

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 20th day of October, 2022, at 7:30 p.m.

PRESENT: Blair, Powell, Skelone, Stout, Tilburt

ABSENT: None

RES
22-10

The following preamble and resolution were offered by Member Skelone and supported by Member Stout

RESOLUTION GRANTING DIMENSIONAL VARIANCE

[Cedar Springs Retail Management – 3700 17 Mile Road]

WHEREAS, Cedar Springs Retail Management (“Applicant”), has presented a revised variance request for relief from Section 10.04(K)(2)(c) of the Zoning Ordinance, which requires that driveways be located 150 feet from an intersection of a private road or street, on lands located at 3700 17 Mile Road, and legally described as follows:

A parcel of land located in the Northeast Quarter and the Northwest Quarter of Section 35, Town 10 North, Range 11 West, Township of Solon, Kent County, Michigan. Further described as: commencing at the North Quarter post of Section 35, Town 10 North, Range 11 West; thence along the North and South Quarter line of said Section 35, south 00°22’06” east. 60.00 Feet to the South right of way line of 17 Mile Road; thence along said South right of way line, North 89°28’22” East, 52.91 feet; thence along said South right of way line, South 00°31’38” East, 15.00 feet; thence along said South right of way line, north 89°28’22” East, 39.87 feet; thence south 00°05’08” East, 131.34 feet; thence south 89°54’52” West 5.00 feet; thence south 00°05’08” East 11.00 feet; thence North 89°54’52” East 5.00 feet; thence south 00°05’08” East 91.68 feet; thence Southerly 55.68 feet along the arc of a curve to the right with a radius of 50.00 feet, a central angle of 63°48’08”, and a chord which bears south 57°39’20” West, 52.85 feet; thence South 89°33’24” west, 74.37 feet; thence westerly 41.99 feet along the arc of a curve to the left with a radius of 233.00 feet, a central angle of 10°19’29”, and a chord which bears South 84°23’39” West, 41.93 feet; thence South 79°13’54” West 23.04 feet; thence Northwesterly 82.86 feet along the arc of a curve to the right with a radius of 52.58 feet, a central angle of 90°16’46”, and a chord which bears North 54°33’07” West,

74.55 feet; thence Northerly 169.02 feet along the arc of a curve to the right with a radius of 2102.00 feet, a central angle of 04°36'26", and a chord which bears North 04°16'54" West, 168.97 feet; thence North 04°17'46" East, 71.49 feet; thence Northeasterly 23.05 feet along the arc of a curve to the right with a radius of 31.00 feet, a central angle of 42°35'49", and a chord which bears north 20°17'02" East, 22.52 feet; thence North 00°27'44" West, 40.00 feet; thence North 89°31'17" East, 150.24 feet to the point of beginning.

WHEREAS, the Zoning Board of Appeals has held a public hearing on the application after the giving of notice as required by the Michigan Zoning Enabling Act.

IT IS, THEREFORE, RESOLVED:

1. **Variance.** In response to the variance application, and following public hearing and consideration of the application, the Zoning Board of Appeals hereby grants the requested variance to reduce the driveway to intersection spacing from 150 feet to 107.8 feet as shown on the plan dated September 26, 2022.

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 dimensions of the proposed lot, there is no location where an independent driveway entrance could be provided which meets both the driveway spacing and driveway to intersection spacing requirements of the zoning ordinance for the parcel.

(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 because it is bordered on three sides by public or private streets.
- ii. The abutting private street to the south is classified as a private street by the ordinance, but functions as an internal driveway.

(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. A single independent access route into a business property is commonly enjoyed by other properties in the commercial district.

(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. Access from Cedarfield Boulevard into the site is safe and prevents potential traffic conflicts from utilizing a shared driveway with the Meijer gas station.

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 Driveway.** This variance is granted for a location of a driveway on Cedarfield Boulevard, at the location shown on the site development plan showing

that single access with last revision date of September 26, 2022, 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.

(c) **Principal Building.** The construction authorized by this variance shall have commenced within one year after granting of the variance and shall be progressing toward completion or the variance shall automatically expire.

(d) **Cedarfield Boulevard.** The applicant shall provide to the Township proof that it has permission to access Cedarfield Boulevard or demonstrate the right to connect to Cedarfield Boulevard.

AYES: 5 _____

NAYS: 0 _____

RESOLUTION DECLARED ADOPTED.

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John Tilburt, ZBA Chair _____