

ZONING BOARD OF APPEALS  
Regular Meeting  
July 25, 2023

The meeting was called to order by Chairman Russ Boersma at 5:30 p.m.

Present: Chairman Russ Boersma, Members Jack Vander Meulen, Elliott Church, Robert De Vries and Steve Haberkorn. Also present were Community Development Director Corey Broersma, Assistant Planner and Zoning Administrator Kate White, and Recording Secretary Laurie Slater.

Absent: Ross De Vries

\*\* It was moved by Vander Meulen and supported by Robert De Vries to approve the minutes from the June 27, 2023, meeting as written. Motion carried.

There were no public comments.

Chairman Boersma explained the Public Hearing process to the audience.

**Hearing declared open to consider** a petition for a Nonuse Variance submitted by Universal Sign, Inc. on behalf of DRMC Developments LLC for property located at 2657 120<sup>th</sup> Avenue, known more specifically as Parcel Number 70-16-16-447-012. Petitioner is requesting variances consisting of: 1) A 13-foot 4-inch variance from the maximum 6-foot width permitted for a canopy sign; resulting in a canopy sign width of 19 feet 4 inches; and 2) A 12.2 square foot variance from the maximum 12 square feet permitted for a canopy sign; resulting in a canopy sign area of 24.2 square feet. The subject property is zoned C-2 Community Commercial.

Present for this request was Katelyn Duling of Elevations Design Studio by Zeeland Standard. Also present was Jack Vos of Universal Signs.

Ms. Duling stated that they are in the same building as Lakeshore Eyecare. There is a pond in front of the building on 120<sup>th</sup> Avenue. Although their address is on 120<sup>th</sup>, the driveway and entrance are on Union Street. They do have their name on a small monument sign on the corner of 120<sup>th</sup> Avenue and Union Street. They would like to add signage to an existing canopy. The building consists of several windows that go to the ground. All the windows have architectural canopies that are 9" in height and a permanent part of the structure. The applicant is asking for a sign that is 15" in height.

They are seeking a variance for a canopy sign width of 19'4", exceeding the maximum 6 feet allowed. If the signage was able to be placed on the building, Elevations Design Studio would be allowed 54 square feet of wall signage. They are requesting 24.2 square feet of canopy signage on the north side of the building above the west window, which they turned into their door. The proposed sign would hang 6" below or above the canopy or, if the sign is centered on the canopy, then it would potentially hang 3" above and below the canopy.

Lakeshore Eyecare has a large wall sign above the main entrance of the building. They occupy a little more than half of the building.

The Board asked if the sign or canopy would be damaged by a buildup of rain, snow or leaves behind the 3 inches of the sign that would be above the canopy. Mr. Jack Vos of Universal Sign stated that they are architectural canopies, not weather canopies. The rain and snow would run through it. The sign would be a flat panel on the canopy face. The canopies are above all the windows on the building and their longevity is long term. They were built to last with the building.

The Board asked if it was imperative that all the verbiage is included on the sign. Ms. Duling replied that yes, it is.

The Board asked Community Development Director, Corey Broersma, about the intent of the ordinance with canopy signage being smaller than the amount of allowed wall signage. Mr. Broersma replied that the majority of canopy signage is at gas stations. The 2' by 6' signs fit around the ring of the canopy nicely. Also, to reduce the amount of signage.

The Board discussed other possible options. Roof signs are not permitted. Lakeshore Eyecare has jurisdiction over the side of the building they occupy (the side facing 120<sup>th</sup>). The windows are down to the ground and there is no typical sign wall. Any wall sign would cover the windows. There is only room enough for the two existing tenants in this building.

The Board asked if the occupant has permission from the owner to do this. She answered that she does.

There was no one present in the audience to speak to this request.

\*\* It was moved by Haberkorn and supported by Vander Meulen to close the hearing. Motion carried.

The Board went over the standards to review when considering a nonuse variance request.

***1. That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:***

- a. ***Exceptional narrowness of the width or depth of a lot of record, or irregular shape.***
- b. ***Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.***
- c. ***Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.***
- d. ***Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.***

It is not the location of the existing building but, there are some difficulties with not

having a lot of wall space and having a lot of windows. It is not that intrusive of a sign. It would be on the existing canopy.

2. ***That the unusual circumstances do not apply to most other lots of record in the same manner to the same extent to other lots of record in the same zoning district.***

The building itself is the unusual circumstance. The number of windows creates the lack of wall area for signage. The main entrance has Lakeshore Eyecare Center's signage over the door.

3. ***That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.***

It's hard to say whether a variance is necessary for the preservation of a substantial property right. The sign needs to be large enough to be seen from Union Street – approximately 70 feet from the door.

4. ***That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.***

No, granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.

5. ***That the applicant shall not have created the problem for which the variance is being sought.***

The door relocation for this space created the problem. The layout of the interior changed. A new door was installed on the north side of the building at the west end. Now they need to attract attention to the door, which was previously a window matching the other windows on the building, so customers know where to go with signage above the door. This is not the original concept of the building. Had they known, they probably would have designed the façade differently.

6. ***That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.***

Granting a lesser relaxation would be more within the spirit of this ordinance.

There was further discussion of what the height and width of the sign should be. They could limit the square footage and let the applicant decide what the height and width of the sign should be; they would then just need to stay within the square footage. Or, give them a 6' variance on the width resulting in a maximum width of 12' and a maximum height of 12". If given a height of 12", then the width of the sign will be determined by the square footage.

\*\* It was moved by Church and supported by Robert De Vries to approve the variance request

of 13'4" from the maximum 6-foot width permitted for a canopy sign; resulting in a canopy sign width of 19'4", subject to the condition that the sign is not to be more than 12" for the height. Motion carried with a unanimous roll call vote.

**\*\* It was moved by Boersma and supported by Church to deny the second variance request of 12.2 square feet from the maximum 12 square feet permitted for a canopy sign, resulting in a canopy sign area of 24.2 square feet. Motion carried with a unanimous roll call vote.**

### **Other Business**

**\*\* It was moved by Haberkorn and supported by Vander Meulen to remove from the table a petition for a Nonuse Variance submitted by Valley City Sign on behalf of North River Holdings, LLC (Quality Car Wash) for property located at 187 N. River Avenue, known more specifically as Parcel Number 70-16-20-326-014. Petitioner is requesting a variance consisting of 1 ground sign in addition to the maximum 1 ground sign permitted resulting in two ground signs. The subject property is zoned C-2 Community Commercial. The petition was tabled at the May ZBA Meeting.**

Mr. Broersma informed the Board that the applicant had submitted in writing that they would like to withdraw this variance request.

**\*\* It was moved by Church and supported by Robert De Vries to accept the applicant's request to withdraw this petition. Motion carried with a unanimous roll call vote.**

**Reapplication Determination** of a request for a Nonuse Variance submitted by Peter Spencley for property located at 3576 144<sup>th</sup> Avenue known more specifically as Parcel Number 70-16-07-300-075. Petitioner is requesting a variance consisting of 720 square feet from the maximum 240 square feet permitted for detached accessory building; resulting in a 960 square-foot detached accessory building. The subject property is zoned R-1 Low Density Residential.

This request was denied at the June 27, 2023 ZBA Meeting. He would like to not have to wait for a year to reapply for a variance for an oversized accessory building.

Peter Spencley presented his changes to the Board. He stated that the size of the proposed accessory building and the location were the issues that the Board based their denial of the variance on according to the minutes. To reapply, he has changed the size of the accessory building from 960 square feet to 650 square feet. This size would not set precedence as there are already three out of seven properties on the private drive that have been granted variances for oversized accessory buildings similar in size. The setback off the south property line would be 27 feet and Mr. Spencley would be planting giant arborvitae trees along the rear lot line to limit visual impacts of the building to the neighbors. The height being asked for would be the same 13-1/2 feet, which is 1-1/2 feet taller than allowed by ordinance – two other accessory buildings on the drive are 13-1/2 feet tall.

Chairman Boersma likes that the applicant came back with his proposed changes rather than the Board trying to get the original application to be something the Board would approve on the fly.

It was the consensus of the Board that the proposed changes to the detached accessory building constitute changed conditions.

\*\* It was moved by Robert De Vries and supported by Vander Meulen that there have been changes necessary to allow for a reapplication. Motion carried with a unanimous roll call vote.

The meeting adjourned at 6:30 pm.

Respectfully submitted,

Laurie Slater  
Recording Secretary