

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD August 24, 2022

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

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

#220824-01 – Approval of the Minutes of the July 27, 2022 Zoning Board of Appeals Meeting

The minutes of the regular meeting held on July 27, 2022 were presented.

Moved by Michael Bosch, seconded by Brock Nanninga, to approve the minutes as presented.

Yeas: Trevor Petroelje, Kendall Grable, Michael Bosch, Brock Nanninga

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220824-02 – Public Hearing – (VAR2204) Panera Bread, 42 44th St., is requesting to have 3 new parking spaces that will be 9' x 18', a variance from Sec. 26.3 which requires 76-90 degree angle parking spaces be 9' x 20', and to have these new parking spaces added to the existing row of parking within the required front yard setback on 44th St., a variance from Chapter 24 Footnote (L) which states except for necessary drives and walks, the required front yard setback shall be landscaped and shall not be used for parking, in a Neighborhood Service (NS) Commercial district on a parcel of land described as P.P. # 70-14-25-200-018, located at 42 44th St., Georgetown Township, Ottawa County, Michigan.

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

Jeff Parker of Jeffrey Parker Architects, 855 28th St. SE, Grand Rapids, MI 49508, represented the applicant (Panera Bread) and presented the request ([application](#), [plans](#)) with the following comments:

- He's representing this franchise of Panera Bread, the Manna Development. They are leasing space in this building; they don't own the property. There are a couple of things going on. Panera needs a drive-through to be successful, otherwise, they will not be meeting the needs of their customers. In addition, this retail center is very busy. During lunch time, cars are swarming around all over. The intent is to put in a drive-through because 35% of Panera's business is associated with having a drive-through. Customers wouldn't have to drive around looking for a parking spot, they would just use the drive-through. Panera is known for their drive-through now. People know there won't be 10 to 15 cars stacking up because the food is made to order unlike McDonald's or Burger King. One, it provides what their customers are looking for. Two, it alleviates parking constraints. They want to be good neighbors, so it won't be hard for customers of the other businesses in this building to find parking during lunch time. The three spaces will alleviate parking issues that they have going on. They're not doing this for themselves, but they're doing it for everyone on the property. Over time, 44th St. got wider and wider, but the building stayed where it is. The existing parking lot from approximately the middle of the northern row of parking to the most westerly parking space goes from zero to hanging

over into the setback by about two and a half feet, so it's a miniscule wedge. They'd like to extend that down to pick up the three parking spaces; they don't want to go any further because it would interfere with the ingress and egress on the west side of the property. The three parking spaces will make a big difference for the retail center overall. It seems like a miniscule fraction that nobody will notice the difference. Three might sound small, but it's mighty as to what it offers the retail center. They think the drive-through will alleviate the parking congestion as well. For the size of the parking spaces, it will just match what was established in years past. Although the spaces are 18 feet long, the drive aisle is 31 feet wide. So it's a roomy aisle to accommodate the narrow spaces and cars moving around.

Kendall Grable asked the applicant if he works with other jurisdictions that require 9' x 20' parking spaces.

Jeff Parker said in a lot of jurisdictions, 9' x 20' parking spaces are required when two are facing each other. It leaves enough room when a vehicle hangs over the line into the other space. 9' x 18' spaces also limit the storm water runoff.

Kendall Grable asked are all the new angled spaces conforming?

Jeff Parker said yes, it's because there is a one-way aisle.

The Chairperson opened the public hearing.

No one was present to make public comments.

The Chairperson closed the public hearing.

Kendall Grable asked if any member of the Zoning Board of Appeals had questions about the staff report or if there are any objections to the standards that the staff report says are met, which are standards 1, 2, 3, 4, and 7.

No member of the Zoning Board of Appeals had any questions about the staff report and there were no objections to standards 1, 2, 3, 4, and 7 being met.

Kendall Grable asked the Zoning Board of Appeals to discuss standards 5 and 6.

Trevor Petroelje said standards 5 and 6 are met based on the information provided in the staff report.

Michael Bosch said he agrees with Trevor Petroelje. He said 44th St. is already as wide as it will get and the reason for the additional buffer was to accommodate for that widening.

Brock Nanninga said the Zoning Board of Appeals has to rely on the precedent that has already been set for circumstances like this and agrees that standards 5 and 6 are met.

Kendall Grable said the uniqueness of this situation is 44th St. is already 5 lanes wide. The additional setback in the ordinance was written for future widening. 44th St. is also curved and the road runs off at a slight angle, which is why the property is in the circumstance it is in.

Moved by Trevor Petroelje, seconded by Michael Bosch, to adopt the staff report as finding of fact and move to approve the variance for (VAR2204) Panera Bread, 42 44th St., to have parking spaces added to the existing row of parking within the required front yard setback on 44th St., a variance from Chapter 24 Footnote (L) which states except for necessary drives and walks, the required front yard setback shall be landscaped and shall not be used for parking, in a Neighborhood Service (NS) Commercial district on a parcel of land described as P.P. # 70-14-25-200-018, located at 42 44th St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. Specifically, standards 5 and 6 have been met for the reasons that were discussed at this meeting; and with the following conditions:

- 1. A Storm Water Drain Permit (written permission from the Ottawa County Water Resources Commissioner's office) is required to be submitted to the Township prior to adding any impervious surface.**
- 2. All other existing nonconformities may remain unless changes are made to make them less nonconforming or brought up to meet current ordinance requirements.**

Yeas: Trevor Petroelje, Kendall Grable, Michael Bosch, Brock Nanninga

Nays: None

MOTION CARRIED UNANIMOUSLY.

Kendall Grable started discussion about the second part of the variance, which is the request for the three parking spaces to be 9' x 18'. He reiterated that standards 1, 2, 3, 4 and 7 are met for this part as presented in the staff report and asked if any member of the Zoning Board of Appeals had any objection to that.

No member of the Zoning Board of Appeals had any objection to that.

Brock Nanninga said the staff report was very well written and it answered all of his questions.

Trevor Petroelje asked the Zoning Administrator if he knew how the property was approved to have parking spaces that are 18 feet in length in the first place. He said it says a lot about the applicant that they are seeking this variance to have 3 additional parking spaces that will benefit the other businesses in this building more than themselves.

The Zoning Administrator said he doesn't know how the site was originally approved. He said he does know that this was likely one of the first sites to be developed when 44th St. was first paved going west from Kenowa Ave.

Brock Nanninga said 18-foot long parking spaces have been on this property forever. He prefers a wider aisle because it's safer. Standards 5 and 6 are met. If these three spaces were made to be 20 feet long, it would look silly. The other parking spaces are nonconforming as it is and they would not be increasing the nonconformity.

Trevor Petroelje said he agrees that standards 5 and 6 are met. Making the spaces 20 feet long does nobody any good.

Michael Bosch said he agrees that standards 5 and 6 are met.

Kendall Grable said since the space is there, the parking spaces should be made conforming.

Moved by Trevor Petroelje, seconded by Michael Bosch, to adopt the staff report as finding of fact and move to approve the variance for (VAR2204) Panera Bread, 42 44th St., to have the 3 additional parking spaces be 9' x 18', a variance from Sec. 26.3 which requires 76-90 degree angle parking spaces by 9' x 20', in a Neighborhood Service (NS) Commercial district on a parcel of land described as P.P. # 70-14-25-200-018, located at 42 44th St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. Specifically, standards 5 and 6 have been met for the reasons that were discussed at this meeting; and with the following conditions:

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Yeas: Trevor Petroelje, Michael Bosch, Brock Nanninga

Nays: Kendall Grable

MOTION CARRIED.

#220824-03 – Public Comments

No one from the public made public comments at this time.

#220824-04 – Other Business

There was no other business at this time.

#220824-05 – Adjournment

Moved by Brock Nanninga, seconded by Trevor Petroelje, to adjourn the meeting at 7:29 p.m.

Yeas: Trevor Petroelje, Kendall Grable, Michael Bosch, Brock Nanninga

Nays: None

MOTION CARRIED UNANIMOUSLY.