

ZONING BOARD OF APPEALS
Regular Meeting
July 23, 2019

Present: Chairman Steve Haberkorn, Vice-Chairman Russ Boersma, Members Bob Swartz, Elliott Church 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.

There were no public comments.

** The Minutes of June 25, 2019 were approved as written.

Chairman Haberkorn explained the Public Hearing process to the audience.

Hearing declared open to consider a nonuse variance petition submitted by Paul Burkert on behalf of Crossfit Lake Effect for property located at 117 Coolidge Ave., known more specifically as parcel number 70-16-28-299-009. Petitioner is requesting: A variance of 91.5 square feet from the maximum 116.5 square feet for a sign, resulting in a sign area of 208 square feet. The purpose of the variance is for a wall sign. The subject property is zoned C-2 Community Commercial.

Present for this request was Paul Burkert, owner of Crossfit Lake Effect.

Mr. Burkert explained that when he originally put the sign up, he believed that according to section 13.4 or the sign ordinance, the sign was exempt from needing a sign permit because it was a graphic made from vinyl decals. Each letter of the sign is an individual decal.

He further explained that when figuring the 10% of the front façade for the allowable size of wall signage, that it should include the entire west side of the building not just the section that juts out. If it is the entire west wall then he would be allowed to put up more signage as he would be well within his allowable square footage.

John Said, Community Development Director, explained that Mr. Burkert's interpretation is inaccurate. Only the protruding portion of the building is counted as the front façade, based on previous precedence in similar situations elsewhere. The building has a possibility of being divided into two separate tenants in the future at which time the entrance would be on the portion of the building that is not protruding. The sign was put up without approval and without obtaining a sign permit.

Corey Broersma, Assistant Community Development Director, added that the most recent example of the determining of the allowed amount of wall signage using the square footage of the front façade was Blain's Farm and Fleet.

Mr. Burkert stated that he does have the building plumbed for a second bathroom should the economy take a turn for the worst and he would need to divide the building.

He further stated that there could be damage done to the building by removing the current signage.

There was further discussion about when a sign permit needs to be pulled and the purpose of the sign ordinance – to preserve a certain aesthetic within the community.

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

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

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

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.

There is nothing extraordinary about the lot. It is like many others within the Township. There are no steep slopes, water or trees or exceptional land features. There are no other buildings on the property.

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 are no unusual circumstances; the subject property is similar to many other lots in the C-2 District.

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 variance is not necessary for the preservation and enjoyment of a property right.

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

The variance will be detrimental because the Township worked a long time to update its requirements, and when limits are not in place, that takes away from the Ordinance.

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

The applicant alone has created the problem for which the variance is being sought. The applicant installed the oversized sign without first seeking Township review and approval; the Township only became aware of this violation after-the-fact.

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.

To grant this variance is unfair to everyone else who wants larger/more wall signage.

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

There was no other business.

The meeting adjourned at 6:03 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary