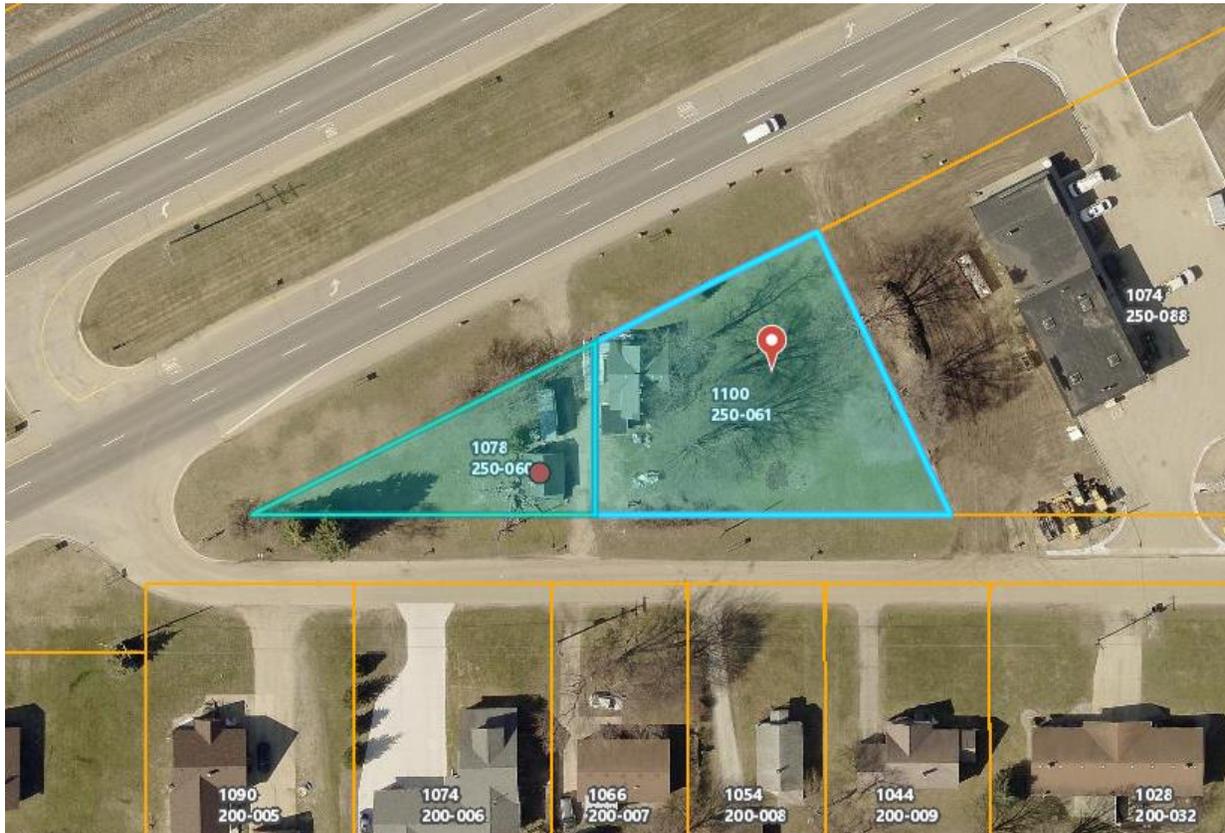


REQUEST

(VAR2105) Nate Heyboer (Z Land Properties), 4475 8th Ave., is requesting to have a 20-foot front yard setback from both Chicago Drive and Rosewood Street, a variance of 10 feet from the 30 feet required in Chapter 24 in a Highway Service (HS) Commercial district, and to allow parking and building within the 30-foot required front yard setback, a variance from Chapter 24 Footnote K which states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures and required off-street loading areas shall not be provided in the front yard and from Sec. 26.3(D) which states when a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives, and to have a total of 10 feet in side yard setbacks, a variance of 15 feet from the 25 total feet required for side yard setbacks in Chapter 24, on parcels of land described as P.P. # 70-14-23-250-060 and P.P. # 70-14-23-250-061, located at 1078-1100 Chicago Dr., Georgetown Township, Ottawa County, Michigan.





PROPERTY HISTORY

There is currently a home and detached accessory building on the property with unknown dates of construction; both will be demolished if this variance request is approved. The two lots are zoned Highway Service (HS) Commercial and has been zoned as such as far back as July 1963 based on a zoning map still kept in the Township office. 1078 Chicago Dr. is a nonconforming lot, therefore, both parcels are treated as one from a zoning standpoint.

PROPOSAL

The applicant is seeking the variances to have a 20-foot front yard setback from both Chicago Drive and Rosewood Street and to allow parking and building within the 30-foot required front yard setback and to have a total of 10 feet in side yard setbacks in order to construct a 3,720 square foot building for office use and building supply and equipment establishment.

- Office use is permitted under Sec. 13.2(A).
- Building supply and equipment establishment is permitted under Sec. 15.3(E).

The site plan notes indicate 100 square feet will be for office use and 3,620 square feet will be for building supply and equipment establishment.

Parking Requirements:

- Office use, 1 per each 300 sf GFA: 100 sf GFA = 1.

- Warehouse & storage, 1 per each 2,000 sf GFA, w/ a minimum of 4 spaces: 3,620 sf = 4.
- 10 spaces are provided (1 is barrier free).

Note: There is no specific parking requirement in Chapter 26 for the use of “building supply and equipment establishment”, therefore, the most appropriate parking requirement to use is the one for warehouses and storage buildings as that is determined to be the most similar use.

Streetscape Requirements:

Chapter 24 Footnote K states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures; required off-street loading areas shall not be provided in the front yard. The landscaping shall be per Sec. 3.11, which requires one (1) tree for each twenty-five (25) feet of frontage or fraction thereof.

- The frontage along Chicago Drive is 301.83’ = 13 trees.
- The frontage along Rosewood Street is 335.21’ = 14 trees.

Note: If either of the front yard setback variance requests is granted, the 30-foot depth of that setback will be reduced to 20 feet.

Site plans are reviewed and approved administratively.

DISCUSSION

The important elements relating to this request are Chapter 24 and Sec. 26.3(D).

The property is located in the Highway Service (HS) Commercial district with the following setback requirements in Chapter 24:

- Front: 30 feet
- Sides: 25 feet total (least one is 10 feet)
- Rear: 40 feet

Footnote K in Chapter 24:

- Except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures. Required off-street loading areas shall not be provided in the front yard.

Sec. 26.3(D):

- When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives. Such yard shall contain a greenbelt, as specified in Section 3.11, unless otherwise provided herein, abutting the parking lot and designed to effectively screen the parking from neighboring residential districts and uses. The greenbelt may, upon approving authority as designed in Chapter 19 approval, be replaced by a combination of fencing and plantings located along the respective property line and which together will provide adequate screening for current and future residents. In the event that the abutting property is zoned residential but does not contain any dwellings

within three hundred (300) feet of the edge of the proposed parking area, the approving authority as designed in Chapter 19 may permit evergreen trees of less than five (5) feet in height, but not less than two (2) feet in height above ground, to satisfy the screening requirement.

The applicant is requesting to have a 20-foot front yard setback along both Chicago Dr. and Rosewood St. to give the ZBA discretion on where they believe is the best location of the building on the lot. The proposed plans show the building and some parking within the 30-foot front yard setback requirement along Chicago Dr. and some parking within the setback requirement along Rosewood St.

Although Chapter 24 requires a total of 25 feet in side yard setbacks for both sides (10' and 15'), this is a unique situation where the applicant can only work with one side lot line since the other two lot lines are front lot lines. Staff believes that it's obvious by looking at the plans that the side of the building facing the parking lot will not cause any issues, but out of respect for the language of Chapter 24, it was placed on the application.

Regarding Sec. 26.3(D), the proposed plans show some parking is within the 25-foot setback. However, the layout and size of the parking lot plus the location of the landscaping along Rosewood St. appears to take into consideration the adjacent residential properties to the south in order to minimize the impact on the neighborhood as much as possible. The screening requirement appears to be satisfied.

VARIANCE HISTORY

The ZBA has approved variances for reduced setbacks for properties in commercial zoning districts in the past; there was one property zoned MHR/MDR and one property zoned LDR. The following list contains 15 variance requests over the last 15 years.

VARIANCE REQUESTS FOR SETBACK – LAST 15 YEARS:

1. At the May 22, 2019 meeting, the ZBA **partially approved** the variance for (VAR1906) Members First Credit Union, 195 Chicago Dr., **to have a front yard setback of 5 feet and to have parking and drives within the required front yard setback (not within the 5 feet setback), a variance of 25 feet from the 30 feet required in Chapter 24**, in a Community Service (CS) Commercial district on a parcel of land described as P.P. # 70-14-13-400-001. The request was to have a front yard setback of 0 feet. The parcel is an irregular shaped lot, the building was nonconforming, and the variance was needed in order to bring the building into “conformance” so the applicant could re-design the traffic flow.
2. At the March 22, 2017 meeting, the ZBA **approved** the variance for (VAR1703) MedExpress, 345 Baldwin St., to have parking within the front yard setback on Baldwin St. and Riverview Dr., **a variance from Chapter 24 Footnote (L) which states that except for necessary drives and walks, the required front yard setback shall be landscaped and not used for parking; to have a front yard setback of 52.5 feet from the centerline of Baldwin St. for parking, a variance of 37.5 feet from the 90 feet from the centerline of Baldwin St. required in Chapter 24; and to have a front yard setback of 13.9 feet from the right-of-way line of Riverview Dr. for parking, a variance of 16.1 feet from the 30**

feet required in Chapter 24, in a Community Service (CS) Commercial district on a parcel of land described as P.P. # 70-14-13-266-012. The previous building on the lot was nonconforming and had been vacant for several years before it was demolished to construct the new MedExpress building. The previous building became nonconforming when the Township adopted larger setbacks on the major roads.

3. At the June 24, 2015 meeting, the ZBA **approved** the variance for (VAR1504) United Bank of Michigan, 1884 Baldwin St., **to have a front yard setback of 4 feet, a variance of 26 feet from the 30 feet required in Chapter 24 and to have parking and drives within the front yard setback of 30 feet, a variance from Chapter 24 Footnote L which states except for necessary drives and walks the required front yard shall be landscaped and not be used for parking**, in an Office Service (OS) Commercial district on a parcel of land described as P.P. # 70-14-15-411-009. The building was nonconforming due to the adoption of the extra setbacks. The redevelopment plan made the building less nonconforming by reducing its size in order to add an additional drive-in lane and by-pass lane.
4. At the May 27, 2015 meeting, the ZBA **approved** the variance for (VAR1503) Jimmy John's, 7550 Cottonwood Dr., **to have a front yard setback of 43 feet, a variance of 17 feet from the 60 feet required in Sec. 20.4(L)(1)**, in a Community Service (CS) Commercial district on a parcel of land described as P.P. # 70-14-13-401-031. The variance was needed to redevelop the site by demolishing an existing Chase Bank building and constructing the Jimmy John's building. The parcel size reflected setback requirements at the time the Chase Bank was constructed.
5. At the December 10, 2014 meeting, the ZBA **approved** the variance for (VAR1409) Bob's Butcher Block, 262 Church St., **to have a front yard setback for structures and parking on Church St. of 20 feet, a variance of 10 feet from the 30 feet required in Chapter 24; to have a front yard setback of 0 on Church Ct. for parking, a variance of 30 from the 30 feet required in Chapter 24; to have a front yard setback of 24 feet for the main building, a variance of 6 feet from the 30 feet required in Chapter 24; and to have parking and drives within the front yard setback, a variance from Chapter 24 Footnote L which states that except for necessary drives and walks, the required front yard setback shall be landscaped and not used for parking, loading, or accessory structures**, in a Community Service (CS) Commercial district on a parcel of land described as P.P. # 70-14-13-402-004. The existing building was developed based on standards in the 1970's and the redevelopment made the property less nonconforming to current standards.
6. At the June 26, 2013 meeting, the ZBA **approved** the variance for (VAR1304) Cambridge Manor, 141-151 Port Sheldon St., **to have parking within the required front yard setback (proposed parking 68 feet from the centerline, a variance of 17 feet from the required 85 feet from the centerline of Port Sheldon St. and existing parking 53 feet from the centerline, a variance of 32 feet from the required 85 feet from the centerline of Port Sheldon St.), a variance from Chapter 24 Footnote (L) which states for all uses in the residential districts except for necessary drives and walks, the required front yard shall be landscaped and shall not be used for parking**, in a Medium/High Density Residential (MHR) district and a Medium Density Residential (MDR) district on parcels of land described as P.P. # 70-14-13-400-013 and -058. The property needed more parking and the

site is limited on where the parking could go because most of it is floodplain and heavily wooded.

7. At the January 23, 2013 meeting, the ZBA **approved** the variance for (VAR1301) Spriensma Auto LLC, 2500 Chicago Dr., **to have a 0 foot front yard setback for parking and display, a variance of 30 feet from the 30 feet required in Chapter 24 Footnote K which states that except for necessary drives and walks the front yard for a depth of thirty feet shall be landscaped**, in a Highway Service (HS) Commercial district on a parcel of land described as P.P. # 70-14-28-400-017. The variance allowed parking in the front for use of an auto sales/open air business. The variance also allowed the site to be developed consistent with the setbacks of the surrounding businesses.
8. At the November 28, 2012 meeting, the ZBA **approved** the variance for (VAR1213) Koetje Builders, 334 Baldwin St., **to have parking within the front yard setback, a variance from Chapter 24 Footnote L which states that except for necessary drives and walks, the required front yard setback shall be landscaped and not used for parking (to have parking in 45 feet of the front yard setback where 90 feet from the centerline of Baldwin St. is required – less the pavement of the road)**, in a Community Service (CS) Commercial district on a parcel of land described as P.P. # 70-14-13-401-026. A 15-foot variance from the required 40-foot rear yard setback and a variance of 10 parking spaces from the required 37 parking spaces were also approved by the ZBA. The building was nonconforming and the variance was required in order to construct an addition. The ZBA determined that the setback along Baldwin St. was sufficient because the road had already been improved to five lanes, the property and neighboring properties were developed years before the adoption of the extra setback requirement, granting the variance would allow the site to continue to develop consistent with the surrounding area, and conformance with the current ordinance would affect the cross access that all the businesses in the area rely upon.
9. At the November 28, 2012 meeting, the ZBA **approved** the variance for (VAR1212) The Design Forum Inc., 7706 Georgetown Center Dr., **to locate parking no closer than 25 feet to a Residential district boundary, a variance of 25 feet from Chapter 24 Footnote M which states that no parking shall be located closer than 50 feet to a Residential district boundary**, in a Neighborhood Service (NS) Commercial district on a parcel of land described as P.P. # 70-14-15-227-010. The building was existing and had just received Use Zoning Compliance approval for a dental office. The variance was required to add parking spaces in the rear of the building, which would be within the 50 feet required in Chapter 24 Footnote M. It was determined that the additional parking would be consistent with the parking of the property to the south.
10. At the October 24, 2012 meeting, the ZBA **approved** the variance for (VAR1210) Myers/Powell Realty, 2076 Baldwin St., **to have a front yard setback for parking 52 feet from the centerline of Baldwin St., a variance of 38 feet from the 90 feet required in Chapter 24 Footnote L; to have a front yard setback of 10 feet from the right-of-way on 21st Ave. for parking, a variance of 20 feet from the 30 feet required in Chapter 24 Footnote L; and to have a parking lot setback of 24 feet from a residential boundary, a variance of 26 feet from the minimum of 50 feet to any Residential District boundary required in Chapter 24 Footnote M**, in an Office Service (OS) Commercial district on parcels of land described as P.P. # 70-14-15-327-001 and -002. Properties in the surrounding

area were constructed many years ago so they all have lesser setbacks than what is required now. The applicant proposed a plan that was consistent with the surrounding area regarding setbacks for parking and buildings. All the neighboring businesses have similar property rights.

11. At the November 30, 2011 meeting, the ZBA **partially approved** the variance for (VAR1113) Palermo Pizza, 7732 20th Ave., **part of the approved request was to have parking within the front yard setback located 63.3 feet from the centerline of 20th Ave., a variance of 26.7 feet from the 90 feet required in Chapter 24 Footnote (B)(1) and (K) which states that except for necessary drives and walks the required front yard for a depth of 30 feet shall be landscaped and not used for parking**, in a Neighborhood Service (NS) Commercial district on a parcel of land described as P.P. # 70-14-15-200-004. The variance was needed to renovate the building because it was nonconforming due to the front yard setback. 20th Ave. had already been improved to four lanes and the latest improvements were completed two years prior to time this variance request was submitted when the intersection of Baldwin St. and 20th Ave. was widened. Also, some of the businesses in the area had the same or less setbacks. Part of the approval included to locate a deck 53.6 feet from the centerline of 20th Ave., a variance of 24.4 feet from the minimum 78 feet required in Chapter 24 Footnote (B)(1) and (O), and to locate an open porch (awning) 66.5 feet from the centerline of 20th Ave., a variance of 11.5 feet from the minimum 78 feet required in Chapter 24 Footnote (B)(1) and (O). Part of the request that was denied was to have a 10-foot one-way drive aisle width alongside parallel parking spaces, a variance of 2 feet from the 12 feet required in Sec. 26.3.
12. At the July 27, 2011 meeting, the ZBA **approved** the variance for (VAR1109) O'Reilly Automotive Stores, Inc., 348 & 358 Baldwin St., **to have a front yard setback of 49 feet from the centerline of Baldwin St., 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 states except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures**, in a Community Service (CS) Commercial district on parcels of land described as P.P. # 70-14-13-401-004 and -005. This property and the surrounding area were developed many years prior to the adoption of the extra setback requirement so all the properties have lesser setbacks than the current requirements and to require the applicant to meet current setback standards was determined to be detrimental to adjacent properties because it would have interfered with the cross access all those businesses rely upon. The variance allowed the property to remain consistent with surrounding businesses. These variances had previously been approved by the ZBA for this property in March 2008, June 2009, and September 2010, expiring all three times without any construction commencing.
13. At the January 26, 2011 meeting, the ZBA **approved** the variance for (VAR1104) Family Fare, 6480 28th Ave. and 2760 Port Sheldon St., **to have parking and drives located 52.3 feet from the centerline of 28th Ave., a variance of 37.7 feet from the 90 feet required in Chapter 24 Footnote L, and to have parking and drives located 59.7 feet from the centerline of Port Sheldon St., a variance of 30.3 feet from the 90 feet required in Chapter 24 Footnote L**, in a Community Service (CS) Commercial district on parcels of land described as P.P. # 70-14-21-400-049 and # 70-14-21-470-001. Chapter 24 Footnote L states except for necessary drives and walks, the required front yard shall be landscaped and

shall not be used for parking, loading, or accessory structures. The request was to reconstruct the existing parking lot area within the required 30-foot front yard along 28th Ave. and Port Sheldon St. and to renovate the building. It was determined that the variance would decrease the nonconformity of the site, both Port Sheldon St. and 28th Ave. had already been improved to five lanes in this area, and most of the businesses in the area have the same or less setbacks.

14. At the December 10, 2008 meeting, the ZBA **approved** the variance for (VAR0808) Ridgewood Christian Reformed Church, 1571 Baldwin St., **to have a parking lot five feet from a property line of a residential district, a variance of 20 feet from the 25 feet of greenbelt required in Sec. 26.3(D)**, in a Low Density Residential (LDR) district on a parcel of land described as P.P. # 70-14-14-171-039. The variance was requested in order to split off the parsonage from the overall parcel. It appeared that the house and church had existed for over 40 years with no detrimental effects. The variance was approved with the condition that the church maintains the existing hedges to fulfill the screening requirement.
15. At the January 23, 2008 meeting, the ZBA **approved** the variance for (VAR0801) Click Photography, 7813 Cottonwood Dr., **to have a side yard setback of 14.8 feet (from the side property line to the existing building) and 29.9 feet (from the side property line to the proposed addition, a variance of 35.2 feet and 20.1 feet from the 50 feet required in Chapter 24 Footnote M which states that no commercial building and/or parking lot shall be located closer than 50 feet to any residential boundary**, in an Office Service (OS) Commercial district on a parcel of land described as P.P. # 70-14-13-100-034. The building was nonconforming and a variance was needed to construct an addition. The ZBA determined that there was sufficient distance from the side lot line to the nearest neighboring building. Footnote M in Chapter 24 have since been revised, but this is to note that a variance to a side yard setback has been granted in the past.

REVIEW – The first review is for the following requests since they are similar in nature:

- Variance to have 20-foot front yard setback along both Chicago Drive and Rosewood Street – **Chapter 24**
- Variance to have parking within the 30-foot front yard setback – **Chapter 24 Footnote K**
- Variance to have parking and drives within the 25-foot setback adjacent to a Residential District – **Sec. 26.3(D)**
- Variance to have a total of 10 feet in side yard setbacks – **Chapter 24**

The standards that have objectively been met are noted with an “X” in the “yes” column and the standards that have objectively not been met are noted with an “X” in the “no” column. Any standards left blank could not be objectively met or not met and therefore must be determined by the ZBA.

| | |
|-------------|-------------------------|
| Variance ID | VAR2105 |
| Applicant | Nate Heyboer |
| Address | 1078-1100 Chicago Drive |

| | | | |
|---------|---|----|--|
| Request | To have 20-foot front yard setback for both Chicago Drive and Rosewood Street; and to have parking within the 30-foot front yard setback; and to have parking and drives within the 25-foot setback adjacent to a Residential District; and to have a total of 10 feet in side yard setbacks. | | |
| Date | For May 26, 2021 meeting | | |
| # | YES | NO | CONDITIONS (Chapter 28.11-C) |
| 1 | X | | Granting the variance(s) will be in the public interest and will ensure that the spirit of the Ordinance shall be observed. |
| 2 | X | | 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 | | 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 of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts. |
| 5 | X | | 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 | | 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 | | That the variance is not necessitated as a result of any action or inaction of the applicant. |

FINDINGS

The variance request appears to meet standards 1, 2, 3, 5, 6, and 7. The ZBA should determine if they agree with the review presented or not and also determine if standard 4 is met.

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

Appears to be met. The spirit of the ordinance is to provide for the best possible development of the land within the Township and to balance the rights of the individual with the rights of the community. Toward that end, the Planning Commission and Township Board drafted a Zoning Ordinance with minimum standards for setbacks for the development of commercial districts. The Township recognizes that in redevelopment cases, it may be necessary for the benefit of the community to allow certain reductions in setbacks and to allow parking within the front setback area. The property is currently two parcels (one is nonconforming) with a single-family home and a detached accessory building, but is zoned Highway Service (HS) Commercial and master planned for Highway Commercial. When a nonconforming parcel is adjacent to another parcel that is owned by

the same owner, the two parcels are treated as one from a zoning standpoint. The home and accessory building will be demolished and a new building will be constructed for uses that are permitted in the HS Commercial district.

In regards to the side yard setback, the property only has one side lot line due to its irregular shape. Chapter 24 requires a total of 25 feet in side yard setbacks in the HS Commercial district. Chapter 24 allows the least side to be 10 feet while the other side is at least 15. The side yard setback shown on the plans is 10 feet. Located on the other side of the building is the parking lot and open space. The 10-foot side yard setback appears to be sufficient for the purposes of meeting the side yard setback requirements.

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 request actually eliminates a nonconforming use (single-family home) and replace it with permitted uses (office use and building supply and equipment establishment).

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.

Appears to be met. The unique circumstance that applies to this property is the irregular shape and size of the parcel which results in a very small building envelope. Not much remains of the parcel after the parking, landscaping, and necessary drives are in place.

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.

The ZBA will have to determine if this standard is met. There is an auto repair shop adjacent to the east of the property and residential properties to the south on the other side of Rosewood Street. Trees are proposed along the frontage on Rosewood Street to minimize the impact on the residential properties. The auto repair shop is a more intense use that required a special land use permit.

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.

Appears to be met. Other properties along Chicago Dr. have the same or even less setbacks than the applicant's request. More specifically, 970 and 986 Chicago Dr. are very close to their respective front lot line (first screenshot below). 970 Chicago Dr. even has their parking within the right-of-way. Additionally, several other properties east of the applicant's property also do not appear to have the required side yard setbacks met (second screenshot below).



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. The existing home and accessory building encroaches into the front yard setbacks much more than the proposed building. Plus, the home is a nonconforming use and it will be replaced with uses permitted in the HS Commercial district. Also, 1078 Chicago Dr. (P.P. # 70-14-23-250-060) is a nonconforming lot. The applicant has submitted a letter requesting to combine it with 1100 Chicago Dr. (P.P. # 70-14-23-250-061), this will eliminate a nonconforming lot.

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

Met. The applicant has a purchase agreement in place for the property. It is not known when the existing home or accessory building were built or when the lots were created. The property has been zoned HS Commercial as far back as July 1963. Prior to that, the HS Commercial district did not exist in the March 21, 1954 Zoning Ordinance. It does not appear that any of these situations were created by the applicant.

NOTE

****The ZBA has the authority to grant a variance up to or less than what is requested and published in the notice, but not for more.****

OPTION FOR MOTION TO APPROVE

If the ZBA determines that all seven standards of the ordinance are met for granting the variance, then the following motion to approve with conditions is offered:

Motion: To adopt the staff report as finding of fact and move to approve the variance for (VAR2105) Nate Heyboer (Z Land Properties), 4475 8th Ave., to have the following:

- 1. To have a 20-foot front yard setback from both Chicago Drive and Rosewood Street, a variance of 10 feet from the 30 feet required in Chapter 24;**
- 2. To have parking within the 30-foot required front yard setback, a variance from Chapter 24 Footnote K which states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures and required off-street loading areas shall not be provided in the front yard;**
- 3. To have parking and drives within the 25-foot front yard setback adjacent to a Residential District, a variance from Sec. 26.3(D) which states when a required non-**

residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives;

4. To have a total of 10 feet in side yard setbacks, a variance of 15 feet from the 25 total feet required for side yard setbacks in Chapter 24;

in a Highway Service (HS) Commercial district on parcels of land described as P.P. # 70-14-23-250-060 and P.P. # 70-14-23-250-061, located at 1078-1100 Chicago Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request meets the seven standards of the ordinance. Specifically, standards (_____) have been met and the reasons are _____.

OPTION FOR MOTION TO DENY

Even if one standard is not met, per Sec. 28.11(C), the ZBA does not have the authority to grant the variance and the following motion to deny is offered:

Motion: To adopt the staff report as finding of fact and move to deny the variance for (VAR2105) Nate Heyboer (Z Land Properties), 4475 8th Ave., to have the following:

1. To have a 20-foot front yard setback from both Chicago Drive and Rosewood Street, a variance of 10 feet from the 30 feet required in Chapter 24;
2. To have parking within the 30-foot required front yard setback, a variance from Chapter 24 Footnote K which states except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures and required off-street loading areas shall not be provided in the front yard;
3. To have parking and drives within the 25-foot front yard setback adjacent to a Residential District, a variance from Sec. 26.3(D) which states when a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives;
4. To have a total of 10 feet in side yard setbacks, a variance of 15 feet from the 25 total feet required for side yard setbacks in Chapter 24;

in a Highway Service (HS) Commercial district on parcels of land described as P.P. # 70-14-23-250-060 and P.P. # 70-14-23-250-061, located at 1078-1100 Chicago Dr., Georgetown Township, Ottawa County, Michigan; based on the finding that the request does not meet the seven standards of the ordinance. Specifically, standards (_____) have not been met and the reasons are _____.