

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD October 27, 2021

The meeting was called to order at 7:00 p.m. by Chairperson Kendall Grable.

Members Present: Tom Healy, Michael Bosch, Kelly Kuiper, Kendall Grable
Members Absent: Brock Nanninga, Trevor Petroelje, alternate
Others Present: Victor Vuong, Secretary and Zoning Administrator

#211027-01 – Approval of the Minutes of the August 16, 2021 Zoning Board of Appeals Special Meeting

The minutes of the special meeting held on August 16, 2021 were presented.

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

Yeas: Michael Bosch, Tom Healy, Kelly Kuiper, Kendall Grable

Nays: None

MOTION CARRIED.

#211027-02 – (VAR2109) Legacy Gardens LLC, 5450 48th Ave., is requesting to have an on-site sign with a setback of 50 feet from the centerline of the road, a variance of 40 feet from the 90 feet measured per Chapter 24(B)(3) as required by Sec. 25.6(A)(4), which states such sign may be a wall sign or a freestanding sign, not located nearer to the front lot line than one-half (1/2) of the required front yard setback nor located in the required side yard, in an Agriculture (AG) district on a parcel of land described as P.P. # 70-14-31-100-058, located at 5450 48th Ave., Georgetown Township, Ottawa County, Michigan. ([Application](#), [Proposed Sign](#))

The Zoning Administrator presented the [staff report](#) and informed the Zoning Board of Appeals that through recent communication, the applicant is offering to take financial responsibility if the sign has to be removed or moved in the future to accommodate for the widening of 48th Avenue.

Chad Walters, 5450 48th Ave., presented the request with the following comments:

- He just purchased the property from his uncle in the spring. Everything that was done in the past was by his uncle. A lot of times, semi-trucks stop and park on 48th Ave., the driver gets out and walks into the greenhouse to ask if they are at the correct location. There's a safety concern coming up the hill from the south. Sometimes, trucks stop or back up if they miss their location. If they put the sign 90 feet from the centerline of the road then it would put the sign in the greenhouse and he doesn't think a sign on the building will give enough visibility for traffic going by. He said 50 feet from the centerline of the road will provide better visibility.

Members of the Zoning Board of Appeals did not have any questions for the applicant prior to opening the public hearing.

The Chairperson opened the public hearing.

No one was present to make public comments.

The Chairperson closed the public hearing.

Kendall Grable said the Zoning Board of Appeals should discuss standards 1, 5, and 7 since the staff report says standards 2, 3, 4, and 6 are objectively met while 1, 5, and 7 appears to be met. He asked the Zoning Board of Appeals if they are in concurrence with the staff report regarding standards 2, 3, 4, and 6.

Members of the Zoning Board of Appeals stated they all concur with the staff report regarding standards 2, 3, 4, and 6.

Tom Healy said regarding standard 1, he thinks the situation is a public safety issue and the variance attempts to address it.

Kelly Kuiper said it should be pointed out that most approved variances in the past to locate a sign within the required distance from the centerline of the road were on roads that had already been widened, however, she does agree this request meets standard 5.

Kendall Grable said nobody knows what will happen in the future regarding the road widening.

Michael Bosch said the road widening will depend on traffic counts.

Members of the Zoning Board of Appeals all agreed standards 1, 5, and 7 are met.

Moved by Tom Healy, seconded by Kelly Kuiper, to adopt the staff report as finding of fact and move to approve the variance for (VAR2109) Legacy Gardens LLC, 5450 48th Ave., to have an on-site sign with a setback of 50 feet from the centerline of the road, a variance of 40 feet from the 90 feet measured per Chapter 24(B)(3) as required by Sec. 25.6(A)(4), which states such sign may be a wall sign or a freestanding sign, not located nearer to the front lot line than one-half (1/2) of the required front yard setback nor located in the required side yard, in an Agriculture (AG) district on a parcel of land described as P.P. # 70-14-31-100-058, located at 5450 48th Ave., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. Specifically, standards 1, 5, and 7 have been met and the reasons are the explanations from the staff report and its compliance with the standards; and with the following conditions:

- 1. A sign permit shall be obtained prior to any sign construction and specifications of the sign must meet ordinance standards.**
- 2. If the sign is required to be removed or moved to accommodate for the widening of 48th Ave., the property owner will take financial responsibility for doing so as offered by the applicant.**

Tom Healy said the reason for imposing condition #2 to accept the applicant's offer that he will take financial responsibility to remove or move the sign in the future, if required, for the widening of 48th Ave. is because it is going to be placed in an area that is prohibited by the ordinance so the responsibility should be on the property owner since he is the one putting it there.

Yeas: Kelly Kuiper, Tom Healy, Michael Bosch, Kendall Grable

Nay:

MOTION CARRIED.

#211027-03 – Other Business

There was no other business at this time.

#211027-04 – Public Comments

Donald McCloskey, 3540 Baldwin St., complained about the lights of the sign at the pizza establishment at 3627 Baldwin St. and said the lights need to be moved because it should be shining onto the sign and not out onto the public. He said the Sheriff's office was sent up to him because the lights were broken and he got accused of breaking the lights so now he's considered the suspect. He said his kitchen sits on the west side of his home and the lights shine at his house so they are in violation of the Zoning Ordinance. [He showed pictures of the lights to the Zoning Board of Appeals.]

#211027-05 – Adjournment

Moved by Kelly Kuiper, seconded by Tom Healy, to adjourn the meeting at 7:33 p.m.

Yeas: Kelly Kuiper, Tom Healy, Michael Bosch, Kendall Grable

Nays: None

MOTION CARRIED.