

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD JUNE 28, 2023

The meeting was called to order at 7:02 p.m. by Chairperson Kendall Grable.

Members Present: Kendall Grable, Tom Healy, Michael Bosch, Kevin Kelly, Trevor Petroelje (Alt)
Members Absent: Susan Ouellette
Others Present: Kevin Austin, Secretary and Zoning Administrator

#230628-01 – Approval of the Minutes of the December 14, 2022 Zoning Board of Appeals Meeting

The minutes of the regular meeting held on [December 14, 2022](#) were presented.

Moved by Tom Healy, seconded by Michael Bosch, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#230628-02 – Appointment of Officers

Moved by Tom Healy, seconded by Michael Bosch, to retain the current officers in their positions with Kendall Grable as Chairperson, Tom Healy as Vice-Chairperson, and Susan Ouellette as Secretary.

MOTION CARRIED UNANIMOUSLY.

#230628-03 – Public Hearing – (VAR2301) Development Management Group-Alive Ministries, representing Arby's, 4209 Gallatin Pike, Nashville TN, is requesting the following variances:

- a. To have parking and drives within the front yard setback along Main and Church St., a variance from Chapter 24 footnote (L) which states that except for necessary drives and walks, the required front yard setback shall be landscaped and not used for parking, loading, or accessory structures.
- b. To allow a 3 space reduction in the minimum number of parking spaces required for a drive thru restaurant, a variance from Chapter 26.8 which requires 1 space per 75 sq ft of gross floor area, totaling 24 required spaces.
- c. To have a front yard setback of 4.3 feet from the right-of-way line on Main St for a drive aisle, a variance of 25.7 feet from the 30 feet required in Chapter 24; and to have a front yard setback of 9 feet along Church St for parking, a variance of 21 feet from the 30 feet required in Chapter 24.

in a (CS) Community Service Commercial district, on a parcel of land described as P.P. # 70-14-13-401-028, located at 241 Church St, Georgetown Township, Ottawa County, Michigan.

The Zoning Administrator presented the [staff report](#).

Tom Healy brought attention to the southwest corner of the parking lot which appeared to project a little further in to the setback than the 9' requested variance. The staff report noted that the site plan that they use to apply for Site Plan Approval, may vary slightly from the one utilized for the

variance application, however, the setback distance requested and approved by the ZBA will have to be applied to the site plan.

Kendall Grable noted that the ZBA could approve more of a setback than what was published but not less.

Ken Knuckles with Development management group stated that the size of this lot and the current setback requirements will be a significant impediment for any commercial use looking to improve the lot. The trend of commercial buildings is a smaller and smaller model and that is what was provided for this development along with the constraints of the setbacks. He stated that the green space on the islands between the ROW and parking will still be accomplished and maintained. Traffic circulation was constructed in consultation with Ottawa County Road Commission (OCRC).

Kendall Grable asked if the OCRC had already seen and approved this access plan.

The Zoning Administrator stated that the single Church St. access was developed after talking with John Gutierrez at the OCRC about safe and efficient access options for the parcel and the use. The OCRC had not given any official approval over the plan, however that would be required prior to construction.

Kendall Grable asked if other commercial businesses were considered by the development group.

Ken Knuckles stated that other clients were shown the space but Arby's was the one moving forward with it.

The Chairperson opened public comment.

Bob Scholma, 264 Church St, stated that he doesn't believe that the business should be "shoe horned" in to this location with the approval of these variances. He was the benefactor of approved similar variances but he doesn't believe that this business meets the standards for approval. He wondered where the sidewalks and streetscapes were on their plan, because he provided them when he sought variances. He believes the community is already served by an Arby's.

The Chairperson closed public comment.

Ken Knuckles stated that there will be streetscapes provided in the site plan that will be submitted for site plan approval and that sidewalks are depicted and will be provided.

Trevor Petroelje asked about the presence of sidewalks around this parcel.

Michael Bosch noted that not many businesses near them have sidewalks.

Kevin Kelly stated that many businesses along Baldwin in the area have sidewalks.

Kendal Grable asked that the board discuss the standards.

The board agreed that standards 1-6 are objectively met.

Kendall Grable noted specifically Standard #3 is met due to the characteristics of the lot and how development has impacted the lot throughout the years.

Tom Healy pointed out that Bob Scholma's business received very similar variances due to the same reasoning. Standard 7 is well satisfied and page 9 of the staff report substantiates that. This is a condition of growth.

Trevor Petroelje agrees with Tom Healy on all points.

Kevin Kelly agrees with Tom Healy as well.

Kendall Grable asked if there is an option for motion.

Moved by Tom Healy, seconded by Trevor Petroelje, to adopt the staff report as finding of fact and to approve the variance request for (VAR2301) Development Management Group-Alive Ministries, representing Arby's, 4209 Gallatin Pike, Nashville TN, to have the following variances:

- a. **To have parking and drives within the front yard setback along Main and Church St., a variance from Chapter 24 footnote (L) which states that except for necessary drives and walks, the required front yard setback shall be landscaped and not used for parking, loading, or accessory structures.**
- b. **To allow a 3 space reduction in the minimum number of parking spaces required for a drive thru restaurant, a variance from Chapter 26.8 which requires 1 space per 75 sq ft of gross floor area, totaling 24 required spaces.**
- c. **To have a front yard setback of 4.3 feet from the right-of-way line on Main St for a drive aisle, a variance of 25.7 feet from the 30 feet required in Chapter 24; and to have a front yard setback of 9 feet along Church St for parking, a variance of 21 feet from the 30 feet required in Chapter 24.**

in a (CS) Community Service Commercial district, on a parcel of land described as P.P. # 70-14-13-401-028, located at 241 Church St, Georgetown Township, Ottawa County; based on the finding that the request meets the seven standards of the ordinance. Specifically, standards 1-6 have been met as detailed in the staff report and standard 7 is met as detailed on page 9 of the staff report. Also, approval is contingent upon the following conditions:

- 1. The setback variances are to be applied as shown on the site plan dated 6/19/23 (although it is understood that the site plan may vary slightly from this one).**
- 2. There is no direct driveway access to Main St. Driveway access shall be provided from Church St.**
- 3. The approved front yard setback is for parking and drive aisles only and that the building setback of 80' has not changed.**
- 4. The Site Plan is subject to administrative approval by the Zoning Administrator pursuant to meeting all ordinances and applying approved variances.**

Yeas: Tom Healy, Kendall Grable, Michael Bosch, Trevor Petroelje, Kevin Kelly

Nays: None

MOTION CARRIED UNANIMOUSLY.

Members of the public were present but made no public comments.

#230628-05 – Other Business

There was no other business at this time.

#230628-06 – Adjournment

Moved by Kendell Grable, seconded by Tom Healy, to adjourn the meeting at 7:48 p.m.

MOTION CARRIED UNANIMOUSLY.