

ZONING BOARD OF APPEALS

Regular Meeting
December 17, 2024

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

Present: Chairman Russ Boersma, Members Ross DeVries, Bob DeVries, Jack VanderMeulen and Elliott Church. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White, and Recording Secretary Laurie Slater.

Absent: None

There were no public comments.

** It was moved by Vander Meulen and supported by Bob De Vries to approve the minutes from the October 22, 2024 meeting as presented. Motion carried by voice vote.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition to Extend a Nonconforming Use submitted by Bear Sign Company on behalf of Paul Yousef of Holland Town LLC for property located at 12330 James Street, known specifically as Parcel Number 70-16-21-200-080. Petitioner is seeking permission to remodel two nonconforming pylon signs. The subject property is zoned C-2 Community Commercial.

Present for this request was Mitch Conroy, Owner of Bear Sign Company on behalf of Paul Yousef of Holland Town LLC.

Mr. Conroy explained to the Board that the applicant would like to update two signs advertising businesses within the Holland Town Center. The pylon sign on US-31 and the pylon sign on James Street. The signs are older and do not meet ordinance requirements. Variances were granted in the past for these oversized signs. They appear to have been pieced together over the years. They would be allowed to paint the face of the current signage; however, they would like to replace the cabinets on the signage and add a 3-foot by 12-foot LED area message center. They are allowed to have 40 square feet of an electronic changeable message (ECM) sign by ordinance. The ECM would be used to advertise the smaller businesses within the Center.

Mr. Conroy stated the property has new owners. They are putting money into the property in hopes of fixing it up and filling the spaces with tenants. Part of that plan is updating the signs. There is a possibility of 30 tenants. Signage is a huge draw for businesses. They hope to have large anchor tenants within the Town Center. Mr. Conroy further stated that they would be using the existing poles and that replacing the cabinets and adding a message center would not extend the life of the signs in his opinion.

Mr. Conroy noted that the new owners have no intention of removing the signs if the request is denied. The only way someone is going to see that the businesses are there is with the larger

signage. Smaller signage could advertise six tenants out of 30, but it would be too small to be read by the cars driving by.

Mr. Conroy explained the proposed signage would be 54-56 square feet smaller in size than the current signage. By ordinance, a property with four or more tenants is allowed 80 square feet. The proposed sign would be 541.08 square feet, which includes 18 square feet on the post stating the Town Center's name and logo. The current sign is 595 square feet.

Mr. Conroy explained that the Town Center has an agreement with the AMC movie theater, which is a separate parcel, that allows them 120 square feet of advertising on the US-31 sign.

Mr. Conroy then noted the proposed sign for James Street would be 121.53 square feet. The existing sign is 123.71 square feet.

The Board discussed the signage of the surrounding properties. Member Vander Meulen noted that the US-31 sign feels more like a billboard sign with its current size. He mentioned that there have been multiple traffic deaths at the intersection of US-31 and James Street, and he would not want to add more distractions for drivers with signage. Member Vander Meulen also stated that in 1988 when the current signs were granted for the Walmart Plaza and the Westshore Mall and the Town Center, it was a different time. It was the first mall, the area was competing with downtown Holland for growth, and the area was aggressive with growth. By today's standards, this size of signage would not be granted.

Member Church noted that on James Street, the Shops at Westshore have a ground sign at the entrance. Chair Boersma stated that Arby's and Popeye's both have ground signs adjacent to where the existing James Street pylon sign is. The cars traveling James Street are going slower and there is a traffic light where all these businesses come together. Member Church asked Staff about whether the existing James Street pylon sign could be replaced with a ground sign its location? Mr. Broersma replied if the current sign were replaced with a ground sign, the current location would need to be measured to make sure it is out of the clear vision area for traffic visibility.

Mr. Conroy asked what the maximum height of a ground sign would be. Mr. Broersma replied that 8 feet is the maximum height allowed for ground signage.

The Board also pointed out that the largest allowance in the sign ordinance for a ground sign or a pylon sign states properties with four or more stores may have a total 80 square feet of signage. This center has a possibility of approximately 30 tenants.

Also, some Board members commented that signage is less important today where people use Google Maps to find locations of businesses and directions to get there.

Chair Boersma noted the James Street pylon sign remodeling may not be consistent with what adjacent properties have done with their nonconforming signs, in terms of removing them and replacing them with conforming ground signs. Those properties brought their signs into compliance with current zoning requirements.

Member Vander Meulen asked about the proposed ECM board on the US-31 sign and whether it complies with zoning requirements for ECMs? Mr. Conroy noted he talked to Staff about ECM requirements and ensured that the proposed size at 36 square feet complies with ECM size requirements. Staff reaffirmed that the size is compliant, but the sign is legal nonconforming and the changing of a static sign face to an ECM requires Zoning Board of Appeals authorization.

Member Church asked whether the wall signs for the Town Center are visible from US-31, like the wall signs for the Westshore Mall? Staff pulled up Google Streetview; Member Church noted that the buildings' wall signs at the Town Center do not have the same visibility as the wall signs for the Westshore Mall. Member Church asked Staff about the signage regulations for wall signs and wayfinding signs. Mr. Broersma stated that each business would be allowed 10% of their front façade area for wall signage. The Center would also be allowed directional signage of up to 4 square feet in size.

Chair Boersma opened the floor for public comment. There was no one present in the audience to speak to this request.

** It was moved by Bob De Vries and supported by Ross De Vries to close the hearing. Motion carried by voice vote.

The Board went over the 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 Board noted that the signs will likely remain as-is as long as the property remains for commercial use, given the visibility the signs provide for the property. The Board also recognized that the US-31 corridor has been developed as a heavily trafficked commercial corridor and the signs along US-31 help draw attention to the businesses along US-31. We want the property to be a commercial success and avoid it becoming a decrepit piece of property due to a lack of visibility.

The Board noted concerns about the proposed ECM on the US-31 sign given its potential distraction for drivers with timing, brightness, flashing, etc. Staff stated that the Zoning Ordinance regulates timing of messages, brightness levels and flashing messages.

The Board noted the sign along James Street should be brought into compliance like the adjacent properties have done, like Popeye's and Arby's.

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.

The Board stated the proposed US-31 sign is similar to other larger US-31 pylon signs that serve larger commercial developments (like the North Park Shopping Plaza and Westshore Mall). Remodeling the US-31 sign will not 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. It would be sleeker and newer.

The Board stated the remodeling of the James Street sign would be inconsistent with what has happened with other properties along James Street in terms of bringing nonconforming pylon signs into compliance. This would also be inconsistent with the character of other signs, like the Arby's, Popeye's and Shops at Westshore ground signs. Signage should be consistent.

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.*

The US-31 signage being proposed is adequate for that location given the context of US-31, like other large development signs, higher speed traffic, and commercial purpose.

The Board brought up the example of The Shops at Westshore ground sign on James Street. A ground sign would be adequate on the James Street entrance to the Holland Town Center. This sign does not have the same advertising purpose as the US-31 sign. The traffic moves slower on James Street, and the James Street sign would not be visible from US-31.

Board Member Church asked if we could approve the US-31 pylon sign with the stipulation that the James Street sign is a ground sign. Mr. Broersma stated that they are here for permission to extend a nonconforming use and the Board could place stipulations or conditions relating the size or scope of the remodeling work that is presented to them but not a full replacement with a new sign type.

** It was moved by Bob De Vries and supported by Ross De Vries to grant permission to remodel the nonconforming pylon sign along the US-31 corridor as presented. Motion carried with a roll call vote of 5-Yes, 0-No.

** It was moved by Bob De Vries and supported by Ross De Vries to deny permission to remodel the nonconforming pylon sign on James Street. Motion carried with a roll call vote of 5-Yes, 0-No.

Hearing declared open to consider a petition to Extend a Nonconforming Use submitted by Brooke DiCicco on behalf of Jeffrey Wolters and Barbara Holstein for property located at 10213 Felch Street, known specifically as Parcel Number 70-16-13-100-017. Petitioner is seeking permission to expand a nonconforming farm operation. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Brooke DiCicco.

Ms. DiCicco explained that she is asking to be allowed to erect a greenhouse on the property she is farming. It would be a greenhouse nursery to start her plants in. This would cut costs as she could start the plants herself from a seed, rather than purchase plants that others have grown from seeds to sell to farmers to plant. The greenhouse would give her shelter to work in bad weather. It would be 16 feet by 50 feet. It would have landscape fabric as the floor. Ideally, she would like to leave it up all year round, but she could take it down seasonally if necessary.

Mr. Broersma noted the Township would require a site plan review to ensure the building complies with setback requirements as well as have the owners complete and record an Agricultural Use Exempt Structure Affidavit with the Ottawa County Registrar of Deeds. Ms. DiCicco noted she is fine with getting site plan approval and recording the affidavit.

Ms. DiCicco stated she has also proposed a mobile farm stand “Farmers Market”. Ms. DiCicco acknowledged there would need to be a written site plan that has been reviewed and approved by the Michigan Department of Agriculture and Rural Development (MDARD). Mr. Broersma noted if MDARD approves the use, the farmers market will be considered an allowed use.

Ms. DiCicco stated that she is working with the Ottawa County Road Commission on the curb cut and driveway permit. She has also started the approval process with the Michigan Department of Agriculture and Rural Development for the farm market.

Mr. Broersma noted the property is not zoned for agriculture; however, it contains an existing farm operation; the property has been farmed for hay over the past several years. Mr. Broersma reiterated the request tonight pertains to the addition of a greenhouse to the farming operation.

Chair Boersma opened the floor for public comment. In the audience to speak to this request was Jeff Wolters, property owner of 10213 and 10263 Felch Street. He stated that he was in support of the request. It is alongside the cemetery and should not bother anyone. It is not visible. He knows that she will keep the property up and make it look good.

Mr. Broersma presented a written submission written by Courtney Sluiter of 2785 Reagan Avenue. She was in support of the request.

** It was moved by Church and supported by Ross De Vries to close the hearing. Motion carried by voice vote.

The Board went over the standards to review when considering the 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 Board found that granting this request will not extend the probable duration of the nonconforming use. Its use is farming, it would still be farming. It is a good use for the land for now and the use as presented could easily be removed to transition for residential use in the future as it is zoned.

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.*

The use of farming would not 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. The farming of vegetables versus hay will not impact the neighbors.

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 has been no adverse effect from this property being used for farming in all the years it has been farmed. The farming of vegetables versus hay will not impact the neighbors.

** It was moved by Vander Meulen and supported by Bob De Vries to grant permission to expand a nonconforming farm operation as described in the petition submittal with the following stipulations:

1. A site plan review be conducted and the owner secure site plan approval for the greenhouse.
2. The owner completes and records an Agricultural Use Exempt Structure Affidavit with the Ottawa County Registrar of Deeds for the greenhouse.
3. Any farm market shall receive site plan approval from MDARD and a copy of the approval be provided to the Township.

Motion carried with a roll call vote of 5-Yes, 0-No.

Other:

The Zoning Board of Appeals then reviewed the meeting dates, time, and submittal deadlines for 2025.

** It was moved by Church and supported by Ross De Vries to approve the meeting dates as submitted. Motion carried with a roll call vote 5-Yes, 0- No.

Meeting adjourned at 6:55 pm.

Respectfully submitted,

Laurie Slater
Recording Secretary