

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD SEPTEMBER 24, 2013

Agenda

REQUEST FOR DEVIATIONS FROM THE REQUIREMENTS FOR TEMPORARY SIGNS FOR COMMERCIAL USES AS PRESENTED IN SECTION 76.175 TO ALLOW A TEMPORARY BANNER SIGN OF 200 SQUARE FEET, 168 SQUARE FEET LARGER THAN THE 32 SQUARE FEET MAXIMUM; SIX FEATHER FLAG SIGNS FOR A TOTAL OF SEVEN TEMPORARY SIGNS, SIX MORE THAN THE ONE PERMITTED; AND INSTALLATION OF THE TEMPORARY SIGNS FOR A PERIOD OF 42 DAYS, 28 DAYS MORE THAN THE 14 DAY MAXIMUM, FOR KOHL'S LOCATED AT 5159 WEST MAIN STREET. (PARCEL NO. 3905-13-430-037)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, September 24, 2013, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairperson
Lee Larson
Millard Loy
Neil Sikora, First Alternate
L. Michael Smith

MEMBERS ABSENT: Cheri Bell
James Sterenberg, Second Alternate

Due to Ms. Bell's absence, Mr. Sikora was called upon to act as a sitting member for the meeting.

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Taylor at approximately 3:00 p.m., and the "Pledge of Allegiance" was recited.

Public Comment on Non-Agenda Items

Chairperson Taylor called for public comment on non-agenda items. Hearing none, he proceeded to the next agenda item.

Approval of the Minutes of August 27, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of August 27, 2013. No changes were noted. Mr. Smith made a motion to approve the minutes as presented. Mr. Larson seconded the motion. The motion was approved unanimously.

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Chairperson Taylor asked Mr. Milliken to present his report on the sign deviation request from RWL Sign Company.

Mr. Milliken explained the applicant, RWL Sign Company, is requesting sign deviations on behalf of Kohl's, located in the shopping center at the southeast corner of Drake Road and West Main Street. It is located in the C-Commercial District. Kohl's is currently undergoing a substantial internal remodeling, which will include some façade changes as well. The company desires a substantial amount of temporary signage to correlate with the completion of the project and draw attention to the opening of the "new" Kohl's.

Mr. Milliken explained there are several deviations the applicant is requesting to satisfy their client's desire for temporary signage. He reviewed the request.

First, one large banner is requested to be mounted on the north side of the building facing West Main Street. This banner is 200 square feet in size (8 feet by 25 feet). The maximum permitted size of a temporary sign is 32 square feet, 168 square feet less than proposed. For comparison, the existing wall signs in that shopping center are the following sizes: Kohl's is 195 square feet, Harding's Marketplace is 210.33 square feet combined, and MC Sports is 167.61 square feet.

Second, six banner flag signs are proposed to be located on the roof of the building to the left and right of the north (West Main Street) entry. There are several

Ordinance concerns with these. First, the Ordinance specifically prohibits roof signs, which are defined as any sign “upon or over the roof of the building.” Second, the Ordinance limits businesses to one temporary sign per six month period. With the proposed banner, these flags would increase the total temporary signage to seven signs.

Mr. Milliken said the Ordinance limits the height of temporary signs to 5 feet, or 20 feet if mounted on the side of a building. Although the height is not indicated, it is assumed that this standard is exceeded as well.

He continued, telling the Board the applicant would like to have these signs on display from October 2 to November 11, but the Ordinance limits display to 15 days per six month period. In cases of a Grand Opening, an additional 14 days can be granted. In Staff’s opinion, this would not count as a Grand Opening, as there is not a new business being established at the site. Even if that interpretation were used, however, the proposed 40 days would still exceed the 29 days such an interpretation would allow.

Mr. Milliken said the Zoning Board of Appeals should review the standards of approval in considering the request for deviation.

Mr. Milliken indicated signage is one of the more common enforcement issues for Township Staff, particularly temporary signage for commercial properties. Whether by force or by choice, the property owners in the vicinity have complied with the standards of the Ordinance regarding temporary signage. To allow such significant departure from those standards for one user would likely be deemed unfair and unreasonable to those who have conformed in the past.

Mr. Milliken pointed out there is nothing unique about the lot, building site, parcel, or tenant space that would warrant the granting of the deviation. Kohl’s is one of if not the anchor of the West Main Mall shopping center and a key shopping destination in the Township. But such status is not criteria for the granting of a sign deviation, particularly not for a temporary sign the scale requested here.

He added it could be argued that a larger wall-mounted temporary sign is needed due to the large size of the building and the large setback from the road. A 32 square foot sign would not be as effective on the side of Kohl’s as it would be on the side of a smaller building for example. But the proposed request is extreme and unwarranted.

Mr. Milliken told the Board that allowing the increased temporary signage at this site, particularly to the degree requested, would almost certainly lead to additional requests for deviations as other tenants within the center and throughout the Township would seek similar relief. It would be challenging for the ZBA to deny future requests based on the information presented.

Chairperson Taylor asked if Board members had questions for Mr. Milliken regarding this request. Hearing none, and without the applicant present to address the

Board, the Chairperson indicated the Board would deliberate the request and asked who would like to move forward.

Mr. Smith commented there was nothing either unique or compelling about the request.

Mr. Loy said the Board would set itself up for future problems if they approved this request and that there is no reason to pass it.

Chairperson Taylor asked for a motion in favor of denying the request in its entirety.

Mr. Larson moved and Mr. Smith supported the motion to deny the request in its entirety. The motion was defeated unanimously.

Any Other Business / ZBA Member Comments

Mr. Milliken told Board Members that currently there are no items pending for which an October meeting would be necessary.

Adjournment

Chairperson Taylor noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, he adjourned the meeting at approximately 3:15 p.m.

Minutes prepared:
September 25, 2013

Minutes approved:
October 22, 2013