

VILLAGE OF CALEDONIA
County of Kent, Michigan
Zoning Board of Appeals
Minutes of Thursday May 13th, 2021

Meeting called together at 7:01 by Village President Jennifer Lindsey.

The Pledge of Allegiance was recited.

All Trustees, President, Village Manager and Lance Gates of IMS (zoning admin) were present.

Village attorney Jim Scales gave a summary of the preceding with instructions to the Board both verbally and in written formats.

Moved by Schuler, supported by Neil to elect the Village President to preside as Chairperson. Motion passed unanimously.

Moved by Erskine, supported by Hahn to elect Trustee Miller as secretary. Motion passed unanimously.

Moved by Erskine, supported by Miller to adopt the agenda as presented. Motion passed unanimously.

9809 Cherry Valley Ave, Caledonia Leasing LLC.-

Lance Gates (zoning admin) of IMS presented information contained in his communications to the applicant regarding his inspection and finding based on a complaint forwarded to him. He also answered questions as to what is a wall sign, how it is measured, etc. The Village Attorney provided clarification and Gates references to the ordinance.

Mr. and Mrs. Nichols provided a supplemental packet which was a duplicate to the one that had been provided to council in their packets. The Nichols presented a history of the property since its purchase and what has been done to the signs. Mr. Nichols provide photos of Fox Motors signage and explained the tree line on the adjacent property. Mrs. Nichols explained that the height of the letters of their wall sign was designed based on a person viewing from the distance from the front of the building to the road and wanting her customers to be able to see where they were going. Mr. Nichols went on to point out the signage in the Glen Valley PUD. The Zoning Admin pointed out that Glen Valley PUD has a separate set of rules and can not be considered as an equivalent. There was discussion as to how the sign was measured and the envelope method was explained by both Mr. Nichols and Lance Gates. The non-use of one of the ground signs was questioned and Mrs. Nichols explained that per her SBA Loan, she was not allowed to use the ground sign and she was also restricted by a 51% occupancy of the building. There were questions as to the lit box signs being painted over and the addition of the projected signs for tenants.

Public Hearing was opened.

Mr. Michael Newlin asked what brought on the violation? It was explained that the village had received a complaint.

Public Hearing was closed.

After further discussion the board found the following:

Findings and Conditions.

The Board discussed each of the five factors in Section 18.11 of the ordinance and reached the following conclusions:

- The sign size limitation on the wall sign was causing a practical difficulty in identifying the business to its patrons, due to unique circumstances of the property.
- The practical difficulty is caused by unique conditions of this property not generally present for other properties in the district. The trees on the property to the north block the view of the wall sign from traffic traveling south until it reaches the north property line. The SBA restrictions against use of the ground sign prevents using it for earlier identification of the business from traffic traveling south. A larger wall sign would allow for earlier identification of the business to offset these conditions.
- Effective identification of a business by wall signs is a property right commonly enjoyed in the zoning district.
- The variance will not be a substantial detriment to nearby lands which are zoned commercially. The sign faces M-37, a heavily traveled roadway. There are other signs in the area which although they may be “grandfathered” or in different zoning districts are as large or larger than that proposed here, and so this is not inconsistent with existing conditions in the area.
- Any hardship resulting from the need to remove the sign was not taken into consideration. The ZBA agreed that they had treated this application as if it had been made before the sign was installed.

The following conditions of approval were imposed:

- The variance is limited to and for the Caledonia Optical business only and does not run with the land.
- No additional wall signs will be installed facing M-37.
- If the SBA removes the restriction preventing use of the ground sign, the wall sign will be brought into compliance with the maximum sizes permitted. The applicant will provide written verification.

Moved by Lindsey, supported by Soest to approve the variance based on the outlined findings and conditions. Motion passed unanimously.

404 E. Main St., Mr. Jake Thomas

Village Attorney presented a summary of the applicants request and felt that it would be best if the ZBA consider the request to split the lot before consider the other requested variance request in regards to dwelling size and setbacks.

Mr. Jake Thomas presented the history of his acquisition of the property and plan to renovate the existing residence and prepare it for sale while renovating the existing garage to a residence and retaining that as a rental. He explained that the garage is in good shape and has good structure and he would want to reside the outside with an addition of some square footage. Each residence would have its own drive way. He thought that the existing driveway may have been an alley at some point. He plans on connecting to the public sewer and whatever water source will accommodate his two residences. Once approved he feels the project can be completed in three to six months. He stated that the only way to bring the existing structure into setback compliance would to tear it down.

Public Hearing was opened:

Ms. Kim Peters spoke of a concern of another residence being located in an already congested neighborhood is adding to the problem of high traffic, traffic speeds and parking issues along with the speed problems already and appeared to be not in favor of the split requests.

Ms. Favreau spoke as being not in favor of the variance request.

Mr. Michael Newlin spoke negatively of the difference's when structures are maintained and improved by owner's verses not being done by tenants.

Mrs. Briana Newlin spoke of homeowners making improvements and not of rentals and would like the barn to stay.

Mr. Bill Robertson grew up in the neighborhood and does not want to see the village going backwards. He envisions a family back in that house and does not want to go back.

Ms. Gayle Ott lives across the street from the property and has concerns of additional traffic with the bicycle route, skate boarders, small kids in the area and more housing will make it worse.

Mr. Justin Nichols stated that one apartment is not going to change those problems. He stated the with big companies coming to our town and making money.

Public Hearing was closed.

The Board looked at the considerations.

- a) Someone felt the lot was being split the wrong way.
- b) Although this is a large lot there are others this size in the village. Numerous were identified
- c) The barn/garage is already built. Applicable to a) also.

d) There are already smaller lots in the area and most all of the lots in the immediate neighborhood are nonconforming.

Mr. Thomas was asked what would happen to the garage/barn if the split was not allowed and he commented that he would probably take it down.

There was further discussion and a straw pole was taken with no conclusive result. Some board members felt that they would need more time to consider.

Moved by Lindsey, supported by Hahn to refer this item to our next council meeting date.

Motion passed unanimously.

Meeting adjourned at 9:35.

A handwritten signature or set of initials, possibly "MH", written in black ink.