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

Present: Mischelle Julien, Amy Kozanecki, Kevin McLaughlin, Field Reichardt, Melanie Riekels, Chair Jerry Klokos.

Absent: Eric Brenberger

Each board member stated their location (City and State) for the record.
Julien: Dallas, TX
All others: Grand Haven, MI

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

**Call to Audience – First Opportunity**
No comments

**Approval of Minutes**
Motion by McLaughlin, seconded by Julien to approve the September 16, 2020 minutes passed unanimously by roll call vote.

Chair Klokos announced that Case 20-10 and 20-11 would be combined in the discussion because the requests were identical. The board members were in agreement with this approach. Chair Klokos introduced both cases and informed the board members and audience that the minutes from the July meeting would be referred to, and a summary of each condition would be reviewed.

**CASE 20-10:** A request by Doug and Claudia Ellmann, 19447 North Shore Drive, parcel #70-03-19-226-012, Spring Lake, MI, 49456 for one (1) variance to the Grand Haven Zoning Ordinance related to the proposed installation of geo-tubes in the Beach Overlay District:

1. A variance from Section 40-423.03, shoreline protection measures. The requested variance is to allow for the installation of geo-tubes along the waterfront within the Beach Overlay District, where such arming of the shoreline is prohibited.
CASE 20-11: A request by Daniel J. Bowen Trust (19519 North Shore Drive, parcel #70-03-19-226-019), Daniel J. & Sharon T. Bowen (19535 North Shore Drive, parcel #70-03-19-226-020), Tom and Sue Brann (19557 North Shore Drive, parcel #70-03-19-226-021), Kathleen O'Brien Fox Trust (19573 North Shore Drive, parcel #70-03-19-226-022), The Coop LLC (19585 North Shore Drive, parcel #70-03-19-226-023), and Stephen John St Andre (19599 North Shore Drive, parcel #70-03-19-226-024), Spring Lake, MI, 49456 for one (1) variance to the Grand Haven Zoning Ordinance related to the proposed installation of geo-tubes in the Beach Overlay District:

2. A variance from Section 40-423.03, shoreline protection measures. The requested variance is to allow for the installation of geo-tubes along the waterfront within the Beach Overlay District, where such arming of the shoreline is prohibited.

Chair Klukos asked for comments from Doug or Claudia Ellmann from Case 20-10. Doug Ellmann introduced himself. They are trying to preserve the coast and their home. One correction he wished to make is that their EGLE permit is pending. He believes that EGLE is waiting for the variance determination by the City. They expect to receive the EGLE permit. They are asking for the same type of relief as prior cases. They don’t want to do this, but they feel it’s the last alternative and least intrusive.

Chair Klukos asked the board members if they have questions. Klukos asked if this is an exact duplicate of other requests. Howland stated that yes, it is. They are proposing to use the same technology, number of sandbags, general location and reasons.

Chair Klukos asked for comments from the applicants for Case 20-11. Scott Timmer representing the applicants of Case 20-11 stated it is the same request as the ZBA approved on July 7 and August 19, 2020. The request tonight is for 6 contiguous parcels. It is the same technology as previously approved. There are three additional property owners that will submit an application for the November ZBA meeting, including two property owners to the north of these properties.

Riekels asked if EGLE has approved the request. Mr. Timmer said the application is pending ZBA approval. He suggested that the ZBA could make their decision contingent on EGLE approval. Howland stated that staff will wait for EGLE’s approval before issuing the land use permits for installation.

Chair Klukos asked if there were other comments from the board members. No one had questions or comments. Chair Klukos reviewed the findings from the seven basic conditions from the July 7, 2020 meeting where an identical request was considered and ultimately granted.

Howland reminded the board that we will need to open a public hearing for both cases: Case 20-10 and Case 20-11. Riekels asked if there was any correspondence. Howland stated there was not.

Chair Klukos opened the public hearing for both cases.
Public Comment:
None.

Correspondence:
None.

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

Motion by McLaughlin to approve Case 20-10 because it met all 7 Basic Conditions, and subject to the five (5) conditions listed below:
   1. The geotubes must be dismantled immediately when lake levels go down.
   2. This is not the first step towards permanent armament of the shoreline.
   3. The applicants must comply with the plans as submitted to the Zoning Board of Appeals.
   4. The applicants must comply with conditions of USACE and EGLE.
   5. The applicants must comply with representations made during the meeting as recorded in the minutes.

Riekels seconded the motion. The motion passed unanimously on roll call vote. The variance was granted.

Motion by Kozanecki to approve Case 20-11 because it met all 7 Basic Conditions as agreed to in past cases, and subject to the five (5) conditions listed below:
   1. This is an extraordinary period of high water. The geotubes must be dismantled immediately when lake levels go down.
   2. This is not the first step towards permanent armament of the shoreline.
   3. The applicants must comply with the plans as submitted to the Zoning Board of Appeals.
   4. The applicants must comply with conditions of USACE and EGLE.
   5. The applicants must comply with representations made during the meeting as recorded in the minutes.

McLaughlin seconded the motion. The motion passed unanimously on roll call vote. The variance was granted.

CASE 20-12: A request by Valley City Sign of 5009 West River Drive, Comstock Park, MI, 49321 for property located at 832 Robbins Road, Grand Haven, MI, 49417 (parcel #70-03-33-100-055) for five (5) variances to the Grand Haven Zoning Ordinance related to a proposed pole sign for Quality Car Wash:
   1. A variance from Section 40-701.C, Sign setbacks. The requested variance is to allow the sign to be zero (0) feet from the Robbins Road right-of-way where 12.5 feet is required.
2. A variance from Section 40-701.C, Sign setbacks. The requested variance is to allow the sign to be zero (0) feet from the US-31 right-of-way where 25 feet is required.

3. A variance from Section 40-307 Clear vision corners and Section 40-701.l, Location. The requested variance is to allow the sign to be located in the clear vision corner.

4. A variance from Section 40-701.J, Covering. The requested variance is to allow a pole covering that is 67 percent of the width of the sign face, where 50 percent is the permitted maximum.

5. A variance from Section 40-701.N. The requested variance is to allow the lower most edge of the sign face to be 4 feet 8 inches from natural grade where a minimum of 10 feet is required.

Chair Klukos introduced the case. Steve Kerr with Valley City Sign represents Quality Car Wash. The need for three of the variances is related to the placement of the sign. They believe is the best location for the sign. There is a larger vision triangle from MDOT in their right-of-way, so they feel like an additional vision triangle is redundant and causes a hardship for placing the sign. It is substantially set back from the roadway. They had discussed placing the sign in the landscape island off of Robbins Road, but it would be 100 feet from Beacon Blvd and they felt that was an excessive setback.

Reichardt had no comments.

McLaughlin has seen this project multiple times in the Planning Commission and the ZBA. If this property were located closer to the center of town, he would view it differently. Because it is right at the border, he sees no reason not to grant it. Although staff notes some of it is self-created, he still feels that due to the property location in the City, it is acceptable.

Julien had no issues with the request due to the location of the property within the City and the proposed location of the sign on the property.

Riekels asked where the former sign was located. The former sign was located in MDOT right-of-way.

Klukos asked where the sign was proposed when Tommy's submitted their application earlier in the year. Howland informed the ZBA that it was proposed in the large landscape island off of Robbins Roadd with a 12.5 foot setback, which conformed to the ordinance.

Klukos asked about the ground clearance request. Mr. Kerr said it was to accommodate the signage for the car wash and the quick lube. Klukos said that Burger King across the street was denied when they asked for a ground clearance variance. Mr. Kerr feels it is a unique site due to the MDOT right-of-way and the only access off of Robbins Road. They want to maintain site identification towards US-31.
Howland asked if Quality Car Wash has an alternative design that isn’t a triangle shape. Mr. Kerr said they do not. Megan Weidman from Quality Car Wash said the Holland location was developed in the 1970s and 1980s and they have since designed a triangular sign.

Kozanecki asked if this the exact sign that is at every QCW location. Ms. Weidman said it is similar. They have a shorter sign with the same type of sign area and shape. Howland asked if they had considered using the ground sign at the Grand Haven location. Ms. Weidman said they had not. Mr. Kerr said that it would not be as visible to motorists, and it would be 12-15 feet wide and would be close to the curb which could conflict with vehicles.

Reichardt asked if the electronic message center will flash. Mr. Kerr said that it would not; it will comply with the ordinance.

Howland said that a ground sign could be 6 feet in height and 100 sq. ft. in sign area, so they could have the same amount of signage as proposed if they changed the design to a ground sign.

Howland asked why they can’t move the sign cabinets closer together to provide more ground clearance. They said they could do that. Reichardt asked if they were advertising the oil change business, too. Kozanecki said that the big red building will advertise the presence of a car wash. Mr. Kerr said that the proposed location is due to the proximity of the entrance off of Robbins Road.

Howland said that the quick lube will be on a separate parcel so they could apply for a sign permit for their own parcel. Kozanecki asked if they could share a sign in the island. Ms. Weidman said that the businesses are separately owned. They will not share a sign.

Riekels asked if moving the sign to the island would bring the sign into compliance. Howland stated that it would still not meet the ground clearance or pole sign covering requirements.

Mr. Kerr said that if they leave two inches between cabinets for servicing and visual separation, the ground clearance would be 6 feet from grade.

Riekels asked about the orientation of the sign. The sign will face north and south.

Klukos asked the representative to justify why they can’t meet our ordinance. Mr. Kerr said that placement as required by ordinance would set the sign unnecessarily further back from the travel lanes of US-31. They want to place the sign near the site entrance to assist with wayfinding.

Chair Klukos opened the public hearing for the case.

Public Comment:
None.

Correspondence:
None.

Motion by Julien, seconded by Riekels, to close the public portion of the case was carried unanimously by roll call vote.

The board considered the seven basic conditions.

A. Reichardt, McLaughlin, Julien, Riekels and Kozanecki believed it was not contrary to the public interest or intent and purpose of the ordinance. Klukos believes it is contrary to the public interest and intent and purpose of the ordinance. They have a preferred design that doesn’t comply, even though it is a new sign and they have the opportunity to develop a conforming sign. Motion by Riekels, seconded by Julien, to approve Basic Condition A passed on the following roll call vote: Ayes: Riekels, Reichardt, McLaughlin, Kozanecki, Julien. Nays: Klukos.

B. Board members had no issues with this condition, as the use is permitted by special land use and Howland stated that the project received special land use and site plan approval. Motion by Riekels, seconded by McLaughlin to approve Basic Condition B passed unanimously on roll call vote.

C. Kozanecki doesn’t feel the proposed sign will have a substantial effect on neighboring properties. Others agreed. Klukos believes that it falls this item because it will have an adverse effect on other properties in the Commercial District. Other properties have to comply with the ordinance. Motion by Kozanecki, seconded by Riekels, to approve Basic Condition C passed on the following roll call vote: Ayes: Julien, Kozanecki, McLaughlin, Riekels. Nays: Reichardt, Klukos.

D. Riekels doesn’t feel it meets this condition because the intended use of the corner is for sight lines. McLaughlin believes that the property has a unique feature (the large MDOT right-of-way) compared to other properties in the zoning district. Julien had no issues with the request. Kozanecki said that it is not general or recurring. Klukos feels that granting this variance will give others the opportunity to obtain a variance for their sign. He believes it will be recurrent and general. Reichardt pointed out the Chevrolet sign up the street is unique. Klukos stated that it was a landmark sign and is nonconforming. Motion by McLaughlin, seconded by Julien, to approve Basic Condition D passed on the following roll call vote: Ayes: Julien, Kozanecki, Reichardt, McLaughlin. Nays: Riekels, Klukos.

E. Reichardt says it is self-created because they are creating the sign, but it fits what they are asking for. Riekels feels it is self-created for size and location. Julien said they don’t really have another option for the sign location. Kozanecki says it is 100% self-created. McLaughlin feels the property location and the proximity to US-31 make it not self-created. The sign will be so far off of the roadway that it will have no real effect on the community. Klukos feels it fails this because they aren’t meeting any of the sign regulations. Motion by Riekels, seconded by Julien, to approve Basic Condition E failed on the following roll call vote: Ayes: Julien, McLaughlin, Reichardt. Nays: Riekels, Kozanecki, Klukos.
F. McLaughlin accepts this condition based on prior comments made. Reichardt said the shape of the lot affects the request. Julien believes the condition is met. Kozanecki and Riekels do not accept Condition F because there is an alternative location and the sign could be redesigned to comply. Klukos believes it fails F because there are reasonable alternative locations for the sign and they could come up with a sign design that complies. Motion by Riekels, seconded by McLaughlin, to approve Basic Condition F failed on the following roll call vote: Ayes: McLaughlin, Julien. Nays: Kozanecki, Reichardt, Riekels, Klukos.

G. Reichardt said that the sign can be relocated so this condition is not met. McLaughlin and Julien believe the condition is met. Kozanecki said that the condition is not met. The sign as proposed doesn't work in this location and could be changed to meet the ordinance. Riekels agrees with Kozanecki. There are other locations and sign designs that could be considered. Klukos believes there are reasonable alternatives to the location and design. Motion by Kozanecki, seconded by Riekels, to approve Basic Condition G failed on the following roll call vote: Ayes: Julien, McLaughlin. Nays: Kozanecki, Reichardt, Riekels, Klukos.

Julien would like to see the dimensions of the sign reduced overall by reducing the center cabinet. That being said, there is not a reasonable alternative location for the sign. The oil change will not be obvious to drivers on US-31. Julien asked where Klukos would place the sign. He said that their engineers could work out a solution.

Howland reviewed the three failed conditions (E, F, and G) and confirmed that the discussion and votes covered all 5 requested variances. The board members agreed.

Motion by Riekels, seconded by Kozanecki, to DENY the requested variances because conditions A, B, C and D passed and E, F, and G failed, passed on the following roll call vote: Ayes: Riekels, Reichardt, Kozanecki, Klukos. Nays: Julien, McLaughlin. The variances were denied.

Call to the Audience – Second Opportunity
No comments. Howland announced that the City Council will hold a public hearing on November 2, 2020 to discuss the proposed zoning ordinance update. Draft chapters are posted on the City of Grand Haven website.

Adjournment:
Motion by McLaughlin, seconded by Julien, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 8:55 p.m.

Jennifer Howland, Community Development Manager