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**Charter Township of Kalamazoo
Minutes of the Zoning Board of Appeals
Held on November 21, 2018**

A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on Wednesday, November 21, 2018.

Call to Order.

The chairman called the meeting to order at 7:00 p.m.

Present Were:

Chairman Jim Short
Warren Cook
Steve Leuty
Fred Nagler
Ann Simmons

Absent was: Chris Mihelich, Alternate

Also present were: Township Attorney Roxanne Seeber, Township Supervisor Don Martin and one member of the audience.

Roll Call.

The chairman called the meeting to order and called the roll. Cook moved, supported by Nagler, to excuse Mihelich. The motion passed unanimously.

Set Agenda.

Simmons moved, supported by Cook, to approve the agenda as submitted. The motion passed unanimously.

Approval of the Minutes of the October 17, 2018 ZBA Meeting.

The first item on the agenda was approval of the minutes of the October 17, 2018 Zoning Board of Appeals meeting. Cook moved, supported by Leuty, to approve the minutes as provided. The motion passed unanimously. Hudson provided his copy of the minutes to Simmons for signature and retained it for the Township's records.

1 **Public Hearings.**

2

3 **Family Dollar—3518 E. Main St. (RWL Sign Co.)—sign variance**

4

5 The first item on the agenda was the application of RWL Sign Co. and Family Dollar, Inc. for a 24
6 square foot variance from the 48 square foot maximum permitted wall sign area in order to
7 permit the placement of a 72 square foot wall sign above the entrance way on the Family Dollar
8 Store at 3518 E. Main. The property is located in the C-2 “Commercial Corridor District” Zoning
9 Classification. Wall sign standards are contained in Section 7.08D of the Township Zoning
10 Ordinance. The standards for variance approval for sign variances are contained in Section 7.04
11 of the Township Zoning Ordinance. The Chairman opened a public hearing on the request.

12

13 Jason Headly of RWL Sign spoke on behalf of the applicant. The desired sign is about 25 square
14 feet larger than the allowed wall signage size. He indicated that there was limited visibility for
15 the store, based on the distance from East Main and its location in a strip mall. The sign
16 limitation would not allow for a sign that was large enough to read from the road.

17

18 In response to an inquiry from Short, Headly stated that the drawing he presented was about to
19 scale, showing the larger sign size being requested. The store, he said, was the former Dollar
20 General location and it was planning to remove a wall and take additional space in the strip
21 mall. Therefore, the store would have about 100 feet of frontage on the strip mall. The plan,
22 he said, was to place brick along the front and put the store sign up above the windows. There
23 would be some renovation to the exterior to match the elevation drawings provided. Warren
24 and Short asked the applicant to approach the table to show the proposed location of the new
25 store and the expansion area. Headly stated that the store would be larger than the Dollar
26 General, which had moved to a stand-alone location on Nazareth and East Main, by about 85
27 square feet. Leuty wished to confirm the location to the left of the PCS Metrocom store.
28 Headly agreed.

29

30 Short indicated that the new store would be quite a bit larger than the others in the strip mall.
31 In response to an inquiry from Nagler, Headly stated that there would be façade improvements
32 as shown on the drawings. Hudson indicated that there was no change in use which would
33 have required Planning Commission review or approval. It was retail to retail, so that could be
34 approved administratively. Cook considered the monument sign in the front of the strip mall.
35 Hudson indicated that most of the existing wall signs at the strip mall pre-date the new zoning
36 ordinance. This is why some of the signs were larger, he said. The only sign that Hudson had
37 approved under the new ordinance was that for PCS Telecom. The PCS sign looked a little
38 smaller than the others in the strip mall, Hudson noted.

39

40 Headly commented that Family Dollar is owned by Dollar Tree. Dollar General was the
41 competitor. It had moved to another location down the street. Leuty commented on the nice
42 looking monument sign at the Dollar General store. Nagler commented that this particular
43 strip mall was easy to drive by without noticing the wall signs, due to the location well back

1 from the road. The applicant stated that he did not want his client to fall into that situation, as
2 it was a new store and it might be overlooked if the sign was not larger than permitted.

3
4 In response to an inquiry from Short, Hudson stated that the proposed wall sign was 72 square
5 feet in size. It was a “standard sign size” according to the applicant. Nagler did some
6 calculations and established that the next lowest standard sign size would meet the parameters
7 of the ordinance. Headly stated that the company’s standard sign size was either 22” or 38”.
8 There is a logo in the middle, which adds to the sign size. Headly and Nagler calculated that
9 under the 22 inch sign height the sign would be 18 feet in length and 22 inches tall. There was
10 also a tenant sign available on the plaza sign, Hudson indicated. In response to an inquiry from
11 Short, Hudson stated that the plaza sign did not affect the limitation of 48 square feet on the
12 wall sign. The plaza sign now could be no more than 6 feet in height, but the existing one was
13 lawfully nonconforming and would result only in a change to the sign face.

14
15 The Chairman closed the public hearing. Leuty opined that the Dollar General sign was
16 attractive. He appreciated the side accents and the logo in the middle of the words. He stated
17 that the Zoning Ordinance restricted the wall sign size to 48 square feet. He felt that the ZBA’s
18 hands were tied and that there wasn’t reason to grant a variance. He did not think that the
19 sign size limitation was necessarily a disservice to Family Dollar, indicating that sometimes less
20 is more. He indicated that the Dollar General monument sign and the wall sign met the
21 limitations of the Zoning Ordinance and both provided visibility. Leuty indicated that to some
22 extent, the future under the new Zoning Ordinance would become reality. It was just going to
23 take some time and the ZBA needed to be vigilant.

24
25 At Short’s request, Hudson went through his written review. Short recalled that there is
26 usually an issue with standard-size corporate signs. He indicated that the BP Station had an
27 issue with the sign size when the canopies over the pumps had to be counted. Simmons
28 understood that there were standard corporate sign sizes, but she was not inclined to use that
29 as a reason to approve a variance. She stated that there was actually room for three shops,
30 with three different 48 square foot sign limitations. She wondered if it was fair to hold the size
31 of the storefront against the applicant. Nagler commented that the length of the business
32 name was not taken into consideration. A shorter store name would get bigger letters, he
33 reasoned. He considered whether a height restriction would serve the purpose better than a
34 square footage limitation. Hudson stated that most of the signs in the strip mall were
35 approved under the old ordinance. Thus, they were larger. There was no real “retirement
36 date” for nonconforming signs, he said. Nagler indicated that the new Zoning Ordinance was
37 based on a plan, which set the sign limitation at issue. Nagler indicated that the proposed sign
38 was not unattractive. However, none of the standards for the grant of a variance were met.
39 There was no latitude given in the ordinance based on the size of the building/elimination of
40 the walls and the like. Cook inquired about the specific address within the strip mall. Hudson
41 indicated that the address of the mall building was sufficient.

1 Cook moved, supported by Simmons to deny the variance application based on a lack of a
2 practical difficulty and with the understanding that the address of the plaza was used for the
3 description and not the individual unit within the plaza. The motion passed unanimously.

4
5 **Citizen Comments.**

6
7 None.

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9 **Board Member Comments.**

10
11 Cook commenced a conversation regarding the 48 foot wall sign limitation. Short felt that
12 there should be some leeway for standard size signs for national companies so that there were
13 not so many variance requests. The group discussed various aspects of sign regulation;
14 including consideration of the distance from the road; the lineal frontage for properties in a
15 strip mall; the number of feet an existing building is set back from the road; special
16 considerations for multiple suites in a single location/building; and whether a height limitation
17 could be considered. Cook and Nagler took notes, and Nagler indicated that he would take the
18 matter to the Planning Commission. Hudson suggested “form based coding” in which a “build
19 to property line” standard would be used. Leuty commented that from the existing East Main
20 Street strip mall, it kind of looked from the road like the community “gave up”. Cook indicated
21 perhaps a size ratio based on the distance to the road could be a consideration. The goal, all
22 agreed, was to attract new business and to help existing businesses be profitable.

23
24 Simmons indicated that she and her husband had purchased a house in another Kalamazoo
25 County township and that they would be moving. As such, she would be tendering her
26 resignation as a member of the Zoning Board of Appeals. The group was sorry to see her go,
27 and wished her well. Hudson stated that Mihelich would likely be appointed as a full member
28 and a new alternate would be sought.

29
30 **Correspondence.**

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32 Hudson stated that he had heard from a tailor that wished to locate in the existing Carriage
33 Cleaners building on West Main.

34
35 **Report of the Planning Commission Member.**

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37 Nagler reported on the recent planning commission meeting.

1 There being no additional business before the Zoning Board of Appeals, upon motion of Cook,
2 supported by Leuty, and unanimous approval, the meeting was adjourned at 8:15 p.m.

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Respectfully Submitted,

Ann Simmons, Secretary

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Synopsis of Actions
ZBA meeting November 21, 2018

1. Denied a 24 square foot variance from the permitted 48 square foot wall signage for a proposed Family Dollar Store at 3518 E . Main.
2. Discussed and recommended possible changes to the 48 square foot wall sign limitation in the Zoning Ordinance.