

ZONING BOARD OF APPEALS

Regular Meeting

January 22, 2019

Present: Vice-Chairman Russ Boersma, Members Bob Swartz, and Ross DeVries. Also present were Community Development Director John D. Said and Recording Secretary Laurie Slater.

Absent: Chairman Steve Haberkorn, Jack Vander Meulen and Elliott Church

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

The Minutes of December 18, 2018 were approved as written.

Vice-Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for nonuse variances submitted by Adams Outdoor Advertising (Andrea Augustine) for property located at 350 E. 8th Street, known more specifically as parcel number 70-16-28-327-001. Petitioner is requesting the following variances: 1) A variance of 1,330 feet from the required 2,000-foot minimum separation between a proposed billboard and another billboard on the same side of the street, resulting in a separation of 670 feet; and 2) A variance of 1,000 feet from the required 1,000-foot separation between a proposed billboard and a major arterial or primary collector street intersection, resulting in a separation of zero (0) feet. The subject property is zoned C-2 Community Commercial District, with a pending contractual rezoning petition (to the I-1 Light Industrial District) before the Board of Trustees to allow a billboard.

Mr. Said explained to the Board and audience that the separation issue #1, is the only variance that needs to be reviewed. Number 2 is not an issue because the billboard is not along a highway.

Present for this request was John Tenpas, Civil Engineer with Driesenga & Associates and Andrea Augustine, Real Estate Agent for Adams Outdoor Advertising.

Mr. Tenpas explained to the Board that Adams Outdoor Advertising would like to replace the two existing static billboards on the corner of 8th Street and Chicago Drive with a single digital billboard. The property has received a contractual rezoning of the property from the Planning Commission. If the Zoning Board approves the variance for the separation between two billboards on the same side of the street, the rezoning will go before the Township Board for final approval.

Adams Outdoor Advertising proposes to take down the two existing billboards that measure 42' x 12' for

504 square feet of advertising space; 400 square feet is allowed by ordinance. The proposed billboard would meet all setbacks, size and height requirements. It would be compliant in every way except for the separation between two billboards. The current separation between the two billboards is 728'. The new position would create a shorter distance 670' of separation from the billboard at the east end of Russ'.

Mr. Tenpas responded to the standards for a nonuse variance.

The property is .37 acres in size. It is a triangular shape. There is no other practical use for this property other than what it is being used for. It is too small for anything else.

The property is unique in that it is too small to do anything with. Both billboards existed prior to the ordinance stating the separation distance.

They are seeking the variance to better service their customers, not for financial gains. This billboard is in a very high demand area. The digital billboard is easier to maintain and easier to use.

The current billboard is out of compliance in five ways the new billboard would only be noncompliant in one way. The proposed billboard is not in conflict with the intersection. The new billboard would improve the area aesthetically. Replacing the two billboards with one smaller digital billboard would clear up some visual clutter. Never does one see both the proposed billboard and the one at the east end of Russ' at the same time.

Adam's owns the property that the variance and rezoning is being requested for. They also own and maintain the billboard that is too close, which is on property that they lease for that billboard from Russ'.

The new billboard would be able to advertise eight users at a time. It would be compliant with the ordinance for digital billboards.

Adams Outdoor Advertising sought a similar variance in 2014. The primary change from then to now is that this billboard would comply with the setbacks.

Adam's has not spoke with any of the adjacent neighbors.

Present in the audience to speak to this request was Amy Sasamoto with City of Holland, Downtown Development Authority. She presented and read a letter from Downtown Holland Design Review Board in opposition of the request.

Also present was Ryan DeVries of Russ'. Russ' is in opposition of the request.

The Board asked Mr. Tenpas what Adams Outdoor Advertising would do if the request were denied. He replied that they would just maintain the current billboards and use them in their current state. He further stated granting the variance would benefit them, their customers and the community.

Ms. Augustine answered questions from the Board about the ambiance of the proposed digital billboard. She stated that the lighting adjusts continually with the amount of sunlight. There would be no movement in the ads on the digital billboard.

Adams does have a digital billboard similar to what they are requesting on US-31 by Greenly Street that they built two years ago.

Ms. Sasamoto asked to clarify her comments. She stated that the City does not allow any electronic signage. This corner is the entrance into Downtown Holland.

** It was moved by Mr. Swartz and supported by Mr. DeVries 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.

They only need the variance because of the closeness of the other sign.

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

There is already another billboard too close. Both were there prior to the ordinance.

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.

The need for the variance is for continued financial return. The current billboards could be maintained and used in their current condition and income would continue.

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

The Board heard from Russ' and the Downtown Development Authority both in opposition of the request. They would be scaling back on the size of the billboard.

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

The billboards are existing. They didn't put the billboards where they are at. The Ordinance changed. By proposing the new billboard, they are creating the need for the variance.

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.

There were concerns from Russ' and the City of Holland over the signs. The objections didn't seem so substantial. How would the public be harmed in granting this? It doesn't change the corner. The existing billboards will still be there.

The Board further commented that Adams could remove the billboard at the east end of Russ', get their rezoning and contract with the Township Board and there would be no need for a variance.

** It was moved by Mr. DeVries and supported by Mr. Swartz to deny the request based upon the Zoning Board's findings of the applicable factors for review of variance requests as reflected in the minutes, and for the reasons set forth in the minutes. Motion carried unanimously.

There were no public comments.

Mr. Said asked the ZBA Members if they were interested in going to the upcoming training, to sign up as soon as possible.

The meeting adjourned at 6:29 p.m.

Respectfully submitted,

Laurie Slater

Recording Secretary