

ZONING BOARD OF APPEALS  
Regular Meeting  
October 27, 2020

Present: Russ Boersma (Vice-Chair – acting as Chair), Elliott Church, Jack Vander Muelen, Ross DeVries, and Robert (Bob) DeVries (alternate). Also present was Community Development Director John D. Said.

Absent: Chair Steve Haberkorn, Assistant Community Development Director Corey Broersma, and Recording Secretary Laurie Slater.

The meeting was called to order by Acting Chair Boersma at 5:30 p.m.

\*\* It was moved by Mr. Ross DeVries and supported by Mr. Bob DeVries that the Minutes of September 22, 2020 be approved as presented. Motion carried.

**Public Comment**

No one was present to provide public comments.

The Zoning Board asked Staff to provide updates now, at the beginning of the meeting, in lieu of waiting until the end. Staff provided an update concerning the 2020 Comprehensive Master Plan, which is anticipated to be reviewed for adoption by the Township Board at their Nov. 19 meeting.

Staff also presented the draft 2021 Zoning Board of Appeals calendar. The ZBA reviewed the calendar and noted no conflicts with schedule as proposed.

\*\* It was moved by Mr. Ross DeVries and supported by Elliot Church to approve the 2021 draft Zoning Board of Appeals calendar as presented. Motion carried.

Acting Chair Boersma explained the Public Hearing process to the audience.

**Holland Bowl Mill** Mr. Said informed the Zoning Board of Appeals that the applicant submitted a written request to table the matter. There was no one present in the audience to make comments on the request, so the ZBA opted to table the entire matter.

\*\* It was moved by Mr. Vander Muelen and supported by Mr. Church to table the request and public hearing for this request. Motion carried.

**Hearing declared open to consider** a petition for nonuse variances submitted by Miedema Metal Building Systems on behalf of M & M Equities for property located at 11039 Water Tower Court. Petitioner is requesting variances for landscape requirements for buffer yard and parking lot areas and plantings. The subject property is zoned C-2 Community Commercial.

Present for this request was Tom Miedema, Nick Markovic, and Alex Miedema.

Mr. Tom Miedema explained the request to the Zoning Board. He said they do not want to plant required landscaping because the other developed lots in the area do not have plantings nor landscape buffers, and because they want to have total visibility of their lot, as they plan to do car sales. He also indicated that the use has been approved by the Planning Commission.

Zoning Board members provided comments in response. It was noted that the Planning Commission approved the use, but no exceptions were made, and that other businesses must now adhere to Ordinance requirements, so why not this one? When questioned by the Zoning Board, the applicant noted that they have not prepared a plan that complies with Zoning Ordinance requirements; they could do so but would have to reduce the building size. Staff noted that a building with a slightly smaller, but of an appropriate and useful size, could still be constructed on the site while meeting landscape requirements.

The Zoning Board further discussed the proposed development and the requirements; it was noted that there is some understanding of the applicant's intent due to the existing nature of the area without landscape buffers or plantings, and that it would be better than what's there now. At the same time, concerns were expressed that a precedent would be set with anyone being able to eliminate requirements, out of convenience and not due to any unique circumstances nor hardship as called for in the Standards.

Mr. Markovic indicated that they bought the property 3 or 4 years ago; he also said that a portion of the neighbor's driveway extends onto his property. A few follow up questions addressed the proposed use and future tenants in the building, as well as the parking layout.

There was no one present from the public to comment on this request.

\*\* It was moved by Mr. Church and supported by Mr. Vander Muelen to close the public hearing. Motion carried.

The Zoning Board next reviewed the 6 standards for variances. A majority of ZBA members agreed that the request did not meet the applicable Standards, including that there was no uniqueness or unusual circumstances, nor applicable hardship that would justify this request, and that the request was based on a self-created problem. Mr. Ross DeVries said he was conflicted on this request, as the proposal was an improvement, but that more could be done to address requirements.

\*\* It was moved by Mr. Church and supported by Mr. Vander Muelen to deny all the variances requested. Motion carried by a 4-1 vote.

**571 8<sup>th</sup> Street** petition was brought up for further review by the Zoning Board of Appeals.

\*\* It was moved by Mr. Ross DeVries and supported by Mr. Bob DeVries to remove this item from the table. Motion carried.

Attorney Bill Sikkell and contractor Brian Lamar were present on behalf of the applicants. They identified that the cost for a new sign would be around \$131,000 and that reinstalling the existing sign, even with all expenses, would be much less than 50% of that cost. They also discussed the issue of the wind and maintenance of the sign, including the engineer's report that the wind was the primary cause of the sign's failure. They also noted that while at least 5 other wind events were identified over the last 20+ years, data is identified by community and/or county, so exact locations of highest winds and directions can vary. As such, the applicant believes the sign meets the applicable burden of being the result of a natural event. They further asserted that the sign, when initially built, would have met the requirements at that time.

Zoning Board members asked detailed questions about the proposed repair, and confirmed that the sign's reinstallation must meet current applicable ordinance requirements for structure, wind speed, etc. ZBA members also asked about history of sign maintenance; the applicant responded that their sign contractor had previously monitored the sign condition on a regular basis, but could not have predicted its demise due to wind. The applicant asserted that the sign structure is sound and that it can be reused and reinforced.

Mr. Church questioned the validity of the reinstallation quote cost, and whether the reinstallation can be done for less than 50% of a new sign. Mr. Vander Muelen indicated his confidence that the sign can be reinstalled for less than 50%, as required by the Zoning Ordinance. Mr. Lamar indicated that the insurance company estimated a repair cost of \$10,000. Mr. Bob DeVries confirmed that the applicant will need to obtain permits for the sign's reinstallation, and further comments were offered on ordinance requirements and inspections that would need to be done for the sign.

ZBA members then reviewed the applicable criteria for administrative appeals. Overall, they complimented Staff's work on this matter, while noting that the previous Staff determination was correct, as it was based on more limited information than has now been provided. Mr. Bob DeVries noted that Staff's role is similar to that of a quality control inspector, and that if something doesn't meet specifications, it cannot be approved. He further offered that in those situations, the ZBA can review the "rejected" matter, to see if "reuse" is possible. Overall, the ZBA believes that the wind was the primary cause of the sign failure, without a majority of evidence indicating structural issues.

\*\* It was moved by Mr. Church and supported by Mr. Bob DeVries to approve the administrative appeal. Motion carried.

**571 8<sup>th</sup> Street sign variance requests** remains tabled per the applicant's request.

The meeting adjourned at 7:15 pm.

Respectfully submitted,  
John D. Said, AICP  
Director, Dept. of Community Development