

**GRAND RAPIDS CHARTER TOWNSHIP  
BOARD OF ZONING APPEALS  
May 9, 2012**

A meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 pm with the following present; Chair Ron Hall, Secretary David VanDyke, Mark Prein, Jim Kubicek, Lee VanPopering and alternate John Rupert. Absent was George Orphan. Also present were Township attorney Jim Brown and Township Planner David Pasquale.

**1. Approval of November 8, 2011 minutes.**

**Lee VanPopering**, seconded by **Jim Kubicek**, moved to approve the minutes with the following change:

- p.2, should read "Motion passes 5-0"

**Motion approved unanimously.**

**2. #2012-01 – SPLC, LLC (Jimmy John’s Restaurant) – 3428 Plainfield Ave at Rupert Street**

The applicant, SPLC, LLC, requested a dimensional variance to allow the construction for the proposed Jimmy John’s restaurant permitting a reduced secondary front yard setback from 75 feet from the south property line to 20 feet.

Kevin Edsen, architect from W.O. Perry and Associates, said the corner lot which previously has located a Four Star Gas Station is small and nonconforming. The Site Plan Review Committee approved the plan subject to securing a variance on April 17, 2012. The Michigan Department of Transportation approved a right turn in and out along Plainfield Avenue.

In reviewing the variance criteria, Edsen noted, (1) this is a nonconforming lot with the width of the lot being 94 feet. The setbacks are 75 and 30 feet equaling 105 feet which is greater than the lot width. The setbacks overlap. (2) The property cannot be developed depraving a substantial property right. (3) It is not a detriment to the adjacent property. (4) With the overlapping setbacks, the condition makes it impracticable to formulate a general regulation.

Lee VanPopering said it is an ugly property needing improvement.

During the Public Hearing, Earl Clements of Colliers International, representing H&H Management, noted the property is an eyesore and vacant.

Township Attorney Jim Brown stated there are no other approvals needed. The Site Plan Review Committee has already approved the plan. Brown noted the narrowness of the corner lot.

**Lee VanPopering**, seconded by **Jim Kubicek**, moved to grant the variance as described for 3428 Plainfield adopting the resolution prepared by the Township Attorney deleting item 3c.

**Yes: Jim Kubicek, Ron Hall, Lee VanPopering, Mark Prein and John Rupert**  
**No: None.**

**Motion passes 5-0.**

**3. Election of Board Secretary.**

With Dave VanDyke leaving the ZBA, a new secretary must be elected. After a brief discussion, the following motion was brought forth:

**Lee VanPopering**, seconded by **Jim Kubicek**, moved to elect George Orphan as secretary.

**Yes: Jim Kubicek, Ron Hall, Lee VanPopering, Mark Prein and John Rupert**  
**No: None.**

**Motion passes 5-0.**

The meeting was adjourned at 7:23 pm.

Respectfully Submitted,  
George Orphan