

**APPROVED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
FEBRUARY 20, 2023, 7:00 P.M.**

1. Commissioner VanNoord called the meeting to order.
2. Pledge of Allegiance
3. Roll Call  
MEMBERS PRESENT: David Fant, Aaron Johnson, Robert Spalding, Mary VanNoord and Susan West  
MEMBERS ABSENT: Les Derusha, Alan Lipner, Robert Houtman (with notification)  
OTHERS PRESENT: Planner Joe Pung, Planning and the applicants
4. Approval of the Minutes and Findings of Fact
5. Acknowledge visitors and those wishing to speak to non-agenda items.
6. Public Hearing

Appeal #V-23-01

Applicant: Drive & Shine  
Location: 3277, 3311, & 3343 Woodland Drive, SE

Request: The applicant wishes to develop a carwash/oil change facility on the site. The building would have a rear yard setback of 2 feet and be setback 87 feet from an adjacent residential district. Section 8.03.B of the Zoning Ordinance requires a rear yard setback of 30 feet, Section 19.03.C requires a 10-foot buffer zone adjacent to the office zone to the north, and Section 15.04.F.11 requires a building setback of 100 feet from the residential district to the north. The requested variances are for a reduction of 28 feet to the required rear yard setback, waiver of the buffer requirement, and a reduction of 13 feet to the required setback from a residential district.

Tehrani (property owner) and Andrew Rossell (AR Engineering) were present. Tehrani stated they are proposing a car care facility. He stated it is not only a carwash, but it also has several other components. He stated they have several and this one will be the 16<sup>th</sup>. He stated this will have an interior self-vacuum where you pull your car in and park on either side to vacuum, wash floor mats etc. They also have towels.

He stated moving north they will have the interior belt which where you pull your car in and exit the vehicle. He stated it is on a moving belt while you wait your car is detailed in 7 minutes. He stated the next bay to the north is the actual carwash tunnel where it is automated and you stay in your vehicle to get your car washed.

He stated the far north where they are seeking the variance on the north property line is the Lube Center where you get your oil changed. He stated the building is quite wide and they are constrained by the north property line. He stated they own the adjacent WMU property therefore they can dedicate a permanent easement that would suffice a setback but in the way of an easement. He stated the existing WMU building and parking would remain other than the slight modification for emergency egress drive.

He stated in the back there is the auto attendant canopy, where you drive through and pay (or if you have a subscription it is an automated gate) and employee parking. He stated the reason for the positioning of the building where it is, there is a very steep bank so they would have to construct a retaining wall along the south edge of pavement where the existing pavement is now and because of the limited access they would construct a drive coming westerly up the hill and then enter the site. He stated if you want to get a carwash then you go through the auto attendant. If you want to get an oil change you go around and go through the lube center.

He stated the second variance they are requesting is the 100 feet to a residential property. He stated they are 87 feet to the property line; however, the actual apartment complex is approximately 250 feet away. He stated the area has a treeline with mature trees and screening therefore they feel that is more than adequate for the buffer yard required being that they can't shift it anymore east because of the steep bank. He stated there are some challenges on the site, but they have thought it through for the least amount of variances. He stated there is a very large slope on the south side making it difficult. He stated this is the existing access that is already on their property that they have given easement access to Anna's House to use. They were going to use the same access point.

He stated as far as the flow of traffic, as you come in you get to an automated cashier. He 70% of the population is unlimited wash customers. A three second gate goes up and you go through. Discussion ensued regarding the circulation of the site.

Fant questioned if they own entrance that leads into Anna's House. Teharni stated it has been grandfathered in, there is no recorded easement.

VanNoord stated when they go up the road by Anna's House do they have an out to the East Beltline. Teharni stated they do have an exit out only that they can let people drive through. They don't think it will be necessary. He stated all of their sites have the same entrance and exit. He stated they have something for fire. VanNoord's concern was if you are coming from the mall you almost have to do a U-turn and it is hard. She stated you can leave that way but turning from there would be hard. Teharni stated on the East Beltline that road is about 40,000 cars and that is about 99% of their volume.

VanNoord stated if they plan on taking down the grassy hill area because it is tall and steep. Turano stated that will end up being where the parking area will be and they wouldn't touch that. VanNoord questioned if there would be any water problems. Tehrani stated the parking lot exists right now and they are required by regulation to maintain all of the water they create on their asphalt. Discussion ensued.

Spaulding stated he has been out on the site a few times. He stated the exit to the north property, why does he have that emergency exit and what is going to prevent anybody from coming off the drive north of the WMU building and entering there even though it is an exit only. Tehrani stated there is an electronic gate there to prevent people from driving through. Discussion ensued.

Spaulding stated the proposed entrance off of Mall Drive that they are going to share with Anna's House, that is a heavy traffic area and it concerns him greatly. Tehrani stated this will be far easier in terms of traffic management because you are already off a state highway before you come to their facility; it is not even close to being overwhelming.

Spaulding's concern was the private property are they going to have problems or have they talked to anyone. Pung stated there should be easements allowing use of the private road. Pung stated there should be easements for all of the properties to access that site. Pung stated if the variances are granted they will have to go to the Planning Commission for the use and the site plan. Pung stated as part of the Planning Commission review there is going to be a traffic analysis. He stated just because they get the variance it still has to go to the Planning Commission for both the special land use and the site plan. The Planning Commission will have the final say on the design of the site. Pung stated this just gives them the right to be able to design it like they have proposed. Pung stated if they didn't get the variance they would have to redesign the site but they can still put it there if they got permission from the Planning Commission for the use. Pung stated the Planning and City Commission did approve the rezoning of the property to allow for this type of development.

Spaulding stated he has a concern of them asking to waive the buffer zone to the north. He stated his understanding is that they would establish a buffer zone along the north side of the existing sidewalk that is there. Now they are saying they are not going to put a buffer zone that is required. Pung stated they can't put the buffer zone on this property. He stated they are asking for a waiver for a buffer zone but have offered to put the buffer on the property to the north that they own. Even with the easement it is on a different property. They can do the easement to have that buffer zone on the property to the north, but they are still getting a waiver because they can't do it on the existing property. They can't move the property line due to the municipal and school district boundaries.

Tehrni stated they shrunk the self vacuum down by 10 feet. They compromised to shrink that down to be able to give enough room to fit the 20 foot drive along the south to allow

for emergency vehicles and consolidate as much as the owner can internally to make this work.

VanNoord opened the public hearing.

Motion by West, supported by Johnson, to close the public hearing.

West stated that point 1 has been met. West stated point 2 is met there are very few commercial properties in Kentwood which abut municipal and school district boundary. West stated point 3 has been met.

Johnson, Spaulding, Fant, VanNoord concurred that points 1, 2 and 3 have been met.

West stated point 4 has been met. West stated point 5 is met. West stated point 4 has been met.

Johnson, Spaulding, Fant, VanNoord concurred that points 4,5 and 6

Motion by West, supported by Johnson, to approve V-23-01 based on prior discussion adding the condition the Planning Commission approval special land use vehicle wash establishment and site plan and the creation of a permanent easement on the adjacent property to the north with the final dimensions to be approved by staff and the Planning Commission

1. **There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The topography of the property and the adjacent municipal and school district boundaries**
2. **The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**
3. **The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will not be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do not result from the actions of the applicant.**

Appeal #V-23-02

Applicant:

Benjamin Bauer

Location: 5120 East Paris Avenue, SE

Request: The applicant wishes to locate a major vehicle repair establishment within a tenant space in the existing building. The tenant space has an overhead door facing East Paris Avenue; Section 15.04.E.6 does not permit the proposed use to have an overhead door facing the street. The requested variance is to permit the proposed vehicle repair establishment to have an overhead door facing the street.

Ben Bauer, 4216 Unity Dr. was present. He stated he is looking to open a major vehicle service center. He stated this will be dry ice cleaning of vehicles. Everything will be done inside of the building. This will be unique vehicles (hot rods, exotic cars, sports cars, and collector vehicles). He stated leaving them outside while in his care he is not comfortable with for security reasons. He stated vehicles arrive for service they will be pulled right into the building. Bauer stated the space is about 4400 square feet he is going for a larger space so that all vehicles can be inside at all times. He stated this will be a totally different type of business from a normal vehicle service center. He stated he will probably see 4-6 vehicles per week. He stated this is not your typical vehicle service type of center. He stated the distance from the door to the road is about 230 feet. He stated standing at the edge of the property it is a loud road any sort of noise from his business he doesn't see as being any issue.

Johnson questioned if the overhead door was there when the building was built. Pung stated the prohibition of an overhead door facing the street is based on the use.

Spaulding questioned if the vehicles will be coming in on a truck or semis. Bauer stated most people will be driving their vehicles in to them or someone pulling their vehicle in behind their truck. However, there is a huge parking lot that has a loading dock for semis.

Spaulding questioned if he will have air conditioning. Bauer stated no. He questioned what kind of ventilation he has on the backside of the building. Bauer stated two regular doors.

VanNoord questioned if he has any other businesses like this one. Bauer stated no this will be the second one in the state.

VanNoord opened the public hearing.

There was no public comment.

Motion by Wet., supported by Johnson, to close the public hearing.

Johnson stated point 1 is met. Johnson stated point 2 because the building sits so far back. Johnson stated point 3 is met.

Spaulding, West, Fant, VanNoord stated points 1, 2 and 3 have been met.

Johnson stated point 4 is met. Johnson stated point 5 has been met. Johnson stated point 6 has been met

Spaulding, West, Fant, VanNoord stated points 4,5 and 6 have been met.

Motion by Johnson, supported by Spaulding, to approve V-23-02.

1. **There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include by way of example:**
2. **The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**
3. **The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will not be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do not result from the actions of the applicant.**

- Motion Carried (5-0)-
- Derusha, Lipner, Houtman absent -

**Motion by VanNoord, supported by West, to adjourn the meeting.**

- Motion Carried ( 5-0) –
- Derusha, Lipner, Houtman absent -

Meeting adjourned at 8 p.m.

Respectfully submitted,

Robert Houtman, Secretary