

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

1. Secretary Houtman called the meeting to order.
2. Pledge of Allegiance (Susan West)
3. David Fant was sworn in as Zoning Board of Appeals Commissioner.
4. Roll Call  
MEMBERS PRESENT: Robert Houtman, Aaron Johnson, Robert Spalding, David Fant, Mary VanNoord and Susan West  
MEMBERS ABSENT: Les Derusha and Alan Lipner (with notification)  
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier and the applicants.

**Motion by VanNoord, supported by West, to excuse Derusha and Lipner from the meeting.**

- **Motion Carried (6-0) –**
- **Derusha and Lipner absent -**

5. Approval of the Minutes and Findings of Fact

**Motion by VanNoord, supported by West, to approve the minutes of November 21, 2022.**

- Motion Carried (6-0) –
- Derusha and Lipner absent –

**Motion by Spaulding, supported by West, to approve the minutes of February 20, 2023.**

- Motion Carried (6-0) –
- Derusha and Lipner absent -

6. Acknowledge visitors and those wishing to speak to non-agenda items.

There was no public comment.

7. Public Hearing

Appeal #V-23-03

Applicant: Josadac & Catherine Aria  
Location: 4868 Raymond Avenue SE

Request: The applicant wishes to construct a new 672 square foot detached garage in the same location and using the same foundation as a previous detached garage. The new garage would have a side yard setback of two (2) feet and a rear yard setback of twenty-four (24) feet; Section 3.15.C.2.b requires a minimum side yard setback of five (5) and a minimum rear yard setback of thirty (30) feet. The requested variances are for a reduction of three (3) feet to the required side yard setback and six (6) feet to the required rear yard setback.

Catherine & Josadac Aria, 4868 Raymond Avenue, were present. Catherine stated their garage burned down almost two years ago and they want to use the existing foundation that is still there to rebuild exactly like it was before. They don't plan on making any changes.

Houtman opened the public hearing.

There was no public comment.

**Motion by VanNoord, supported by Johnson, to close the public hearing.**

- Motion Carried (6-0) –
- Derusha and Lipner absent –

The commissioners were ok with the request and offered no additional comments.

Based on the staff report West stated point 1 has been met. West stated point 2 has been met. West stated point 3 has been met.

Fant, VanNoord, Spalding, Johnson and Houtman concurred points 1, 2 and 3 have been met.

Based on the staff report West stated point 4 is met. West stated point 5 has been met. West stated point 6 has been met.

Fant, VanNoord, Spalding, Johnson and Houtman concurred points concurred that point 4, 5 and 5 have been met.

**Motion by West, supported by VanNoord, to approve V-23-03**

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.**
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 (6-0) –
- Derusha and Lipner absent -

Appeal #V-23-04

Applicant: Michael Bykerk  
Location: 4879 Kalamazoo Avenue SE

Request: The applicant wishes to construct and addition off of the rear of their existing home. The existing detached garage is currently located in the rear yard, but with the proposed addition the structure would be located in the side yard. Zoning Ordinance Sections 3.15.C.1.a. and 3.16.C.7 require that the garage be located in the rear yard. The requested variance is to permit the detached garage to be located in the side yard.

Michael Bykerk, 4879 Kalamazoo was present. He stated he wants to put an addition off the rear of their house. He stated the garage is in the side yard now; however, the addition will come almost to the back of the garage. He stated it will then put the garage in the side yard. He stated they tried to design the addition to go to the north, but then they encroach on the property line. He stated if they go to the south, they encroach and build it in front of the garage where it is not usable.

Bykerk stated with the foundation that they have now. It was built in 1872. He stated they like the look of the front of the house and don't want to distract from that too much because it is very old. He stated the house has been completely rebuilt to the original historic look. He stated with a stone foundation, they don't want to run along the whole rear of the house because they don't want to collapse the old stone because it is very fragile. He stated they want to run a short breezeway of 6 feet, where they can attach right to the rear door and then build off of that, but then it is going to past the garage. He stated that is where the issue comes in with the garage not being in the rear yard once it is built.

Houtman questioned how it will be heated. Bykerk stated a regular separate furnace.

Houtman opened the public hearing.

Email from Gayle DeBruyn they are in support of the addition as proposed.

Email from Scott Mulder, Jerilyn Brown Rick Workman, in support of the request

**Motion by West, supported by VanNoord, to close the public hearing.**

- Motion Carried (6-0) -
- Derusha Lipner absent

Based on the staff report Johnson stated point 1 has been met. Johnson stated point 2 has been met. Johnson stated point 3 has been met.

Fant, VanNoord, Spalding, West and Houtman concurred points 1, 2 and 3 have been met.

Based on the staff report Johnson stated point 4 has been met. Johnson stated point 5 has been met. Johnson stated point 6 has been met.

Fant, VanNoord, Spalding, West and Houtman concurred points 4, 5 and 6 have been met.

**Motion by Johnson, supported by West, to approve V-23-04**

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.**
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 (6-0) –
- Derusha and Lipner absent -

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

- Motion Carried (6-0) –
- Derusha and Lipner absent -

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Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Robert Houtman, Secretary