ZONING BOARD OF APPEALS

AGENDA
December 8, 2020
7:00 P.M.

Join the meeting from your computer, tablet or smartphone:
https://www.gotomeet.me/GordonGallagher/spring-lake-planning--zoning
You may also dial in using your phone:
United States: +1 (872) 240-3212 Access Code: 814-488-661

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Consideration of November 10, 2020 ZBA Minutes
5. Public Comment related to non-agenda items
6. New Business:
   a. St. Mary’s Church - Dimensional variance request to reduce the required 12.5 front yard setback for a monument sign to two feet at 406 E. Savidge.
      i. Presentation by Applicant
      ii. Follow up questions by ZBA
      iii. Public Hearing
      iv. Deliberation
      v. Motion
7. Adjournment
1. **Call to Order**

McMaster called the meeting to order at 7:04 PM.

2. **Roll Call:**


   Members Absent: None

   Staff Present: Lukas Hill, Zoning Administrator

3. **Approval of Agenda**

   Motion by Van Strate, support by Petrus to approve the minutes as written. All in favor, motion carried.

4. **Approval of the Minutes of the October 14, 2020 Regular Meeting.**

   Motion by Petrus, support by DeSmet to approve the minutes as written. All in favor, motion carried.

5. **Public Comments**

   Lukas Hill reviewed virtual meeting procedures and possible actions for the meeting. Eric Johnson asked if his comments on the applications should be now or later in the meeting. McMaster stated he should wait until public hearings.

6. **New Business:**

   a. **Hernandez, Front and Rear Yard Variance requests at 108 Mason Street**

      Carla Hernandez stated that she was requesting the variances to accommodate a new home on the site. Hernandez explained that the front yard request is consistent with the location of the adjacent homes to the west and setback further than the existing home. She continued to state the rear yard variance only applies to only about 4.5 feet of the proposed
house. Hernandez also noted that her rear lot line in the eastern shallow part of the lot is a side lot line for the adjacent parcel, which would require only an 8’ setback. Hernandez stated that the south lot line has a nice tree buffer as well. DeSmet asked if the trees were in the front yard were going to be removed for the porch. Hernandez stated that the trees are in the Village right of way and will not be removed.

The public hearing was opened. Scott and Krista Conway of 115 Barber Court stated their support for the request. Eric Johnson of 109 Mason St. stated that he is a planning commissioner for the Village and will likely be appointed to the zoning board of appeals. Johnson noted that this site and the other application on deck both received approvals from the planning commission to expand the nonconforming aspects of the homes. Johnson stated that the Village should be careful about setting a precedent in cases. Hill noted that a letter of support was also submitted by Kyle Verplank at 216 Shady Lane.

Motion by Petrus with second by Van Strate to close the public hearing. Motion passed unanimously.

Petrus stated this was a uniquely shaped lot and consistent with other development in neighborhood. Petrus generally felt the proposal would improve the neighborhood. Van Strate concurred that the lot was of unique shape and the proposed front yard setback would be greater than the existing. MacLachlan stated the proposed porch on the house is the part that does not comply with the front yard setback but that the porch was still farther back than the existing home. McMaster stated that the unique shape was not exactly relevant, nor are the aesthetics of the proposed home.

McMaster read the variance review criteria in the zoning ordinance. Hill described that the some of the other unique aspects to the lot includes the fact that the home to west of the subject site is more than 100 feet back from the right of way which throws off the average front yard setback that would normally allow an administrative reduction in the front yard. Hill also stated that narrow portion of the rear lot abutting a side yard is a unique circumstance. Meyers went through a set of criteria and explained how he felt this application met them.

Motion by Petrus to approve the front yard and rear yard variance requests as presented at 108 Mason St. as it meets the variance review criteria due to unique conditions of the property with the following conditions:

a. The applicant will comply with any other local, state, and federal laws.

b. The applicant will comply with all verbal representations.

Motion supported by Van Strate.


b. Overhuel variance request to reduce two front yards and one side yard setback at 316 N. Jackson.

Builder Jeremy Hersman reviewed the application materials with the ZBA and explained that the proposed new home would essentially sit on the location of the existing home and would not be moved closer to the lake. He also stated that the garage will remain as is but will have new siding and roofing only. Petrus asked if there was a floodplain issue on the
lot that would be a cause for concern in moving the house towards the lake. Hersman stated he did not know where the floodplain was on the property, but did not want to come closer due to high water levels and to respect the viewshed of adjacent properties. Van Strate and Meyers both agreed that the home should not be pushed closer to the lake.

McMaster opened the public hearing. Scott Conway stated he was ok with a new building being built in the existing footprint of the home. Conway stated the existing garage did receive a variance back in the 1970s. Krista Conway stated she was also supportive of rebuilding the house in the current location and not pushing it towards the lake. Eric Johnson stated that the Planning Commission also looked at this property as they wanted to expand the existing nonconforming aspects of the home, which was approved. Johnson stated that he was happy they were not widening the home and that the plans generally looked good. Meyers moved to close the hearing with support from Petrus. Motion passed unanimously.

McMaster read each of the variance criteria out loud. Hill noted that if the Board was inclined to approve the application, the ZBA should consider factors that make the site unique and challenging. Hill noted that the lot has three front yards, with one waterfront and two street front yards, along with a very narrow lot. Hill noted that a variance would be necessary to rebuild a new dwelling on this in any event, but the ZBA needed to determine if the request was reasonable and within the parameters of the criteria. There was general consensus that the request was reasonable.

DeSmet made a motion to approve the front and side yard variance requests as presented at 316 N. Jackson as it meets the variance review criteria with the following conditions:

a. The applicant will comply with any other local, state, and federal laws.

b. The applicant will comply with all verbal representations.

Motion was seconded by Meyers, which passed unanimously.

7. Adjourn:

There being no further business, motion by Petrus with support by Meyers to adjourn the meeting. All in favor, meeting adjourned at 8:40 PM.

Respectfully submitted,

Lukas Hill, AICP
Zoning Administrator
APPEAL APPLICATION
ZONING BOARD OF APPEALS

VILLAGE OF SPRING LAKE
PLANNING DEPARTMENT
102 WEST SAVIDGE STREET, SPRING LAKE, MICHIGAN 49456
PH: 616-842-1393  FAX: 616-847-1393
www.springlakevillage.org

FEE: $350.00 (plus costs*)

Date: 11/11/2020  Applicant: Rev. David Gross

Applicant Phone: 616-842-1702  Applicant Address: 406 E. Savidge St

Owner: St. Mary's Catholic Church  Owner Phone: 616-842-1702

Owner Address: 406 E. Savidge St

Project Address: 406 E. Savidge St

Parcel #: 70-03-15-479-015  Zoning District: Single Family Residential-B

Type of Appeal Requested: ( ) Interpretation  (X) Dimensional Variance  ( ) Administrative Appeal

Zoning Ordinance Section Number: 390-98(E) and 390-102

Description of Request: We are requesting a variance for the setback requirement for the monument sign currently in front of our church building from the required 12.5 feet to 2 feet. It predates the current ordinance, but we wish to modify it to add a changeable electronic section.

Description of Case: (Fill out only the items that apply)

1. Present Zoning Classification of Property: Single Family Residential-B

2. Description of property:
   a. Size of Lot:
   b. Area of Lot:
   c. Is lot a corner or interior lot?

3. Description of Existing Structures:
   a. Number of buildings now on premises:
   b. Size of each building now on premises:
   c. Use of existing buildings on premises:
   d. Percentage of lot coverage on ground level:

4. Description of proposed structure:
   a. Height of proposed structure:
   b. Dimensions of building or addition to be constructed:
   c. Area of building or addition to be constructed:
   d. Percentage of lot coverage of building or addition:
5. Existing setbacks measured from property lines:
   a. Front yard: ________________________________
   b. Side yard: ________________________________
   c. Side yard: ________________________________
   d. Rear yard: ________________________________
   e. Other: ________________________________

6. Proposed setbacks after completion of building or addition (measured from property line):
   a. Front yard: __2 feet
   b. Side yard: ________________________________
   c. Side yard: ________________________________
   d. Rear yard: ________________________________
   e. Other: ________________________________

7. A site plan, drawn to scale, of the above information shall accompany this application. The sketch shall be no smaller than 8 1/2" x 11" in size. The Zoning Administrator may require a survey drawing. The legal description of the property must also be provided.

8. Article and Section number of the Zoning Ordinance that is being appealed: 390-102

9. Reason for Appeal (use additional sheets if necessary):
   a. Interpretation of Zoning Ordinance is requested because (include Section number):
      ________________________________
      ________________________________
      ________________________________

   b. Reason for appeal of administrative decision (include Section number if applicable):
      ________________________________
      ________________________________
      ________________________________

   c. Description of how the variance request meets the 3 standards in Section 21.4. All standards must be met. (Use additional sheets if necessary):
      i. That there are exceptional or extraordinary circumstances or conditions applying to the property in question which are different from other properties in the same zoning district or result from conditions which do not exist throughout the Village of Spring Lake.
         __See Attached Addendum
         ________________________________
         ________________________________
         ________________________________

      ii. That such variance is necessary for the preservation and enjoyment of a substantial property right and that the need for such variance was not created by the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
         __See Attached Addendum
         ________________________________
         ________________________________
         ________________________________

Rev. 4/09
iii. That the granting of such variance will not be of substantial detriment to adjacent property or materially impair the intent and purposes of this Ordinance or the public interest.

See Attached Addendum

Property Owner’s Signature: [Signature] Date: 11/10/2020

Applicant’s Signature
(if other than property owner): ________________________________ Date: ________________________________

RELEASE FORM

The Undersigned has applied to the Village of Spring Lake Zoning Board of Appeals for consideration of the request detailed on the application above. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Village staff members to inspect the property indicated on the application at reasonable times in regards to consideration of the request.

[Signature] 11/11/2020

Applicant’s Signature

[Signature] 11/11/2020

Owner’s Signature

*The applicant is responsible for any additional costs incurred by the Village for professional review such as, but not limited to, engineering services or legal review, associated with the application. The Village may require a deposit to cover the anticipated costs.
ADDENDUM TO ST MARY’S CHURCH APPEAL APPLICATION

According to Section 390-141, there are seven criteria that must be met before a variance is granted. I will now address each of them in turn.

A. The first is that there are exceptional or extraordinary circumstances that exists on our property which are different from other properties in the single-family residential zoning district. The minimum setback from our property line is 12.5 feet (based upon calculations of half of the distance to the building). We have a driveway that runs the length of our building, and our minimum setback falls in the middle of that driveway for the length of our building. For most of the length of our building there is no space between it and the sidewalk for a sign. The only place a sign could be placed between the driveway and the building is in the grassy area at the northwest corner of the church. However, here the setback would be at least 39 feet from the property line and the sign would be obscured by trees to the west and the building canopy to the east. The sign cannot be placed west of our main driveway in front of our office due to a large tree that is present. Theoretically, it could be placed at the minimum setback on the far northwest corner of our property (where our former church building stood, but it would be too far away from the church and school to provide any meaning marker for those traveling from the east. The result would be creating more confusion than it would serve to resolve.

Another unique consideration is that we are a church and school located in a residentially zoned area, and we are the only church in the village to own an entire city block. There are no neighbors to the east or west that would be affected by the location of our sign.

Finally, we are located on Savidge Street between the CBD and CC zoned areas. In each of those two zones the required setback is only 2 feet, and our sign would be compliant. Therefore, while we are not in compliance in our SFR zone, the location of the sign is not grossly out of place compared to many of the other businesses located along Savidge Street in the Village of Spring Lake.

B. This variance is required, as I mentioned earlier in this letter, for us to properly identify our property and to convey useful information to both our members and the general public. Locating the sign anywhere else on our property would make it considerably more difficult for people approaching from one direction or the other to identify our church or school and turn into our driveway before it is too late. The sign was placed in its current location in the mid-1980’s, prior to the existing setback requirements, and the driveway was also constructed before the current requirements as well. We did not create the need to request a variance prior to the current code being adopted.

C. The granting of this variance will not be of substantial detriment to adjacent property because there is no adjacent property. The sign has existed in its current location for approximately 35 years, and to my knowledge, there has been no adverse effects. The lighting of the sign is turned off after 10 pm, so the properties across the street would not be experience negative effects from the light late at night.
D. The condition or situation of this property is not of so general a nature as to make reasonably predictable a general regulation for the condition or situation. As I stated before, there is no location at or near 12.5 feet from our property line where a sign could be placed without severe adverse consequences. The reason for this is that it was placed and our driveway and interior sidewalk were constructed prior to this zoning regulation going into effect. As there are limited non-residential entities within the SFR zoning area, that limits the general application of this request. In addition, the other entities do not have the same driveway and sidewalk issues that we do, and they already have signs in locations that meet with zoning requirements.

E. The enforcement of the literal requirements of this Ordinance would involve practical difficulties. As I already mentioned, the only way to literally enforce this ordinance and have a monument sign would either be to completely move the sign away from the location it has occupied for decades. The alternative set back is either almost 40 feet from our property line or so far away from our buildings that it becomes practically useless. Moving the sign would also add several thousand dollars to the cost of our plans, and we do not have the money available right now, especially given the pandemic and reduction in our weekly contributions.

F. As previously stated, there is no reasonable alternative location for the sign that would eliminate the necessity of the variance. Our primary goal is to modify the sign with an electronic message board, and if we did this and set it back nearly 40 feet we would not only lose the visibility and primary purpose of the sign, but it could also create potential traffic problems as people turn their heads to read the sign and take their eyes off the road. Where it is currently located drivers can take a quick glance at the sign without losing focus on the road in front of them.

G. Since monument signs are permitted within the SFR zone, approving this variance will not allow any use that is not permitted in the district, and no special use permit is required for the sign as it now stands.
November 11, 2020

Dear Members of the Spring Lake Village Zoning Board of Appeals,

St. Mary Church and School in Spring Lake is requesting a variance in the sign ordinance (Sections 390-98(e) and 390-102) for our monument sign which is located on our property in front of our church building located at 406 E. Savidge St. This sign was installed in the mid-1980’s and refurbished in February of 2020. The sign itself meets all the current ordinance requirements, but its current location does not meet the setback requirements for a sign located in a residentially zoned district. We are since the sign existed prior to the current setback requirement, by virtue of Section 390-108, we are allowed to maintain our sign in its present condition and are not required to make any changes. However, for many reasons, we desire to modify our sign to include an electronic message board, which is now permitted under Section 390-105 with a special use permit. This variance is being requested because it is necessary for us to obtain the special use permit that will allow us to modify the sign to include the electronic message board in place of the current changeable copy section.

Signs are an important means of communication for any organization. Although our church and school occupy an entire city block, many people confuse our building with Harvest Bible or other large churches in the Spring Lake area. The message area of the sign is important for getting out useful information to both our congregation and the community. This has never been more necessary than during the coronavirus pandemic, as we have had to alert everyone when we closed our doors and then subsequently reopened. Our community center also hosts various events for the community, including blood drives, elections for Spring Lake Township Precincts 3 & 4, Lyon’s Club Pancake Breakfasts, and other activities. It is important that our building is well marked and that we be able to effectively communicate about what is going on in our church and school. The current changeable copy area does this, but it is extremely cumbersome to change, especially in the winter months, and this severely limits how much information we can convey in a timely manner.

We have been hoping for years that we would be able to eventually get an electronic sign for our church. When the electronic sign ordinance was approved, the article the following day in the Grand Haven Tribune, included several quotes from Village Manager Chris Burns. One of her comments helps to make our case. The paper wrote, “Burns used St. Mary’s Catholic Church as an example of where a digital reader board could be beneficial.

‘Now, somebody has to go open the sign and change out the letters,’ she said. ‘In the winter, when snow is packed around the sign, it’s more of a challenge. If you want to change it to say
there’s an election coming up, this is Precinct 4 or there’s a blood drive today, it’s not conducive
to doing that if the weather is bad.’”

We desire to keep our nearly one thousand parish families, our school families, our guests and
visitors for events like funerals and weddings, and the Spring Lake community informed about
what is going on at our parish and school. Our current sign makes this task especially difficult.
Having the ability to quickly change the message on the sign will provide a way to keep
everyone better informed.

We know that we are not entitled to a variance from the zoning ordinance, but given that the sign
has been in its current location without any negative consequence for over three decades and the
unique geography of our parish grounds, we hope that you will favorably consider this appeal.
Ultimately, a denial would force us to choose between leaving the sign as it is and not being able
to take advantage of the newly enacted electronic sign ordinance, or spending a significant
amount of additional money to move the sign to a location that will not adequately mark our
church and school for motorists and that will create a potential traffic hazard as motorists will
have to turn their attention away from the road for a greater period of time to view the messages
on the sign.

Thank you for your consideration!

Sincerely,

\[Signature\]

Rev. David C. Gross
Pastor

Note: Please See the Following Pages for Illustrations
Photos of the Sign and the Site:

Property View from Above

As described, the sign is 2 feet from the property line (sidewalk). If it were moved across the driveway (the only place in front of the building that it could be located), it would be blocked by the trees to the west (left) and canopy overhang to the east (right).

Zoomed Out View:

As described, the only possible locations for the sign without a variance are at the extreme west section of the property or across the driveway and to the west of where it is currently located.
Looking at the sign from the west.

Looking at the sign from the east.
Property line looking toward the east.

Further east looking down the property line

Looking west from the driveway. This is the yard in front of the office.
Looking further west. This is the former site of the old church building.

This grassy area would be the only potential location for the sign on the building side of the driveway. Viewing any messages on the sign would require motorists to crane their necks and it would be blocked until they were almost on top of the driveway (see below).
Diagram of Current Sign:

ST. MARY'S
Catholic Church & School

MASSES: SAT 4:30 P.M.  9:00 & 11:00 A.M.
WELCOME
BISHOP WALKOWIAK
SUNDAY 10 AM

Diagram of Anticipated Renovation with Electronic Display, if Approved:

ST MARY'S

ST. MARY'S
Catholic Church & School

St Mary's School 2020-21
Return to Learn Plan
BE safe - BE ready