

**CITY OF LOWELL
ZONING BOARD OF APPEALS
MONDAY, NOVEMBER 20, 2017
IMMEDIATELY FOLLOWING CITY COUNCIL MEETING**

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.

The Meeting was called to order at 8:25 p.m. by Mayor Mike DeVore and City Clerk Susan Ullery called roll.

Present: Boardmembers Canfield, Chambers, Phillips, and Salzwedel.

Absent: Boardmember DeVore.

Also Present: City Manager Mike Burns, City Attorney Dick Wendt, City Clerk Susan Ullery and Police Chief Steve Bukala.

2. EXCUSE OF ABSENCE.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to excuse the absence of Boardmember DeVore.

YES: 4. NO: NONE. ABSENT: 1. MOTION CARRIED.

3. APPROVAL OF THE CONSENT AGENDA.

- Approval of the Agenda.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to approve the agenda as written.

YES: 4. NO: None. ABSENT: 1. MOTION CARRIED.

4. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There were no comments.

5. NEW BUSINESS.

- a. Public Hearing – Variance Application – 2111, 2155, 2163, and 2175 W. Main Street.

Andy Moore of Williams and Works explained that Nipun Nath, the owner of the above property, would like a sign variance for a bigger sign. Mr. Nipun Nath has submitted a variance application in connection with a proposed 120 to 140 square foot sign for the adjacent multi-tenant shopping center located at 2111 West Main Street. Variances can only be approved where the Board of Zoning Appeals finds that the standards of Section 21.04, B. of the Zoning Ordinance are met.

Mr. Nipun Nath stated he is seeking to replace the existing 120-square foot freestanding sign currently on the site with a new 120 to 140 square foot freestanding sign in conjunction with the adjacent multi-tenant shopping center located at the northwest corner of Main Street and Ridgeview Avenue. The current signage is located far back from Main Street and not in line with any of the existing signs on the street. This does not allow traffic flowing in both directions to view the sign from an appropriate distance. Furthermore, with the expected increase in the number of tenants, the sign is barely large enough to allow each tenant to appropriately display its name.

Andy Johnston of Lowell spoke stating he was in support of the variance and the continued growth in this community.

Moore went through the Standards to see if they are met accordingly to the ordinance. To approve a variance, the Board of Zoning Appeals must find that all of the standards presented in Section 21.04 B. are met.

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 of development of the property immediately adjoining the property in question, the literal enforcement of this requirements of this ordinance would involve practical difficulties.

By general consensus, the board agreed this standard had been met.

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.

IT WAS MOVED BY CHAMBERS and seconded by PHILLIPS to accept Standard 2 as met.

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.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to accept Standard 3 as met, but possibly bring back to the Planning Commission for further review since this is a unique piece of property and landlocked.

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

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to accept Standard 4 as met.

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

IT WAS MOVED BY PHILLIPS and seconded by SALZWEDEL to accept Standard 5 as met.

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

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to accept Standard 6 as met.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to grant the variance for the properties of 2111, 2155, 2163, and 2175 W Main Street because they have met the criteria, all six factors that we considered.

YES: 4. NO: None. ABSENT: 1. MOTION CARRIED.

6. **BOARDS AND COMISSION REPORTS.**

There were none.

7. **COUNCIL COMMENTS.**

There were none.

8. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to adjourn at 9:21 p.m.

YES: 5. NO: NONE. ABSENT: 1. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk