

ZONING BOARD OF APPEALS

Regular Meeting
November 21, 2023

The meeting was called to order by Vice-Chairman Ross De Vries at 5:34 p.m.

Present: Vice-Chairman Ross De Vries, Members Jack Vander Meulen and Robert De Vries. Also present were Community Development Director Corey Broersma, Assistant Planner/Zoning Administrator Kate White.

Absent: Elliott Church and Russ Boersma

There were no public comments.

** It was moved by Vander Meulen and supported by Ross De Vries to approve the minutes from the October 24, 2023, meeting with the correction on page two of the minutes clarifying that the statement in the fourth full paragraph was made by the applicant. Motion failed by roll call vote – 2 Yes and 1 Abstain.

Staff noted that in this case, the minutes may be approved and adopted at the next meeting when we have an affirmative vote.

Vice-Chairman Ross De Vries explained the Public Hearing process to the audience. Ross De Vries also advised that with only three Zoning Board of Appeals members present at the meeting, any motion will need approval of all three Board members in order for the motion to pass.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Jeffrey Parker on behalf of Hop Family LLC for property located at 12575 Riley St, known more specifically as Parcel number 70-16-09-300-042. Petitioner is requesting a variance of 1 ground sign in addition to the maximum 1 ground sign permitted on a lot of record, resulting in 1 new ground sign and 1 existing legal nonconforming pylon sign. The subject property is zoned C-2 Community Commercial and FP Floodplain.

Present for this request was Jeffrey Parker of Jeffrey Parker Architects at 855 28th St, Grand Rapids, MI 49508. He is also the development manager for Caribou Coffee.

Mr. Parker stated that he is working with Hop Family, LLC to locate a new Caribou Coffee shop at the subject property. The building is proposed at 600 square feet and will look like a little cabin with a low-slung, pitched roof.

Mr. Parker indicated that they have completed 4 Caribou Coffee shops and would be hoping to open this shop next year. He noted Caribou Coffee is looking to open 56-60 new shops in Michigan.

Mr. Parker noted that when the gas station first moved onto the property, Riley Street was just two lanes and Beeline Road came through along the southeastern side of the property. Mr. Parker stated that the family worked with the Township to assist with changes to the area.

With the traffic now on Riley St and West Shore Drive, Mr. Parker said that it is difficult for customers to identify the entrances to the site with the existing sign located so far west on the property. The eastern driveway is not well identified for customers and the traffic in the area makes it difficult to enter the site from a lefthanded turn lane. He noted there is no dedicated left-hand turn lane to get into the site either.

Mr. Parker noted that the sign is not so much for Caribou Coffee as it is for Mobil to help customers identify driveways and eliminate confusion. The sign is more about wayfinding than advertising.

Mr. Parker noted that if the property were to be split to for Caribou Coffee to be on a separate lot, then the ground sign allowed on the new Caribou Coffee lot would not allow for the advertising of Mobil or Subway on the sign because the sign would be located on a different parcel. He noted this request is not really a Caribou Coffee problem as much as it is Mobil wanting to address the issues with the site mentioned previously.

Craig Hoppen of Hop Family, LLC at 3891 Greenly St, Hudsonville, MI 49426 approached the podium to speak.

Mr. Hoppen noted that when he bought the property, it was surrounded by blueberry fields and he was the first developer in the area. He stated that the Township had approached him to realign Beeline Road for a new developer and he worked with the Township to move his driveway for the new road construction and realignment. Mr. Hoppen noted that with the reconfiguration of the road and added lanes of Riley Street, customers can't hardly make a left turn into their property given the left-turn lane on Riley Street gets backed up with people trying to turn left on West Shore Dr. The traffic had increased in the area and has not benefited their business as much as people may think. He believes that they need a way to help people identify driveways so they know they can still get into the site. The area has become so busy that Mr. Hoppen feels this sign will help them.

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

Vice-Chairman Ross De Vries noted that the traffic on West Shore Drive and Riley is bad and the way the intersection and driveways were designed or located is dangerous.

Member Vander Meulen asked if they are planning on reworking or relocating the driveway for the Caribou Coffee? Mr. Parker noted that they are planning on changing the alignment of the eastern driveway on the property, but that the curb cut and driveway connection to West Shore Drive will not change. Mr. Parker stated that with the existing drainage easement at the southeastern corner of the property and the retention pond on the other side of the driveway, they cannot shift the driveway curb cut to well.

Vice-Chairman Ross De Vries asked Staff about procedures for possibly tabling the matter with only three members. Staff noted the Board could hold the public hearing, close it, and then table the matter. Or they could hold the public hearing and then table the entire matter. This could all then be reviewed and untabled at the following meeting.

** It was moved by Vander Meulen and supported by Bob DeVries to close the hearing. Motion carried unanimously by roll call vote.

Bob De Vries asked if they could make the Caribou Coffee a separate parcel, and if they made it a separate parcel, they would then be allowed a monument sign by code? Mr. Parker stated yes, that is true; however, the concern for them is about being able to have Mobil advertise on the proposed ground sign, which would not be allowed by ordinance.

Bob De Vries then asked whether the existing signage and proposed signage on the Caribou Coffee building is not enough to signal to customers where their business is located and how to access the site? Mr. Parker noted that most places will have signage at their driveway to signal to customers where their driveway is. Bob De Vries noted that either way you are heading, there are signals to customers that there

is a business located at the property (e.g., parking lot, buildings, wall signs, etc.) so he is not understanding where the confusion is coming from for customers trying to access the site. Mr. Parker said that without the signage, customers may not know that the driveway is shared by multiple businesses.

Jack Vander Meulen noted that he understands that and he didn't realize there was a second driveway for the Mobil gas station until this summer. It may be confusing for customers to know what driveway entrance gets to you what business. Mr. Vander Meulen stated that this location is terrible to get into with the traffic in the area. He thinks that this is a unique circumstance for this property, but he is caught up on the size of the sign. Mr. Vander Meulen wonders what the switch is between wayfinding signage versus advertising signage and what the appropriate size may be.

Vice-Chairman Ross De Vries noted the similar circumstance with Quality Car Wash on Lakewood Blvd and N. River Ave where they wanted a second ground sign given their driveway location on Lakewood Blvd. The item was ultimately withdrawn as there was not sufficient room to place the ground sign with driveway location on Lakewood Blvd.

** Chairman Russ Boersma joined the meeting at 6:00 p.m.

Bob De Vries noted that he might be more okay with the request if the existing nonconforming pylon shifted to a ground sign; however, the proposed 8-foot height of the Caribou Coffee ground sign does not feel like a directional sign to him. The sign proposed here would almost be replacing the nonconforming pylon; he feels a ground sign and larger directional sign may be more appropriate. Perhaps if they only advertised some of the businesses on site.

Staff cautioned the Board about determining what business gets what sign. Zoning cannot regulate content of a sign but does have control over location, number, and size.

The Board discussed a possible lesser relaxation of the variance request versus trying to modify the request on-the-fly. The consensus was the Board was not comfortable with the size proposed.

Ross De Vries asked the applicant what they feel might be an appropriate size to address their concerns. Mr. Parker noted they would need something visible for traffic. Mr. De Vries noted that the proposed sign is a request for another ground sign which does not belong on the site. Mr. Parker said they would entertain something smaller in size.

Russ Boersma stated that with available mapping applications, as well as people's familiarity with the area, customers will know how to get there and this request may not be necessary.

Craig Hoppen requested to speak again given Russ Boersma joined the meeting and was not available to here the history and challenges with the previously. Ross De Vries allowed it and Mr. Hoppen provided a recap of his previous statements for Mr. Boersma. Mr. Hoppen noted that if they split the lot as well to allow for a ground sign for Caribou Coffee, they may need to come back to the ZBA for other variances to locate the building on-site.

Bob De Vries stated that if the ZBA were to grant this variance, is the ZBA prepared to grant a similar variance to the property to the east (Meijer Gas Station)? Vander Meulen noted that he felt this site is unique and different from the Meijer Gas Station site given the traffic patterns.

Ross De Vries asked Staff about the option for a lot split. If they split the lot, would they need a dumpster enclosure? Staff noted not necessarily; some businesses partner together to share a dumpster.

Russ Boersma asked if a lot split was feasible for the site (knowing that we do not have known dimensions, area, building setbacks, etc.). Staff replied that a lot split is likely feasible, but they would need to account for the shared driveway, shared parking, and stormwater management via easements.

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.***

The traffic circulation around the property is unique. There are not many other properties in the Township with this unique traffic pattern. The site is also unique for customers trying to enter or exit the site given how difficult it is.

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

There are no dedicated left turn lanes to the site for customers entering the site from the west on Riley Street or from the north on West Shore Drive.

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.***

If the applicant did a property split, they would have the right to place a ground sign on the property; however, they are not doing that.

As development has occurred in the area over time, the property has gotten squeezed more and they are in a situation where they are trying to make the best out of what they have been dealt. It is not absolutely necessary but feel that the variance may be in the public's best interest.

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

Granting of the variance is not anticipated to be of substantial detriment to adjacent and nearby land uses. If they split the lot, they would be able to have a sign any way.

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

The changing of the roads (realignment and increase in roadway width) over time have forced this issue. They do have the right to split the lot and meet the letter of the ordinance, but this may not meet the spirit of the ordinance. Ross De Vries noted that the added traffic in the area has not been beneficial to existing business on site, as noted by the owner. And yet, they want to add another

business to the site and, in doing so, they would like to clear some difficulties for customers trying to access the existing business as well as help to highlight the new business. He does not feel like adding another business will alleviate any of the traffic issues on Riley Street and West Shore Drive.

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 is enough uniqueness to the property with the existing traffic patterns that it does not weaken the ordinance but meets the spirit of the ordinance.

Chairman Boersma asked about the issue with the nonconforming pylon sign and whether the Board would like to address it. The consensus from the Board was to leave it alone.

** It was moved by Bob De Vries and supported by Ross De Vries to deny the request as presented. A roll call vote was taken – 2 Yes and 2 No. Motion failed.

Mr. Vander Meulen asked if the sign size or height was changed, would the Board Members be okay with it? Bob De Vries noted he might be okay with a directional-type sign. Should the Board table the item or should a lessor relaxation or on-the-fly modification to the request be considered? Staff advised the Board of their options: the Board could table the item, ask for more information, or work through the request with further discussion from the Board. Staff noted it is entirely up to the Board on how they wish to proceed.

Chairman Boersma asked about directional signage size requirements. Staff noted it is 4 square feet. Bob De Vries would be okay with something like 16 square feet.

Mr. Parker indicated that a 6-foot by 6-foot sign would be okay with them if the Board considers that a compromise? Bob De Vries noted concerns with the bulk of the sign.

Chairman Boersma said the applicant could come back with a new design and revised sign size, and they might be able to get a different opinion from another Board member.

The Board discussed height and sizes they might be comfortable with for the sign.

** It was moved by Bob De Vries and supported by Vander Meulen to approve a variance with a lessor relaxation of 36 square feet for one additional ground sign and that the one legal nonconforming pylon sign remains. A roll call vote was taken – 3 Yes and 1 No. Motion carried.

The next item noted on the agenda is the **petition for a Nonuse Variance submitted by Mike Bocks on behalf of HS&J / Dutch Village** for a variance of 25 feet 4 inches from the required 50-foot front yard building setback; resulting in a front yard setback of 24 feet 8 inches. Chairman Boersma asked whether they received any new information. Staff clarified that this item was added to the agenda simply as a placeholder; however, if the ZBA wishes to provide direction to the applicant on a timeline for resubmittal, Staff can relay that the applicant.

Staff provided an update on the progress/work on the property.

The Board noted that they will give the applicant 60 days to resubmit. Staff noted they will provide that information to the applicant.

The next item on the agenda is the **petition for a Nonuse Variance submitted by William A. Sikkel on behalf of Great Lakes Partners, Inc.** for a variance of 3.3 acres from the minimum lot area of 5 acres required within the AG Agricultural zoning district, resulting in a lot area of 1.7 acres. This item was tabled at the September 26, 2023 ZBA meeting. New information has been received relating to the request.

** It was moved by Vander Meulen and supported by Ross De Vries to remove from the table a petition for a Nonuse Variance submitted by William A. Sikkel on behalf of Great Lakes Partners, Inc. Motion carried by voice vote.

Bill Sikkel, applicant, was present to speak to the request. Mr. Sikkel provided a recap of the conditions of the site. The property contains roughly 80 acres with an old farmhouse. His client is looking to split off the portion of land containing the farmhouse. He noted farming has changed and farmers are no longer living in their houses on the farm. The ordinance requires 5 acres for an AG zoned lot and his client is having difficulty complying with that comply. There is a drainage ditch that runs through the property and if he has to establish a 5-acre lot, that will result in some of the farmland being lost and not farmed. Mr. Sikkel noted this is opposite from the intent of the ordinance to preserve as much farmland as possible. Mr. Sikkel stated that when they were here previously, there was concerns with the proposed lot lines and the ability for the barn structure to comply with minimum required building setbacks.

Mr. Sikkel and his client have revised the proposed lot dimensions to ensure compliance with building setbacks. The revised lot lines have resulted in a proposed lot a little under 2.5 acres in size; larger than what was presented at the September meeting.

Chairman Boersma asked Staff if the revised lot split and dimensions comply with building setbacks? Staff noted it does comply with building setbacks.

Chairman Boersma asked Staff if they went through the standards at the September meeting. Staff clarified that the Board did not go through the standards, but they did hold and close the public hearing.

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.***

The drainage ditch on-site makes getting a 5-acre AG lot difficult for the intent of preserving farmland. Bob De Vries does not feel that there is a practical difficulty with the property.

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

The Board feels they understand Staff's point that drainage crossings are not unusual. Chairman

Boersma noted he remembers a similar variance request for a smaller-than-permitted AG lot and they wanted to create a new lot for a single-family home. Chairman Boersma noted he understands the desire to maintain a lot for the single-family home and preserve farmable land.

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.***

Vander Meulen asked if the owner could divide the lot to meet acreage requirement and also lease the land for farming? Staff noted that the newly created lot could lease the land for farming.

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

The granting of the variance would not interfere with adjacent properties or uses.

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

The problem is self-created.

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.***

Chairman Boersma notes the spirit of the ordinance is to preserve farmland with 5-acre lots, but this request may better preserve actively used farmland for the benefit of the current owner, adjacent owners, and Township and granting of the variance in this case may better meet the intent of the ordinance.

Chairman Boersma asked Staff of a little history of why the Township has the 5-acre requirement for the AG District. Staff noted that the intent of the ordinance is to preserve farmable land, restrict new housing developments in areas that are not serviced by existing utilities/infrastructure (water and sewer), and to promote in-fill housing in the areas of the Township with proper infrastructure in place. The 5-acre requirement likely accounts for room for farming, agricultural building setbacks, location of septic/well systems, etc.

Ross De Vries noted he is not comfortable requiring 5-acres and then requiring the owner to lease their land for farming. Vander Meulen noted he is not comfortable with that either, but it is an option for the owner.

Bob De Vries stated that when the Board goes through the standards, the request does not meet all of the standards.

Chairman Boersma asked for clarification on the motion that could be made given the proposed lot area has changed from the initial request. Staff noted that what is being presented to the Board is a lesser relaxation of the previous request.

** It was moved by Russ Boersma and supported by Ross De Vries to approve a variance of 2.8 acres from the minimum lot area of 5 acres required within the AG Agricultural zoning district, resulting in a lot area of 2.2 acres. A roll call vote was taken – 2 Yes, 1 No, 1 Abstain. Motion failed.

Vander Meulen noted that with the size of the lots in the area, and to cut out a smaller size lot would be out of the ordinary. He feels it does not appear to fit with the intent of the ordinance.

Bob De Vries remarked that if a similar lot to the south wanted to do the exact same thing, how would the ZBA deny the next person who has a similar property? Chairman Boersma noted that each lot is unique with a different set of circumstances that the Board would take into account in making a decision. Additionally, they are taking into account the intent to preserve farmland.

The property owner, Mr. John Janssen, requested to speak. Chairman Boersma allowed it given the Board is at stalemate. Mr. Janssen noted that he had been to the ZBA for a similar variance request on the large piece of farm property on 96th Ave between Quincy St and Riley St.

Chairman Boersma noted he does not see many options apart from tabling the item so another Board member who is not in attendance could review and provide their vote on the request.

** It was moved by Bob De Vries and supported by Russ Boersma to table the item. A voice vote was taken – 3 Yes, 1 No. Motion carried.

Mr. Sikkel asked when the next meeting date is and whether they will be at the next meeting. Staff noted the next meeting date is December 19, 2023 and they will reach out to the applicant if no applications have been received for the meeting to see if they would like to be at the January meeting.

The next item noted on the agenda is the **petition for a Nonuse Variance submitted by Caroline Kimmel of Kittle Property Group on behalf of K & J Legacy, LLC** for variances consisting of: 1) 39 square feet from the minimum 120 square feet of storage area required for a 1-bedroom multi-family dwelling unit, resulting in a storage area of 81 square feet; 2) 17 square feet from the minimum 120 square feet of storage area required for a 2-bedroom multi-family dwelling unit, resulting in a storage area of 103 square feet; and 3) 12 square feet from the minimum 120 square feet of storage area required for a 3-bedroom multi-family dwelling unit, resulting in a storage area of 108 square feet. No new information has been received, the Planning Commission has not reviewed the ordinance to address storage area requirements and the item remains tabled.

The Zoning Board of Appeals then reviewed the meeting dates, time, and submittal deadlines for 2024. Board members found the meeting dates and time acceptable.

Bob De Vries mentioned insights he received from the MUS Extension Zoning Board of Appeals training.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Kate White
Assistant Planner/Zoning Administrator