

AGENDA

Grand Haven Charter Township Zoning Board of Appeals Tuesday, March 24, 2015 – 7:00pm

- I. Call To Order
- II. Roll Call
- III. Approval of the July 22, 2014 Regular Session ZBA Meeting Minutes, and July 29, 2014 Special Session ZBA Meeting Minutes
- IV. Old Business
 - A. Approval of the 2015 Zoning Board of Appeals Meeting Dates
 - B. Election of Officers
 - i. Chairperson
 - ii. Vice-Chairperson
 - iii. Secretary
- V. New Business
 - A. Request for Interpretation of Directional Sign – Right Choice Online Auctions
- VI. Reports
 - 2014 ZBA Annual Report
- VII. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VIII. Adjournment

**GRAND HAVEN CHARTER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
TUESDAY, JULY 22, 2014 – 7:00 P.M.**

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chair Robertson.

The Chair explained both the purpose and procedures of the ZBA.

II. ROLL CALL

Board of Appeals members present: Robertson, Loftis, Slater, Voss and Rycenga (alternate).

Board of Appeals members absent: Buitenhuis

Also present: Manager Cargo

Without objection, Cargo was instructed to record the minutes for the meeting.

II. APPROVAL OF MINUTES

Without objection, the minutes of the June 24, 2014 meeting were approved.

III. NEW BUSINESS

1) **ZBA Case #14-04 – Rickard**

Party requesting variance: Dave Rickard

Address: 11487 Loggers Trail, Grand Haven, Michigan 49417

Parcel #: 70-07-21-300-008

Location: 11487 Loggers Trail

Rickard is seeking authorization to construct an accessory building, which will be used as a detached two-stall garage. (The current home has an attached three-stall garage.) If the accessory building is constructed as proposed, the accessory building will be non-conforming with regard to the location of the proposed structure. Specifically, Section 20.03.J.1 of the Zoning Ordinance states that “Accessory Buildings and Structures are not allowed in any Front Yard or any required Side Yard.”

The parcel is zoned Rural Residential (RR) and is about 4.9 acres in area.

Rickard noted that the accessory building would not be visible from the neighboring parcels or the private road because of the number and density of mature trees, which he would like to preserve to the maximum extent possible.

The Board discussed the four standards and noted the following:

- 1) Exceptional or extraordinary circumstances: Slater noted that the shape and the location of the parcel (i.e., at the end of a cul-de-sac) is unusual and that there are an exceptional number of mature trees. Other Board members agreed; but noted that this does not constitute exceptional or extraordinary circumstances. Further, a viable alternative exists that would not require a variance.

The ZBA Board voted on a three (i.e., Rycenga, Voss and Robertson voting “Nay”) to two vote (i.e., Slater & Loftis voting “Yea”) that the applicant did not meet this first standard.

- 2) Substantial property right: The Board noted that with the existing attached garage, the accessory building (or detached garage) is not a substantial property right.

The ZBA Board voted unanimously that the applicant did not meet this second standard.

- 3) Will not be a substantial detriment to the adjacent properties or materially impact the intent and purpose of the ordinance: The Board noted granting this variance could create a precedent that might impact the intent of the ordinance. However, there was no immediate detriment to adjacent parcels..

The ZBA Board voted unanimously that the applicant met this third standard.

- 4) The request is not of such a recurrent nature as to require a zoning amendment: The Board noted this type of request is not unusual and the zoning ordinance has sufficient regulations.

The ZBA Board voted unanimously that the applicant met this fourth standard.

Motion by Voss, supported by Slater to deny a variance from Section 20.03.J.1 of the Grand Haven Charter Township Zoning Ordinance and prohibit the construction of an accessory building within the front yard of parcel #70-07-21-300-008. Denial of this variance is based upon this Board’s finding that all four standards within Section 26.05 have not been affirmatively met. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Loftis, Slater, Voss, Rycenga, and Robertson.

Nays: None.

Absent: Buitenhuis

2) **ZBA Case #14-05 – Rust**

Party requesting variance: Dale Rust

Address: 1939 Koehling Road, Northbrook, Illinois 60062

Parcel #: 70-03-32-331-014

Location: 18165 Shore Acres Road

Rust is seeking authorization to construct retaining walls for a septic system drain field pursuant to a MDEQ permit.

The parcel is located in a critical dune area, is zoned R-1, and is non-conforming with regard to area being only 10,700 square feet where a minimum of 15,000 square feet is required.

With regard to the variance request, the proposed drain field will require retaining walls that are in violation of Section 20.22 of the Zoning Ordinance. Specifically, sections of the retaining walls are as high as 9 feet (*being constructed of horizontal wood timbers held in place with vertical steel framing or H-pile*); but, the walls do not meet the setbacks.

Rust noted that the septic system has failed and that he is required to regularly have the waste removed by a pumper truck. The proposed design and construction method of the septic field was proposed by the King Company using normal construction methods.

It was noted that the pavement across the existing area where the septic field will be located will be removed and cannot be replaced.

The Board discussed the construction methodology and that potential for damage to adjacent parcels caused by “vibrations” and if the Board, as a condition of approval, should require some form of bond.

Ross Kittleman of 18189 Forest Drive (*i.e., a retired engineer from the Army Corp of Engineers*) noted that any damage caused by inserting the H-piles would be covered by individual home owners insurance and that the insurance companies would then seek reimbursement by the responsible party.

Mike Hayes, the environmental consultant hired to apply for the MDEQ permit noted that the H-piles will be spaced and will not be a continuous “sheet piling” construction method.

The Board discussed the four standards and noted the following:

- 1) Exceptional or extraordinary circumstances: The Board noted the lot is non-conforming with regard to size and is located within a critical dune area regulated by the MDEQ.

The ZBA Board voted unanimously that the applicant met this first standard.

- 2) Substantial property right: The Board notes that a working sanitary waste system is a substantial property right necessary for the applicant to fully utilize the parcel. Further, alternatives to the proposal were not demonstrated or provided for consideration.

The ZBA Board voted unanimously that the applicant met this second standard.

- 3) Will not be a substantial detriment to the adjacent properties or materially impact the intent and purpose of the ordinance: The Board noted that no opposition was received from neighboring properties.

The Board noted that the variance request is a land use issue that, in this instance, was related to the septic system and the proposed retaining walls. Specifically, this land use would not create a substantial detriment to the adjacent parcels.

However, the Board noted that there might be some potential issues with the construction method causing damage to nearby residences during the installation of the retaining walls.

The ZBA Board voted unanimously that the applicant met this third standard.

The Board requested that staff query the legal staff and receive an opinion of whether the ZBA should consider the construction method and the possible damage such a construction method could cause to nearby properties as a “substantial detriment” to nearby properties.

- 4) The request is not of such a recurrent nature as to require a zoning amendment: The Board noted this type of request is very unusual given the circumstances and that further zoning regulations would not be warranted.

The ZBA Board voted unanimously that the applicant met this fourth standard.

Motion by Slater, supported by Voss to table further consideration of the variance application to allow legal staff an opportunity to respond to questions on whether possible damage from construction methods constitute a “substantial detriment” and whether as a condition of approval the ZBA should consider a bond for any possible damage, as opposed to depending upon property insurance. **Which motion carried.**

Without objection, Robertson scheduled a special meeting of the ZBA for Tuesday, July 29th at 6:00 p.m. to further consider the Rust variance application.

IV. OLD BUSINESS
None.

V. REPORTS
None.

VI. EXTENDED PUBLIC COMMENTS

None.

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:08 p.m.

Respectively Submitted,

A handwritten signature in black ink, appearing to read "W D Cargo". The signature is written in a cursive, somewhat stylized font.

WILLIAM D. CARGO
Recording Secretary

**GRAND HAVEN CHARTER TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING
TUESDAY, JULY 29, 2014 – 6:00 P.M.**

I. CALL TO ORDER

The special meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 6:00 p.m. by Chair Robertson.

II. ROLL CALL

Board of Appeals members present: Robertson, Loftis, Slater, Voss and Rycenga (alternate).

Board of Appeals members absent: Buitenhuis

Also present: Manager Cargo

Without objection, Cargo was instructed to record the minutes for the meeting.

III. OLD BUSINESS

1) **ZBA Case #14-05 – Rust**

Party requesting variance: Dale Rust

Address: 1939 Koehling Road, Northbrook, Illinois 60062

Parcel #: 70-03-32-331-014

Location: 18165 Shore Acres Road

Motion by Slater, supported by Voss to remove the Rust ZBA application from the table.
Which motion carried.

Robertson noted that the members received a legal opinion from Attorney Bultje regarding questions raised at the July 22nd ZBA meeting.

It was noted that the four standards were discussed and voted on at the July 22nd meeting. Therefore, with the legal opinion, the members have sufficient information to proceed with a vote.

Motion by Slater, supported by Loftis to approve a variance from Section 20.22 of the Grand Haven Charter Township Zoning Ordinance and allow retaining walls to be constructed for a septic system for parcel 70-03-32-331-014. Approval of this variance is based upon this Board's finding that all four standards within Section 26.05 have been affirmatively met. **Which motion carried** as indicated by the following roll call vote:

Ayes: Loftis, Slater, Voss, Robertson, Rycenga

Nays:

Absent: Buitenhuis

IV. EXTENDED PUBLIC COMMENTS

None.

V. ADJOURNMENT

Without objection, the meeting was adjourned at 6:07 p.m.

Respectively Submitted,

Handwritten signature in black ink, appearing to read "W.D. Cargo".

WILLIAM D. CARGO
Recording Secretary

**GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
2015 MEETING DATES**

Tuesday, January 27, 2015
Tuesday, February 24, 2015
Tuesday, March 24, 2015
Tuesday, April 28, 2015
Wednesday, May 27, 2015
Tuesday, June 23, 2015

Tuesday, July 28, 2015
Tuesday, August 25, 2015
Tuesday, September 22, 2015
Tuesday, October 27, 2015
Tuesday, November 24, 2015
Tuesday, December 15, 2015

All meetings will be held at the Township Hall, 13300 168th Avenue, Grand Haven and will begin at 7:00 p.m.

The Charter Township of Grand Haven will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) business days notice to the Charter Township of Grand Haven. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Grand Haven by writing or calling the following:

Director of Administrative Services
13300 168th Avenue
Grand Haven, MI 49417
(616) 842-5988

Community Development Memo

DATE: March 18, 2015

TO: Zoning Board of Appeals

FROM: Fedewa

RE: Request for Interpretation – Definition for Directional Sign

BACKGROUND

In late August 2014, Right Choice Online Auctions MIOA of Grand Haven (“Auction Business”) contacted Grand Haven Township regarding a building located at 17234 Robbins Road. This building is part of a larger parcel owned by Robbins Road Development, which has a parent address of 17200 Robbins Road. There are 10 buildings on this 7 acre parcel, which is zoned C-1 Commercial.

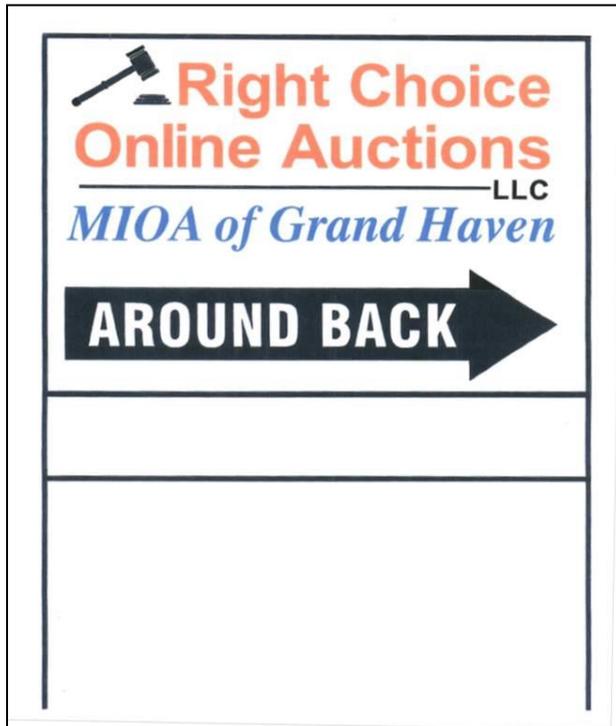
After the Auction Business moved into the building, two 32 square foot Wall Sign permits were issued on October 9, 2014. Between that time and November 5th, staff and the Zoning Administrator, had several interactions with the Auction Business. Most of the interactions involved the desire for more signage. As you will see in the below aerial the Auction Business is located along the rear property line.



The Auction Businesses position is a lack of visibility may affect the success of the business.

After Freestanding Signs and Ground Signs were eliminated as possibilities (*only one is permitted per parcel, and the Marathon Gas Station has a Freestanding Sign*) the Auction Business focused on two other types of signs: Temporary Signs and Directional Signs. Staff provided verbal administrative approval to have a maximum of two Temporary Signs on the

site under the condition the signs would be removed each night, so it would fall under the definition of a Temporary Sign (*defined below*).



Proposed Directional Sign

On November 5th the Auction Business met with staff a final time to discuss installing Directional Signs. Based on the proposal presented by the Auction Business (*see left*) staff provided a verbal denial because it did not meet the definition of a Directional Sign. The Auction Business disagreed with the decision, so staff provided a Zoning Board of Appeals application.

On November 9th, staff discovered the Auction Business had bore holes into the pavement near the United States Postal Service mail box and has installed two “Temporary Signs” that are not removed each night, but are portable (*see image on page 6*).

APPLICABLE DEFINITIONS & ZONING ORDINANCE PROVISIONS

ZONING ORDINANCE DEFINITIONS:

- **Directional Sign:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- **On-Premise Sign:** Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- **Portable Sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- **Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- **Temporary Sign:** A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other sign displayed for a limited period of time.

FEDERAL HIGHWAY ADMINISTRATION (FHWA) – MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES:

- Sign: any traffic control device that is intended to communicate specific information to road users through a word, symbol, and/or arrow legend.
- Traffic Control device: a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.
- Traffic control devices notify road users of regulations and provide warning and guidance needed for the uniform and efficient operation of all elements of the traffic stream in a manner intended to minimize the occurrences of crashes.
- Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control.

ZONING ORDINANCE PROVISIONS:

- Directional signs are permitted subject to the following restrictions (*Section 24.12.7*):
 - A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - Directional signs shall be limited to traffic control functions.
- Signs in each Zoning District shall be subject to the following regulations (*Section 24.13*):

C-1 DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage; provided, the sign may be placed on a wall facing a parking lot if that parking lot is located in a side or rear yard.
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed
Location	On wall of building which is used to calculate its area

C-1 DISTRICT - PERMITTED SIGNS**Political signs**

Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

Real estate signs

Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

Freestanding signs

Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than sixty (60) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than twenty (20) feet

Gasoline stations

Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than seventy-two (72) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than twenty (20) feet
	Additional Sign	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall have at least ten (10) feet of ground clearance
Temporary Signs (No	Number	Two (2)
	Size	No greater than nine (9) square feet each

C-1 DISTRICT - PERMITTED SIGNS

permit required)	Location	Minimum of five (5) feet from front lot line, and fifteen (15) feet from any side or rear lot line
	Height	No higher than four (4) feet
Other permitted signs for gasoline stations	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.	
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
	One (1) non-illuminated credit card sign not exceeding two (2) square feet in area which may be placed on or near each gasoline pump.	

STAFF INTERPRETATION

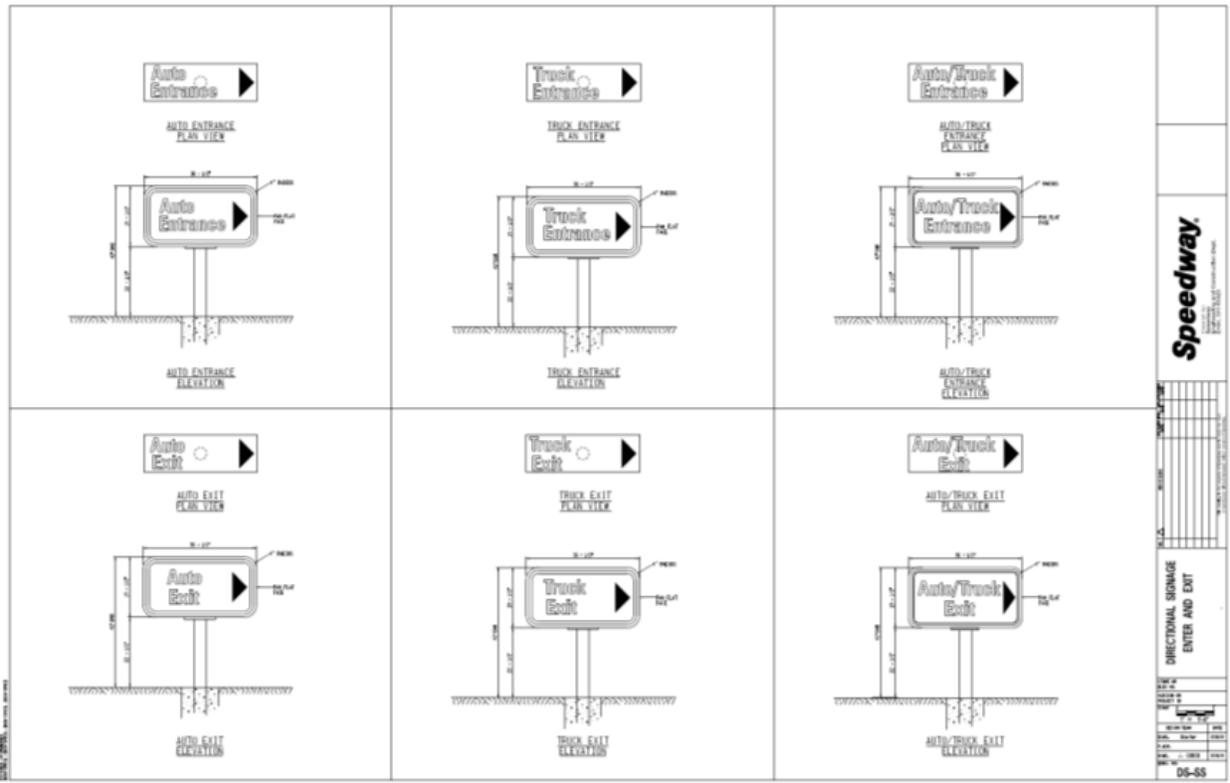
Staff provided a verbal denial of the proposed Directional Sign based on the following interpretations:

1. The sign ordinance (*Chapter 24 of the Zoning Ordinance*) was available at the time the Auction Business was considering a lease for the building. The business owners had an opportunity to review the provisions, (*or request staff discuss the sign ordinance*) prior to signing a lease. **Failure to perform due diligence is a self-induced hardship.**

2. Staff interpreted the definition of a Direction Sign similar to those provided by the FHWA. With that in mind, photographs were taken of staff's interpretation of Directional Signs in the Grand Haven area:



Staff's Interpretation of Directional Signs



Directional Sign Plan submitted by Speedway in January 2015

- As you will see below, the proposed Auction Businesses proposed Directional Signs are exceptionally similar to the existing “Temporary Signs.”



Existing “Temporary Signs”

4. Additionally, please take note of the similarities between the approved Wall Signs (an identical sign is on the west exterior wall), the “Temporary Signs,” and the proposed Directional Signs (see right):



Existing Wall Signs at Auction Business

5. Staff noted the differences between Ground Signs and/or Freestanding Signs when the Auction Business and Light Corp signs were compared (see below):



Comparison of Sign Types

- Moreover, a typical “strip mall” does not permit individual businesses to have Directional Signs. Rather it is designed in a manner similar to 1003 S Beacon Blvd.



1003 S Beacon Blvd – Freestanding Sign for a “strip mall”

- The property owner may have the option of removing the Marathon Gas Station sign and installing a Freestanding Sign similar to the picture above, so each business receives equal signage.
- Ultimately, it is staff’s position that approximately 90% of a Directional Sign should include traffic control functions. Whereas the Auction Business is proposing 90% of the sign to be the company logo with only 10% dedicated to “directions.”

GUIDE TO TEXT OR MAP INTERPRETATIONS

HIGHLIGHTS OF MICHIGAN ASSOCIATION OF PLANNING & MSU EXTENSION GOVERNMENT & PUBLIC POLICY GUIDES:

- Research the ordinance and supporting documentation carefully.
- Make the decision on narrow grounds and limit the scope of an interpretation so that other unintended consequences do not result from the interpretation.
- Seek the advice of planning and legal counsel whenever it is needed.
- Carefully consider a questioned provision in light of the whole ordinance, and not simply the section in which it is found.
- Reasonable interpretations by administrative officials, which have been consistently applied over a long period of time, should be given strong consideration.
- Remember that the decision of the ZBA on an interpretation question is final, until or unless the interpreted provision is amended by the Township Board or overturned by a court of law.

- Where the legislative intent is unclear and the facts cannot be clearly read to support only one interpretation of questioned provisions, the benefit of the doubt should be extended to the property owner.
- Good record keeping and cross-referencing of decisions is critical to a consistent application of interpreted provisions (staff and ZBA members change over time, the decision making process and factors considered in an interpretation decision should not).

PREVIOUS ZBA SIGN INTERPRETATIONS

Staff reviewed the minutes of previous 15 years (1999-2014) of ZBA Meetings and found three cases that involved signs (*nothing pertaining to Directional Signs*). A summary of each case is provided below, and the full minutes are included as an appendix to this memo:

1. TBA 99-34 (9-28-1999): Applicant requested a variance to install a third sign on an existing freestanding sign. Approval would have brought the total square footage up to 80 square feet where only 60 square feet is permitted.
 - a. The request was **denied** and the applicant was given 24 hours to remove the unpermitted sign.
2. ZBA 06-09 (8-22-2006): Applicant requested an existing subdivision sign (*legal non-conforming*) be removed and replaced with a larger sign. Replacement of a non-conforming was prohibited, but the new sign would be less non-conforming of the Corner Clearances ordinance.
 - a. The request was **approved** under the condition an easement was recorded.
3. ZBA 07-06 (5-22-2007): Applicant requested a variance to increase the number of residential development entrance signs allowed per street frontage. Applicant argued the existing sign was difficult to see based on curvature of the road and foliage. Therefore, it was unsafe for vehicles because they would not have adequate stopping distance upon arrival of the entrance.
 - a. The request was **denied**. Specifically, it was noted the ZBA did not want to set a precedence that would encourage other residential developments to place more than one sign per entrance.

ZBA INTERPRETATION FOR CURRENT APPLICATION

The applicant is seeking an interpretation from the Board as to the definition of a Direction Sign in relation to the verbal denial that was given by the Zoning Administrator.

Please contact me prior to the meeting with questions or concerns.



ZBA Meeting – 9/28/1999

TBA 99-34 Party requesting a variance: The Sign Company
930 Robbins Rd., Grand Haven, MI 49417
Parcel No.: 70-03-33-200-056
Location: 17114 Robbins Rd., Grand Haven, MI 49417
Variance requested: Applicant is requesting a variance from Section 24.13 Schedule of Sign Regulations. Applicant is requesting to be allowed to place a sign on an existing free standing sign in a C-1 zoning district. The existing sign consists of a 4 ft. x 8 ft. double faced sign and a 2 ft. x 8 ft. double faced sign on the same set of pylons. If allowed this would bring the total sign area to 80 sq. ft. where 60 sq. ft. is allowed by Ordinance in a C-1 zoning district.

Kathy Lyttle, representative for The Sign Company was present at the meeting. Mr. Payne supported by Mr. Jenkins moved to grant the variance request. Mr. Conway stated that there was a sign there for a mobile home company about five years ago. Since then that sign has been removed and The Sign Company just put a sign in place of that one, without any permits. Bill Tysman, owner of the property gave Grand Testing, a drivers training testing program, permission to use the parking lot as a testing area a sign was put up for that purpose. Concerns were expressed about the size and location of the sign and that it should be removed and a ticket issued. All buildings to the east have requested bigger signs and they were denied. The motion to **deny** the request carried unanimously. The Sign Company was given 24 hours to remove the sign.

ZBA Meeting - 8/22/2006

ZBA Case #06-09 Variance

Party requesting variance: Ms. Tammy Zimmerman on behalf of Mr. Harv Arians
Address: 13214 Forest Park Dr., Grand Haven, MI 49417
Parcel #: 70-07-11251-015
Location: same as above



Ms. Tammy Zimmerman, on behalf of Mr. Harv Arians (13214 Forest Park Drive), is requesting a variance from Section 20.10 of the Zoning Ordinance pertaining to **Corner Clearances**. This section states:

“No wall of any kind shall be erected, and no shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be erected or maintained within the triangular area formed at the intersection of any two (2) street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from the point of intersection”.

Specifically, the applicant is requesting to remove the existing non-conforming “Forest Park” subdivision sign (*which is currently located in this corner clearance area at the intersection of Ferris Street and Forest Park Drive*), and replace it with a new, larger subdivision sign. The complete replacement of a non-conforming structure is prohibited under Section 25.02 of the Zoning Ordinance (*Non-Conforming Structures*). **Therefore, a variance from Section 20.10 of the Zoning Ordinance is being requested to allow the replacement of the sign.**

The applicant requested this be tabled at the last meeting so that it could be reviewed by a full Board.

Waterman stated that the applicant was tabled at the previous meeting.

Applicant has submitted additional graphics which illustrate proposed sign.

Mr. Hamilton of 13790 Forest Park Dr., and is president of the home owners’ association was present. He stated that one pine tree would be removed and that will push the sign back about 1-1 1/2’. It will also be lowered slightly and moved away from the bike path.

Jenkins commented that he liked what he saw with the illustration provided. Toot asked if the current sign was illegal. Attorney Martin said that it was non-conforming not illegal. Seeking a variance upon showing of practical difficulties would make it permitted with the variance if the ZBA finds that all the standards have been met. Slater had no problems with the new sign and



stated that the bike path helps with the vision and traffic safety. Waterman stated that the new proposed sign was within the triangular area for line of sight for vehicular and pedestrian traffic. It was noted by Jenkins that the old sign was put in before the bike path was there. Toot questioned the placement of the Hofma Park sign and Waterman stated that it predated the ordinance and therefore would be exempt from the sign provisions. Chairperson Sheffield stated that moving the sign back toward Ariens' yard and away from the bike path was a positive thing.

There being no further deliberations the ZBA Members voted on the 4 Standards as follows:

Standard # 1 Ayes: Slater, Toot, Jenkins, Sheffield
 Absent: None
 Nays: None

Standard # 2 Ayes: Toot, Jenkins, Slater, Sheffield
 Absent: None
 Nays: None

Standard # 3 Ayes: Slater, Jenkins, Toot, Sheffield
 Absent: None
 Nays: None

Standard # 4 Ayes: Jenkins, Toot, Slater, Sheffield
 Absent: None
 Nays: None

A motion by Toot, seconded by Jenkins to approve variances of from Section 20.10 on parcel number 70-07-11-251-015 to allow for the replacement of the "Forest Park" subdivision sign, as illustrated on the application materials.

- **Approval of these variances is conditioned upon the owner of the subject property recording an appropriate easement on his property for the placement of said sign.**
- **Approval of these variances is based upon this Board's affirmative finding that all four standards have been adequately met.**

Which motioned carried.



ZBA Meeting – 5/22/2007

ZBA Case # 07-06 Variance

Party requesting variance: Star Heaven LLC
Address: 17571 HAVENWOOD BLVD, Grand Haven, MI 49417
Parcel #: 70-03-33-100-046
Location: Same as above

Signworks of Michigan, Inc., on behalf of Star Heaven LLC (17571 Havenwood Blvd) is requesting a variance from Section 24.13 of the Zoning Ordinance pertaining to the maximum number of residential development entrance signs allowed per street frontage (*i.e. one*). This property, which is formally known as the Hide-A-Way Apartments, has recently been converted to condominiums. As part of this conversion, the owners have made several alterations to the lakeshore Drive entrance such as landscaping and brick landscaping walls. The applicant is requesting to be allowed to place “Grand Haven Club” signs on each side of the main entrance. **Because Section 24.13 limits ground signs for multiple family complexes to one (1) per street frontage, the applicant is requesting a variance to be able to install two signs (*one on each side of the entrance*).**

P. Waterman presented staffs position:

This application was reviewed in conjunction with the four variance standards as outlined in Section 26.05 and the following considerations were made:

1. The first standard requires that there are exceptional or extraordinary circumstances or conditions applying to this property that do not apply generally to other properties in the same zoning classification. In the applicant's narrative, he makes the argument that the originally approved location of the sign (*i.e. in the median of the boulevard entrance road*) was unsafe given that motorists could not see it until they were "on top of it". The original sign, as well as a revised sandstone/water fountain sign were installed by the previous owners of this development. The new owners made the determination to relocate this sign to the side of the entrance, and therefore applied for a PUD amendment



to relocate the sign and construct the block landscape walls you see in the pictures. However, they were required to comply with the sign ordinance standards of only one sign, which is why they are requesting this variance.

When determining whether or not there are exceptional or extraordinary circumstances evident in this case, the ZBA should consider the following:

- The development has a single entrance that is in fact located on a curve on Lakeshore Drive (See included aerial photo)
 - The applicant is constructing a large “guardhouse” on the previous location of the median sign, which may improve a drivers ability to identify the entrance
 - The entrance to the development has been made more “prominent” by the new owners
 - The two signs combined area (*i.e.* 22.4 *sf*) would exceed the maximum residential development entrance sign allowance of 18 s.f.
2. The second standard requires that the variance be necessary in order to maintain the property owner's preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. It staffs belief that because all approved residential developments are held to the same standard in terms of signage, that this development is not being denied a property right if they are limited to only one entrance sign.

3. That authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this ordinance, or the public health, safety, and general welfare of the community. The applicant argues that by *not* granting this variance, there would be a detriment to the public health safety and welfare of the community (*e.g. a safety hazard on Lakeshore Drive*). However if this Board finds that there are existing adequate visual indicators of the development's entrance (*e.g. the prominent entrance and guardhouse*), and that there is no substantial property right being denied, **than this standard cannot be found to be met.**

4. The condition or situation of the subject property is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of the Ordinance. **This standard is believed to be met.**



C. Toot would like clarification as to why Staff approved the PUD amendment, adding two large entrance walls and a guard house and now is denying the addition of lettering on both the walls.

T. Jenkins noted that there are several signs at the entrance of this development; he is very concerned about the lack of progress on this PUD and the continuing change requests made by both this developer and the previous developer.

C. Robertson stated that all sign types have specific guidelines and time periods in place.

P. Waterman added that there are over fifteen types of sign categories allowed by the Township. And, that they are all regulated by their own specific purpose.

C. Slater inquired about adding a sign to the guard house rather than on the second wall.

P. Waterman No, only one sign per entrance for a residential development regardless of sign location.

Ann Franks on behalf of Signworks of Michigan addressed the Board with the concerns of her client, Star Heaven, LLC.

- Current Sign not visible to north bound traffic
- Foliage obstructing north bound traffics view of entrance walls and guardhouse
- Noting that this entrance is on a curve, and at the top of a “hill” in a location that the speed changes from 45mph to 35mph with many motorist not adjusting their speed
- Very concerned about development residents and visitors locating entrance in adequate time to make a safe stop an turn into the entrance
- Concerned about people speeding past entrance and having to bother neighboring resident by turning around in their driveways
- Presented several pictures to support the above theories; detailing distances along with images of the entrance at each distance
- Landscaping and lighting are to be modified/added to help
- Secondary concern regarding the marketed image as “Resort Style Living” being hindered



- Additionally, developer was unaware at the time of the PUD amendment to modify the entrance that they would be restricted to only one sign, on one wall

T. Jenkins suggested trimming/removing some of the foliage, one evergreen in particular that appears to be a major obstruction for north bound traffic; this evergreen appears to be on the developments property-therefore, removal could be an option.

C. Slater doesn't feel that an additional sign, of the same size, in the same location on the south entrance wall would add to the safety or visibility of this entrance.

T. Deiters noted that the sign size and shape do not seem compatible to the targeted demographic for this development as it is. He agrees that another identical sign on the south wall will not have a significant impact.

T. Jenkins concerned with lighting that may be added; consideration of traffic and neighboring residents needs to be carefully considered prior to any lighting being put in place.

T. Deiters feels that lighting would enhance the visibility to the entrance; in his experience the type of lighting used for landscaping along with the type of material that entrance walls are made of will not produce a glare for motorist or a nuisance to neighboring residents.

P. Sheffield drove past the entrance himself, did not feel that the current sign did anything to enhance visibility. This opinion is shared by all Board members as they all had a difficult time noticing the sign during their on-site review.

P. Sheffield would not like to set a precedence that would encourage other residential developments to place more than one sign per entrance.

S. Robertson agrees that an additional sign would not make a significant difference for the entrance.

C. Toot the sign certainly will not enhance the entrance enough to warrant a variance.

Standard # 1 Ayes: None
 Nays: Toot, Slater, Robertson, Sheffield, Jenkins



Standard # 2 Ayes: None
 Nays: Robertson, Toot, Slater, Sheffield, Jenkins

Standard # 3 Ayes: None
 Nays: Robertson, Toot, Slater, Sheffield, Jenkins

Standard # 4 Ayes: Sheffield, Slater, Toot, Robertson, Jenkins
 Nays: None

Motion by C. Toot and Supported by S. Robert to deny a variance from Section 24.13 of the Zoning Ordinance in order to allow for an additional entrance sign for the Grand Haven Club PUD (parcel 70-03-33-100-046) as illustrated on the attached documentation. Denial of this variance is based upon this Boards affirmative finding that all four standards have not been affirmatively met.

received
2-10-15



GRAND HAVEN CHARTER TOWNSHIP

ZONING BOARD OF APPEALS APPLICATION

Fees

Request for Variance or Appeal - \$125.00

Special Meeting - \$250.00

Request for Interpretation - No Charge

Applicant/Appellant information

Name Right choice online Auctions MIOA of Grand Haven
Phone 616-510-6614 Fax /
Address 17234 Robbins Rd

Owner information (If different from applicant/appellant)

Name Robbins Road Development
Phone 616-638-1465 Fax _____
Address 16600 Fern's St, Grand Haven Mi 49417

Property information

Address/Location 17234 Robbins Rd.
Parcel # _____
Subdivision Name (if any) _____
Lot Width _____ feet Lot Depth _____ feet
Subject Property size (acres and square feet) _____ acres _____ square feet
Lot Type Typical Lot _____ Corner Lot _____ Interior Lot _____ (Include a survey or scaled drawing)
Current Zoning _____

General Information

This is a(n) (check one)

- () Application for Variance
- (x) Request for Interpretation
- () Notice of Appeal

VARIANCE REQUESTED (If applicable)

Variance Requested From the Requirements of Section Number(s) _____,

Relating to _____

Description of Variance Sought and Why Needed (attach narrative which addresses the four standards)

Structure Use (after Variance) _____

Overall Building Size (after Variance) _____

Setbacks from lot lines (after Variance)

Front Yard _____ feet
Rear Yard _____ feet
Side Yard #1 _____ feet
Side Yard #2 _____ feet

NOTE: Please provide a scaled drawing with details of your proposed work including the dimensions of any structure(s) (i.e. height, width & length), building materials, the setbacks to ALL property lines, and other existing structures on the parcel, and any other relevant information, as needed.

INTERPRETATION REQUEST (If applicable)

Description of requested interpretation(s) and relevant Section number(s)

See Attachment

APPEALS AND OTHER APPLICATIONS (If applicable)

Description of action being appealed or other matter which is basis of application.

Grounds for appeal or other application

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Murray C. Ruffalo
Signature of Applicant

2/9/15
Date

Signature of Zoning Administrator

Date

For Office Use Only

Date Received _____

Fee Paid? _____

IF THE SPACES PROVIDED ON THIS APPLICATION ARE INADEQUATE, PLEASE ATTACH ADDITIONAL SHEETS AS REQUIRED

RELEASE FORM

The undersigned has applied to the Grand Haven Charter Township Zoning Board of Appeals for a variance. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Township staff members to inspect the property (*address stated below*) at reasonable times, in regards to the consideration of my request for a variance.

Murray C. Ruffly
Applicant's Signature

2/9/15
Date

Paul van der Beug Partner
Owner's Signature

1/29/15
Date

17234 Robbins Road Grand Haven MI 49417
Property Address

ACTION TAKEN BY TOWNSHIP BOARD OF APPEALS

() Application approved

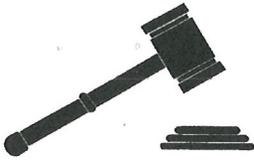
() Application Denied

Description of variance granted or other action taken including conditions imposed, if any:

Grounds for Board action including findings as to standards and requirements prerequisite to imposition of conditions under ordinance:

Signature of Chairman, Z.B.A.

Date



Right Choice Online Auctions

LLC

MIOA of Grand Haven

17234 Robbins Rd., Grand Haven, MI 49417
www.rightchoiceonlineauctions.com
rightchoiceonlineauctions@yahoo.com

616-510-6614
616-607-2113

INTERPRETATION OF DIRECTIONIAL SIGN

We were denied by Stacey Fedewa the Grand Haven Township Community Development Planner, for the reason that (in her opinion) our sign is **NOT** a directional sign, but instead an advertising sign. We strongly disagree, we believe that our sign meets or exceeds all of the requirements outlined in the township zoning ordinance for directional signs.

She did allow us to use our sign (see attachment) under the temporary sign classification. The reason why changing the classification is so important to us is we would never have to install or remove the signs ever again.

Under section 24.07 #10 the definition of a directional sign is as follows: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

According to section 24.06 SIGNS it reads in part: This section is intended to protect and further the health, safety, and welfare of the residents of the Township.

Our intent is to use our signs to prevent traffic hazards, to provide safer conditions for pedestrians, to promote economic development, and to help direct customers to our building which is located way in the back of a large parking lot.

If you have any questions or concerns you are welcome to call or email us.

Date 2/9/15

Date 2-9-2015

X Murray C. Swiftney
Murray C. Swiftney
Partner

X Hope L. Tripp
Hope L. Tripp
Partner

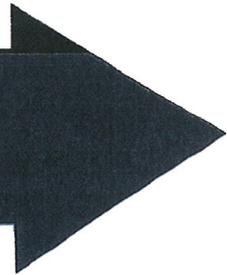


Right Choice Online Auctions

LLC

MIOA of Grand Haven

AROUND BACK





GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: March 3, 2015
TO: Zoning Board of Appeals
FROM: Stacey Fedewa
RE: 2014 Zoning Board of Appeals Report

The following annual report is submitted to the Zoning Board of Appeals:

ATTENDANCE

There were 4 meetings of the ZBA during 2014. Below is the attendance record of each member:

<u>Member</u>	<u>Excused Absence</u>	<u>Unexcused Absence</u>
Robertson (Chair)	0	0
Slater (Vice Chair)	0	0
Loftis (Secretary)	0	0
Buitenhuis*	2	0
Voss	1	0
Rycenga	1	0

Note: Township Board Trustee Howard Behm was appointed to the ZBA on February 23, 2015.

TRAINING

<u>Member</u>	<u>2014 Training Session</u>	<u>2012 – 2014</u>
Robertson (Chair)	Placemaking with Blue Assets	3
	2 Sessions – Hydraulic Fracturing Series	
Slater (Vice Chair)	3 Sessions – Hydraulic Fracturing Series	3
Loftis (Secretary)	Planning Commission Basic Training	4
	3 Sessions – Hydraulic Fracturing Series	
Buitenhuis*	None	0
Voss	Planning Commission Basic Training	1
Rycenga	None	

It is noted the Township Board strongly encourages members of the Zoning Board of Appeals to avail themselves of training opportunities, which is a significant factor for reappointments. (*i.e., two training sessions during each appointment period. Training completed as part of a member's professional career can be applied to this training requirement*).

COMMITTEES

There were no Committees during 2014.

ACTIVITY

1. Alteration/Construction of a Non-Conforming Building
 - a. Case 14-01 – Reenders (approved)
 - b. Case 14-03 – Hoekenga (approved)
2. Accessory Structure in Front Yard Due
 - a. Case 14-02 – Greeney (approved)
 - b. Case 14-04 – Rickard (denied)
3. Retaining Wall Height
 - a. Case 14-05 – Rust (approved)

BUDGET

Budget Item	Total Expenditures	Original Budget	Amended Budget	Percent Used
Salaries	\$1,084	\$1,810	\$1,810	60%
Legal & Consulting	\$1,124	\$1,000	\$1,000	112%
Training	\$0	\$500	\$500	0%
Total	\$2,208	\$3,310	\$3,310	67%

Please contact me prior to the meeting with questions or concerns.