

ZONING BOARD OF APPEALS  
Regular Meeting  
October 22, 2019

Present: Chairman Steve Haberkorn, Vice-Chairman Russ Boersma, Member Ross DeVries. Also present were Community Development Director John D. Said, Assistant Community Development Director Corey Broersma and Recording Secretary Laurie Slater.

Absent: Elliott Church and Jack Vander Meulen

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

There were no public comments.

The Minutes of September 24, 2019 were approved as written.

Chairman Haberkorn explained the Public Hearing process to the audience.

**Hearing declared open to consider** a petition for nonuse variance submitted by Calvin Christian Reformed Church for property located at 387 W. Lakewood Blvd., known more specifically as parcel number 70-16-19-256-011. Petitioner is requesting a variance of eight (8) square feet from the maximum forty (40) square feet permitted for a wall sign, resulting in a forty-eight (48) square foot wall sign for a non-residential property in a residential district. The property is zoned R-1 Low-Density Residential.

Present for this request was Randy Bouwer.

Chairman Haberkorn explained to the applicant that usually there are 5 members on the Board, but that tonight we just have 3 members which is enough for a quorum. He further explained that in order for the applicant to obtain approval, all 3 members must be in favor of a motion when voting or the motion will be defeated. The applicant was then offered the option to wait until next month, but choose to move forward.

Mr. Bouwer wished to give the Board some history on their church. It was founded in 1957. Their congregation built up to 215 members. Over the years their congregation has aged and they now have approximately 90 people attending. They are trying to revitalize their ministry and make themselves more relevant to those around the community. They have developed an outdoor center with a fire pit, basketball and other outdoor events. They feed 100 neighbors at their weekly meal. They have a Halloween event that draws in about 500 people. But on a daily basis, they feel that people drive by and don't even see the church anymore. They are also changing their name to Foundation Church.

The banner would be a permanently fixed sign of 6' x 8'. It would read "Your New Home". The sign would be on the east side of the building towards the neighbors letting them know this is a place they can call home. The sign would be constructed in such a way that the banner part of the

sign could be replaced at anytime if it were to become unsightly. It would be made of a strong mesh. According to others that have used them, they are long lasting. According to ordinance they are allowed a sign of 40 square feet and they are asking for 48 square feet. The new wall sign would not be illuminated.

There were three neighbors in the audience, who did not speak, but when asked if they had any objections, they stated that they did not object to the request.

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

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.***

There are no unusual aspects to the lot or building location or any other exceptional characteristics.

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.***

The use is unlike most other lots in the R-1 District, which would primarily consist of single-family residential uses.

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.***

There would be no financial return. Also, no impact on 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.***

No adverse effect.

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

The sign is good for an additional means of identification in the R-1 zoning district.

**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.**

The granting of this request would be within the spirit of this ordinance. The request is close to what is allowed - 40 square feet. They are asking for 48 square feet. Granting this request would not pose any public safety issues – no adverse effect.

\*\* It was moved by Mr. Boersma and supported by Mr. De Vries to grant the request as presented. Motion carried.

\*\* It was moved by Mr. Boersma and supported by Mr. DeVries to accept the 2020 meeting dates and deadlines as presented. Motion carried.

The meeting adjourned at 5:53 pm.

Respectfully submitted,

Laurie Slater  
Recording Secretary