

TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Zoning Board of Appeals of the Township of Solon, held at the Township Hall, 15185 Algoma Avenue, Cedar Springs, Michigan, on the 21st day of August, 2024 at 7:30 p.m.

PRESENT: Skelonc, Tilburt, Powell and Perrin (alternate)

ABSENT: Blair and Stout

The following preamble and resolution were offered by Member Tilburt and supported by Member Skelonc.

RESOLUTION NO. 2024-16

RESOLUTION GRANTING PARKING SETBACK VARIANCE

[Kooienga Properties, LLC/Premier Auto & Truck Parts – 28 – 17 Mile Road]

WHEREAS, Kooienga Properties, LLC/Premier Auto & Truck Parts (“Applicant”), has applied for a variance from relief from Section 15.03D and any other applicable provisions of the Zoning Ordinance to permit a parking area to be located within the minimum setback area for a non-residential parking lot situated on a parcel which adjoins a residential district located at 28 – 17 Mile Road, N.E., Cedar Springs, Michigan 49319 (the “Property”); and

WHEREAS, the Zoning Board of Appeals has held a public hearing on the application for the variance described above, after the giving of notice as required by the Michigan Zoning Enabling Act, and the Zoning Board of Appeals members have considered the application, other information and comments made at the public hearing.

IT IS, THEREFORE, RESOLVED:

1. **Variance.** In response to the variance application, and following the public hearing and consideration of the application, the Zoning Board of Appeals hereby grants the requested variance to allow the parking lot to be located within the minimum side yard building setback of

50 feet, to allow the parking lot to be located within three feet of the property line, except for the Northerly 108 feet, as set forth in the site plan dated May 14, 2024.

2. **Grounds for Response to Variance Application.** The Applicant has requested a dimensional variance, and it is therefore subject to the factors listed in Section 17.06 of the Zoning Ordinance. The Zoning Board of Appeals makes the following determinations regarding the factors listed in Section 17.06:

(a) Enforcement of the literal requirements of this Ordinance would involve practical difficulties because:

- i. Based on the narrowness of the parcel, and lack of alternative parking locations caused by the configuration of the lot and improvements made to the Property when it was used as a roller rink, it would be practically difficult to effectively use the proposed site to provide safe employee and visitor parking facilities separated from the heavy vehicle and equipment traffic inherent in the existing automotive recycling facility.

(b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district because:

- i. The property is unique in its narrowness and topography and prior uses. There are few locations in the Township where a lot of this configuration would be suitably located for industrial use.
- ii. The Township Master Plan indicates nearby zoning will likely be changed to Neighborhood Commercial.

(c) That literal interpretation of the provisions of this Ordinance would deprive the Applicant of property rights commonly enjoyed by other properties in the same zoning district because:

- i. Parking setbacks have been granted to other properties. Further, the setbacks would make it very difficult to improve the Property.

(d) That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance because:

- i. The Zoning Board of Appeals finds that the Property and parking area will be properly buffered so as to protect any neighboring properties and notes that the north portion of the parking area located closer to the existing home is set back 20 feet and also buffered by a fence and tree screening.

4. **Findings of Fact.** The Zoning Board of Appeals makes the following findings of fact:

(a) The requested variance will not be injurious to neighboring properties and complies with the spirit and intent of the Zoning Ordinance.

(b) There are practical difficulties which exist, and which can be avoided by permitting the variance as requested.

5. **Conditions.** The Zoning Board of Appeals grants this variance subject to the following conditions, which must be satisfied within one (1) year of the date of this resolution:

(a) **Location of Parking Lot.** This variance is granted for the location of the parking lot as shown on the site development plan dated May 14, 2024 and the general uses permitted by that plan.

(b) **Recording.** Applicant will record this variance with the Kent County Register of Deeds so as to provide notice to future property owners.

AYES: 4

NAYS: 0

RESOLUTION DECLARED ADOPTED.



Jon Tilburt, ZBA Chair