

ZONING BOARD OF APPEALS

Regular Meeting November 27, 2018

Present: Chairman Steve Haberkorn, Vice-Chairman Russ Boersma, Members Elliott Church, Bob Swartz and Jack Vander Meulen. Also present were Community Development Director John D. Said, Assistant Community Development Director Corey Broersma, and Recording Secretary Laurie Slater.

Absent: None

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

The Minutes of October 23, 2018 were approved as written.

Chairman Haberkorn explained the Public Hearing process to the audience.

Hearing declared open to consider a petition to extend a nonconforming use submitted by Advanced Signs on behalf of Wesco, Inc. for property located at 14 W. Lakewood Boulevard, known more specifically as parcel number 70-16-20-199-004. Petitioner is requesting to extend the nonconforming use by altering a portion of the existing sign face for new LED fuel pricing panel. The sign is nonconforming because it is a pylon sign located in a Commercial District where only ground signs are permitted and does not comply with the 10-foot setback from the public right-of-way. The subject property is zoned C-2, Community Commercial District.

Present for this request was Bernie Wade of Advanced Signs.

Mr. Wade explained that Wesco would like to take out two panels of the existing sign; one that has the gas price on it and one with Cold Beer on it; and replace it with a LED fuel pricing sign. They would be utilizing the same amount of square footage. The current sign has to be changed manually and is very close to the road. The proposed sign would be safer and more efficient because the gas price can be changed from inside the building.

The only gas price on the sign would be for regular, which the word "Regular" stationary on the sign. The sign is only capable for showing digital numbers, no letters. The brightness of the sign was addressed. The sign will have automatic dimming for evening hours.

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

The Board went over the three standards to review when considering an extension of a nonconforming use.

1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.

This is not the part of the sign that holds up the sign (the pole). This part of the sign does not increase the longevity of the nonconforming sign.

2. Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.

No, it won't interfere with the adjoining lands.

3. The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.

There would be no adverse effect on adjoining lands in the surrounding neighborhood. The brightness of the sign dims at night; it will not be a quick-changing sign; it will have the price only.

** It was moved by Mr. Church and supported by Mr. Swartz to approve the request as submitted with the stipulations that it is only digital pricing on the sign and the sign is dimmed at night. Motion carried.

Hearing declared open to consider a petition to extend a nonconforming use submitted by David Geschwendt on behalf of the Geschwendt Family Trust for property located at 10955 Riley Street, known more specifically as parcel number 70-16-11-300-032. Petitioner is requesting to extend the nonconforming use by renovating an existing accessory building, which is nonconforming because it is larger than the maximum permitted size and it is located on a parcel without a principal building. The subject property is zoned R-1, Low-Density Residential District.

Present for this request was Dave Geschwendt.

Mr. Geschwendt explained that they purchased the property in early summer. Since then they have cleaned up the property. There was debris from the previous owner outside the accessory building.

They added landscaping to the property. They planted evergreen trees at the rear lot line for buffering.

When they went to clean up the appearance of the accessory building, removing the drywall and insulation on the inside, they discovered that one of poles had been cut, so they replaced that. There would be no change in the size of the accessory building. They

are proposing to replace the roof with a metal roof, replace the siding and replace the garage door headers removed by the previous owners.

Mr. Geschwendt does not own either of the lots adjacent to this property. His residence is down the road. He intends to use the accessory building for personal storage only. There will be nothing stored outside.

Present in the audience to speak to this request was Jan Talsma of 10968 Aspen Trail. They love what Mr. Geschwendt has done with the property. Previously, there were old tires and timber laying behind the accessory building in view from their property, and that's all now been cleaned up. As long as the building is used for storage only and no commercial business is run from there, they are okay with it.

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

The Board went over the three standards to review when considering an extension of a nonconforming use.

1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.

The modernization may extend the life of the nonconforming structure, but it will improve the surrounding condition. It will definitely look better.

2. Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.

There would be no adverse effect of the modernization of the nonconforming structure on the adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance. It would actually be advantageous – a plus for the neighborhood to have it cleaned up.

3. The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.

There would be no adverse effect of the modernization of the nonconforming structure on the adjoining lands in the surrounding neighborhood. It would improve the surrounding neighborhood by looking esthetically appealing.

** It was moved by Mr. Vander Meulen and supported by Mr. Boersma to approve the request as long as it is strictly used for personal storage. No commercial activity is to take place on the property. Motion carried.

Hearing declared open to consider a petition for nonuse variance submitted by Sun Ray Sign Group, Inc. on behalf of Nick Markovic/European Autohaus for property located at 1890 112th Avenue, known more specifically as parcel number 70-16-23-320-020. Petitioner is requesting a variance of nine (9) feet from the maximum eight (8) feet permitted for a ground sign; resulting in a 17-foot tall ground sign. The property is zoned C-2, Community Commercial.

There was no one present to speak to this request.

** It was moved by Mr. Vander Meulen and supported by Mr. Boersma to close the public hearing. Motion carried.

Staff informed the Board that the applicant requested the matter be tabled.

** It was moved by Mr. Church and supported by Mr. Boersma to table this item until further notice from the applicant. Motion carried.

The Board looked at the proposed meeting dates for 2019.

** It was moved by Mr. Church and supported by Mr. Vander Meulen to approve the calendar of meeting dates as presented. Motion carried.

There were no public comments.

The meeting adjourned at 5:55 p.m.

Respectfully submitted,

Laurie Slater
Recording Secretary