

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD JULY 31, 2019

The meeting was called to order at 7:00 p.m. by Chairperson Tom Healy.

Members Present: Tom Healy, Michael Bosch, Brock Nanninga, Joyce Weise, Trevor Petroelje, alternate
Members Absent: Kendall Grable
Others Present: Mannette Minier, Secretary and Zoning Administrator; Rod Weersing, Assistant Manager

#190731-01 – Approval of the minutes

The minutes of the regular meeting held on May 22, 2019 were presented.

Moved by Joyce Weise, seconded by Michael Bosch, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#190731-02 (VAR1907) Power Home Solar, Peter Denicola, 38905 Mound Dr., Sterling Heights., is requesting to locate an accessory structure (solar panels) in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in a (LDR) Low Density Residential district, on a parcel of land described as P.P. # 70-14-14-477-008, located at 914 Miede St., Georgetown Township, Ottawa County, Michigan. ([application](#), [approved plans](#), [requested plans](#))

The zoning administrator presented a [staff report](#). Due to the fact that an additional complaint was received by the Township too late to be forwarded to the ZBA, she presented the complaint about the solar panels and was asked to read the email.

Rodney Bean, property owner of 914 Miede St., stated the following. He moved to this house on December 12, 2012 with his wife and daughters so they could have a better education. It was a positive move. He had a new roof constructed a year ago and wanted to do it permanently. He has no plans to ever move and he plans to leave his house to his daughter. It is not possible to put the solar panels on his roof because it is made of metal shingles and that does not allow solar panels. He was not the applicant on the application, but rather Power Home Solar was the applicant. The application was not stated the way he would have stated things. There are several large trees in his back yard which provide shade and they would miss the trees if they had to cut them down. The panels would have to go on the beach and the HOA wouldn't allow it on the beach. The Homeowners Association (HOA) would not allow the panels in the back yard. As per the airport reading, there is more solar energy in the front than the back. He had not intended to break the rules. He tried to do his due diligence by contacting the HOA. He wanted a way to pay for his electricity and to contribute to the environment by being proactive. He was not trying to make a rebel move or go against what was established. This is the only place it can go and keep the homeowners happy. He considers the front as the lake side and the HOA approved the street side. He was not aware that he was breaking any rules and wasn't trying to break rules. When it was constructed, by Monday someone came to the front door and told him he had broken zoning regulations. He had no chance to do landscaping to hide it from the street view. He had no opportunity. He has a landscaping architect who knows how to add landscaping so that it can't be seen from the street view and

he has a proposal from DeVries landscaping. He is not trying to break the rules and intended to landscape so that it would not be an eyesore. He is not trying to lower property values, but increase them with solar panels because they are providing electricity. There is information that this increases property values. It is not an eyesore that lowers the value of the house. Others speak positively about this and he doesn't consider it to be an eyesore even as it is. He brought others with him to the meeting, including the landscape architect and the president of the HOA.

Archie Warner, Harbor and Warner Landscaping, stated the following. They have a landscaping plan, but he doesn't think it is sufficient. With a different species of trees it could provide a 75% screening of the unit from the street and provide 100% screening within three to five years. An aggressive larger tree could grow 30 to 40 tall and wide and easily cover the unit.

Nick Zientarski, Power Home Solar, stated the following. He lives in Robinson Township in Ottawa County. Their intentions were to screen the unit from the street view with landscaping as fast as possible. The permit department did not submit a second permit application for the movement of the unit to the front yard and he thought they did. The solar panels add value. This is a healthy solution for power outages. Last week WXMI said that many people use this as a solution to power outages. Solar power has been around since 1956. Also, there is a 30% tax credit for a solar system and it is economical. Even Consumers Energy is building solar plants. They exist on MDOT highway signs and on buoys since 86. They didn't apply for the second permit to move the unit to the front yard and it could be slid a few feet if needed. He was here to support the family.

Rodney Bean said that it wasn't as large as noted in the report and is only 19.5 by 9 feet.

Nick Zientarski said that it was not as large as stated in the staff report. He said that the company was in nine states.

Tom Healy noted that it was an error on the application.

Joyce Weise asked about the height of the unit and the proposed height of the arborvitae.

Rodney Bean said that the unit was 9' 10".

Archie Warner said with a variance they could get something 10 feet or 12 to 14 feet tall to screen it.

Nick Zientarski said that the site plan showed the distance to the lot lines.

Michael Bosch asked if the solar panels could be installed on the roof.

Nick Zientarski said they can put the solar panels on metal roofs, but his roof has metal shingles and the solar panels cannot be installed on the metal shingles.

Joyce Weise asked if the metal shingled roof could be altered so that the solar panels could be added to it.

Nick Zientarski said that they did that for a year and it wouldn't go the distance. He said they want them to last a long time and don't want maintenance.

Joyce Weise asked if they had tried it on this roof.

Nick Zientarski said no, it was on other property and it wasn't feasible. He clarified it wouldn't work on metal shingled roofs.

Joyce Weise asked if they inquired about changing the roof and if the shingles don't allow them to place the panels correctly.

Nick Zientarski said that it was a combination of clamps and the metal shingle roof that won't hold the snow load on the whole structure.

Trevor Petroelje said that he was surprised that there weren't smaller arrays that could be placed on the metal roof.

Nick Zientarski said that there is, but they stopped because the roof was not structurally sound.

Tom Healy asked if Peter Denicola was present since his name was on the application as the applicant.

Rodney Bean said that he didn't know and when this situation came up that he needed the variance, Peter Denicola started the process.

The chairman opened the public hearing.

Richard Chapel, 7478 Floral, stated the following. He lives right around the corner. There is no place else the property owner could put the solar panel and have it work. It doesn't obstruct the view of anything and it is not ugly or nasty. The property owner keeps his property up and keeps his house and property clean. There are no neighborhood problems. He would give him the variance. The property owner could easily put bushes up on the front and sides if it is objectionable, which he doesn't find it to be. There is no problem with it. He would do it but he has no sunny spots and he can't put it on his roof because he has a metal roof with a lifetime guarantee if it is not altered. A solar panel on the roof is not a good idea for the structural load. The roof would have too much weight to support. Where it is currently located is no problem.

Bill Carter, 7490 Pete St., said the following. He lives around the other corner. He was surprised to see the solar panels and he is one of the people that thinks it is an eyesore. He said it should be placed in the back yard and the property owner could cut down the trees in the back yard. The unit is quite high and it is a big thing. If it is okay to put that in the front yard, everybody in the neighborhood is going to be putting things in the front yard.

Kent Gagnon, 7352 Walnut Ave., stated the following. He is president of the Lake Association and they had a separate meeting and handed invitations to everyone on the lake. At the meeting it was unanimously approved for the solar panels to be placed in its current location.

A member of the audience interrupted, stating that it was not unanimous.

Ken Gagnon continued. It passed overwhelmingly. The property owner needs time to get it landscaped and then there would be 50% less complaints or even none at all. There are plenty of other eyesores in the neighborhood that are worse than this structure. The word tradition was used and that was opinionated. He was here to challenge as to what is right for the community. So it can't always hinge on tradition. You are here to listen, and here to go forth. The current location was approved by the lake association.

Tom Healy asked why the association didn't approve the location in the back yard.

Ken Gagnon stated the following. You could see the panels up front when looking at it. The homeowners now only see the front. If it was in the backyard, all of the people from the interior of the lake would be able to see it. Now they can't see it, except for the neighbors to the east. If it is landscaped, it won't been seen. But they are all voted against having it in the rear yard because they would all be able to see the front of it and they didn't want to see it.

Norma Vanderloo, 921 Crystal Dr., stated the following. She has lived there for 42 years. The front of her house is the street side and the back of the house is lakeside. The liber papers go along with the interpretation that the front is street side and the rear is lakeside. She went to the meeting and she voted yes to have it put in the back yard, not the front yard. Then they all started talking front yard. There was definitely a mix-up. The property owner got their permit approved to put the unit in the back originally and that is what she voted on.

Jon Stover, 957 Crystal Dr., stated the following. He didn't get to the association meeting. It wouldn't bother him at all if he was looking directly at it or not on the lakeside. Everyone has different opinions. As far as he is concerned, if the property owner wants it out back, he should put it out back. If the property owner wants it in the front and he can shelter it well enough, he should put it out front. It is his property and he should be able to do whatever he wants with it. He would put it on top of his roof.

Nancy Arnold, 7351 Walnut Ave., stated the following. She is a neighbor from a couple houses down. In the midst of the journey that led up to tonight, in a world of solar, other residents will be pursuing this and it will be pioneered into residential areas. We should support them, especially considering the power outages and this family could help. In society, other communities have grasped onto solar and what it provides. They are law-abiding citizens and they weren't talking about a lot of cars in the grass. They maintain their property nicely. She supports them.

Bill Hart, 891 Crystal Dr., stated the following. He lives across the lake from him. He wondered why it was called accessory building because he thought of that as a shed. In California, a new house built in 2020 and beyond, solar panels are required. What starts there eventually comes here.

Tom Healy clarify that the ordinance section is Sec. 2.1a which talks about an accessory use, not a building.

The chairman closed the public hearing.

Rodney Bean thanked his neighbors for coming. His concern is the complaints, but he never received any. He doesn't know who the people are who complained and he doesn't know where they are in the neighborhood. Those who submitted the written complaints didn't even show up here so that he would know what the issue is. He hopes the ZBA takes that into consideration and they can see his side.

The Zoning Administrator stated that, as the former Planning Commission chairperson who was also on the ZBA, used to say at meetings: the Boards and Commissions have a responsibility to represent the people who made the complaints and even those who didn't make the complaints, because people oftentimes do not want to fight with their neighbors and they do want to get along with their neighbors. So they don't want their neighbors to know they complained in order to avoid hard feelings.

Tom Healy stated the following. The complaint that the Zoning Administrator read to us included "why doesn't the Township do something" or "why doesn't the Township just go and take it down." Or

demand that Mr. Bean remove the solar array. It is a function of due process that everyone is entitled to. The Township makes sure that everyone gets their due process. That is the reason the Board doesn't just send people out to start dismantling things. That is an important point. The second point is that this Board does not have the authority to alter the language of the ordinance. The ZBA is constrained by the ordinances. The Planning Commission has the authority to review the ordinances and he sits on that commission. Questions about changing the ordinance for solar arrays and solar panels should be brought to the Planning Commission and he intends to do that. It is clear that this is a coming and necessary technology given the current environmental conditions and the direction with which our energy resources are going. But it is important to know that the ZBA has no authority to change the ordinances. They were passed by an elected Township Board. The ZBA is not an elected board. That is why the ZBA does not have the authority to change ordinances.

Moved by Tom Healy to adopt the staff report as finding of fact and to deny variance (VAR1907) Power Home Solar, Peter Denicola, 38905 Mound Dr., Sterling Heights., to locate an accessory use/structure (solar panels) in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in a (LDR) Low Density Residential district, on a parcel of land described as P.P. # 70-14-14-477-008, located at 914 Miede St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request fails to meet standards 1, 3, 4, 5 and 7 out of the seven standards in Sec. 28.11 of the ordinance under which the ZBA is required to satisfy in order to approve a variance, as detailed in the staff report.

Tom Healy stated the following. Given that Mr. Bean has the option to appeal this determination to the circuit court on questions of fact and law, he is not of the inclination that the ZBA has the authority to squeeze him into a time frame to get this resolved. The circuit court has authority that the ZBA does not have. So Mr. Bean has that option. He thinks there needs to be a six month window under which this is finalized. So he would say that by January 31, 2020 the issue is either resolved in his favor by the circuit court or the array is removed. That would be part of the motion.

Joyce seconded the motion.

The motion is now as follows:

Moved by Tom Healy, seconded by Joyce Weise, To adopt the staff report as finding of fact and to deny variance (VAR1907) Power Home Solar, Peter Denicola, 38905 Mound Dr., Sterling Heights., to locate an accessory use/structure (solar panels) in the front yard, a variance from Sec. 3.4(A) which states that accessory buildings and uses shall not be erected in any front or required side yard and from Sec. 3.4(F) which states in residential districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot; in a (LDR) Low Density Residential district, on a parcel of land described as P.P. # 70-14-14-477-008, located at 914 Miede St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request fails to meet standards 1, 3, 4, 5 and 7 out of the seven standards of Sec. 28.11 of the ordinance under which the ZBA is required to satisfy in order to approve a variance as based on the details in the staff report, and by January 31, 2020 the issue is either resolved in his favor by the circuit court or the Planning Commission revises the ordinance or the array is removed.

Brock Nanninga stated the following. The Planning Commission meets two times a month and the issue of the required front yard remains. If the language were to be revised to allow a solar array in the front

yard, he encouraged the applicant to discuss changes with the Planning Commission because the ZBA did not have the authority to change the ordinance.

Joyce Weise said that her reason for voting to deny the request is because there are ample opportunities for the array to be located in an area other than the front yard, including the rear yard or lake side yard. She agrees there will be much discussion in the Township on solar panels or wind power, and in the state and in the United States about where to put them. But right now there is an ordinance to follow and there are reasons for that.

Trevor Petroelje agrees with what has been said. He likes it, just not where it is currently located in the front yard. He suggested going to the Planning Commission as the next step.

Tom Healy stated the following. As per Sec. 28.9, the decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.

MOTION CARRIED UNANIMOUSLY.

#190731-03 – (VAR1908) Chicago Dr. Ventures, DJ Vanderslik, 4720 52nd St. SE, Grand Rapids., is requesting:

1. to have no greenbelt, a variance of 50 trees from the minimum of 50 trees required in Sec. 3.11, Chapter 24 footnote (m) and Sec. 26.3(D);
2. To have two freestanding signs, a variance of one, from the maximum of one allowed in Sec. 25.6(B)(2);

in an (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-28-400-051, located at 2700 Chicago Dr., Georgetown Township, Ottawa County, Michigan ([site plan](#), [application and narrative](#))

Joyce Weise recused herself due to a conflict of interest. Tom Healy explained that in order for a variance to be granted, a minimum of three of the member most vote in favor.

The zoning administrator presented a [staff report](#).

Jon Male, Exxel Engineering, represented the applicant and presented the request. He made the following comments. The staff report explains why they are asking for the variances. Exxel Engineering has worked on both projects, this site and the neighboring site to the rear. This site is affected by a floodplain and by a woods screening. It is unlikely that anything would be taken out. The berm is high with muck and unusable muck. Apartments were shown in that area in the 2002 plans but they found it was not feasible to build them there. The practical difficulties are the floodplain and it does flood. The Zoning Ordinance requires evergreens and he doesn't know if they can handle wetlands. Other trees may handle the wetlands. This includes a cross section and shows that trees would have to be high to provide a buffer.

Tom Healy stated the following. The Township Board entertained a request from this applicant to grant a sidewalk waiver. The Board denied it and held to the ordinance even though this strip is the only location between 28th Ave. and Port Sheldon to have a 900 foot sidewalk. The Board, an elected body, saw fit to require compliance with the ordinance and that should communicate something to the ZBA. There is no compelling reason that addresses public health, safety or welfare. No one else gets that waiver unless there is an imminent and very clear public health, safety and welfare public threat.

Recently the ZBA heard a request for a waiver from landscaping with trees in the front yard because there was a visibility issue. In that instance there was a serious public safety issue at stake. It is not present here. The berm and trees that the ZBA is talking about is located on the property behind the applicant's site. The duty to have the screening is not on the neighboring property, but it is on the Chicago Dr. Venture's property. For the ZBA to take a position that the neighboring property is responsible for the screening buffer is not something the ZBA can visit on that property. They are not the ones requesting a variance. Chicago Dr. Ventures is requesting the variance. This Board is compelled to not grant the variance to eliminate the trees. There is a matter of practicality of putting trees in that would be dead in six months because they have been saturated. But there are some species of trees or other screening that could work, with having the Zoning Administrator make the determination.

Michael Bosch stated the following. The Township has an ordinance that fits 95% of the time, but it doesn't fit a small amount of time when there are unique situations. This is one where there is a unique situation because of the berm and wetlands on the adjoining property. So there is a buffer zone, which upholds the intention of a buffer, whether it is on this property or the neighboring property. The neighboring property has committed to keeping this. The spirit of the ordinance is to create a buffer between the commercial and residential use. It is there and it is going to stay there. In regard to the sidewalk waiver request, he is on the Board and pulled it out of the consent agenda and voted for the waiver. This application fell to the Utilities Committee's decision where those three board members determined they wanted the sidewalk. This was not voted on by the Board as a goal. He is in favor of granting this variance because there is a unique situation. He asked how long would it take for a willow to grow. Again the spirit is the buffer and it is an unneeded expense. He already has the expense of putting trees in the front because he is not requesting a variance for streetscaping.

Tom Healy asked if the sidewalk waiver question was removed from the consent agenda and if each Board member voted on the waiver.

Michael Bosch said yes, the consent agenda was a way to condense items.

Tom Healy clarified that it did come out of the consent agenda and each Board member did vote on the waiver and it was denied.

Michael Bosch said that each Board member did vote on it and it was a current Board goal; however, the Board could change in 2020. He said that it was not a hard and fast rule from all previous boards that they all wanted sidewalks. He said that it was a good idea eventually, but wondered if now was the time.

Tom Healy stated the following. He had a question about if now was the time. The purpose of these ordinances and the Board are somewhat forward. We have to take into account that the property behind this site might change. The duty to have the buffer is on the property on Chicago Dr., not the neighbor. The fact is that the buffer is there and they intend to keep it. If they plant the willows, by the time they need them, they may be big enough to provide the screening. That whole circumstance back on the neighboring property might change. The ZBA has to be forward in those kinds of matters.

Brock Nanninga asked if they were talking about a protected wetland area or are we just defining this area as wetland area.

Jon Male said that a small piece was and the rest was just low, flat and wet.

Tom Healy asked if it was floodplain.

Brock Nanninga stated the following. That prevents the land from being developed. A variance is granted in perpetuity. However, when he looks at common sense and logic, no one is going to develop in a flood plain. He doesn't see someone coming in and leveling the berm. They have to operate within the confines of the ordinance itself. He was concerned about the practical difficulties. He asked if anything prevented them from planting the trees in the back.

Jon Male said that it is a county drain and they need to maintain the drain.

Tom Healy asked if the trees would have to go on the drain.

There was discussion about where the trees could go. It was noted that the ordinance requires a 25 foot greenbelt with the trees and the 25 feet starts at the property line. It was also noted that the ZBA had the authority to allow the placement of those trees outside of the 25 foot greenbelt as a condition of granting the variance to have them in the greenbelt.

Trevor Petroelje stated the following. The greenbelt is not needed with the berm 20 feet above grade, along with the unsuitable soils, the easement running through it, and the floodplain. With the current use of the high residential use, it makes it tough to develop anything else and to change what the development currently is.

Michael Bosch stated the following. He asked what would happen if it does get developed down the road. He believes that an amendment could be added to require the buffer to be added in the future if the berm was ever removed and the area developed. When the time comes they could be prepared to put the buffer in.

Brock Nanninga said that he didn't know legally if that was in their preview or not.

Tom Healy stated that it was troubling because it is completely dependent on the neighboring properties. He doesn't know if the ZBA has that legal authority.

Tom Healy said that it was a nice and practical solution, but he doesn't think the ZBA has that legal authority because it makes their action contingent upon what their neighbor does.

Trevor Petroelje asked if the evergreens could just be put up against the parking lot and have that as the buffer, rather than having them in the last 25 feet of the property by the property line.

The Zoning Administrator stated that the ordinance requires the evergreens to be in the 25 foot buffer starting at the property line; however, the ZBA would have the authority to grant the variance conditioned upon trees being placed next to the parking lot.

Trevor Petroelje asked if the trees could be placed along the pavement of the parking lot instead of being in the wetlands.

Tom Healy asked if that portion of the property was projected to be open.

Jon Male said that the difficulty would be that they are different elevations.

Tom Healy asked if there was sufficient space from where the parking lot ends.

Jon Male said that it is not flat.

Michael Bosch said that it would still meet the requirement and wouldn't need a variance.

The Zoning Administrator clarified that the greenbelt was 25 feet starting from the rear property line.

Michael Bosch said that the parking lot was 96 feet from the property line, so the trees wouldn't be within the 25 feet.

Tom Healy stated the following. What dimension would the trees would have to be located in order to shield the parking lot from whatever goes on. The purpose of the greenbelt is to provide a physical separation from the commercial and part of that is noise. So for any landscaping to serve that function, what is that measurement.

Michael Bosch said that it would have to be close because of the elevation change and it is 96 feet from the parking lot to the rear lot line.

Tom Healy asked how far the residential buildings were from where the greenbelt was supposed to go.

Tom Healy noted that the ordinance provides other options available to satisfy the screening if the residential dwelling are more than 300 feet away.

Jon Male said that there was 375 feet between the residential buildings and the shared property line.

Tom Healy asked if it was possible to come to more of an agreement where they opt for trees or some plantings if the location of the 25 foot greenbelt is moved up to the parking lot 96 foot line to maintain the spirit of the ordinance and have it in a location that is not in the floodplain.

Michael Bosch said that 96 feet puts it right on the line and wondered about 75 feet; however, he was leaning toward the waiver.

Brock Nanning stated the following. The spirit of the ordinance is to shield the residential from the commercial properties for the noise and other such things. That screening is currently provided as the sites exist. It is over 300 feet away from the proposed buildings. He is leaning toward granting the variance because he doesn't want them to plant trees just to plant trees.

No one was present to speak at the public hearing.

Michael Bosch asked if there was a road between a commercial and residential property does it negate the requirements.

The Zoning Administrator stated that as per the ordinance, the greenbelt is still required even across the road. She presented the ordinance section.

Moved by Trevor Petroelje, seconded by Michael Bosch, to adopt the staff report as finding of fact and to approve variance (VAR1908) Chicago Dr. Ventures, DJ Vanderslik, 4720 52nd St. SE, Grand Rapids to have no greenbelt, a variance of 50 trees from the minimum of 50 trees required in Sec. 3.11, Chapter 24 footnote (m) and Sec. 26.3(D), in an (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-28-400-051, located at 2700 Chicago Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the

seven standards of the ordinance. Failure to comply with the variance as granted results in a violation of the Zoning Ordinance section that is the subject of the request, which is Sec. 3.11, Chapter 24 footnote (m) and Sec. 26.3(D). If granted, it expires in one year if no construction has commenced during that time.

Tom Healy stated that he was opposed to the motion because it is a requirement across the board as properties develop and the greenbelt is an important contribution to the community, as is the business.

Yeas: Trevor Petroelje, Brock Nanninga, Michael Bosch

Nays: Tom Healy

Abstained: Joyce Weise

MOTION CARRIED.

For the sign request:

The zoning administrator presented a [staff report](#).

Brock Nanninga asked for the reason why the applicant was proposing two signs at the location.

Jon Male stated the following. The applicant is planning to build a bigger building and leasing space to tenants. The request is to have one sign at each driveway and the driveways are about 750 feet apart. There is traffic on Chicago Dr. and potential of tenants. He wants to give motorists an opportunity to see the businesses. They are not asked to build a bigger sign. They are willing to give up other square footage.

Tom Healy asked if signs were allowed at each entrance.

The Zoning Administrator said that directional signs were allowed having no advertising matter.

Trevor Petroelje said that it makes sense and he doesn't know if it would be better to have one big sign.

Jon Male stated the following. They were trying to be better for businesses. This is unique with the properties along Chicago Dr. because of the multiple businesses and wetland area. Also, smaller lots have more signs and they are closer together. These signs would be further apart.

Tom Healy stated the following. When you are going 60 mph and there is 1000 feet of frontage, it is about 11 or 12 seconds to cover that space. Is that enough time to look at a sign, process it and get in the next driveway? This is different for properties along Chicago Dr. and perhaps they should be looking to amend the ordinance.

Brock Nanninga said that he had to drive around the Kabota place twice before he could find it.

Tom Healy stated the following. This is a question that should go to the Planning Commission for consideration of an ordinance amendment. He doesn't know the exact amount, but they should consider a boulevard with parcels with large expanses. It maybe should be a footnote for Chicago Dr. because it is the only length of road with a boulevard, which presents issues for people trying to find the business and trying to find the way in and to cross the boulevard to get there. Because of those unusual circumstance, this should go to the Planning Commission. He asked how long it would take.

The Zoning Administrator stated that it could be initiated and then a public hearing would be held. She said a month or two and she explained how to initiate it.

Tom Healy said that to resolve this issue tonight, rather than grant a variance that stays with the property in perpetuity, it would be better to revise the ordinance.

Michael Bosch stated the following. He agrees that the Planning Commission and Board should revise the ordinance. It doesn't seem right that a large grocery store on a large lot should be allowed the same signage as a small boutique on a smaller lot. That is not right and it should be based on a number of things, including square footage, amount of property tax paid, number of entrances, and speed limit of the road. Businesses should come back in to discuss and he doesn't want to rush on things. He wondered if they would be willing to reduce the wall signs in exchange for an additional 100 foot sign.

Brock Nanninga noted that the future building was just something that could be built in the future.

Michael Bosch asked about the one year time frame and if the project had to be started or finished within one year.

The Zoning Administrator stated that the ordinance said that construction had to have commenced within one year, but they determined the submission of a building permit application fulfilled that stipulation and they could also request an extension in writing within that year.

Brock Nanning stated that rather than the ZBA voting to either grant or deny, he preferred to have the Planning Commission look at revising the ordinance.

Michael Bosch said that the wall signs could be reduced as a tradeoff and then they would end up with the same total square footage.

Tom Healy said that they would be limited if the ZBA took action; however, they may get more signage if the ordinance was changed.

Trevor Petroelje said that he doesn't think the square footage matters much either way and the distance is great enough that they should be allowed to have two signs.

Moved by Tom Healy, seconded by Brock Nanninga, to table the request until such time as the matter can be brought to the Planning Commission and until action can be taken.

MOTION CARRIED UNANIMOUSLY.

#190731-03 – Public Comments

There were no public comments.

#190731-04 – Other Business

#190731-05 - Adjournment

The meeting was adjourned at 9:16 p.m.