroyed, replaced, or structurally altered.

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Remarks: The applicant stated, that that the granting of the variance would not likely be significantly detrimental to adjacent property and the surrounding neighborhood, and we generally agree. The request is not outrageous or significantly out of line with neighboring properties, so it would not likely be detrimental to neighboring properties. In our opinion, this standard has likely been met.

5. The variance will not impair the intent and purpose of this ordinance.

Remarks: The applicant states that because the signs would be moved but not changed, this would not affect the ordinance. We respectfully disagree. The purpose of the Ordinance includes the provision that the signs in the C-3 district must be no greater than the maximum size area and height regulations as they are stated. If the variance is granted, this could set a precedent that would weaken the City's ability to regulate the signage throughout the community. There doesn't seem any compelling evidence with respect to the request that suggests the existing regulations cause the applicant any undue hardship or practical difficulty. Rather, the request seems to be borne of convenience and cost savings. While these are understandable considerations from a business perspective, they do not rise to the level of a practical difficulty. Further, the granting of a variance absent such a practical difficulty risks seriously undermining the entire zoning ordinance, which is not desired.

6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

Remarks: The applicant has been a business owner on the property for a number of years. The existing conditions on the site and regarding the business meet the existing standards for C-3 district, and they are currently in compliance with other zoning ordinance standards. There are no hardships on the site that were caused by the actions of the applicant. In our opinion, this standard has likely been met.

Recommendation. At the February 22 meeting, the ZBA should consider the documents submitted and carefully listen to comments by the applicant, as well as the public. If, in the judgment of the Board, all of the above standards are met and a practical difficulty exists, the Board may approve the variance with or without conditions.

Based on our analysis above and knowledge of the site, we are not convinced that a practical difficulty exists that warrants a variance. The discussion contained in this memorandum may be cited as a basis for the decision.

We look forward to reviewing this memo with you at your upcoming February 22 meeting. As always, feel free to contact us with any questions or comments.



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APPLICATION FOR VARIANCES(S)
AND/OR
APPEAL OF ADMINISTRATIVE DECISION

Variance Number: _____ Filing Fee: _____

1. Street Address and/or Location of Request: 746 W Main
Lowell MI 49331

2. Applicant's Name: Bethel Barber Buick GMC / CHARLIE JEFFREY
Address: 749 W MAIN MI 49331
Street City of Lowell State Zip

Daytime Phone Number: 616-485-2972

Are You: Property Owner Owner's Agent
 Contract Purchaser Option Holder

3. Applicant is being represented by: Signworks of Michigan, Inc.
Address: 4612 44th St SE, Grand Rapids MI 49512
Phone Number: 616.954.2554

4. Legal Description of the Property: 201 Commercial Improved

or just attach if it is too long.

5. Parcel Identification Number (Tax I.D. No.): #41-20- 02-307-004

6. Current Zoning of Parcel: C-3 General Business

7. Present Use of the Parcel: Automobile Dealership

8. Check Below For The Item Which A Variance Is Being Requested:

- Lot Coverage _____ Lot Size _____ Sign
- Lot Width _____ Parking _____ Setbacks _____
- Fence _____ Landscaping _____ Other _____
- Height Requirements
- Area Requirements _____
- Nonconforming Residential Use _____
- Nonconforming Commercial Use _____
- Accessory Building Use _____

9. Your Request is: (check only one)
- An Appeal of an Administrative Decision
- A Temporary Use
- A Variance from Zoning Ordinance Requirements

10. If an appeal is being requested, state the administrative decision being appealed: _____

n/a

10(a). If a variance is being requested, state the reason(s) for the request and your intended uses: _____

Switch current signs on 749 + 746 W Main

The following provisions of the City of Lowell Zoning Ordinance (Section 21.04 B) must be met in total before a variance can be granted. Respond to each of the six criteria as it pertains to the request.

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district:

Exceptional or extraordinary circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in questions, the literal enforcement of the requirements of this Ordinance would involve practical difficulties;

The signs already exist. Would be simply moving
ONE FOR ONE TO OPPOSITE SIDES OF THE STREET

- B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Betten Baker has owned these parcels for
some time and would like to move signs - switching
signs across the street does not cause need
for any new regulations.

- C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The signs are of similar height as competitive
businesses that exist in town already
Betten Baker is looking for equal identification and advertisement,
necessary by surrounding businesses.

- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

The signs are already in place
Nothing will change that will effect any neighbors
or traffic.

- E. The variance will not impair the intent and purpose of this Ordinance.

Because the signs will be moving, but not changed,
their original intent did not effect the ordinance,
nor will it now.

- F. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

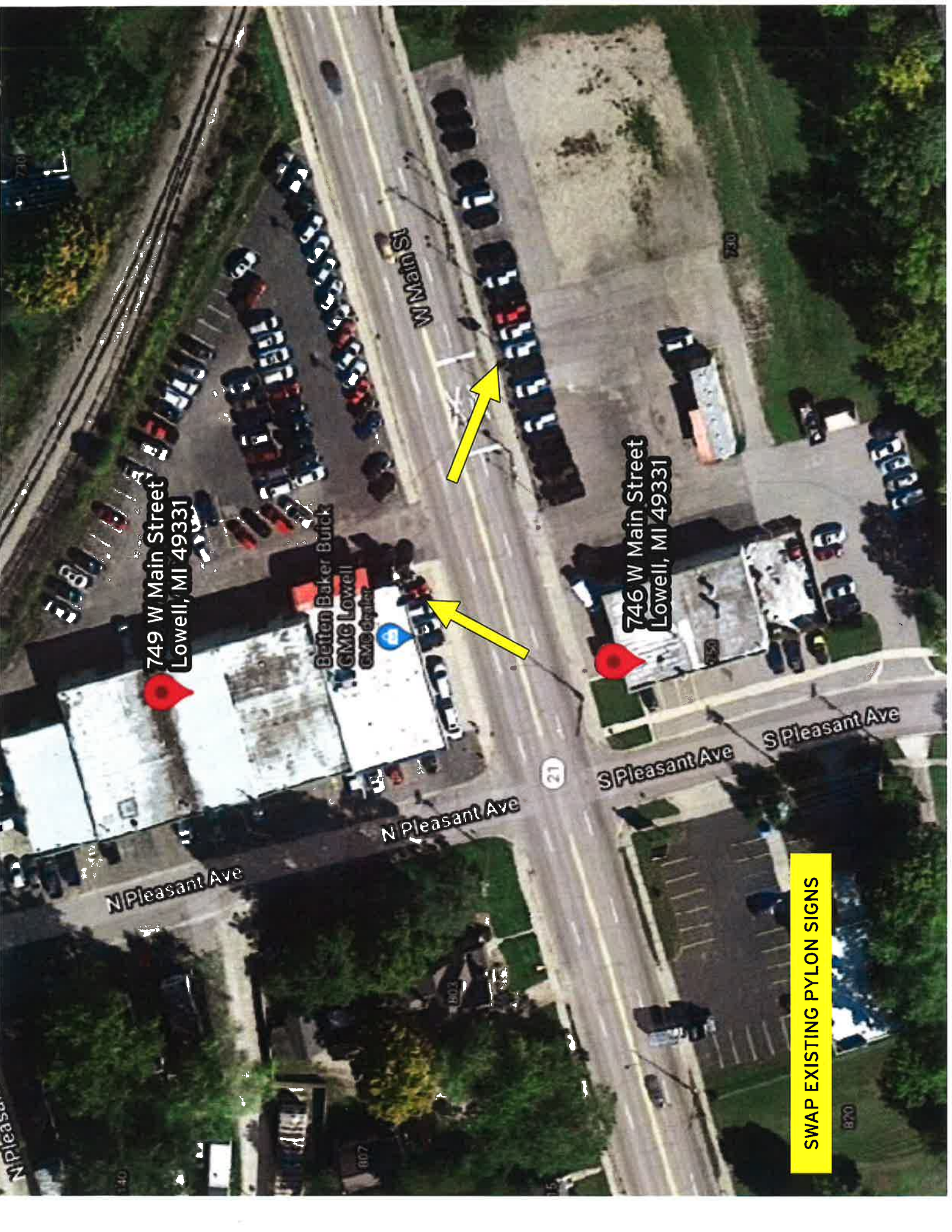
The applicant has been a business owner in
Lowell at these locations for years - they did not
contribute to any change regarding the request to
get a variance.

The facts presented above are true and correct to the best of my knowledge.

Signature: 

Date: 1-13-2022

Type or Print Your Name Here: Charlie Jeffrey



749 W Main Street
Lowell, MI 49331

Betton Baker Buick
GMC Lowell
GMC dealer

746 W Main Street
Lowell, MI 49331

N Pleasant Ave

N Pleasant Ave

S Pleasant Ave

S Pleasant Ave

W Main St

SWAP EXISTING PYLON SIGNS

VIEW LOOKING EAST



749 W Main Street
Lowell, MI 49331



746 W Main Street
Lowell, MI 49331

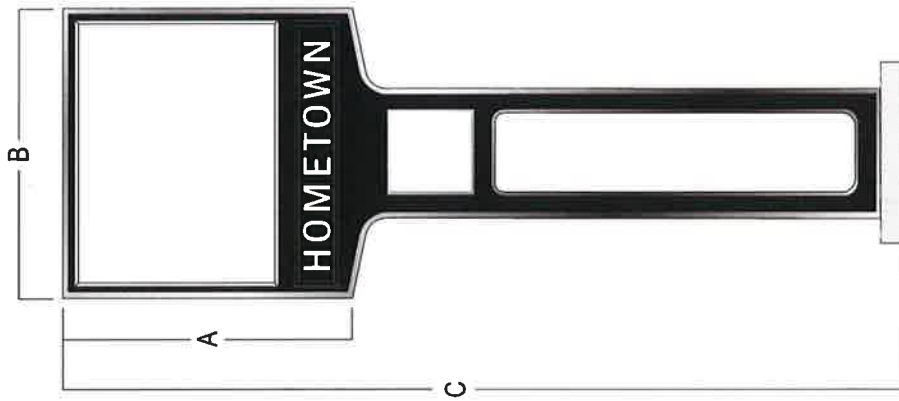
Fulton St E

VIEW LOOKING WEST



CURRENTLY NORTH SIDE

PROPOSING TO SWITCH TO SOUTH SIDE:

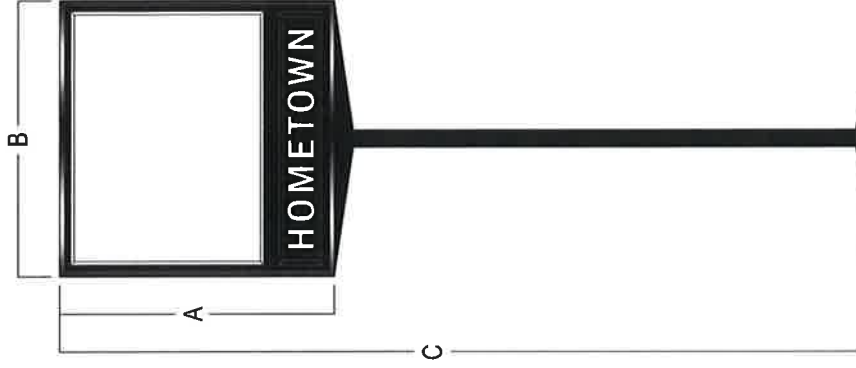


GROUND MOUNT
TWIN POLE

GROUND MOUNT - TWIN		
Sign Type	A/B	C
S92	8'-8 1/4"	28'-0"

CURRENTLY SOUTH SIDE

PROPOSING TO SWITCH TO NORTH SIDE:



GROUND MOUNT
SINGLE POLE

GROUND MOUNT - SINGLE		
Sign Type	A/B	C
S36	6'-4 9/16"	21'-0"