

ZONING BOARD OF APPEALS
Regular Meeting
October 25, 2022

The meeting was called to order by Chairman Ross De Vries at 5:30 p.m.

Present: Chairman Russ Boersma, Vice-Chairman Ross De Vries, Members Elliott Church, Jack Vander Meulen and Robert De Vries. Also present were Community Development Director, Corey Broersma, Assistant Planner and Zoning Administrator, Kate White, and Recording Secretary, Laurie Slater.

Absent: None

Public Comment: None

** It was moved by Robert De Vries and supported by Ross De Vries to approve the minutes of September 27, 2022, as written. Motion carried.

Chairman Russ Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Valley City Sign on behalf of Essenburg Car Wash of North Park for property located at 2352 North Park Drive, known more specifically as 70-16-21-100-045. Petitioner is requesting variances consisting of: 1) 83.3 square feet from the maximum 80 square feet permitted for a pylon sign, resulting in a 163.3-square-foot pylon sign; 2) 188.8 square feet for 4 additional wall signs above the maximum 10% of wall area of the primary entry façade permitted, resulting in 282 square feet of wall signs; and 3) 3.9 to 5.4 square feet from the maximum 4 square feet permitted for internal site signs, resulting in 1 internal site sign at 7.9 square feet and 5 internal site signs at 9.4 square feet. Variances are being requested for added signage for a new car wash facility. The subject property is zoned C-2 Community Commercial.

Present for this request was Mandi Brower of Essenburg Car Wash.

Ms. Brower explained that they were there for three different variances. One for a Pylon sign, one for wall signage, and one for internal site signs.

The pylon sign is the typical sign they use at express car washes. The Quality sign design has been tweaked with angles creating some open space that is included in the calculation of square footage thus the reason for the variance of 83.3 square feet.

Community Development Director, Corey Broersma explained that Staff recalculated the square footage of the sign excluding the structural components. The square footage variance they would be asking for on the pylon sign would be 4 square feet, not the previously stated 83.3 square feet. The electronic message center is standard. The square footage is very close to compliance. He further commented that the applicant has been working with Staff on the signage and they did have another sign with LED pricing and the words "Car Wash" taken off the sign.

Ms. Brower continued with the wall signage. She stated that there are two ways to look at the entry of this building. One is the entry to the tunnel, which is the calculation Staff used, giving Quality 10% of 932 square feet for wall signage. The other way is to calculate the façade from where customers would pay prior to entering the building, which would give them 10% of 3,300 square feet.

They are asking for 188.8 square feet of additional wall signage. There would be two logos and the

words “CAR WASH” on the south wall, for an additional 135.02 square feet of signage. The north wall would have one additional wall sign of 62.5 square feet. Ms. Brower further stated that the additional wall signage completes the building, it looks plain without it. The signage would break up the banding on the building.

Ms. Brower discussed the need for internal site signage. The internal site signage directs the flow of the traffic. It allows the customer to get to the service they are seeking, carwash, vacuums, etc. Due to the volume of traffic within this plaza, these signs are necessary for the safety of the customer. They are asking for an additional 31.21 square footage of internal site signage. There would be an additional double sided Enter with arrows, one double sided Exit with arrows and a double-sided sign with Clean Car Exit on one side and Vacuum on the other. All signs have the Quality logo on them.

The Board asked Mr. Broersma to explain why the east end of the building was considered the front façade and not the north or south side. Mr. Broersma responded that, by definition of the ordinance, the primary entry is the façade through which most people enter the building. The tunnel is where the customer, in their vehicle, enters the building.

The Board asked Staff about the garage doors facing the main US-31 Highway and if logos are allowed on internal site signs.

Mr. Broersma replied that the facility was granted a Special Land Use Permit for a vehicle wash. This is not a shipping and receiving business with truck docks, so the garage doors on the east end of the building are permitted. He further explained that yes, logos are allowed on internal site signage.

The Board questioned Ms. Brower about an alternate plan and has Quality obtained any other variances for signage at their other locations in Holland Charter Township? Ms. Brower replied that this is the first time asking for a variance. The North River and the 8th Street facilities met the old ordinance, so they are now considered nonconforming legal signs. The car wash facility on 8th Street is shut down.

The Board asked Staff about the internal site signs. Mr. Broersma stated sign regulations are concerned about mass. The proposed design is creative, however, the wide base increases area compared to a traditional “lollipop” style sign, a pole with a 2’ x 2’ sign on top.

The Board discussed the line of sight for the additional signage.

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

It was moved by Ross De Vries and supported by Robert De Vries to close the 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 unique characteristics of the land justifying the 3 variances.

- 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.***

Pylon Sign: There are no unusual circumstances to justify the variance.

Wall Signs: There are no unusual circumstances beyond the nature of the business that utilizes a smaller “primary entry façade”

Internal Signs: Most businesses do not have that many cars going through the property, yet the operation is clear. There are three entry lanes depending on how you are going to pay. The vacuums are on the north side of the building and if you want to wash your car, you go to the south

- 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.***

The 3 variances are not necessary for the preservation and enjoyment of a substantial property right. They have a right to operate with signage permitted by ordinance.

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

Only the pylon sign is very close to compliance.

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

The applicant has created the need for the 3 variances.

- 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.***

Pylon Sign: The design with the exposed square structural poles is more aesthetically pleasing and the lessor relaxation of 4 square feet is acceptable.

Wall Signs: They have a nice pylon sign proposed. The facility does not need the wall signage.

Internal Signs: The number of signs proposed becomes clutter.

The Township wants tasteful adequate signage for businesses within the Township. The sign designers can use the space allowed in a creative way for the placement of signage and the architecture of the building while maintaining the looks of the Township. There is no compelling need for the additional Internal Site signs and the Wall signs.

There was further discussion among the Board members about the Internal Site signs being in the interest of public safety.

** It was moved by Robert De Vries and supported by Vander Meulen to allow the lesser relaxation of 5 square feet to the Pylon Sign. Motion carried with a unanimous roll call vote.

There was discussion among the Board members as to whether the Planning Commission should consider a change to the ordinance for the Internal Site signage. The square footage and how that should be counted.

** It was moved by Vander Meulen and supported by Church to deny the variance request for an additional 188.8 square feet of wall signage. Motion carried with a unanimous roll call vote.

** It was moved by Church and supported by Robert De Vries to deny the variance request for 31.21 additional square feet for Internal Site signage. Motion carried 4 in favor, 1 in opposition.

Hearing declared open to consider a petition for a Nonuse Variance submitted by Kimley-Horn of Michigan, Inc. on behalf of Target Corporation for property located at 3456 West Shore Drive, known more specifically as 70-16-09-300-062. Petitioner is requesting variances consisting of: 1) 14 ground signs from the one permitted ground sign, resulting in 15 total ground signs; 2) 4 feet from the maximum 8 feet in height permitted for ground signs, resulting in two 12-foot ground signs; and 3) the installation of 2 solar energy collectors mounted within the front yard at a height greater than 12 feet. Variances are being requested in order to add signage for an expanded Drive-Up service. The subject property is zoned C-2 Community Commercial.

Present for this request was Jeffrey Immel of Kimley-Horn of Michigan, Inc. on behalf of Target Corporation.

Mr. Immel explained that the reason for the request is to improve and expand the Drive-Up services for customers that order online and then drive to the store to pick up their order. The 12 foot tall beacon sign directs the customer where to proceed, the space number and instructions to open the trunk are on the parking space sign, the customer gets on the Target App to let them know they are there and what space they are in and an employee brings out their merchandise.

The solar panels on top of the beacon signs are to completely power that sign only. The height of the beacon sign exceeds the 8-foot height maximum permitted for a ground. Additionally, the solar energy collectors exceed the 12-foot height maximum permitted and are located in the front yard, as opposed to the permitted rear yard location.

Mr. Immel further explained that the solar beacons are for the safety of the customer. The Drive-Up area was purposely offset from the main entrance of the store. The beacon sign informs the customer as to where the Drive-up area is. The illumination of this sign is needed. The beacon signs do not flash and only light up in low-light conditions.

The Board asked Staff what about the request was noncompliant. Mr. Broersma stated the height of the beacon signs, the additional signage wrapped around the existing sign advertising alcoholic beverages and the square footage of the Internal Site signs, which Mr. Immel is calling ground signs.

Mr. Immel commented that the effectiveness of the program depends on how visible the signs are to the customer.

Board Members comments were that there are repeat customers. Once they have been there once, they will remember where to go to pick up their merchandise. They will be familiar with the traffic pattern

and the layout of the parking lot, just like people know where the handicapped parking spaces and the cart corrals are.

Mr. Immel stated that there are several acres of parking spaces. New users looking for the Drive-Up area are not paying attention to employees and customers walking in and out of the store or other vehicles moving through the parking lot. This could cause accidents. Target likes as much as possible for all the stores to stay consistent.

When asked about a Plan B, Mr. Immel replied that this is the best option for traffic flow and safety. They have used smaller signage for the space number at 4 square feet. The Solar Beacon is essential to the flow of this service.

The Board had questions about what other jurisdictions had allowed them to do. Has any local jurisdiction denied the beacon signs and what was the outcome of the service.

The Board commented that these Drive-Up services have been commonplace since the Pandemic. They do not need to clutter the parking lots with 12-foot-high signage. Signs similar to barrier free parking signs are sufficient.

Solar Panels are the way we are moving. However, there is an advantage to going simple. In the long term these signs will not look good. They will get hit by vehicles.

Mr. Immel replied that there are wheel stops in front of the signs to avoid this.

The Board continued with comments that the pick-up locations are visible with signage and the parking lot is painted a different color or has wording painted in the pick-up area.

To clarify, Mr. Broersma pointed out that the Applicant had framed this petition around the request for added ground signs, not internal site signs. Mr. Broersma pointed out that the signs are classified as Internal Site signs from the zoning perspective, which deems them too large (4 square feet allowed by ordinance). The signs do not meet the characteristics of a ground sign as defined by the Sign ordinance due to the lack of a base.

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

** It was moved by Robert De Vries and supported by Vander Meulen to close the 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:***
 - e. Exceptional narrowness of the width or depth of a lot of record, or irregular shape.***
 - f. 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.***
 - g. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional land features.***
 - h. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.***

Ground Signs: The request is not being made as a result of the land.

Solar Energy: The request is not being made as a result of the land.

- 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.***

There are no unusual circumstances justifying the two variances.

- 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.***

Ground Signs: The added signage at the scale proposed is not necessary for the preservation and enjoyment of a substantial property right.

Solar Energy: The use of solar energy collectors is appreciated; however, this application is not necessary for the preservation and enjoyment of a property right.

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

Granting this variance for 15 ground signs and the solar lighting would set a precedence.

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

The desire for additional signage and a greater number of signs created this problem. With the post pandemic changing environment we live and work in there may be a need for the Township to make changes, however, drafting a new ordinance change is not the responsibility of the Zoning Board.

- 5. 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.***

Meijer and Family Fare already comply. It is possible. Granting the variance as proposed will be contrary to the spirit of the ordinance in maintaining a community standard.

** It was moved by Boersma and supported by Ross De Vries to deny the variance request for 14 additional ground signs. Motion carried with a unanimous roll call vote.

** It was moved by Robert De Vries and supported by Vander Meulen to deny the variance request for two – 12-foot ground signs. Motion carried with a unanimous roll call vote.

** It was moved by Ross De Vries and supported by Church to deny the variance request for the installation of two solar energy collectors mounted within the front yard at a height greater than 12 feet. Motion carried with a unanimous roll call vote.

** It was moved by Ross De Vries and supported by Robert De Vries to remove from the table a request to Appeal a Decision of the Zoning Administrator submitted by Rick Loftus on behalf of Schostak

Brothers & Co. Inc. for property located at 3134 Beeline Road, known more specifically as 70-16-16-100-090. Petitioner is appealing a decision that “pick up” window is not a “drive through” and, therefore not subject to the required 10 vehicle stacking spaces per service line. The subject property is zoned C-2 Community Commercial. This item was tabled at the September 27, 2022, ZBA Meeting. Motion carried.

Tom Gergich, Vice President of Real Estate & Development for Team Schostak Family Restaurants submitted a written request to Corey Broersma asking that the request to Appeal a Decision of the Zoning Administrator be withdrawn.

** It was moved by Ross De Vries and supported by Vander Meulen to accept the withdrawal of the request to Appeal a Decision of the Zoning Administrator regarding a pick-up window at Applebee’s. Motion carried with a unanimous roll call vote.

**** It was moved by Ross De Vries and supported by Robert De Vries to remove from the table a petition to Extend a Nonconforming Use submitted by Merle Boes, Inc. for property located at 11372 E Lakewood Boulevard, known more specifically as 70-16-22-400-056. Petitioner is requesting permission to extend the life of a nonconforming sign. The subject property is zoned C-2 Community Commercial.**

Present for this request was attorney Mark Zietlow representing the applicant.

Mr. Zietlow stated that they have public support for the sign to stay. Jim Ondersma of 11283 Chicago Drive was present at the last meeting to comment, and he also submitted an email to Staff.

Mr. Zietlow presented the Board with pictures of the replacement of the sign. He stated that replacing the tubing does not prolong the life of the sign. The frame was enclosed within the sign and was shielded from the weather, so the tubing that was replaced was in great shape.

He further stated that refacing the sign did not expand or increase the nonconforming nature of the sign. No structural alterations or additions to the display area were made. He cited Ordinance Section 13.4 – Exempt Signs and 13.10 (C)(3) Re-facing.

The Board asked for an explanation of what was done to the top of the sign. Mr. Zietlow explained that the top portion of the sign was replaced with a new top portion. It has the same tubing inside as the portion of sign removed. Replacing the tubing did not prolong the useful life of the sign. The interior frame was protected and would continue indefinitely. They replaced the sign in this way because of the ease of installation. There is no structural change.

Mr. Zietlow repeated that there was no change to the shape, size, type or location of the sign. There was no structural change. The life of the sign has not been prolonged.

Mr. Zietlow proceeded to explain to the Board that changing from florescent lighting to LED lighting was normal maintenance. The green, white, and black wires in the interior of the sign were fastened with wire nuts. There were no electrical issues, they did not alter anything and there was no structural change. These elements are protected from the elements, this did not prolong the useful life of the sign. Section 13.10 C5. Nonconforming signs may be painted, cleaned and maintained.

There has been nothing done to prolong the life of the sign. Just the graphics have been changed. The sign originally became nonconforming when the County widened Lakewood Boulevard. The sign is not in the line of vision, there have been no accidents because of the sign. Switching to LED lighting is an improvement to the community as it uses less electricity than the florescent lighting.

Grant Geurink, COO of Merle Boes answered the Board's question regarding what the frame is made out of and how it is protected within the face of the sign. The sign is made out of steel, and it is sprayed with a white rustoleum paint to protect it. The frame is a stock frame from one manufacturer where Merle Boes gets all their parts for their signs.

There was a switch out of the digital reader board from a 2.0 to a 3.0. The 2.0 was no longer supported, it needed a different controller and frequency. But no wires.

Mike Boes, President of Merle Boes, presented the Board with some pictures of the signage from 1995 and 2002.

The Board asked Staff when the sign became a legal nonconforming. Mr. Broersma replied that the sign has been non-conforming for years, but most recently in 2018 pylon signs became prohibited by ordinance.

Mr. Boersma stated that the sign was structurally altered, they removed a part and replaced a part. They altered the lighting from Florescent to LED, and they replaced the digital reader board from a 2.0 to a 3.0. The useful life of the sign was prolonged.

The Board's discussion continued with guesses of how long the new top may have expanded the life of the sign. Mr. Church questioned the applicant stating that the manufacturer has to have an estimated term of service for the tubing. It has to deteriorate at some point. The applicant had no answers.

The Board commented that the base of the sign that has ground contact was not changed. That would be the part that would deteriorate first. There was structural change, but will it substantially prolong the life of the sign?

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

** It was moved by Vander Meulen and supported by Robert De Vries to close the hearing. Motion carried.

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.

Since the base of the structure was not altered in any way, no the alteration of the sign will not substantially extend the probable duration of the nonconforming sign.

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.

No, the alteration of the nonconforming 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 provision of this ordinance. It is the same as it was before.

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 would be no adverse effect of the nonconforming structure and such alteration thereof on adjoining lands in the surrounding neighborhood.

** It was moved by Robert De Vries and supported by Ross De Vries to approve to extend the use of the nonconforming sign. Motion carried with a unanimous roll call vote.

Based on the evening's discussion Staff informed the ZBA if they should pursue a violation at Walmart – North Park Drive for putting up 35 merchandise pick up signs in the parking area behind the Service Center, which are in violation of the ordinance.

It was the consensus of the ZBA to pursue this violation with Walmart.

There was further discussion among the Board Members about the Planning Commission looking into what other jurisdictions are doing about some of the changes that have taken place since the Pandemic with pick up windows and pick up parking. In particular, the issue of stacked cars at pick up windows and signage for pick up parking.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laurie Slater
Recording Secretary