

CITY OF HUDSONVILLE

Zoning Board of Appeals

September 19, 2017

Approved December 19, 2017

**4200 32nd Avenue – Hop Family LTD Partnership (Subway) – Dimensional Variance
5900 Balsam Drive – Robert Becker Properties, LLC (Cedar Crest Dairy) – Dimensional
Variance**

Chairman VanDenBerg called the meeting to order at 7:00 p.m.

Present: VanDenBerg, Lubbers, Hanson, Vander Maas, Leerar, Strikwerda and Schut

Absent: None

1. A motion was made by Leerar, with support by Lubbers, to approve the minutes of the January 17, 2017 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

NEW BUSINESS

2. **4200 32nd Avenue – Hop Family Ltd Partnership (Subway) – Dimensional Variance for a second freestanding sign**

Chairman VanDenBerg opened the public hearing.

Dan Postmus of Postema Signs & Graphics along with Matt VanZanten of J&H Oil Company who is also present, reviewed the request for a second freestanding pole sign. The property owner received Planning Commission approval to construct a new 1,500 s.f. detached building for a 36-seat Subway restaurant at 4200 32nd Avenue. This is at the southeast corner of 32nd Avenue and Corporate Grove Drive with the new building being along Corporate Grove Drive. The building is currently under construction.

There is a freestanding sign at the corner of 32nd Avenue and Corporate Grove Drive, the applicant is asking for a second freestanding sign along Corporate Grove Drive. The Zoning Ordinance states that “Each freestanding business, shopping center, and industrial park...shall be permitted to have 1 freestanding sign.” and “If a single freestanding sign cannot be practically positioned to serve functionally as identification from both streets, businesses having frontage on 2 streets may be permitted to have a second freestanding sign.”

We are asking for this pole sign because it will be a better experience for the customers coming in. It will help identify where the Subway is on the property quickly and not have a traffic problem. We don't believe that the sign on the building will be very visible because of the tree locations on the property. The traffic is only going to increase with Meijer coming in and we are looking to make it as safe as we can for our customers.

Here is the proposed variance:

<u>4200 32ND AVENUE</u>	EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
NUMBER OF FREESTANDING SIGNS – ZONING ORDINANCE SECTION 7-9 E. 2 & 4	1	2	1

Staff report was reviewed.

The following discussion took place:

- If Todd Wenzel’s lot was on the corner would they have been granted a second freestanding sign? No.
- The Subway building is not going to be very visible from 32nd Avenue, it is behind the gas station.
- The existing sign on the corner currently advertises Subway. Maybe directional signage could be added to this site to help direct people to the back of the property.
- The angle of the street helps make the building more visible. There will be a wall sign facing 32nd Avenue to help identify the restaurant that will do similar advertising as the freestanding sign and the wall sign is permitted.
- Do you believe you will be able to see the signs on the building from the corner of 32nd Avenue and Corporate Grove Drive? In theory yes, but after driving by we believe it will be hidden because of the elevation and the tree that is there.
- The goal for the pole sign is to get Subway customers to use the east entrance and exit onto and off from Corporate Grove Drive quickly and safely instead of 32nd Avenue where it is often very busy with semi traffic.
- The biggest issue is trying to balance upholding the ordinance and safety. We are making an investment into this site to stay competitive with Meijer coming in.
- It was asked if any studies have been done on what percentage of Subway customers were coming off the freeway verses local customers. No study has been done but my guess would be 40% of the customers come off the freeway but that depends on the time of day.
- To clarify, we are looking at the Subway sign to be used to catch the attention of where Subway is and where to go in.
- One concern is by the time someone who is not from the area, pulls off the freeway and sees the proposed pole sign, is there enough time for them to get in the left lane so they can make the turn onto Corporate Grove or would they need to use the entrance off 32nd Avenue? Or is there something that can be added to the existing sign to direct them to the Corporate Grove Drive entrance, because that is going to be the first sign they see.
- If Subway was not already listed on the existing pole sign would they be allowed one? No, the ordinance does not allow for a second freestanding sign on the same property just because there are multiple businesses. Elmwood Commerce would be an example of a property that has 6 buildings and multiple businesses that was allowed 1 freestanding sign.

Chairman VanDenBerg closed the public hearing.

Are there unique circumstances or conditions that apply to your property? No

- Not for a second freestanding sign.
- The applicant stated that this is a freestanding business so they should be able to have their own sign but the intent of the zoning requirement listed above is to allow for a second freestanding sign when one freestanding sign cannot be practically positioned so that it is visible from both streets.
- This freestanding sign is visible from both streets and Subway is already displayed on the freestanding sign.
- Somewhat unique, though, is that the new building being constructed is set back about 320' from 32nd Avenue and it is adjacent to Corporate Grove Drive. Another freestanding sign would provide additional visibility, but the building will be visible from 32nd Avenue near the Corporate Grove Drive intersection.
- It is unique because of the location of the building.

Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes

- There is financial gain but the primary purpose is to direct attention to the new building that is being constructed at the rear of the lot where they feel people may otherwise have a hard time locating the business

Has the immediate practical difficulty been caused by anything other than what the applicant has done? No

- Catching the attention of 32nd Avenue traffic is the most important and they already have freestanding signage there.
- They want to add the proposed sign in addition to the existing freestanding sign.
- There is some challenge in that the Subway is at the back of the property from 32nd Avenue.
- The wall sign will have visibility from 32nd Avenue that is similar to the proposed freestanding sign.

Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy? No

- There currently is a freestanding sign with Subway listed on it that directs attention to the property that is in a location where it is visible from both streets.
- It was mentioned that a request for a second freestanding sign was denied at the Todd Wenzel location with the car wash on it.

Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. No

- They are going to put a sign on the building and they already have a freestanding sign that they do not want to remove.
- The only other option here is to wait until after the building is constructed to see if there are challenges with people finding the business.
- Directional signs could be added to the property or to the existing sign.

A motion was made by Vander Maas, with support by Lubbers, to approve a second freestanding sign where one is permitted in accordance with Section 7-9 E. 2 & 4 of the City of Hudsonville Zoning Ordinance.

Yeas 2, Nays 3 (Leerar-Hanson-VanDenBerg)

3. 5900 Balsam Drive – Robert Becker Properties, LLC (Cedar Crest Dairy) – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

Steve Witte with Nederveld representing Robert Becker Properties, LLC (Cedar Crest Dairy) reviewed the request for a dimensional variance to reduce the side yard landscape buffer from 50’ to 20’. Robert Becker, owner of Cedar Crest Dairy, and his kids Nate and Laura were present along with Tom Miedema of Miedema Metal Building Systems who is the general contractor for this project.

Cedar Crest is expanding their business at 5850 Balsam Drive by purchasing 5900 Balsam Drive where a propane business is located. The propane business will remain on the front part of the property with Cedar Crest expanding their truck and trailer storage area onto the back 2/3’s of this property.

For some clarification on what will be discussed, the Zoning Ordinance requires a Type A landscape buffer between I-1 (the subject site zoning) and R-4 (zoning of adjacent property to the north). A Type A landscape buffer is the most intense landscape buffer required and must be a minimum of 50’ wide along the property line. The applicant mentions a Type C buffer which must be a minimum of 20’ wide along the property line.

Here is the requested variance:

<u>5900 BALSAM DRIVE</u>	EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
SIDE YARD LANDSCAPE BUFFER WIDTH – ZONING ORDINANCE SECTION 8-4 A., TABLE 8.1	50’	20’	30’

The staff report was presented.

The following discussion took place:

- The number of plantings within the 20' buffer will be the same as required with a 50' type A buffer, so we are not requesting a reduction in the amount of landscaping. It is the horizontal distance between the properties that we are looking for relief from.
- Looking at the historical aerial views, it appears that the propane company may have been storing the tankers closer than the 50' setback. That would be a violation.
- The propane company will continue to lease the front portion of the property. They have a 15-year lease agreement.
- Witte reviewed the neighboring community's landscape buffers to compare them to ours.
- It was asked if the gravel driveway was staying. Yes, it is needed for the propane truck circulation.
- Angle parking options were reviewed to see if the truck circulation would work better.
- Space is a big issue with large trucks maneuvering.

Chairman VanDenBerg closed the public hearing.

Are there unique circumstances or conditions that apply to your property? Yes

- With the expansion of the business there is a need for additional truck space.
- The property has the railroad tracks to the south.
- Soil condition is a big concern with it being hard to develop other than being used as a parking lot by utilizing as much space as possible. Soil borings have been done and there is a lot of peat. It starts at about 12' and goes down about 18'.

Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes

- Receiving this variance has the primary goal of improving on-site maneuverability for semi-trucks.
- It could also increase the number of trucks that can park in this area which is another benefit to the applicant.
- It helps with better traffic flow on a busy street and with safety in and out of the property.

Has the immediate practical difficulty been caused by anything other than what the applicant has done? Yes

- This site has an existing building on it.
- They are trying to make it work more efficiently and safely.
- They are trying to add additional parking spaces for the semis while maintaining safety.
- The applicant has been in Hudsonville for almost 40 years. Would like to stay here without moving to another site.

Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy? Yes

- Shrinking the landscape buffer will secure safety by allowing the property to have proper driveway spacing and on site maneuverability.

Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. Yes

- A good vertical barrier is being kept while shrinking the horizontal barrier.
- The only other alternative is to lose parking and/or circulation space for on-site truck maneuvering.

A motion was made by Leerar, with support by Vander Maas, to approve a 20' side yard landscape buffer width where 50' is the minimum required in accordance with Zoning Ordinance Section 8-4 A., Table 8.1 of the City of Hudsonville Zoning Ordinance for the north property line at 5900 Balsam Drive. This approval is based on the finding that the 5 questions were answered affirmatively.

Yeas 4, Nays 1 (VanDenBerg)

4. We welcomed new board member Josh Saxbee.
5. A motion was made by VanDenBerg, with support by Vander Maas, to adjourn at 8:50 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Teri Schut
Planning / Zoning Assistant