

ZONING BOARD OF APPEALS
Regular Meeting (held via Zoom)
May 25, 2021

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

Present: Chairman Russ Boersma, Vice-Chairman Ross DeVries, Members Jack Vander Meulen, Elliott Church and Robert DeVries. Also present were Community Development Director John D. Said, Assistant Community Development Director Corey Broersma and Recording Secretary Laurie Slater.

Absent: None

** It was moved by Robert De Vries and supported by Vander Meulen to move agenda item #5 to #4 and #4 to #5. Motion carried with a unanimous roll call vote .

Public Comment – Doug Smith of D-Sign was present in the audience to speak to the Township's definition of a ground sign (see staff report for examples). Mr. Smith claimed that if the Ordinance definition of a ground sign is followed, every sign in Holland Charter Township will be identical. He also said that if the base has to be 100% of the width of the sign, there will be no room for creativity.

** It was moved by Vander Meulen and supported by Ross DeVries to approve the minutes of April 27, 2021 with one correction. Motion carried with a unanimous roll call vote.

** It was moved by Church and supported by Vander Meulen to remove from the table a petition for a nonuse variance submitted by Matt Wickstra/Douglas Woods LLC for property located at 495/499/503 Douglas Ave., known more specifically as 70-16-19-376-001. Petitioner is requesting a variance from landscape buffer requirements between commercial properties. The subject property is zoned C-2 Community Commercial. Motion carried with a unanimous roll call vote.

Present for this request was Bill Sikkel on behalf of Douglas Woods LLC and Matt Wickstra/Douglas Woods LLC.

Mr. Sikkel explained that the applicant consolidated the two landscape buffers on the east side of the driveway into one. The narrow area, the detention basin and the water lines resulted in the reduction in the number of shrubs.

In the south bed, the new proposed plan would have 1 tree and 6 shrubs in the west buffer strip and 2 trees and 12 shrubs in the east buffer strip. That is one tree more in the east buffer strip than what the ordinance requires and 6 shrubs less in the west buffer strip than what the ordinance requires.

In the north bed, the new proposed plan would have 4 trees in the west buffer strip and 6 trees and 48 shrubs in the east buffer strip. That is one tree and 41 shrubs less in the west buffer strip than what the ordinance requires and one tree and seven shrubs more in the east buffer strip than what the ordinance requires.

The buffer to the west next to the Residential Zoning will be in compliance with the ordinance.

The Board asked what they would be using for shrubs. The design that was submitted did show that Burning Bush and Dense Yew would be used. The bushes would create a constant hedge row along the entirety of the pavement. The shrubs would be 24" high at the time of planting.

In the winter the only buffer would be the Dense Yew as it is the only evergreen proposed in the buffer. The proposed trees are canopy trees of Maple Red Sunset and Locust Shademaster, which are required to be 2.5” caliper (diameter at breast height) at time of planting.

The Board asked if it was possible to be compliant with the ordinance on the east side of the drive. What is the rationale to not comply with the ordinance? Mr. Sikkel replied that that it would be a tight strip and they need space to push snow.

The Board went over the Standards at the April meeting. The proposal has changed with the number of trees and shrubs in the buffering, but the lot of record, the circumstances, the preservation and enjoyment of a substantial property right would all be applicable for this application too.

** It was moved by Vander Meulen and supported by Ross De Vries to approve the variance request for the revised landscape buffer as presented. We are most concerned about the buffering of the residential property to the west. The west side is good. There is another wide buffer between Advantage Marine and the road. We have not had back-to-back buffers come before the Board before. This is a workable solution for the uniqueness that it is. Motion carried with a unanimous roll call vote.

The uniqueness was clarified as the driveway, the two parcels being split and next to each other, the drainage area that has nowhere else to go and where to push the snow.

Next on the agenda was Zoning Ordinance Review and Interpretation of Special Events duration and use of Tents, Overhead Door Location, Through Lots and Signs.

Mr. Said stated that when the Zoning Ordinance was restated three years ago, some requirements are cut and dry, but others need some interpretation. The ordinance may not say something directly, but it hints at it. It is the Zoning Board of Appeals state mandated responsibility to interpretate them.

Special Event duration and use of tents was the first topic. Staff explained that a church within Holland Charter Township has scheduled seven concerts, two to three weeks apart. Each concert is being viewed by Staff as its own special event. The church would like to leave the tent up from the first concert to the last. Each concert is one day only and normally such an event would be given two days for a tent to be up. One day to put it up and one day to take it down.

At this time, the Ordinance is silent in regards to church concerts. It was never discussed when the Ordinance was done three to four years ago. At that time Bed and Breakfast weddings and Art Van’s Tent Sales were the subjects.

There was further discussion among the Board and Staff. The size of the proposed tent is 60’ x 60’. The size of the land and the proximity to neighbors and how it is affecting them should be considered. Tents are not buildings. They were not intended for anything other than special events. The Ordinance does not provide for keeping a tent for a special event up seasonally. Tents could be popping up all over the Township.

It was the consensus of the Board to keep the Ordinance as is and that each event is considered a separate event, and that for tents, they have one day to set it up and one day to take it down between events (in this case concerts). The tent cannot be left up between concerts.

Next was discussion about the placement of overhead doors particularly on a corner lot. What is the primary street side of a principal building? Do Corner lots need to designate a primary street side? Staff

believes the intent of the ordinance for this one was to keep the doors away from public view and the right-of-way.

After some discussion it was the consensus of the Board that Industrial Zoning Districts and Commercial Zoning Districts should be treated differently, and Staff noted that this will need to be addressed with a text amendment for the longer term, although temporarily, an interpretation is needed. The buildings with loading docks and semi-trucks coming and going are generally within Industrial Zoning Districts. Here the primary side needs to be protected and would be considered the side with a front door and parking for customers. No overhead doors or loading docks should be allowed there.

In commercial areas the expectations are different give the inherent use and general desire to maintain a more customer friendly environment for a property and its neighbors. Places like Blains Farm and Fleet where the store front and parking lot face US-31 and the overhead doors are on the Quincy Street side do not have loading docks. The west side of the building would be the primary frontage. They have overhead doors for the tire center on the secondary street side.

It was commented that quick oil change business would have a hard time placing doors not facing the road. Also, restaurants could have a roll up door that is a wall of windows to create an outdoor area in nicer weather. The Board further stated that these overhead doors do not have receipt or distribution of materials or merchandise at them. No loading dock or large trucks coming and going.

It was the consensus of the Board that a Text Amendment is needed for overhead doors on corner lots in Commercial and Industrial Zoning Districts. In the Industrial Zoning District there could be loading docks and overhead doors on the non-primary street side of the building. In the Commercial Zoning District there can only be loading docks with overhead doors for the receipt or distribution of materials or merchandise on a non-street side of the building.

The next topic of discussion was through lots and back-up-lots in subdivisions, specifically interpretation regarding the allowed placement of accessory buildings, fences and swimming pools. Through lots and back-up-lots technically have two front yards by ordinance definition. Accessory buildings, fences and swimming pools are only allowed in the rear yard.

The example used was Galway Court, where the lots go from Galway Ct to Riley Street.

It was the consensus of the Board that the side with the driveway is the front yard. The area behind the house should be treated as a backyard allowing sheds, fences and pools. Going forward, if such lots are created and they are not defined differently in a PUD, any through lot will have two front yards and cannot locate those items that are prohibited in front yards (accessory buildings, pools, and fences over 30" in height within 15' of the property line), even if proposed behind a house.

Next the Board discussed pylon and ground signs. Pylon signs (definition includes pole signs) are only allowed along the US-31 and I-196 corridor. Once existing pylon signs are in need of being replaced, they must be replaced with a ground sign.

It was the consensus of the Board that they do not want all the ground signs in the Township to look alike.

Zoning Board members offered the following opinions on this matter: Not sure that all signs need a base. Eight feet off the ground really is not a ground sign anymore. Ten inches off the ground and put shrubs around it so you couldn't see the support might be an option. For uniqueness, the base could be $\frac{3}{4}$ of the length of the sign instead of the whole sign. They agreed that cantilevered signs would give more creativity to sign makers so all the signs don't look alike. In conclusion, the Zoning Board concurred that ground

signs are required to have a base at least as wide/long as the sign with no visible supports such as a pole, and that if a cantilevered sign was proposed, a minimum of 75% of the sign must have sign base under it.

There was no other business.

Starting June 1st meetings will be in person.

Mr. Said thanked the Board for their input on these ordinance subjects.

** It was moved by Ross De Vries and supported by Vander Meulen to adjourn the meeting at 7:34 pm. Motion carried with a unanimous roll call vote.

Respectfully submitted,

Laurie Slater
Recording Secretary