

Draft Draft Draft Draft Draft

ZONING BOARD OF APPEALS

Regular Meeting

August 26, 2025

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

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

Absent: Member Jack Vander Meulen

There were no public comments.

** It was moved by Robert DeVries and supported by Ross DeVries to approve the minutes from the June 24, 2025, meeting as presented. Motion carried unanimous with a roll call vote.

Chairman Boersma explained the Public Hearing process to the audience.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by TSFR Apple Venture, LLC on behalf of Geenen DeKock Properties, LLC for property located at 3134 Beeline Rd, known specifically as Parcel Number 70-16-16-100-090. Petitioner is requesting variances consisting of: (1) 259.2 square feet from the maximum 99.6 square feet permitted for wall signs, resulting in a total wall sign area of 358.8 square feet; and (2) 11 canopy signs that exceed the maximum 2 feet in height and/or 6 feet in width permitted for canopy signs. The subject property is zoned C-2 Community Commercial and FP Floodplain.

Present for this request was Ronald VanderVeen of Cunningham-Dalman, Tom Gergich of Applebee's and property owner, Doug DeKock.

Mr. VanderVeen started by giving some history on the existing Applebee's Restaurant. He gave the Board two handouts. One showing the Applebee's Restaurant in 2004 showing that there were canopies on the south side of the building at that time. The other one was a 2013 Sign Permit Application submitted to Holland Charter Township requesting the installation of the following signs: Applebee's Wall signs, Applebee's "Car Side To Go" sign, installation of new awnings and face change to the monument sign.

Mr. VanderVeen further stated that the awnings over the windows at that time had apples on them too. The application was approved without needing a variance.

Applebee's is seeking to upgrade and refresh the signage, including the awnings. The signage comes as a package from Applebee's Corporate.

Mr. Vander Veen further explained that Applebee's practical difficulty is being located along the US-31 corridor. They do not have a driveway on US-31. The cars traveling US-31 are driving at

a high rate of speed. They need the signage to bring in customers. The unusual circumstance that does not apply to most other lots of record is the mandated signage by Applebee's Corporate just like Culvers and Mc Calaster's. Also, most restaurants do not have canopies. Canopies get old and need to be updated. The red canopies with the apple logo on them are décor, not signage.

Mr. VanderVeen further commented that granting this request would be of no detriment to adjacent or nearby land uses and properties. The applicant did not create the problem. The canopies have been on the building since 2004. Mr. Gergich took over in 2012. In 2013, the canopies were approved by the Township Building Department. Granting this variance would not be contrary to the public interest. Substantial justice would be allowing them the canopies like they have now.

Mr. VanderVeen stated that coming from the north there is a large tree that blocks the view of Applebee's. The red canopies allow for better visibility of the restaurant.

Staff explained that when the canopies were striped red and green and white, they were not considered signs. Once they put the apple logo on it, it fulfilled the definition of a sign and had to be counted as signage. They only count the dimension of the actual logo as detailed in the applicant's submittal. A colored canopy would not count as a "sign".

Mr. Gergich stated that the canopies with the apple on it is just décor, not signage.

Mr. De Kock stated that Applebee's has been a great tenant. They are a great addition to the community. He understands the branding. All retailers do this to be recognized by customers. The awnings look nice. He asked the Board if they could see a way to allow the red canopies with the apple on them, it would be appreciated. Restaurant business is not an easy one. He would like to see them stay in business. They are asking for what has been in place since 2013.

There was discussion among the Board members and Staff for clarification. The red canopies are allowed, however, adding the white apple logo, as part of the Applebee's branding, makes it a sign.

Mr. Church asked about what other signage there was on the property. Mr. VanderVeen noted other signage on the property includes a pylon sign along US-31 and a directional at the entrance on Beeline Road.

Mr. Church asked Mr. Gergich if it was fair to say that Applebee's exists in all 50 states? Mr. Gergich replied yes. He then asked if they have deviated from the corporate sign package at any of the locations. Mr. Gergich stated that he would have to say yes.

Mr. Church asked what they would do if the request was denied? Mr. Gerich stated that they would need to get special permission; corporate reviews it case by case to come up with a solution. Mr. Gergich noted that more than likely, it would be solid red canopies without the apple.

Mr. DeKock stated again that the canopies have been there since 2013. The canopies with the apple on them were in the pictures of the 2013 sign permit application. They did not deny them at that time. They were allowed to put them up.

There was more discussion among the Board and Staff about whether putting any kind of picture on a canopy makes it a sign? Say you are a fruit market, and each canopy has a different piece of fruit on it, does that make it a sign? Staff replied that the determination of whether it would be considered a sign or décor would depend on the circumstances of the case. If it is part of a logo associated with the business, like the apple is for Applebee's then it would be considered a sign.

It was further noted that the definition of a sign changed in 2018 when changes were made to the sign ordinance.

Chairman Boersma mentioned the Grandville Applebee's restaurant, which has been updated recently. He noted that they have no apples on their canopies. They currently have solid-colored red canopies. They were updated as of May of 2025.

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

** It was moved by Haberkorn and supported by Robert DeVries to close the hearing. Motion carried unanimously with a voice vote.

The Board went over the standards to review when considering the two (2) nonuse variance requests.

- 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 Board found there are no practical difficulties due to exceptional, extraordinary or unique characteristics or conditions of the land that result in the need for the proposed wall sign area.

- 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 found there are no unusual circumstances, as with Standard 1.

- 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 Board found that the granting of this variance is not necessary for the preservation and enjoyment of a substantial property right as the Grandville Applebee's made accommodations to meet the ordinance in their community. An alternate package is available to meet the local ordinances.

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

The Board found that the granting of this variance would not be of substantial detriment to adjacent and nearby land uses and properties, as they are not asking to add anything new.

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

The Board found that the problem for which the variance is being sought is self-created. Applebee's has an option for signage that would comply with current zoning requirements; however, the Board understands why the applicant would seek the variance given the long-standing presence of the signage.

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 Board found that the granting this variance would be contrary to the spirit of the ordinance and may set a precedent for wall sign area variance requests given the amount of wall sign area being sought. There are examples of other places (e.g., Grandville Applebee's) complying with similar situations.

****** It was moved by Robert DeVries and supported by Russ Boersma to deny the variance of 259.2 square feet from the maximum 99.6 square feet permitted for wall signs, resulting in a total wall sign area of 358.8 square feet. Motion carried with a unanimous roll call vote.

****** It was moved by Russ Boersma and supported by Robert DeVries to approve a variance of a lesser relaxation from the maximum 2 feet in height and 6 feet in width permitted for canopy signs specifically for the "Welcome Back" canopy sign and the "Applebee's Carside To Go" canopy sign as presented in the applicant's submittal. Total wall sign area is not to exceed total of 99.6 square feet. Motion carried with a unanimous roll call vote.

Other Business:

Next on the agenda was a request submitted by Township Staff for interpretation from the Zoning Board of Appeals on what constitutes "residential or living quarters" and "hobby or recreational" space as mentioned in Section 8.3.A.4 and 8.3.A.5 of the Township Zoning Ordinance pertaining to accessory buildings. (Tabled at the June ZBA Meeting.)

****** It was moved by Robert DeVries and supported by Ross DeVries to remove this item from the table. Motion carried unanimously with a voice vote.

Staff opened the discussion by explaining that they have had plans for unique uses of accessory buildings. What once was used for winter storage of a lawn mower and summer storage of a snow blower has changed. Residents have asked for there to be bathrooms, pool house with a bar and bathroom, and volleyball or basketball courts. When is such a space considered a residential living area? Does the space need to meet all four criteria for a residential dwelling, which is a kitchen area, a bathroom, space for sleeping, and space for living? Or if it meets three of the dwelling components (i.e., cooking, bathroom, sleeping, and living space) is it considered a residential dwelling? Staff is looking for direction / a definition on what makes a place living quarters versus a hobby shop or recreational space.

Staff went over several scenarios that have been discussed with the building department over the years.

Mr. Church stated that he leaves the discretion to Staff to make the decision on whether a use within an accessory building would be considered residential or living quarters and that unless the use of the accessory building clearly satisfies Ordinance requirements, Staff may act with a strict interpretation.

After considerable discussion, the Board could not come up with a definition for residential living space that they all agreed upon; however, there was general consensus that if a space could be considered similar to a “studio” apartment or similar to a hotel room, containing a living space with the ability for sleeping, a kitchenette, and a bathroom, that would be more in-line with residential or living quarters.

Staff noted their appreciation for the discussion and requested that the interpretation petition be withdrawn.

** It was moved by Russ Boersma and supported by Robert DeVries to accept the withdrawal of the request for interpretation from the Zoning Board of Appeals on what constitutes “residential or living quarters” and “hobby or recreational” space as mentioned in Section 8.3.A.4 and 8.3.A.5 of the Township Zoning Ordinance pertaining to accessory buildings. Motion carried with a unanimous roll call vote.

The meeting adjourned at 7:14 p.m.

Respectfully submitted,

Laurie Slater
Recording Secretary