

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

March 17, 2021

A special electronic meeting of the Grand Haven Zoning Board of Appeals was called to order by Chair Jerry Klukos at 7:00 p.m. via Zoom. Chair Klukos stated that the meeting was being held electronically due to the coronavirus pandemic. On roll call, the following members were:

Present: Eric Brenberger, Amy Kozanecki, Kevin McLaughlin, Field Reichardt, Melanie Riekels, Chair Jerry Klukos.

Absent: Mischelle Julien

Each board member stated their location (City and State) for the record. All members in attendance were located in Grand Haven, MI with the exception of Kevin McLaughlin, who was in Ormond Beach, FL.

Also present was Jennifer Howland, Community Development Manager, Pat McGinnis, City Manager and Ashley Latsch, Assistant to the City Manager.

Call to Audience – First Opportunity

No comments

Approval of Minutes

Motion by Brenberger, seconded by Kozanecki, to approve the December 16, 2020 minutes passed unanimously by roll call vote.

CASE 21-01: A request by Derek and Jill Osborne for two variances related to a proposed lot split of 618 Sheldon Rd (parcel #70-03-29-229-027): 1) a variance from Sec. 40-404.02.C to allow for two new lots that are each less than the district minimum 5,800 sq. ft., and 2) a variance from Sec. 40-301.02.A.2.iii to allow an accessory building to occupy more than 25% of the rear yard.

Howland provided an overview of the request.

Jill Osborne provided additional background on their request. She stated that they are electing to not repair the pool due to high costs. They find it appealing to build a house in the area of the pool because it would be new construction, they'd stay in the neighborhood, it would have a similar look and size of neighboring houses. The nonconforming privacy fence would be removed. The drawbacks are the required variances. They consulted the city, an architect and builder to figure out the best course of action to split the property. The proposal creates two rectangular lots, the proposed lot sizes are close to the required minimum, and the configuration has the most appeal to the city and the zoning board. It was the minimum variance option.

One option they have considered is to fill in the pool and create landscaped/open space. It would be very expensive, but they would keep the fence near the street to offer privacy.

There would be no advantage to the city or neighbors. Another option is to add a garage on to the east side of their current house. An attached garage would be nice for their use and would allow them to lease their detached garage to the neighbor. But that design is not similar to other homes in the area. A house seems to fit better in terms of curb appeal and continuity. Another option is to add a building onto their property as an Accessory Dwelling Unit. That would be a small home, which wouldn't fit in with the neighborhood.

Brenberger stated that he believes he has a conflict of interest because he will likely do the plumbing work for the new house. The board members agreed that it would be a conflict of interest due to financial gain as a result of this project.

Motion by Reichardt, seconded by Riekels, to confirm that Eric Brenberger has a conflict of interest and should recuse himself from this case passed unanimously on roll call vote. Brenberger left the meeting during the case.

Chair Klukos opened the public hearing for the case.

Public Comments:

Howland referenced the letters that had been received and were sent to the board members in advance of the meeting.

Bruce Bradford-Royle, 515 Grant Ave, called to state that he is the neighbor to the immediate east of the subject property. They wrote a letter as well, but they are against the proposal because the new house would be a few feet from their property line and the new lot would be way too congested for the neighborhood and would set a bad precedent for the neighborhood.

Jill and Derek reviewed the responses to objections she previously submitted in writing.

Via Facebook: Josh Brugger, 626 Slayton Ave and 600/602 Slayton Ave, has no problem with the proposal as long as side setbacks are met and a front porch is provided. The garage portion of the request does not sit well with him.

Jill Osborne stated that their architect recommended putting the garage on the front of the home off Grant, but they didn't want the garage to be visible so instead it will be accessed from the west wall of the house. You won't see the attached garage on the new home.

Via Facebook: Bruce Bradford Royle stated that he offered to buy the land where the pool sits so there wouldn't be a house that close to their property line.

McLaughlin requested confirmation that the proposed house will meet the side yard setback requirements; Howland confirmed.

Riekels stated that she watched the Planning Commission meeting this month where they considered the proposed shared driveway off of Grant Ave. She asked for an explanation on the proposed driveway dimensions. Jill Osborne said that it will widen a bit to provide proper turning radius and a parking area for the remainder house.

Klukos asked if this is this a common request to split property into two nonconforming lots. Howland said no, it is not common.

Kozanecki asked if any of the other options they considered would require a variance. Jill Osborne said they would not.

Reichardt asked the Osbornes to explain what the existing detached garage would be used for. Jill Osborne stated that if the variances are approved, the old garage would be leased to the remainder house. The new owners would access it from Sheldon or Grant.

Via Facebook: Josh Brugger stated that Parcel A is not conducive to a good neighborhood feel. Especially for the Bradfords. Narrow the driveway, move the house further to the west and remove the garage or significantly shrink it.

Riekels asked who owns the driveway off of Sheldon. Jill Osborne stated that it's a shared driveway, but she is unsure if it is deeded that way.

Motion by Riekels, seconded by Kozanecki, to close the public hearing was carried unanimously by roll call vote.

The board considered the seven basic conditions.

- A. Reichardt didn't think this was a problem. Kozanecki had a problem with it. The City just updated the zoning ordinance. The City saw the need to reduce the minimum lot area, but the applicant still doesn't meet it. She understood there are a number of houses on smaller lots, but they were created years ago. The request was to go a lot smaller than 5800 sq. ft. McLaughlin was fine with it. Klukos agrees with Kozanecki. Parcels that are grandfathered in are under an old ordinance. Creating two nonconforming lots is against the intent and purpose of the ordinance. Riekels and Kozanecki agreed with Klukos. Motion by Kozanecki, seconded by McLaughlin, to approve Basic Condition A **failed** on the following roll call vote: Ayes: McLaughlin, Reichardt. Nays: Kozanecki, Riekels, Klukos.
- B. McLaughlin and Reichardt said the condition was met. Riekels said it would not be met. Kozanecki said it would create single family homes, which is permitted. Klukos agreed with Kozanecki. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Kozanecki, McLaughlin, Reichardt, Klukos. Nays: Riekels.
- C. Riekels said it doesn't cause an adverse effect. Reichardt said it would remove the pool and unsightly fence, and the house would be an improvement to the neighborhood. McLaughlin agreed with Field. Kozanecki was uncomfortable with Condition C. It creates two nonconforming lots. Klukos stated it has an adverse effect on neighboring properties by creating two nonconforming parcels that will affect the immediate vicinity. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition C **failed** on the following roll call vote: Ayes: McLaughlin, Reichardt, Riekels. Nays: Kozanecki, Klukos.
- D. McLaughlin and Reichardt were ok with this condition. Kozanecki was concerned granting the request would lead to other similar requests in the City. Riekels agreed with Kozanecki. Klukos said the request would create a problem down the road for other parcels to split. Motion by Riekels, seconded by McLaughlin, to

approve Basic Condition D **failed** on the following roll call vote: Ayes: Reichardt, McLaughlin. Nays: Kozanecki, Riekels, Klukos.

E. Reichardt said the physical size of the lot is not self-created. McLaughlin was ok with Condition E. Riekels said it is self-created and she wondered why the applicant insisted on keeping the old garage. Kozanecki said it is self-created. Klukos said it is self-created because it would take a conforming property and split it into two nonconforming properties. Motion by Riekels, seconded by Kozanecki, to approve Basic Condition E **failed** on the following roll call vote: Ayes: McLaughlin, Reichardt. Nays: Kozanecki, Riekels, Klukos.

F. Reichardt said the only way it would be different is if the garage were torn down and that isn't reasonable. Riekels said a reasonable alternative could be remove the garage, Kozanecki said there was no reasonable alternative but there are alternatives. Klukos agreed there was no reasonable alternative. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition F **passed** on the following roll call vote: Ayes: Kozanecki, Riekels, Reichardt, McLaughlin, Klukos. Nays: none.

G. McLaughlin said it is the minimum variance requested. Reichardt agreed. Kozanecki said it's the minimum variance to do what they want to do with the property but it doesn't stop them from enjoying the property now. Riekels agreed. Klukos said they already have a reasonable use for the property but it is the minimum variance request. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition G **passed** on the following roll call vote: Ayes: Reichardt, Riekels, McLaughlin, Klukos. Nays: Kozanecki.

Motion by McLaughlin, seconded by Kozanecki, to **APPROVE** the requested variances, **failed** on the following roll call vote: Ayes: McLaughlin. Nays: Riekels, Reichardt, Kozanecki, Klukos.

McLaughlin asked if just one condition out of seven fails, does it have to be denied? Howland stated yes, the ordinance requires that all seven conditions pass.

Motion by Kozanecki, seconded by Riekels, to **DENY** the requested variances because Condition A, C, D and E failed, **passed** on the following roll call vote: Ayes: Kozanecki, Riekels, Reichardt, Klukos. Nays: McLaughlin. The motion carried. The variances were denied.

CASE 21-02: A variance from Sec. 40-701.G.1.e to allow 55.3% of the traditional stationary sign area for a proposed pole sign to be an electronic message board sign where 50% is the maximum allowable. The request is made by SignArt, Inc. for Consumers Credit Union, located at 901 S Beacon Blvd (parcel #70-03-28-155-020).
Howland provided an introduction of the request.

Steve Vandersloot, of SignArt, Inc. was present. He wanted to speak to design intent. The client's desire is to maximize the use of Consumers Credit Union's logo. The logo is consistently expressed in all Consumer Credit Unions. They also want to best apply LED manufacturer signs, without the use of bookends. Displays are available in 12-inch increments. The goal is to not have the bookends. Examples provided are located in Holland Township, and they look like old televisions. The aesthetic is very important to the

client. The display is professionally displayed and managed by the central marketing department of the credit union. The credit union plans to have two wall signs, 33 sq. ft. each. If they were to place a greater emphasis on no bookends, it reduces sign area by 10%, so the sign face would be around 90 sq. ft. They feel a reduced size wall sign is a good tradeoff.

Kozanecki is confused by the comments on wall signage tradeoffs. Vandersloot just wanted to share that they are planning for two wall signs with a total sign area of 66 sq. ft. The credit union doesn't just maximize sign area; they focus on aesthetics.

Reichardt said Beacon Boulevard is an area where people are changing their speeds. A flashing sign is a distraction. Howland explained that messages can change every 3 seconds but no flashing, scrolling, etc. is permitted. Vandersloot referenced the proposed setback of the sign and said it would be viewed 300-350 feet from the sign itself. It won't be in a distracting line of sight for drivers.

McLaughlin asked if he could make the sign a little bit bigger. Howland said they can have up to 100 sq. ft. of sign area. Vandersloot said the next size down would be a 90 sq. ft. sign area.

Kozanecki asked for confirmation that Alternative 2 is conforming. Howland confirmed that it is conforming, because it would be no more than 50% LED.

Vandersloot stated that avoiding use of bookends makes the sign look more contemporary. He emphasized the importance of being consistent in their branding. He recognized it is a challenge to obtain the variance. Howland asked for clarification on the dimensions of the 90 sq. ft. sign. It would be 1 inch shorter and a foot narrower.

Brenberger couldn't see the practical difficulty and wondered if the ZBA should be granting variances for looks alone. Howland clarified that the variance request is legitimately reviewed by the ZBA because it is a request for a percentage change.

Reichardt asked if the City's sign ordinance an outlier. He asked if communities should adjust to corporations or vice versa. Vandersloot stated that he has been in the business of signs for 23 years. Ordinances vary significantly from one community to the next, with regulations on LED signs ranging from 15% to no limitation. Limiting it to 50% is a very common number, and up to 75%. Consumers Credit Union really wants to be in this community. They have branches in Grand Rapids so the lakeshore was a natural next step. That second question is a fair but tough question. He said that people won't notice 50% vs. 55%.

Klukos believes that corporations adjust to communities in general.

Chair Klukos opened the public hearing for the case.

Public Comments: None

Motion by Kozanecki, seconded by Reichardt, to close the public hearing was carried unanimously by roll call vote.

The board considered the seven basic conditions.

- A. Brenberger said that the ZBA seems to always get a sign request for corporate reasons. If bookends are a problem, the Planning Commission should review the issue. McLaughlin agreed with Eric. The request overall will be tough to justify. He can't support it. Kozanecki couldn't support it. Reichardt said the city ordinance is pretty good and zoning has set a precedence. The request is too small of a difference. Klukos said the ordinance has just been updated and already they want something different. Motion by Reichardt, seconded by Kozanecki, to approve Basic Condition A **failed** on the following roll call vote: Ayes: Riekels. Nays: Brenberger, Kozanecki, McLaughlin, Reichardt, Klukos.
- B. Reichardt stated it does not meet Condition B because of size; Riekels agreed. Brenberger, McLaughlin, Kozanecki and Klukos stated that it meets Condition B. Motion by McLaughlin, seconded by Kozanecki to approve Basic Condition B **passed** on the following roll call vote: Ayes: Brenberger, Kozanecki, McLaughlin, Reichardt, Riekels, Klukos. Nays: none.
- C. McLaughlin stated there was not an adverse effect. Kozanecki, Reichardt, Riekels and Brenberger were ok with this Condition. Klukos stated that it would have an adverse effect on any company that wants such a sign. They wouldn't be able to have the same thing another business has. Motion by McLaughlin, seconded by Riekels, to approve Basic Condition C **failed** on the following roll call vote: Ayes: Brenberger, Kozanecki, McLaughlin. Nays: Reichardt, Riekels, Klukos.
- D. McLaughlin stated that the request does not meet Condition D. Brenberger stated that it could be recurring if sign variances come to the ZBA. Kozanecki, Riekels and Klukos agreed. If granted, it sets an example for others. Motion by Riekels, seconded by Reichardt, to approve Basic Condition D **failed** on the following roll call vote: Ayes: None. Nays: Brenberger, Kozanecki, McLaughlin, Reichardt, Riekels, Klukos.
- E. All members stated that the situation was self-created. Motion by Kozanecki, seconded by Riekels, to approve Basic Condition E **failed** on the following roll call vote: Ayes: none. Nays: Brenberger, Kozanecki, McLaughlin, Reichardt, Riekels, Klukos.
- F. All members stated that the need for the variance has nothing to do with location. Motion by Kozanecki, seconded by Reichardt, to approve Basic Condition F **passed** on the following roll call vote: Ayes: Brenberger, Kozanecki, McLaughlin, Klukos. Nays: Riekels, Reichardt.
- G. All members agreed that the sign could be redesigned and the applicant had provided a conforming alternative design. Motion by Kozanecki, seconded by McLaughlin, to approve Basic Condition G **failed** on the following roll call vote: Ayes: Reichardt, Riekels. Nays: Brenberger, Kozanecki, McLaughlin, Klukos.

Motion by Kozanecki, seconded by Brenberger, to **DENY** the requested variance because Condition A, C, D, E, and G failed, **passed** on the following roll call vote: Ayes: Brenberger,

Kozanecki, McLaughlin, Reichardt, Riekels, Klukos. Nays: none. The motion carried. The variance was denied.

Call to the Audience – Second Opportunity

No comments.

Adjournment:

Motion by Reichardt, seconded by Julien, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 9:27 p.m.



Jennifer Howland, Community Development Manager