

REQUEST

(VAR2601) Ross De Ruiter, SBA Auction Inc., 2286 Port Sheldon Ct., is **appealing** the Zoning Administrator’s determination that the use of the site at 2286 Port Sheldon Ct. for the storage and rental of U-Haul trailers is an open air business as defined in Sec. 2.77 of the Township Zoning Ordinance, which **is determined to NOT be allowed, to NEVER have been allowed, to NOT be legal nonconforming, and to have NO legal nonconforming status rights** on a parcel of land described as P.P. # 70-14-27-100-032, located at 2286 Port Sheldon Ct., in an Industrial (I) zoning district, Georgetown Township, Ottawa County, MI.

HISTORY

On October 31, 2025, I sent an email to info@sbauctioninc.com after the Township learned that Simple Bid Auction, Inc. opened a business at 2286 Port Sheldon Ct. All new businesses are required to complete the New Occupant/Business Application (Zoning Compliance), as required in Sec. 29.3 of the Georgetown Township Zoning Ordinance, to ensure a new business is compatible with the zoning district and has enough required parking to operate. The October 31, 2025 email provided Mr. De Ruiter with a link to complete the application and informed Mr. De Ruiter that a fire inspection would be scheduled following the submittal of the application.

Since the Township did not receive a completed application in a timely manner, the Township’s Code Enforcement Officer, Rich Nawrocki, visited the site to follow up on the request. He spoke to Mr. De Ruiter at the location and was informed that the application would be submitted.

On November 17, 2025, Mr. De Ruiter filed a New Occupant/Business Application (Zoning Compliance) with the Township to operate “Online Auction Sales, U-Haul Dealer” at 2286 Port Sheldon Ct.

On November 24, 2025, I sent Mr. De Ruiter an email subject line: “Application for New Occupant/Business Application” and informed Mr. De Ruiter that the Online Auction Sales use would be permitted per Sec. 17.2 (C) of the Zoning Ordinance as a warehouse. However, I informed Mr. De Ruiter that the U-Haul Dealer use would not be permitted in the Industrial (I) district as it is considered an open air business. Open air businesses are only permitted in the Community Service Commercial (CS) district and Highway Service Commercial (HS) district with special land use approval. Mr. De Ruiter was also provided with the Township’s definition of an open air business as noted in Sec. 2.77 of the Zoning Ordinance:

Sec 2.77 OPEN AIR BUSINESS

Includes uses operated for profit substantially in the open air, including, but not limited to:

- A. **Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.**
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

Mr. De Ruiter was then asked to confirm that he would no longer be operating the U-Haul Dealer use and only move forward with the online auction warehouse use.

Shortly after I sent the November 24, 2025 email to Mr. De Ruiter, I received a call from him, asking how he could obtain approval for the U-Haul Dealer use. Mr. De Ruiter was informed that an industrial parcel cannot be permitted to have an open air business as it is not a use available by right or special land use in that zoning district. Although the Township entertains variance applications, Sec. 28.11 of the Zoning Ordinance specifically states that “use” variances are prohibited from being approved. The only way to have the use permitted would be to rezone the property to CS or HS and then obtain a special land use approval to operate the open air business. Also, due to the fact that the site does not meet the requirements for an open air business, non-use variances would be required. Note that Sec. 28.11 states the seven standards that are required to be met for a variance to be granted.

Mr. De Ruiter requested information on how he could start that process.

I received a follow-up email from Mr. De Ruiter on December 1, 2025 asking how his business is classified differently than Sunbelt Rentals located at 2370 Port Sheldon Ct., also located in an Industrial (I) district:

From: ross [REDACTED]
Sent: Monday, December 1, 2025 11:47 AM
To: Ryan Schab <rschab@georgetown-mi.gov>
Subject: Re: Application for New Occupant/Business Application

I am still trying to figure out how we are classified differently than Sunbelt Rentals.

Everything I read online of what is considered a Open Air Business is Businesses that Run out of Temp Offices, Food Trucks... and the Like. We run out of a Permanant Building and all transactions have to happen indoors... trucks are stored outside but all business and transactions take place indoors. We do rentals just as what Sunbelt Rentals Does, I know you classify they as a Contractor Yard but We really are too.. 90% of our business is renting to Moving contractors, and UPS, FEDEX, AMAZON So I would appreciate if you could relook/rethink this and Give us the Same Classification as Sunbelt Rentals.

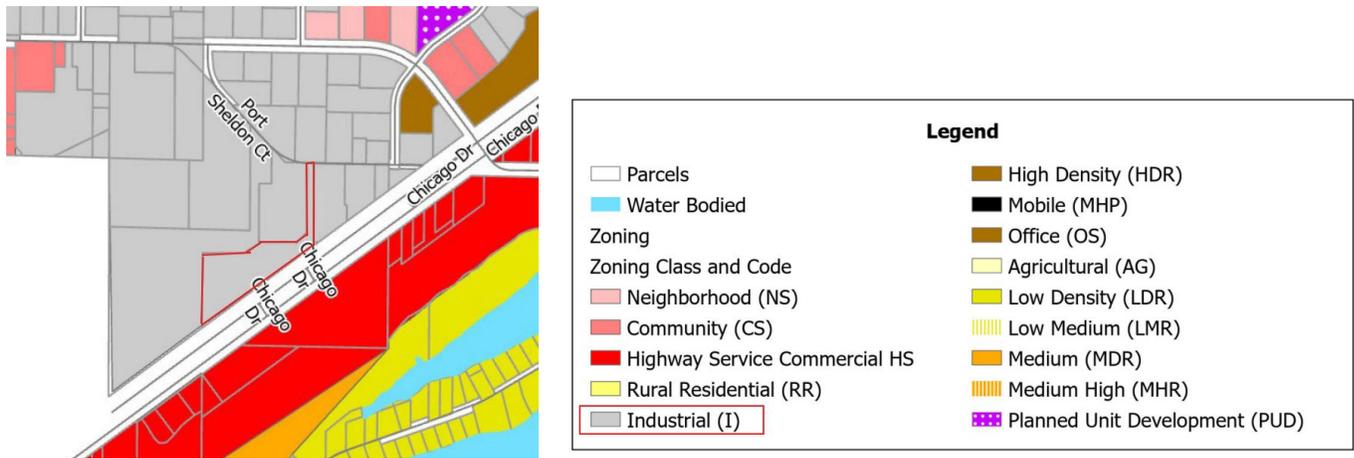
Thanks Ross De Ruiter

The following information is provided.

PROPERTY INFORMATION

The 5.97-acre site, identified as P.P. # 70-14-27-100-032, located at 2286 Port Sheldon Ct., is in an Industrial (I) district. There is no access to Chicago Dr. from the parcel, and the site has 50' of frontage of Port Sheldon Ct. and 50' of width.

Zoning Map



SITUATION

The Township has historically determined that U-Haul Dealers are open air businesses. This determination is consistent with a previous situation in 2023 in which Great Lakes Rental Properties, LLC attempted to operate a U-Haul Dealer use at 9651 42nd Ave. in an Agricultural (AG) district. A previous zoning administrator determined that the U-Haul Dealer use must cease immediately. The Township initiated a court case to enforce the Zoning Ordinance, and the case ended with the business admitting responsibility for the violation and ceasing the use pursuant to the judgment entered in the case. The business submitted a new zoning compliance for a different, approved business activity.

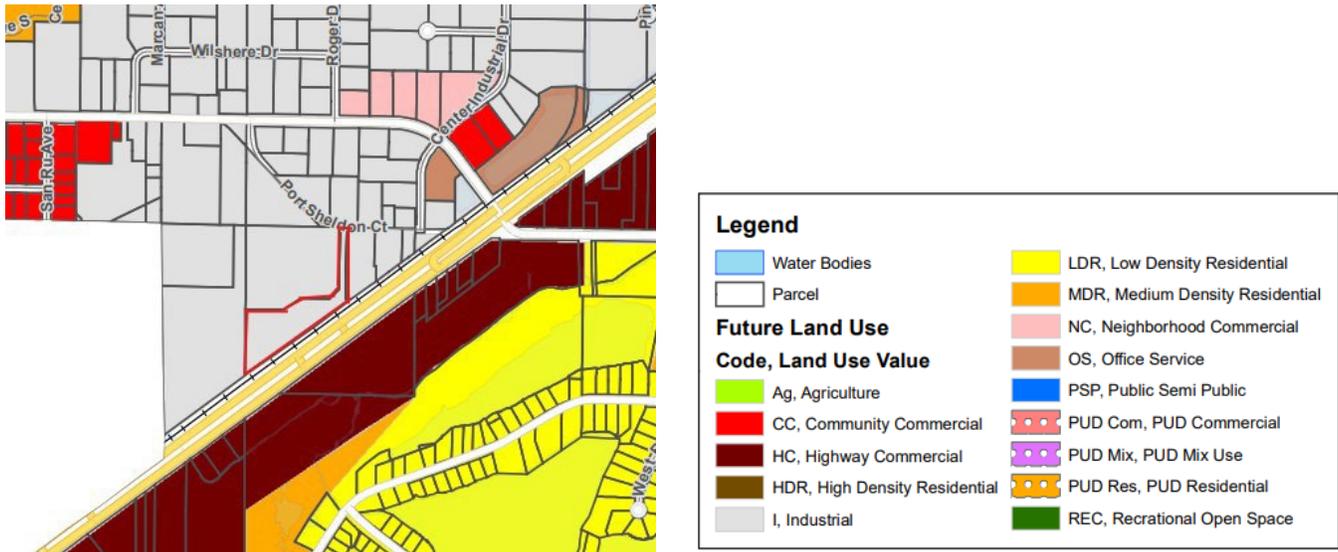
The current applicant has requested information on how the U-Haul Dealer use could be permitted at 2286 Port Sheldon Ct.

The first requirement is that the property must be rezoned to the CS or HS commercial districts since those are the only districts where an open air business is permitted. Every property owner has the right to apply to rezone their property. However, in order for the Township Board to approve a rezoning request, the proposal must meet the requirements in Sec. 4.2 of the ordinance to be approved. The standards that are considered by the Planning Commission and Township Board for rezoning requests are listed below, all standards must be met for a rezoning to be approved:

THE FOLLOWING STANDARDS WILL BE CONSIDERED BY THE PLANNING COMMISSION AND TOWNSHIP BOARD IN THEIR REVIEW OF THE REZONING REQUEST.

1. CONSISTENCY: IS THE PROPOSED ZONING AND ALL OF ITS PERMITTED USES CONSISTENT WITH THE RECOMMENDATIONS OF THE TOWNSHIP LAND USE PLAN?

Future Land Use Map



A request to rezone the property to CS or HS (on future land use map labeled CC and HC) **does not** appear to be consistent with the recommendations of the Future Land Use Plan. The parcel is surrounded by Industrial parcels on all sides besides the HS district located on the other side of Chicago Dr. While zoning district designations are not parcel specific, it appears that the surrounding area is only industrial. The HS district located to the south is on the other side of Chicago Dr., which provides a buffer to separate the two zoning districts.

Page 30 of the Master Plan states the following:

Development which creates land use conflicts between different uses should be avoided. Gradual transitions from intensive commercial and industrial uses to low density residential uses should be provided, or developers should be required to provide an adequate buffer. Consideration should be given to developments which can provide opportunities for buffers between high and low intense uses.

2. COMPATIBILITY: IS THE PROPOSED DISTRICT AND ALL OF ITS ALLOWED USES COMPATIBLE WITH THE SURROUNDING AREA?

The uses allowed within the CS and HS districts **do not** appear to be compatible with the surrounding area of Industrial. The uses permitted in CS and HS include also all the uses permitted in the Office Service (OS) Commercial and Neighborhood Service (NS) Commercial districts. These include uses such as restaurants (drive-through and sit down), schools, medical offices including clinics, churches, personal service establishments (such as laundromats or barber shops) ... etc.

The rest of the standards are listed below. Although any person may apply for any rezoning, the Township Board only has the authority to approve a rezoning of the property to CS or HS if ALL the standards are met.

3. CAPABILITY: IS THE PROPERTY CAPABLE OF BEING USED FOR A USE PERMITTED WITHIN THE EXISTING ZONING DISTRICT?

4. OTHER CONSIDERATIONS: WILL THE REZONING REQUIRE AN INORDINATE REPENDITURE OF PUBLIC FUNDS (ROAD IMPROVEMENTS, UTILITY EXTENSION, ETC.) TO MAKE THE DEVELOPMENT FEASIBLE?
5. WILL THE REZONING CAUSE DEVELOPMENT TO LEAP FROG” OTHER UNDEVELOPED ARES IN THE SAME ZONING DISTRICT AND NECESSITATE PREMATURE EXTENSIONS OF SERVICES TO RURAL AREAS OF THE TOWNSHIP?
6. IS THERE SUFFICIENT VACANT LAND ALREADY ZONED IN A SPECIFIC CATEGORY (E.G., INDUSTIRAL, MULTIFAMILY, COMMERCIAL)?
7. IS THE REZONING MORE LIKELY TO BE GRANTED IF CONDITIONS COULD BE ATTACHED (NOTE: REZONINGS CANNOT BE CONDITIONAL)?

Even if the property was to be rezoned to CS or HS, which would happen ONLY if the above standards are met, special land use approval for an open air business would still be required to be obtained. The standards for receiving approval on a special land use permit for an open air business are below:

Sec 20.3 GENERAL STANDARDS

The following general standards, in addition to those specific standards established for certain uses, shall be satisfied before the Planning Commission makes a decision regarding a Special Land Use application.

1. Each application shall be reviewed for the purpose of determining that the proposed use meets the following standards and, in addition, that each use of the proposed site will:
 1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 3. Not create excessive additional requirements at public cost for public facilities and services.
 4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Sec 20.4 SITE DESIGN STANDARDS

Those uses specified in Section 20.1 as permitted by "right" or as special land uses shall be subject to the requirements of the District in which the use is located in addition to all applicable conditions, standards and regulations regarding site design and development and other standards and conditions as are cited in the following:

- Z. **Open air businesses.** The use of an open air business is expressly prohibited in all zoning districts except (CS) Community Service Commercial district and (HS) Highway Service Commercial district. In the CS and HS districts, the use is allowed with special land use approval with is contingent upon compliance with the following standards (revised 03-26-07):
 1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.

3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises. (revised 10/0/2023)
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The Planning Commission may, to ensure strict compliance with any regulation contained herein and required as a condition of special land use approval, require the permittee to furnish a Surety Bond in accordance with Section 29.4(B) of this Ordinance.
6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. In the case of a plant materials nursery:
 1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
 2. All loading activities and parking areas shall be provided on the same premises (off-street).
 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
10. No display area shall be located within ten (10) feet of a road right-of-way line.

The parcel does not meet standard #2 of the site design standards provided in Section 20.4 (Z) for open air businesses. The parcel only has 50' of width. Therefore, a dimensional variance would also be required.

Section 28.11 provides the standards for receiving a variance, and all 7 standards must be met for the Zoning Board of Appeals to approve the request:

Sec 28.11 DUTIES AND POWERS

The Township Board of Appeals shall have the following specified duties and powers:

- C. Variances. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.
 1. Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed.
 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.
 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.
 4. 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 to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.

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.
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 with Section 27.12
7. That the variance is not necessitated as a result of any action or inaction of the applicant.(revised 4-23-2001)

Considering that the variance is necessitated by the applicant requesting a certain use that they did not receive zoning compliance approval for, it could be argued that the request is necessitated by action of the applicant (standard #7). No other property in the vicinity in the same zoning district has the right to have 50' of width (standard #5) or operate an open air business. **While every property owner has the right to apply for a variance request, the Zoning Board of Appeals ONLY has the authority to grant such a variance request if all of the seven standards are met and does NOT have the authority to grant a variance if even one of the standards is not met.**

Ross De Ruiter also requested information on Sun Belt Rental's ability to operate at 2370 Port Sheldon Ct.

A previous zoning administrator determined that Sun Belt Rental's proposed use met the definition of "Contractor's yards, building materials storage," which is a permitted use in the Industrial (I) district under Section 17.2 (O). The ordinance allows for outdoor storage in the Industrial (I) district but **only for permitted uses and with certain conditions:**

Chapter 24 DISTRICT REGULATIONS

- R. Except for necessary drives and walks, the front yard, for a depth of thirty (30) feet, shall be landscaped and shall not be used for parking. Loading, storage and accessory structures shall not be permitted in any front yard. Side or rear yards may be used for parking and loading. **Outdoor storage may be permitted, if located in the rear yard or non-required side yard and screened from adjoining properties and streets by a sight-obscuring fence, wall or landscaping, approved by the approving authority as designed in Chapter 19.** (revised 4/27/15) (revised 3/13/17)

I, as the current zoning administrator, and consistent with past application of Sec. 2.77 of the Zoning Ordinance, determine that the use of U-Haul truck and trailer rentals clearly meets the definition in Sec. 2.77 of the Zoning Ordinance, which defines an open air business as a use operated substantially in the open air, including utility truck or trailer sales, repair, rental or storage services. This is a final determination and can only be reversed by the ZBA, upon appeal, if they determine that my interpretation of the Zoning Ordinance is not correct.

OTHER RELEVANT ZONING ORDINANCE SECTIONS

Chapter 17 I – Industrial

Sec 17.1 PURPOSE

This District permits most primary industrial uses. By providing a separate area for such uses, these essential facilities are kept from encroaching in areas or Districts where they would be incompatible.

Sec 17.2 PERMITTED USES

Land and/or buildings in this District may be used for the following purposes by right:

- A. Compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred foods.
 2. Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods.
 3. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
 4. Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps or outdoor storage.
 5. Furniture and fixtures.
 6. Paperboard containers, building paper, building board, and bookbinding.
 7. Printing and publishing.
 8. Chemical products such as plastics, perfumes, synthetic fibers.
 9. Engineering, measuring, optic, medical, lenses, photographs, and similar instruments.
 10. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar products.
- B. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and furnishings, and lumber and building products, not including outdoor storage.
- C. Warehouses, cartage businesses.
- D. Laboratories including experimental, film and testing.
- E. Trade or industrial schools and veterinary/animal hospitals or clinics or kennels (kennels subject to the standards in Chapter 20). (revised 10-25-2021)
- F. Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing, and crating services.
- G. Central dry-cleaning plant.
- H. Municipal buildings, public service buildings.
- I. Electricity regulating substation, and pressure control station for gas, water and sewage.
- J. Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.
- K. Accessory buildings and uses customarily incidental of the above permitted uses as defined in Chapter II.
- L. Private non-commercial recreation.
- M. Vehicle repair establishments.
- N. Restaurants or other eating or drinking establishments which provide food and drink on the premises, including drive-through establishments. (revised 6/25/18)
- O. Contractor's yards, building materials storage
- P. Tool and die, metal working and stone, clay, glass, concrete, brick, pottery, abrasives, tile and related products.
- Q. Retail sales fronting on a major street with no outdoor sales or display.
- R. Contractor/showroom (where, in general, the contractor installs the product)
- S. Health and physical fitness salons, indoor sports, gymnastics and dance studios.
- T. Mini-storage garages.
- U. Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale (section revised 3/28/16)

Sec 17.3 USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

1. Waste treatment facilities.
 2. Water supply and treatment facilities.
 3. Waste disposal facilities, including incinerators and sanitary landfills.
 4. Airports and Landing fields.
 5. Commercial soil removal.
 6. Heating and electric power generating plants.
 7. Junk yards and salvage yards.
 8. Commercial radio and television and wireless communication towers. (Revised November 1997).
 9. Community Fair. (revised 4/24/17)
 10. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)
- (section revised 3/28/16)

Note that open air businesses are not permitted in the Industrial (I) district.

FINDINGS

The following are findings pertaining to the uses allowed at the site:

1. **The use of U-Haul truck and trailer rental clearly meets the definition of open air business in Sec. 2.77 of the Zoning Ordinance.**
2. **The site is located in the Industrial district where open air businesses are specifically prohibited.**
3. **Use Zoning Compliance approval was granted for warehousing.**

ZONING ADMINISTRATOR OFFICIAL DETERMINATION

From the authority given to the Zoning Administrator in Chapter 29 of the Georgetown Township Zoning Ordinance to administer and enforce the provisions of the Zoning Ordinance and based on the information provided and evident with the documents and conversations, **the determination is as follows:**

The use of the site at 2286 Port Sheldon Ct. for the storage and rental of U-Haul trailers is an open-air business which is determined to NOT be allowed, to NEVER have been allowed, to NOT be legal nonconforming, and to have NO legal nonconforming status rights.

ANALYSIS OF APPLICANTS REBUTTAL

The applicant claims that his business should be classified as “Contractor’s yards, building materials storage” the same classification as Sunbelt Rentals located at 2380 Port Sheldon St.

The Township Zoning Ordinance does not have a definition of “Contractor’s yards, building materials storage” so the following definitions are presented:

Contractor yard, landscape or construction: A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil. – *City of Detroit, Zoning Ordinance*

Contractor's Yard means the use of any lot or building by a construction company, landscaper, or contractor for the storage and maintenance of equipment and materials used or rented by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used by the business. – *City of Kingston, California, Zoning Bylaws*

A "**contractor's storage yard**" is defined as a place where stone, gravel, sand, cement, brick, brick tile, cement tile, tile sewer pipe, wood, lumber or other building material is stored or kept for sale. A "coal yard" is defined as a place where coal is stored or kept for sale. A "lumberyard" is defined as a place where lumber is stored or kept for sale, including shops where lumber is used and stored for carpentry or cabinet making purposes. – *City of Worth, Illinois, Zoning Ordinance*

When the Township's Zoning Ordinance does not have a specific definition in the ordinance, the Township uses the generally accepted definition. Based on the above definitions, the applicant's use better fits the Township's definition of an open air business as defined in Sec. 2.77 of the Township Zoning Ordinance. The business is open to the public for retail rentals of trucks, not specifically contractors. The Township has also historically classified U-Haul Dealers as open air businesses and this determination is in keeping with that historical precedent.

CONCLUSION

The open air business operation (U-Haul Dealer) being conducted at 2286 Port Sheldon Ct. is a violation of the Zoning Ordinance and must cease immediately.

SUMMARY

Chapter 28 gives the opportunity to any person aggrieved by the ruling of the Zoning Administrator to appeal such decision to the Zoning Board of Appeals. One of the duties of the Zoning Board of Appeals is to hear and decide the appeal of the determination of the Zoning Administrator in the administration of the Zoning Ordinance.

Consequently, the Zoning Board of Appeals is tasked with reviewing the provided information and to determine to concur or not to concur with the official ruling of the Zoning Administrator. Consideration should be given that the determination of the Zoning Board of Appeals will set precedent for future similar Zoning Administration official rulings on such uses.

Zoning Ordinance sections below explain the appeal process:

Sec. 28.10 APPEALS

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within five (5) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the grounds for appeal. The Zoning Administrator shall

immediately transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

Sec 28.11 DUTIES AND POWERS

The Township Board of Appeals shall have the following specified duties and powers:

- A. Review. Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.

OPTIONS FOR MOTION

Motion: To adopt the staff report as finding of fact and to:

- a. **reaffirm and concur with** the Zoning Administrator’s determination as follows:

The use of the site at 2286 Port Sheldon Ct. for the storage and rental of U-Haul trailers is an open-air business which is determined to NOT be allowed, to NEVER have been allowed, to NOT be legal nonconforming, and to have NO legal nonconforming status rights.

or

- b. **not concur and reverse** the Zoning Administrator’s determination and to determine that the proposed use and equipment described in the Zoning Administrator’s determination is _____
_____.