

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 17th day of January, 2024, at 7:30 p.m.

PRESENT: Blair, Crofoot (Alternate), Powell, Skelonc, Tilburt

ABSENT: None

The following preamble and resolution were offered by Member Powell and supported by Member Skelonc:

RESOLUTION NO. 24-01

RESOLUTION GRANTING PARKING VARIANCE

[Aaron Lenartz/ Petz Prefurred LLC]

WHEREAS, Aaron Lenartz and Petz Prefurred LLC (“Applicants”) have requested a variance for relief from Section 10.04(C)(3) and any other applicable provisions of the Zoning Ordinance to permit a parking area to be located within the minimum setback area for the parcel of land located at 14175 Edgerton Avenue NE (the “Property”).

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.

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 for parking in the rear setback as shown on the site plan December 22, 2023.

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. The Property located at 14175 Edgerton Avenue is a unique shape with the lot being long and narrow in the north/south direction. The parcel generally tapers from wider at the south end to extremely narrow at the north end.
- ii. Given the unusual shape and the 50 foot front yard setback in the Highway Commercial District and the fact that Edgerton Avenue has a 100 foot wide right of way leaves the Property with a limited developable area.

(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 has an unusual shape and topography along Edgerton Avenue.
- ii. The Property will require large amount of fill due to soil composition.

(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. It would be very difficult for the Applicants to develop the land unless a portion of the setback area can be used for parking purposes.
- ii. Other properties in the district have been permitted to park within the parking setbacks.

(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 Applicants have designed the proposed parking area within the setback limits to the greatest extent practically feasible.
- ii. The Applicants have proposed to place the development with the existing topography and located it in the portion of the lot where the building and use are best located.

3. **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.

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


(b) **Principal Building.** Applicants will construct a primary building on the property within one (1) year.

(c) **Future Construction.** If approved by the Planning Commission, the Applicants may defer actual construction of the parking spaces in the setbacks until such time as it is determined by the Planning Commission that the additional parking is needed in the setback.

AYES: 5

NAYS: 0

RESOLUTION DECLARED ADOPTED.



Jon Tilburt, ZBA Chair