

AGENDA

Grand Haven Charter Township Zoning Board of Appeals Tuesday, April 28, 2015 – 7:00pm

- I. Call To Order
- II. Roll Call
- III. Approval of the March 24, 2015 ZBA Meeting Minutes
- IV. Old Business
 - A. Request for Interpretation of Directional Sign – Right Choice Online Auctions
- V. Reports
- VI. Extended Public Comments/Questions on Non-Agenda Items Only (*Limited To Four (4) Minutes Please*).
- VII. Adjournment

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, MARCH 24, 2015 – 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, Behm, Voss, Rycenga (alternate).
Board of Appeals members absent: Slater

Also present: Planning & Zoning Official Fedewa

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

Motion by Voss, supported by Loftis to reorder the agenda—New Business, Approval of Minutes, Old Business, and lastly Reports. **Which motion carried.**

III. NEW BUSINESS

A. ZBA Case #15-01 – Request for Interpretation of Directional Sign

Party Requesting Interpretation:	Right Choice Online Auctions
Address:	17200 Robbins Road
Parcel Number:	70-03-33-100-047
Location:	17234 Robbins Road

Right Choice Online Auctions (“Auction Business”), represented by Murray C. Swiftney, Hope L. Tripp, and the property owner Paul VandenBerg of Robbins Road Development, is requesting an interpretation of the Auction Business’ proposed directional sign. Said sign was given a verbal denial by the Zoning Administrator when presented at an informal meeting in November 2014, because it did not meet the spirit of a Directional Sign as defined in the Grand Haven Charter Township Zoning Ordinance.

Fedewa provided an overview of the application, and staff review, through a memorandum dated March 18th.

The fact-finding portion of the Case was discussed by the ZBA members, which focused on the definition of Directional Sign, the definition of Temporary Sign, the proximity of the existing Temporary Signs to the United States Postal Service's mailbox, the spirit of the Ordinance's intent of a Directional Sign, and staff's interpretation of the Ordinance.

Following the initial discussions the Chair invited the applicants to speak:

Murray C. Swiftney, co-owner of Right Choice Online Auctions – 17234 Robbins Rd:

- Location of existing Temporary Signs is to assist with snow plowing efforts.
- Desires to have the proposed Directional Signs in a similar location, but on a single pole to avoid blocking the United States Postal Service mailbox.
- Made several references to sections of the Sign Ordinance, and indicated his attorney agrees with Right Choice Online Auctions interpretation of a Directional Sign.
- Strong desire to construct a Freestanding Sign onsite to advertise each business.

Paul VandenBerg of Robbins Road Development, property owner – 16600 Ferris St:

- Comparison of Directional Signs on Industrial parcels to the sign proposed by Right Choice Online Auctions.
- Unaware the existing Directional Signs impede the United States Postal Service mailbox.
- Most of the existing tenants have adequate visibility from Robbins Road, but is uncertain if that would change in the future with new tenants.
- Strong desire to construct a Freestanding Sign onsite to advertise each business. Indicated he had verbal approval several years ago, but for various reasons chose not to install such a sign.

The interpretation request was discussed by the ZBA members, which focused on:

- Fedewa noted “Around Back” is too nondescript. Approval of this Directional Sign could be widely interpreted (e.g., “Apply Inside,” “Next Door,” “Around the Corner,” etc.). The Ordinance does not limit the number or location of Directional Signs.
- A Freestanding Sign to advertise each business would be permitted, if the Marathon sign was removed.
- Questioned why Marathon has a Freestanding Sign and Lakeshore Services was permitted a Ground Sign when the Ordinance only permits one per parcel.
- The Ordinance is ambiguous in respect to Temporary Signs, and therefore, appears to be permitted.
- ZBA noted several significant issues with the sign ordinance, which require clarification and will craft a formal request for action by the Board at the April meeting.
- ~~Desire to pass along the following information and requests to the Township Board:~~

- ~~○ Gaps and inconsistencies in Zoning Ordinance are becoming problematic. Would request the Board consider an update of the Zoning Ordinance.~~
- ~~○ Existing Temporary Signs are obstructing the constituents ability to access the United States Postal Service mailbox. Could the Board request the local Postmaster address the issue?~~

Motion by Rycenga, supported by Behm to table further consideration of the interpretation request to allow legal staff an opportunity to review the application and provide clarification.
Which motion carried.

Without objection, Robertson placed this item on the agenda of the next regularly scheduled ZBA meeting, which is Tuesday, April 28th at 7:00 p.m.

IV. APPROVAL OF MINUTES

Without objection, the minutes of the July 24, 2014 Regular Session and July 29, 2014 Special Session meetings were approved.

V. OLD BUSINESS

A. Approval of the 2015 Zoning Board of Appeals Meeting Dates

Motion by Loftis, supported by Behm to approve the 2015 Zoning Board of Appeals Meeting Dates as presented.

B. Appointment of Officers

- **Without objection**, Robertson was nominated and re-appointed as the Chairperson.
- **Without objection**, Slater was nominated and re-appointed as the Vice-Chairperson.
- **Without objection**, Loftis was nominated and re-appointed as the Secretary.

VI. REPORTS

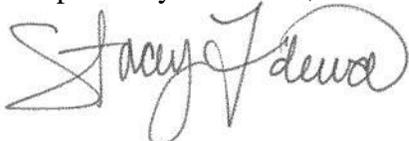
- 2014 ZBA Annual Report
 - Rycenga noted he had attended the Planning Commission Basic Training.

VII. EXTENDED PUBLIC COMMENTS – None

VIII. ADJOURNMENT

Without objection, the meeting was adjourned at 8:15 p.m.

Respectively submitted,



Stacey Fedewa
Acting Recording Secretary



Scholten Fant
Attorneys

Over 50 Years of Service

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MEMORANDUM

TO: Ms. Stacey Fedewa, Planning and Zoning Official
Grand Haven Charter Township **VIA E-MAIL ONLY**

FROM: Ronald A. Bultje

DATE: April 1, 2015

RE: Sign Issues Raised by Right Choice Online Auctions MIOA of Grand Haven

Stacey:

This Memorandum will address the sign issues raised at a recent meeting of the Grand Haven Charter Township Zoning Board of Appeals ("ZBA") by Right Choice Online Auctions MIOA of Grand Haven ("Auction Business").

Specifically, the Auction Business appealed to the ZBA your decision that the proposed directional sign for the Auction Business was in fact not a directional sign under the definition in the Grand Haven Charter Township Zoning Ordinance (the "Zoning Ordinance").

In the context of discussing the directional sign, the ZBA also discussed two signs erected by the Auction Business on either side of a United States Postal Service mailbox, which signs the Auction Business claims are temporary signs under the Zoning Ordinance.

In this Memorandum, I will first address directional signs and then temporary signs.

DIRECTIONAL SIGNS

In order to analyze the directional sign issue raised by the Auction Business, it is necessary to start with Section 24.09.12 of the Zoning Ordinance, which states that directional signs which are six square feet or less in area are exempt from the provisions of the Zoning Ordinance, other than Section 24.12.3. Section 24.12.3 simply provides that any sign not resting directly on the ground must have a minimum clear space of eight feet from the bottom of the sign to the ground.

Based on the above, the Auction Business is entitled to directional signs, without limitation by the Zoning Ordinance, if the directional sign definition is satisfied.

Section 24.07.10 of the Zoning Ordinance defines a directional sign as one which gives directions, instructions, or facility information, such as parking or exit and entrance signs.

Further, Section 24.12.7 of the Zoning Ordinance provides that directional signs may contain a logo of the business, but no advertising copy; may not exceed six square feet in area or four feet in height; and must be limited to traffic control functions.

For purposes of this Memorandum, I will assume that the directional sign proposed by the Auction Business will not exceed six square feet in area or four feet in height.

Nevertheless, in my opinion, the directional sign proposed by the Auction Business does not comply with the limitations in the Zoning Ordinance for directional signs.

The proposed directional sign contains an arrow, which gives direction. However, with the arrow included on the directional sign, the text printed on the arrow ("around back") is redundant and unnecessary. The arrow itself provides the necessary information.

Further, Section 24.12.7 of the Zoning Ordinance provides that a directional sign may contain a logo of a business, but no advertising copy. In this case, the proposed directional sign contains not only the logo of the Auction Business, but also three lines of text giving the full name of the Auction Business. In my opinion, the proposed directional sign again goes beyond the definition in the Zoning Ordinance.

In your March 18, 2015 memorandum to the ZBA, you correctly note that the proposed directional sign is very similar to the wall signs erected by the Auction Business. The only information not on the proposed directional sign is the telephone number and the website for the Auction Business. Even further, the signs posted by the Auction Business on either side of the mailbox are even more identical to the proposed directional sign, with the directional sign only replacing the telephone number with "around back."

Based on the above, I agree with your determination that the proposed directional sign contains more than a logo of the Auction Business, contains too much copy, and contains unnecessary information in the arrow. Therefore, the proposed directional sign does not meet the definition in the Zoning Ordinance, and so is not exempt from the sign requirements of the Zoning Ordinance.

TEMPORARY SIGNS

With temporary signs, the beginning point is Section 24.09.13, which provides that temporary signs of four square feet or less in area are exempt from the provisions of the Zoning Ordinance, other than the eight feet of distance between the ground and the bottom of the sign required by Section 24.12.3. Thus, the question is whether the claimed temporary signs already erected by the Auction Business on either side of the mailbox are indeed temporary signs under the Zoning Ordinance.

Section 24.07.33 of the Zoning Ordinance defines a temporary sign as one not permanently attached to the ground, a structure, or a building. Examples of temporary signs include banners, portable signs, and other signs displayed for a limited period of time.

Another relevant provision of the Zoning Ordinance is Section 24.07.24, which defines a portable sign as one designed to be moved easily and not permanently attached to the ground, a structure, or a building.

The two claimed temporary signs erected by the Auction Business have been placed in holes made in the pavement near the mailbox. Further, I understand they are being left in their locations, not removed on an overnight basis.

In my opinion, these signs are not temporary or portable signs, given the fact that they have been erected for an indefinite term in the same location, and given the fact that they are not easily moved and located elsewhere (i.e., they cannot be located elsewhere on the property without additional holes created in the pavement).

To the extent that the temporary signs claimed by the Auction Business cannot be located on the lot in question without holes being created in the hard surface on the lot, the signs are not easily portable from one location to another. Further, to the extent the signs are left in one location for an indefinite period of time, they are not temporary signs displayed for a limited period of time. In fact, in my opinion, even if the claimed temporary signs were removed every night and then replaced every day during business hours, I do not believe that they would fall within the spirit of the definition of a temporary sign. As noted in the definition of a temporary sign under the Zoning Ordinance, a temporary sign is displayed for a limited period of time, generally for a special purpose. Temporary signs erected every day, or at least every business day, during business hours, in my opinion go beyond what is allowed by the Zoning Ordinance.

CONCLUSION

After you have had a chance to review the above, please advise if you have further questions or comments. Further, please advise how I can best help the ZBA reach a conclusion concerning this matter. If you or the ZBA would like my assistance in preparing a resolution to consider, I would be glad to be of assistance.

Very truly yours,

SCHOLTEN FANT



Ronald A. Bultje

RAB/skc

cc: Mr. William Cargo, Township Superintendent (via e-mail)
GHCT 1071 Memo 04012015 Fedewa re Sign Issues Raised by Right Choice Online Auctions



Community Development Memo

DATE: April 27, 2015
TO: Zoning Board of Appeals
FROM: Stacey Fedewa, Planning & Zoning Official
RE: Request for Interpretation – Definition for Directional Sign

UPDATE ON TABLED AGENDA ITEM

As directed by the ZBA, staff submitted the information to the Township Attorney and requested an opinion. In summary, the attorney noted:

Directional Sign: agreed with staff's position that the proposed directional sign contains more than a logo of the Auction Business, contains too much copy, and contains unnecessary information in the arrow. Therefore, the proposed directional sign does not need the definition in the Zoning Ordinance, and so is not exempt from the sign requirements.

Temporary Sign: the existing "temporary signs" used by the Auction Business are not temporary or portable signs, given the fact that they have been erected for an indefinite term in the same location, and given the fact that they are not easily moved and located elsewhere (*i.e., they cannot be located elsewhere on the property without additional holes created in the pavement*). Additionally, even if the claimed temporary signs were removed every night and replaced during business hours it still does not fall within the spirit of the definition of a temporary sign.

ZBA INTERPRETATION

Based on the findings of the Attorney, staff recommends denial of the Auction Business' proposed directional signs. Further, staff recommends the claimed temporary signs be removed from the site indefinitely. If the Zoning Board of Appeals agrees with the aforementioned recommendation, the following motion can be offered:

Motion by _____, supported by _____ to wholly affirm the Zoning Administrator's verbal denial of the proposed directional signs, and order the applicant to remove the claimed temporary signs from the site indefinitely.

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