

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD SEPTEMBER 22, 2010

The meeting was called to order at 7:30 p.m. by Chairperson Joyce Weise.

Members Present: Joyce Weise, Carl DeVree, D. Dale Mohr, Greg Honderd, John Fanthorpe
Members Absent: none
Others Present: Mannette Minier, Secretary and Zoning Administrator; and the applicants

#100922-01 - Approval of the minutes

The minutes of the regular meeting held on August 25, 2010 were presented.

Moved by John Fanthorpe, seconded by D. Dale Mohr, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#100922-02 – (VAR1007) 358 Baldwin LLC, 169 Monroe Ave., Grand Rapids, is requesting to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (l) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2); in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., Georgetown Township, Ottawa County, Michigan.

The Zoning Administrator presented a review as follows.

REQUEST

(VAR1007) 358 Baldwin LLC, 169 Monroe Ave., Grand Rapids, is requesting to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (l) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2); in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St.

The proposal is to construct a 5,312 square foot building with four units at 348 and 358 Baldwin for the use of commercial/retail and a drive-in restaurant. The previously existing nonconforming residential structure used for a barber shop and the Pools Plus building have been demolished. Variances are requested for the front yard setbacks, to have parking and drives within the front yard setback and for the sign setback.

In March 2008, the same variances were granted to have the lesser front yard setback, to have the lesser sign setback and to have parking and a drive aisle in the front yard setback. In April 2008 the Township Board approved a special use permit for a drive-in restaurant. In May 2008, the Planning

Commission approved a site plan for the development. As per Sec. 28.9, each variance granted shall become null and void unless the construction authorized by such variance has been commenced within one year after the granting. As per Sec. 20.2(C), a special use permit shall be valid for one year from the date of approval unless such time is extended by the Township Board prior to the expiration. As per Sec. 19.5(E), each development shall be under construction within one year after the date of approval unless time is extended by the Planning Commission prior to the expiration. Since no construction was commenced in over one year (and no extensions were request or granted) the variances, as well as the approvals for the special use permit and site plan, all expired and become null and void. In 2009, the developer made the determination to proceed with construction and the whole process was completed again, only to have all approvals expire again since no construction commenced within a year (and no extensions were requested or granted). At this time, the developer has again determined to proceed and the whole process has begun again.

The required front yard setback is 90 from the centerline of Baldwin St. (30 feet measured from a point 60 feet from the centerline of the road as per Chapter 24 footnote b). The request is to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24. In addition, Chapter 24 footnote (l) stipulates that except for necessary drives and walks, the required front yard shall be landscaped and shall not be used for parking, loading or accessory structures. A variance is requested for parking and a drive aisle to be located within the setback area.

The second request is to locate a ground mounted sign 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2). The reason is because the sign would be located in the middle of the parking lot or drive aisles if the variance is granted for the front yard setback and parking in the front setback area.

This area of Georgetown Township was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has smaller setbacks, as well as parking and drives within the front setback area with cross access to the businesses along the street. In addition, the front yard setbacks in the area are not landscaped as per the requirements of the ordinance, again because the sites were developed prior to the ordinance requirements (and probably also due to previous road widening projects).

The applicant is proposing to develop the site in accordance with the surrounding area in regard to the setback variance request. Sec. 3.7 of the ordinance allows setbacks in developed areas to be consistent with the neighboring properties; however, the ordinance further states that no reductions are allowed along the streets listed in Chapter 24 footnote b (and Baldwin is listed in the footnote). Hence the reason for the variance request.

The reason for the extra setback requirement along the streets listed in Chapter 24 footnote b (and the exception of the major streets to the ordinance provision allowing developments to have setbacks consistent with the adjacent sites) is to prepare for future widening of the major arterial and collector streets in the Township. Baldwin has already been improved in this area to five lanes. In addition, the road was further improved in this area during the summer of 2007 for the Baldwin Street connection to I-196. It is unlikely that the road would be further widened in this area any time even in the not-so-near future.

The applicants are proposing to locate the new building slightly closer to the road than the adjacent Goodwill building to the east, behind the Pennzoil Oil Change building to the west, and in front of the Walgreens building on the corner of Baldwin and Cottonwood. The cross access area is proposed to continue to connect the businesses both to the east and to the west, which is an element of a site plan that usually is required by the Planning Commission to eliminate the necessity of a vehicle having to travel out to the street to access a neighboring business. In addition, parking is provided in front of the building consistent with the neighboring businesses.

HISTORY

Second approvals in 2009:

The following motion #090624-02 is an excerpt of the June 24, 2009 ZBA minutes when the variances were approved for the second time for the front yard setback and to have parking and a drive aisle within the front yard setback, and for sign location.

#090624-02 – (VAR0908)

Moved by D. Dale Mohr, seconded by John Fanthorpe, to approve (VAR0908) 348 Baldwin LLC, 169 Monroe Ave., Grand Rapids, to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (I) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2), in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., Georgetown Township, Ottawa County, Michigan, based on the findings that the requests conform with the seven standards of the ordinance, based on the following reasons:

- 1) The request meets the spirit of the ordinance since it is to provide sufficient setbacks for any future road improvements and Baldwin St. has already been improved to five lanes. Most of the businesses in the area have the same or less setbacks for signs and for parking. The proposal is a retro-fit to be consistent with the layout of the current area and will actually decrease the nonconformity of the current site by providing a greater setback than exists for the buildings and by providing landscaping in an amount as required in the ordinance where currently NO landscaping exists. Plus sidewalks would be provided.**
- 2) The uses are permitted.**
- 3) The practical difficulties relate to the fact that this area was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has lesser setback, along with parking and drives within the front setback area with cross access to all the businesses along the street. The applicant is proposing to develop the site consistent with the surrounding area.**
- 4) All the businesses in the vicinity have about the same or less setbacks than currently proposed. It would, in fact, be detrimental for the adjacent properties in the vicinity if the applicant was required to meet the current ordinance because it would not be possible to have the cross access all the businesses in the area rely upon for access to the sites.**

- 5) **All the neighboring business have the property right of a cross access that allows for curb cuts to provide entrances and exits for all the businesses. It seems appropriate that this business should have the same right as the adjacent sites.**
- 6) **Nothing nonconforming will be increased; rather, the nonconforming situation would decrease.**
- 7) **The request is not necessitated by action or inaction of the applicant. The businesses in the area all were constructed years ago and the applicants are requesting to construct a new building with parking and drives consistent with the surrounding area, which would result in cross access up and down this area of Baldwin St. The request is, therefore, necessitated as a result of the development of the surrounding area and because the proposal is basically a retrofit.**

MOTION CARRIED.

The following is an excerpt of the July 27, 2009 Township Board meeting when the special use permit was approved for a drive-in restaurant for the easterly unit for the second time.

#090727-16 - Special Use Permit (SUP0906) 348 Baldwin LLC, 348 and 358 Baldwin St.

Moved by Chad Tuttle, seconded by Carol Scholma, to approve Special Use Permit (SUP0906)348 Baldwin LLC, 169 Monroe Ave., to have a drive-in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, Georgetown Township, Ottawa County, Michigan, based on the findings that all applicable standards of the ordinance have been met including the general special use standards in Sec. 20.3 and the specific special use standards in Sec. 20.4(L).

Note: The Planning Commission recommended approval.

MOTION CARRIED.

The following motion #090805-05 is an excerpt of the August 5, 2009 Planning Commission meeting when the REVISED site plan was approved for the development

#090805-05 - (ST0905) Revised Site Plan-358 Baldwin LLC, 348/358 Baldwin

Moved by Huizinga, seconded by Stasiak, to approve the revised site plan packet with five sheets all dated 07/07/09 and the elevation sheet dated March 12, 2008 as presented based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

1. **A Zoning Compliance Certificate application is submitted to the Township and approved prior to any tenants occupying space within the building;**
2. **A letter must be submitted to the Township at the time a building permit application is submitted requesting to combine the parcels (the parcels must be in the same name);**
3. **A Storm Water Drain Permit (written approval from the Drain Commissioner's Office) is to be submitted at the time a building permit application is submitted to the Township;**
4. **Written approval from the Ottawa County Road Commission must be obtained and submitted to the Township at the time a building permit application is submitted to the Township if the sidewalk is to be located in any area other than according to the Road**

Commission specifications and an easement for the sidewalk must be given to the Township and/or Road Commission;

- 5. That up to a 25% (15 spaces) parking waiver is approved since it does not appear to cause unreasonable negative impacts to the surrounding properties, to allow for flexibility in the future, contingent upon the recalculations of the parking requirements if the site or uses change in any way;**
- 6. To allow the building to be three or four units as long as the use of a drive-in restaurant does not exceed 4,000 square feet or that the parking needs (minus up to a 25% waiver) do not exceed the amount provided.**

MOTION CARRIED.

First approvals in 2008:

The following motion #080326-01 is an excerpt of the March 26, 2008 ZBA minutes when the variances were approved for the front yard setback and to have parking and a drive aisle within the front yard setback, and for sign location.

#080326-01 – (VAR0804)

Moved by Carl DeVree, seconded by John Fanthorpe, to approve (VAR0804) 348 Baldwin LLC, 169 Monroe Ave., Grand Rapids, to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (I) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2), in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., Georgetown Township, Ottawa County, Michigan, based on conformance with the seven standards of the ordinance, and based on the following findings:

- 1) The request meets the spirit of the ordinance since it is to provide sufficient setbacks for any future road improvements and Baldwin St. has already been improved to five lanes. Most of the businesses in the area have the same or less setbacks for signs and for parking. The proposal is a retro-fit to be consistent with the layout of the current area and will actually decrease the nonconformity of the current site by providing a greater setback than exists for the buildings and by providing landscaping in an amount as required in the ordinance where currently NO landscaping exists. Plus sidewalks would be provided.**
- 2) The uses are permitted.**
- 3) The practical difficulties relate to the fact that this area was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has lesser setback, along with parking and drives within the front setback area with cross access to all the businesses along the street. The applicant is proposing to develop the site consistent with the surrounding area.**
- 4) All the businesses in the vicinity have about the same or less setbacks than currently proposed. It would, in fact, be detrimental for the adjacent properties in the vicinity if the**

applicant was required to meet the current ordinance because it would not be possible to have the cross access all the businesses in the area rely upon for access to the sites.

- 5) **All the neighboring business have the property right of a cross access that allows for curb cuts to provide entrances and exits for all the businesses. It seems appropriate that this business should have the same right as the adjacent sites.**
- 6) **Nothing nonconforming will be increased; rather, the nonconforming situation would decrease.**
- 7) **The request is not necessitated by action or inaction of the applicant. The businesses in the area all were constructed years ago and the applicants are requesting to construct a new building with parking and drives consistent with the surrounding area, which would result in cross access up and down this area of Baldwin St. The request is, therefore, necessitated as a result of the development of the surrounding area and because the proposal is basically a retrofit.**

MOTION CARRIED.

The following is an excerpt of the April 28, 2008 Township Board meeting when the special use permit was approved for a drive-in restaurant for the easterly unit.

#080428-07 - Special Use Permit (SUP0802) 348 Baldwin LLC, 348 and 358 Baldwin St.

Moved by Del South, seconded by Daniel Carlton, to approve (SUP0802) 348 Baldwin LLC, 169 Monroe Ave., to have a drive- in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, Georgetown Township, Ottawa County, Michigan, based on the findings that all applicable standards of the ordinance have been met including the general special use standards in Sec. 20.3 and the specific special use standards in Sec. 20.4(L), **with the condition that the special use permit is approved only for the easterly 1540 square feet of the building.** (site plan)

Note: The Planning Commission recommended approval

MOTION CARRIED.

The following motion #080507-03 is an excerpt of the May 7, 2008 Planning Commission meeting when the site plan was approved for the development

#080507-03 – Unfinished Business (SUP0802) 348 Baldwin LLC-Site Plan

Moved by Pearson, seconded by Stasiak, to approve the site plan, grading, utility, and landscaping plan all dated “SITE PLAN REVIEW COMMENTS 4/22/08” as presented, based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

1. **A Zoning Compliance Certificate application is submitted to the Township and approved prior to any tenants occupying space within the building;**
2. **A letter must be submitted to the Township at the time a building permit application is submitted requesting to combine the parcels (the parcels must be in the same name);**
3. **A Storm Water Drain Permit (written approval from the Drain Commissioner’s Office) is to be submitted at the time a building permit application is submitted to the Township;**

4. **Written approval from the Ottawa County Road Commission must be obtained and submitted to the Township at the time a building permit application is submitted to the Township if the sidewalk is to be located in any area other than according to the Road Commission specifications and an easement for the sidewalk must be given to the Township and/or Road Commission.**
5. **That the four proposed deferred parking spaces on the Ronda Tire site meet the standards of the ordinance and may be deferred as per Sec. 26.9(J).**

MOTION CARRIED.

CRITERIA

THE FOLLOWING REVIEW IS FOR REQUESTS:

- 1) to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and
- 2) to have parking and drives in the required front yard, a variance from Chapter 24 footnote (l) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and
- 3) to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2).

Variance standards in Sec. 28.11(C) are required to be met in order for a variance to be granted. The ZBA should determine if they agree with the determination that the following standards are met or not met.

Variance ID	VAR1007
Applicant	348 Baldwin LLC
Address	348 Baldwin St.
Request	Sign location, setback, landscaped area
Date	Applied for March 26, 2008 meeting

#	YES	NO	CONDITIONS (Chapter 28.11-C)
1	X-all		Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.
2	X-all		Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted.
3	X-all		That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.

4	X-all		That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.
5	X-all		That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
6	X-all		That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12.
7	X-all		That the variance is not necessitated as a result of any action or inaction of the applicant.

Standard #1 - Granting the variance will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.

Met. The spirit of the ordinance is to provide sufficient setbacks for any future road improvements. Baldwin St. has already been improved to five lanes and the latest improvements were constructed in the summer of 2007. Most of the businesses in the area have the same or less setbacks for signs and for parking (except for the Goodwill building which is shown with a slightly larger setback). The proposal is a retro-fit to be consistent with the current sites and will actually decrease the nonconformity of the current site by providing a greater setback than currently exists for the buildings and signs, as well as providing landscaping in an amount as required in the ordinance where currently NO landscaping exists. Plus sidewalks would be provided.

Standard #2 - Granting the variance shall not permit the establishment within a district of any use, which is prohibited, nor shall any use variances be granted.

Met. The use of commercial/retail is permitted by right in the CS district under Sec. 15.2(B) and the use of a drive-in restaurant is permitted with a special use permit under Sec. 15.3(A).

Standard #3 - That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.

Met. This area of Georgetown Township was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has parking and drives within the front setback area with cross access to all the businesses along the street. In addition, the front yard setbacks in the area are not landscaped as per requirements, again because the sites were developed prior to the ordinance requirements.

The applicant is proposing to develop the site consistent with the surrounding area. Sec. 3.7 of the ordinance allows setbacks for new construction in developed areas to be consistent with the neighboring properties; however, the ordinance further states that no reductions are allowed along the streets listed in Chapter 24 footnote b (and Baldwin is listed in the footnote).

The reason for the extra setback requirement along the streets listed in Chapter 24 footnote (b) is to prepare for future widening of the major arterial and collector streets in the Township. Baldwin St. has already been improved in this area to five lanes. In addition, the road was further improved in this area during the summer of 2007 in preparation for the Baldwin Street connection to I-196. It is unlikely that the road would be further widened anytime soon.

The applicants are proposing to align the building slightly ahead of the adjacent Goodwill building to the east and behind the Pennzoil Oil Change building to the west. The cross access area is proposed to continue to connect the businesses both to the east and to the west, which is an element of a site plan that usually is required by the Planning Commission to eliminate the necessity of a vehicle going back out to the street to access a neighboring business. In addition parking is shown to be provided in front of the building consistent with the neighboring businesses. No new curb cuts are proposed and access is shown to come from existing neighboring driveways.

Standard #4 - That the granting of such variances will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.

Met. Most of the businesses in the vicinity have similar setbacks. It would, in fact, be detrimental for the adjacent properties in the vicinity if the applicant was required to meet the current ordinance because it would not be possible to have the cross access connecting the businesses.

Standard #5 - That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

Met. The businesses in the area all have cross access that allows for curb cuts to provide entrances and exits for all the businesses. It seems appropriate that this business should have the same right as the adjacent sites.

Standard #6 - That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance in Section 27.12.

Met. All existing structures on the site have already been removed and all newly constructed elements of the structures would be either conforming or less nonconforming than what existed.

Standard #7 - That the variance is not necessitated as a result of any action or inaction of the applicant.

Met. The businesses in the area all were constructed years ago and the applicants are requesting a retrofit to construct a new building with parking and drives consistent with the surrounding area, which would result in cross access up and down this area of Baldwin St. The request is, therefore, necessitated as a result of the development of the surrounding area and because the proposal is basically a retrofit.

Pete Buurstra, Land Development Solutions, represented the applicant and presented the request. He noted that the delay was due to the poor economy.

The chairperson opened the public hearing. No one was present to make public comments. The chairperson closed the public hearing.

Moved by Carl DeVree, seconded by D. Dale Mohr, to approve (VAR0908) 348 Baldwin LLC, 169 Monroe Ave., Grand Rapids, to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (I) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2), in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., Georgetown Township, Ottawa County, Michigan, based on conformance with the seven standards of the ordinance, also due to the fact that nothing has changed from the previous approvals other than they expired, and based on the following findings:

- 1) The request meets the spirit of the ordinance since it is to provide sufficient setbacks for any future road improvements and Baldwin St. has already been improved to five lanes. Most of the businesses in the area have the same or less setbacks for signs and for parking. The proposal is a retro-fit to be consistent with the layout of the current area and will actually decrease the nonconformity of the current site by providing a greater setback than exists for the buildings and by providing landscaping in an amount as required in the ordinance where currently NO landscaping exists. Plus sidewalks would be provided.**
- 2) The uses are permitted.**
- 3) The practical difficulties relate to the fact that this area was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has lesser setback, along with parking and drives within the front setback area with cross access to all the businesses along the street. The applicant is proposing to develop the site consistent with the surrounding area.**
- 4) All the businesses in the vicinity have about the same or less setbacks than currently proposed. It would, in fact, be detrimental for the adjacent properties in the vicinity if the applicant was required to meet the current ordinance because it would not be possible to have the cross access all the businesses in the area rely upon for access to the sites.**
- 5) All the neighboring business have the property right of a cross access that allows for curb cuts to provide entrances and exits for all the businesses. It seems appropriate that this business should have the same right as the adjacent sites.**
- 6) Nothing nonconforming will be increased; rather, the nonconforming situation would decrease.**
- 7) The request is not necessitated by action or inaction of the applicant. The businesses in the area all were constructed years ago and the applicants are requesting to construct a new building with parking and drives consistent with the surrounding area, which would result in cross access up and down this area of Baldwin St. The request is, therefore, necessitated as a result of the development of the surrounding area and because the proposal is basically a retrofit.**

And with the following conditions:

- 1) **A letter requesting the combination of the parcels must be submitted to the Township at the time a building permit application is submitted and both parcels must be under single ownership in order to be combined.** No building permit will be issued until the parcels have been combined.
- 2) All signs must meet ordinance requirements for height and area.

MOTION CARRIED UNANIMOUSLY.

#100922-03 – Review Ordinance Changes to Allow Extensions of Approved Variances

Moved by Greg Honderd, seconded by Joyce Weise, to ask the Township Manage to look at this situation and similar situations where approvals expire, which result in added expenses and time, and to determine a method where the Township Board could extend variance approvals when construction has not begun.

MOTION CARRIED UNANIMOUSLY.

#100922-04 - Adjournment

Moved by Carl DeVree, seconded by D. Dale Mohr, to adjourn the meeting at 7:40 p.m.

MOTION CARRIED UNANIMOUSLY.