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ZONING BOARD OF APPEALS

Regular Meeting

June 24, 2025

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

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

Absent: None

There were no public comments.

** It was moved by Bob De Vries and supported by Ross De Vries to approve the minutes from the May 27, 2025, meeting as presented. Motion carried unanimous with a voice 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 Bear Sign Company on behalf of Paul Yousef of Holland Town LLC for property located at 12330 James Street, known specifically as Parcel Number 70-16-21-200-080. Petitioner is requesting a variance of 18.1 square feet from the maximum 4 square feet permitted for internal site signs, resulting in six (6) internal site signs with an area of 22.1 square feet. The subject property is zoned C-2 Community Commercial.

Present for this request was Mitchell Conroy of Bear Sign Company.

Mr. Conroy explained to the Board that Holland Town LLC would like to put oversized directional signs at the Holland Town Center Mall located at 12330 James Street. The oversized internal signs will direct traffic to tenants within the complex. The signs will include directions as well as the tenant's names. There are four buildings within the mall area. They are asking for a total of six signs, with four of them to be installed immediately. The other two will be installed as the vacancies are filled.

The Board asked Staff how many signs they would be allowed if they complied with the ordinance and had signs that were four square feet in size. Staff replied that there is no limit on number or minimum separation distance requirement. They could stack them next to each other.

The Board stated that the signage needs to be big enough to see from a distance. However, they would like the size for each location to be uniform. One 6 ½ inch slot per store. Member Church noted the intent of internal site signage is to direct and identify, not to advertise. The 4 square foot directional signs allowed by ordinance are true directionals exit, enter, etc. These signs, as presented by the applicant, are directing customers to stores or companies that are 150 yards away from any road. Once in the mall area, customers need to know which way to go to get to their destination.

The Board discussed location of the proposed signage. Staff stated that the signage is all on private property; however, the Board may wish to consider requiring a 20 foot clear vision area at the drive aisle intersections where the signs are proposed, given the proposed height and mass of the sign.

Given the size of the signage, the Board stated that they would prefer Staff to review the placement of the signage within the mall. Staff stated that it could be done by requiring one sign permit for all the signs. The applicant would need to submit a site plan with the permit.

Member Vander Meulen asked if the signs were to be illuminated. Mr. Conroy noted the signs will not be illuminated.

Chair Boersma opened the floor for public comment. There was no one in the audience to speak to this request. Staff received a letter from Nick Nykerk of Lakewood Construction of 11253 James Street. He was in favor of the variance request stating that it would help with aesthetics and wayfinding, increasing safety and circulation for the parcel.

** It was moved by Vander Meulen and supported by Bob De Vries to close the hearing. Motion carried unanimously with a voice vote.

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 Board stated that multiple buildings on the same site with multiple businesses and tenant spaces is a unique condition of the property and that the number of buildings and businesses makes directional signage a necessary element to efficiently move and direct customers to the particular business they are looking for.

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 that there are no other commercial developments like this within the Township. There are multiple buildings on the same lot of record, and the stores are not visible from the road.

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 stated the variance may not be necessary for the preservation and enjoyment of the property owner, but granting this variance will make it easier for the people visiting the property to find their way around in a more efficient and safe manner.

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

The Board stated that there is no limit to the number of 4-foot square directional signs allowed by ordinance. They could stack them if need be and create visual clutter and confusion for visitors. Consolidating the signage into fewer, larger directional signs makes sense. There is a letter of support for the variance-

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

The Board stated that the multiple buildings and site configuration are a pre-existing condition of the property. It is not 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.*

The Board found that larger internal site signs would improve the ability to efficiently and effectively direct customer traffic to the business they need to get to. Public safety would be served as long as Staff is informed of the placement of the signs and finds the placement of the signage in compliance with clear vision corners.

** It was moved by Vander Meulen and supported by Church to approve a variance of 18.1 square feet from the maximum 4 square feet permitted for internal site signs, resulting in six (6) non-illuminated internal site signs with an area of 22.1 square feet with the stipulations that the signs are to be as depicted in the sign concept provided with the applicant's variance petition submittal, individual panels on each sign may not be combined for a single tenant, and the applicant is to secure location approval for the signs from Staff via a permanent sign permit. Motion carried with a unanimous roll call vote.

Hearing declared open to consider a petition for a Nonuse Variance Request submitted by Travis Prueter for property located at 37 Scotts Drive, known specifically as Parcel Number 70-16-20-401-011. Petitioner is requesting a variance of 5.3 feet from the minimum required 7-foot side yard setback, resulting in a side setback of 1.7 feet for a carport addition on an existing detached garage. The subject property is zoned R-2 Moderate Density Residential.

Present for this request was Travis Prueter.

Mr. Prueter stated that he has lived at 37 Scotts Drive for 16 years. The previous carport added in 2018 was destroyed by a tree. When the new carport was built, Mr. Prueter decided to build a sturdier carport for the protection of the boat he wishes to store under it. He did not realize he needed a permit or that there was an ordinance stating how close to the property line it could be constructed.

Mr. Prueter is asking to be allowed to keep the structure. It has been there for three to four years. He would be willing to enclose the structure and add an overhead door and door entry to it. The size of the carport plus the existing garage would be within the size allowed by ordinance. The east side of the garage is the only place he can put the carport because of the topography of the property and a lower storage under the pavement between the dwelling and existing garage (not shown on survey). There is an 8-foot slope to the back of the property and a 4-foot slope behind the garage. The neighbor is not concerned about how close the structure is to his property line, which is 1.7 feet. A 7-foot side yard setback is required by ordinance.

Mr. Broersma stated that the original lean-to was a separate building. He further commented that carports are not permitted in the community. The architectural character of the lean-to is an issue. It needs to be enclosed and match the existing house.

There was further discussion on location. Member Bob De Vries asked Mr. Prueter why the garage addition could not have been added to the west side of the garage? Mr. Prueter stated that the open space between the garage and the existing house was where an old, attached garage used to be. The lower level of that garage remains below where the concrete is shown on the aerial image. Mr. Prueter noted that area could not hold the weight of the carport or the boat.

The Board stated that the carport is clearly visible from the road. Member Church asked Mr. Prueter is there are other properties with carports in the area? Mr. Prueter answered yes and indicated there was one by the Soccer Stop and one on the other side of the road from him.

The Board asked Staff how much of an addition the applicant could put on the existing garage and still be in compliance with size and setbacks. Mr. Broersma stated that a roughly 5 – 5 ½ foot addition could be added to meet the 7-foot side yard setback.

The Board asked Mr. Prueter whether he'd be willing to do what it takes to secure a building permit for the structure in terms of enclosure, providing load-bearing information for the roof, fire-rated wall, etc. Mr. Prueter noted it would be cheaper to enclose existing than to build a whole new building. If the variance is not successful, he may just look at rebuilding the garage to a larger size.

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

** It was moved by Bob De Vries and supported by Ross De Vries to close the hearing. Motion carried unanimously with a voice vote.

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 Board found item b. topography is an issue for the placement of the structure. Also, item c. the underground building on the property creates an issue with the placement of an addition to the garage.

The Board further stated that aesthetically it does not fit with the neighborhood. If allowed to leave it and enclose it to bring it into compliance there would be a number of issues to work through – fire protection for the walls and the roof would need to be weight bearing for starters.

The applicant has other options.

- 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 stated that the lot is consistent with other lots of record in the same zoning district and that

it is consistent throughout the Township that people have to maintain their required side yard setback.

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 stated the variance is not necessary for the preservation and enjoyment of a substantial property right. The owner can park the boat on a slab along side the garage and put a tarp over it as a temporary solution. A long-term solution would be to rebuild the existing garage in compliance with zoning requirements.

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

The Board stated that how close this structure was built to the neighboring property without a permit is detriment to adjacent properties. The owner could also look at the option of buying land from the neighboring property to eliminate the setback issue.

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

The Board found this situation was self-created. The applicant got advice from a builder. He should have at least called the Township before adding on to the existing garage to find out if a building permit was needed for what he was putting up. If he had done so, Staff could have informed him that lean-to/carports are not allowed in the Township per ordinance and that there would be setback requirements that needed to be met.

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 granting the variance as presented will be contrary to the public interest and the spirit of the ordinance by authorizing work that appears to have ignored the requirements for permits and the expectation for building setbacks and separation distance. The applicant has provided a letter from the eastern neighbor stating they have no concerns with the variance being sought. However, property owners change over time and since the variance goes with the land, the next owner could object to having a structure so close to their property line.

****** It was moved by Boersma and supported by Vander Meulen to deny the request for a variance of 5.3 feet from the minimum required 7-foot side yard setback, resulting in a side setback of 1.7 feet for a carport addition on an existing detached garage due to the request not meeting the standards. Motion carried unanimously with a roll call vote.

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.

Mr. Broersma explained to the Board that since 2018, there has been an increase in the variety of ways an accessory building can be used. More and more sheds are having heat and air, running water and electricity installed in them. They are being built taller to allow for such things as golf simulators. It used to be for storage of a lawnmower in the summer and a snowblower in the winter. The Zoning Ordinance states that

accessory building cannot be used for “residential or living quarters” but can be used for “hobby and recreational” activities or storage.

Staff is asking for an interpretation of what constitutes “residential or living quarters” and “hobby and recreational”.

It was the consensus that residential quarters equate to a dwelling that must have all four components: a space for living, sleeping, cooking and sanitation. A residential dwelling is one that is lived in year-round.

Although a studio apartment does not have separate living and sleeping areas, the Board considered a studio apartment as a living quarter. A living quarter can be temporary and used part-time throughout the year. It does not meet all four components of a dwelling.

At this time, it is the consensus of the Board that if the use being considered is questionable, have them come before the Board to make a determination.

Staff noted use variances are not allowed in the Township.

Mr. Bob De Vries stated that there is a limit as to how much power can be brought to a shed before it is required to meet the energy codes. The Board would like Staff to research this for the next meeting.

There was further discussion of additional residential dwellings within a single-family home. Separate living quarters with separate points of entry. However, that is not the request before us. The request is strictly regarding accessory buildings and what uses should and should not be allowed in them.

There was one resident in the audience to speak to this request – Robert Koning of 139 96th Avenue. He asked about Agricultural lands and Barndominiums. Would the standards be different for them or the same as in Residential zones.

It was the consensus of the Board that they would like more information on accessory buildings and energy codes. Also, there is a lot of information to consider with this interpretation, and they would like more time to consider it and discuss it further.

**** It was moved by Vander Meulen and supported by Ross De Vries to close the public hearing. Motion carried unanimously with a voice vote.**

**** It was moved by Bob De Vries and supported by Ross De Vries to table this item until the next meeting. Motion carried unanimously with a voice vote.**

Other Business – None

Meeting adjourned at 7:13 pm.
Respectfully submitted,

Laurie Slater
Recording Secretary