

ZONING BOARD OF APPEALS
CITY OF GRAND HAVEN
MEETING MINUTES

September 15, 2021

A regular meeting of the Grand Haven Zoning Board of Appeals was called to order by Chair Jerry Klukos at 7:00 p.m. in the Grand Haven Council Chambers. On roll call, the following members were:

Present: Kerry Bridges, Amy Kozanecki, Ryan Galligan, Mark Hills, Field Reichardt, Marshall Lystra, Chair Jerry Klukos.

Absent: None

Also present was Jennifer Howland, Community Development Manager.

Call to Audience – First Opportunity

Approval of Minutes

Motion by Reichardt, seconded by Bridges, to approve the July 21, 2021 minutes passed unanimously by voice vote.

Approval of 2022 Meeting Dates

Reichardt suggested that the board consider meeting every other month. The board determined that it was better for applicants to continue to offer the monthly meetings and cancel when there are no cases. Motion by Kozanecki, seconded by Hills, to approve the meeting dates as proposed carried unanimously by voice vote.

Call to the Audience – No comments

Case 21-08: A request by Sandi Gentry for one variance related to building signage at 133 Washington Avenue (parcel #70-03-20-405-020): a variance from Sec. 40-413.02.D to allow for wall signage to be located outside of the sign band; specifically, for wall signage to be located at the top of the second story on the north and south elevations.

Howland provided an overview of the case.

Jack Vos, 15286 Hofma Dr, Grand Haven, MI represented Sandi Gentry. He passed out a handout to the board members which showed the City sign band figure next to the proposed building at 133 Washington Ave. Vos stated that the ordinance was written for buildings that are old and historical, which are typically right at the sidewalk and go up 2-3 stories. The building at 133 Washington Ave was approved by the Planning Commission with a second story setback to allow for a patio. This building is very unique; it is not typical of downtown Grand Haven. The code does not usually address this type of building. Another building that would come before the ZBA wouldn't have the second story setback or patio, so it is unique. Also, Ms. Gentry has a unique situation with ReMax. She can't do anything to make it look like "The Sandi Gentry Team" is part of ReMax. It's very important that she creates separation between the two signs. Her solution is to place the sign on the

second floor, where most of the Team staff will be located. Vos further stated that the sign band is needed to maintain an architectural style, but this building doesn't meet that architectural style so it is unique. He said that staff suggested window signs as an alternative. If they are placed below the ReMax sign on first floor, it would appear to be part of or close to the ReMax logo.

Lystra asked what the building pre-renovation looked like. Howland displayed a photo of the building. It showed "The Sandi Gentry Team" along bottom of the windows on the first floor. Vos said that needs to be changed.

Reichardt asked about the Planning Commission's decision to not pursue the proposed text amendment that Ms. Gentry had submitted. PC Liaison Galligan said that sign band regulations were generally followed in the downtown and that the Planning Commission was not interested in changing it.

Howland explained that the Planning Commission upheld the interpretation that the sign band is an architectural feature of a building and does not mean that signs attached to it had to remain 12-24 inches tall. They just need to be attached to the sign band.

Hills asked Vos what the corporate-required distance is between the ReMax sign and the Sandi Gentry Team sign. Vos said that the corporate rules don't specify a distance but they do reference the use of "Team" and how it should not be related to ReMax.

Klukos stated that the zoning ordinance is not just for old buildings as Vos stated earlier. The Planning Commission develops regulations and applies them to projects with a "one size fits all" approach. Galligan agreed.

Chair Klukos opened the public hearing for the case. Howland said there was no correspondence.

Public Comments:

Motion by ___, seconded by ___, to close the public hearing was carried unanimously by voice vote.

The board considered the seven basic conditions.

A. Reichardt said it was not contrary to the public interest but it is contrary to the purpose of the ordinance. Kozanecki said that the purpose of the ordinance is to keep the downtown area consistent. This does not meet that intent. Bridges said that the proposal is in direct contrast with the intent of the ordinance. Galligan and Lystra agreed. Hills said if you read Sec. 40-413.01 of the Zoning Ordinance, the CB District is the primary identity for the City. There is a desire to maintain the consistency of buildings. It is a district with primarily historic buildings. The City published the intent statement that the unique character is important. While this is not an historic building, it is in a district that maintains historic characteristics. Klukos said that to allow this, the next door neighbor could request that, too. It is also against the intent and purpose of ordinance to create uniform signage throughout the downtown district. Motion by Bridges, seconded by Lystra, to

approve Basic Condition A **failed** on the following roll call vote: Ayes: None. Nays: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos.

B. Howland explained the nonconforming status of the land use. All members agreed that the condition was met. Motion by Kozanecki, seconded by Hills, to approve Basic Condition B **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos. Nays: None.

C. Kozanecki said there will be no substantial adverse effect. All others agreed. Motion by Reichardt, seconded by Kozanecki, to approve Basic Condition C **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos. Nays: None.

D. Reichardt felt condition was met. Kozanecki questioned how the Varnum and Capstone signs, which are at the top floor, were approved. Howland explained that sign ordinance was different at that time – signs had to attach to wall behind which the use operated, so that was the only allowable location for the sign. Kozanecki was concerned about setting a precedent if the variance is approved, whether the second story was set back from the front property line or not. She was concerned about allowing other office users on upper floors to have a similar sign. Galligan said it does not meet the condition because there are plenty of second story offices in the downtown. Bridges, Lystra and Klukos thought the situation could be recurrent. Motion by Lystra, seconded by Bridges, to approve Basic Condition D **failed** on the following roll call vote: Ayes: None. Nays: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos.

E. Kozanecki referenced the statement in the staff report that corporate rules weren't created by the applicant, but the team name was created by the applicant so it doesn't meet the condition. Galligan agreed. Bridges said it doesn't seem self-created. The applicant is trying to figure out a way to separate ReMax from the team name, so it's not self-created. Lystra said it is not self-created because it is ReMax's rule. However, that doesn't give her immunity from City laws just because of corporate rule. Hills said these standards were well known but this should have been an anticipated issue when the building was designed. It is a self-created problem. Reichardt asked what the corporate name is, because his understanding is that ReMax Lakeshore is one entity. Vos said that The Sandi Gentry Team is a separate business under a separate LLC. They both file separate tax statements. Agents are either selling for one or the other. Kozanecki said that everyone that works in the building is on The Sandi Gentry Team. That's the only team working there. Vos said he is not sure about staffing but they are separate businesses. Hills said that ReMax Lakeshore is the brokerage/franchise in town. All agents are licensed to that brokerage. There are agents at the Beacon Blvd location, which is the main ReMax office location. Bridges said separate signs would be helpful. Kozanecki said that Coldwell Banker is another example, with Klingel Homes operating under that. Reichardt suggested that it would make more sense to emphasize the Team name rather than ReMax. He doesn't think it is self-created. Klukos said that ReMax calls the shots on this matter. It is self-created because they desire to go to the top of the second floor with their advertising. Motion by Hills, seconded by Lystra, to approve Basic Condition E **failed** on the following roll call vote: Ayes: None. Nays: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos.

F. Galligan said it doesn't meet this condition. He doesn't see why window signs can't be used to advertise The Sandi Gentry Team; everyone knows that the business is in that building. Bridges asked if a separate sign could be placed on the sign band (two signs). Howland said that two signs can be in the sign band, as long as they don't exceed 60 sq. ft. total for all building signs (wall, awning and projecting). There is still a question about corporate distance allowance and whether window signs are allowed by corporate. Lystra said there is an obvious reasonable alternative. Hills said the condition is not met under the current proposal. Reichardt said that the proposed design looks nice, but he would avoid helping the applicant redesign the building. He thought that ReMax would probably object to moving the Team sign. He doesn't think there is an alternative except for the windows. Kozanecki believes there is an alternative. Klukos said the city allows window signs. Howland confirmed that every window can have 25% coverage. Motion by Bridges, seconded by Lystra, to approve Basic Condition F **failed** on the following roll call vote: Ayes: None. Nays: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos.

G. Galligan said it doesn't meet this condition. Window signage is an option. Bridges agreed for same reasons as referenced in Condition F. Lystra said it is a nice look but the ordinance is very specific to the sign band. There is a lot of room remaining in the sign band. Kozanecki said that the applicant will need to find a solution that meets the ordinance. All other members agreed. Motion by Kozanecki, seconded by Bridges, to approve Basic Condition G **failed** on the following roll call vote: Ayes: None. Nays: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos.

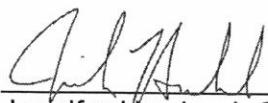
Motion by Kozanecki, seconded by Hills, to **DENY** the requested variance because it failed Conditions A, D, E, F and G, **passed** on the following roll call vote: Ayes: Bridges, Reichardt, Hills, Kozanecki, Lystra, Galligan, Klukos. Nays: none. The variance was **denied**.

Call to the Audience – Second Opportunity

There were no comments from the public. Howland said that two members (Bridges and Lystra) are enrolled in the MSU Citizen Planner course and that funds are available to send others if interested. Klukos informed the board that he will be absent from the November meeting.

Adjournment:

Motion by Hills, seconded by Kozanecki, to adjourn was unanimously approved by voice vote. The meeting adjourned at 7:58 p.m.



Jennifer Howland, Community Development Manager