

**APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
JUNE 19, 2023, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (Fant)
3. Declaration of Conflict of Interest

Le stated she will recuse herself from Case V-23-08.

Motion by Houtman, supported by Spalding, to accept.

- Motion Carried (6-0)
- Johnson, Lipner and West absent -

4. Roll Call
MEMBERS PRESENT: Les Derusha, Robert Houtman, Amanda Le, Robert Spalding, David Fant, Mary VanNoord
MEMBERS ABSENT: Aaron Johnson, Alan Lipner and Susan West
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicants, and about 30 citizens.

Motion by Houtman, supported by VanNoord to excuse Johnson, Lipner and West from the meeting.

- Motion Carried (6-0)
- Johnson, Lipner and West absent -

5. Approval of the Minutes and Findings of Fact

Motion by VanNoord, supported by Houtman, to approve the minutes of May 15, 2023.

- Motion Carried (6-0) –
- Johnson, Lipner and West absent

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

There was no public comment.

Appeal #V-23-07

Applicant: Veneklasen Construction
Location: 3838 East Paris Avenue, SE

Request: The property owner wishes to place a dumpster, without an enclosure, on the property. Section 19.03.F.6 of the Kentwood Zoning Ordinance requires that a dumpster be located within an enclosure meeting the design standards of the Zoning Ordinance. The requested variance is to place a dumpster on the property without the required enclosure.

Nate LaDuke, Project Manager with Veneklasen Construction, 5000 Kendrick St. Grand Rapids, MI was present. He stated their request to place the dumpster without an enclosure is due to the dumpster being inside a fenced in area with privacy slats.

Fant stated if the variance is granted we should make it a condition of approval that should the slats and fence be removed they have to build an enclosure for the dumpster

LaDuke displayed a photo of where the dumpster would be placed. He stated the fencing with privacy slats will be going along the property line around the east side, the north side, and coming back across. He stated the entire storage yard will be enclosed with a chainlink fence with privacy slats around all sides. He stated any view would be blocked.

Spalding questioned if the slats will be installed prior to the dumpster being brought on site. LaDuke stated yes, prior to the actual owners dumpsters coming on site. Spalding questioned if there is any reason why the dumpster can't be moved to the east end of the building. LaDuke stated in that area there is a sloped loading dock.

Derusha opened the public hearing.

There was no public comment.

Motion by Houtman, supported by VanNoord to close the public hearing.

- Motion Carried (6-0) –
- West, Lipner and Johnson absent -

Le stated points 1, 2, 3, 4, 5 and 6 have been met.

VanNoord, concurred that points 1, 2, 3, 4, 5 and 6 have been met because of the slats they are going to do with the fencing.

Spalding, Houtman, Fant, Derusha concurred that points 1, 2, 3, 4, 5, and 6 have been met.

Motion by Le, supported by Houtman, to approve V-23-07 with the condition that if the slats are removed the dumpsters have to be enclosed.

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) –
- West, Lipner and Johson absent -

Appeal #V-23-08

Applicant: Scott Bird
Location: 1775 Forest Hill Avenue, SE

Request: The applicant wishes to have two (2) attached accessory buildings, for a total of three (3) accessory buildings. The second attached accessory building would have an area of 2,000 square feet. Section 3.16.D.1 of the Kentwood Zoning Ordinance restricts the number of attached or detached accessory buildings, in combination to no more than two (2). Section 3.15.D.2.a limits the home to an attached accessory building of up to 1,200 square feet. The requested variances are for a third accessory building on the property, two (2) attached accessory buildings, and an increase in area of 800 square feet.

Scott Bird, 1775 Forest Hill Avenue was present. He stated they are doing an extensive remodel on an existing one stall garage. He stated when working with the City to come up with an approval to keep the existing one stall garage they had to have some connection space connecting the two buildings. He stated as they started to build it was an awkward connection on the building that didn't make a whole lot of sense. He stated he thought he could get rid of the one stall garage and make his other building larger.

Houtman questioned if the connection piece between the sports court and the garage area was enclosed would it be in compliance. Bird stated he would be in compliance. That is why he wanted to come to the Zoning Board because his viewpoint that is not the intent

of the ordinance if he can put two walls and now he is compliant. He hasn't changed the footprint or the layout of the property at all. He stated he thinks he has devalued curb appeal and devalued his property and increased his taxes revenue. He stated he doesn't see any positive outcome from trying to meet the ordinance.

Houtman questioned if it were filled in would he be in compliance. Pung stated yes, along with the original conditions on the original building permit. He stated we are treating it as part of the house, an area that can be utilized as living area. It can not be used as business, for storage, can't add garage doors, etc. If it was an attached with just an overhead, it would be no different than an attached garage where it is still considered an accessory structure. Pung stated by having it fully enclosed on the second level we were able to make the interpretation that this would be considered as part of the house and not an accessory structure as long as the conditions were followed(no garage doors, no storage, no using as a business etc).

Houtman questioned if he could live with those conditions. Bird stated he gladly will.

Pung stated if it were fully enclosed they would not need the variance. He stated we would treat it similarly as the original design where the fully enclosed attachment was on the second floor along with the conditions that were on the original building permit. A variance would not be required because it would not be classified as a separate accessory structure. If it were a garage attached with a breezeway it is an accessory structure not part of the home. Bird stated his intent of that design and space he wouldn't consider it a breezeway. They wanted it more of an outdoor kitchen and an outdoor entertainment space.

Discussion ensued regarding the design.

Pung stated right now it is just an open breezeway just one level there is not second level to that connection.

Derusha questioned if they were to put in a panelized door that you can fold up on both sides. Pung stated we would still count that as being enclosed.

Bird stated the other option he is looking at just his second accessory building that would be enlarged on square footage. Bird stated as a secondary approval can he eliminate one accessory building and have a variance for just the 800 square foot increase. He stated he is on over 3 acres and owns the 2 acre parcel next to that and there is really no surrounding neighbors.

Houtman questioned if he would have to submit another application for the new request. Pung stated we would have to take a look at that. Pung stated the zoning ordinance allows one attached accessory structure not two. Discussion ensued. Pung stated the variance is asking for 3 structures, two attached structures and one for area. If he were to remove the

one that was in front, he would be asking for two attached structures in the area. It is still within what was noticed.

Bird displayed a photo of the requested structures.

Pung stated he is allowed an attached structure up to 1200 square feet because they have more than 3000 square feet of finished living area.. He stated he is asking for 2 attached structures, the attached garage which is under 1200 square feet as well as an attached structure at 2,000 square feet. Pung stated for detached it would be 960 square feet for their second detached accessory structure located in the rear yard Currently he is allowed a 1200 square foot attached garage plus a 960 square foot detached accessory structure.

Pung stated if he had a detached accessory building, he can have 960 square feet. If the commissioners are inclined to grant the variance an option they have is to place conditions that no other structures can be constructed on the property, no garage doors can ever be constructed, can't use for business etc. Pung stated that the commissioners do have the option to table the request so staff can get further clarification.

Houtman questioned if he has considered going back to his original plan. Bird stated with the connector and the added trusses up above the whole second floor where it connects is just the bedroom and awkward space.

Pung stated if is fully attached then he won't need the variance and it won't be considered an accessory structure. Pung stated staff can with Mr. Bird as to how he can bring the structure into compliance without the need for a variance.

Discussion ensued.

Motion by Houtman , supported by Spalding, to table V-23-08 to July 17, 2023.

- Motion Carried (6-0) –
- Lipner, Johnson and West absent -

Appeal #V-23-09

Applicant: DPI Signs & Graphics
Location: 444 Bellewood Drive, SE

Request: The applicant wishes to replace an existing manufactured housing community entrance sign with a new entrance sign. The proposed sign would have a setback of 1-1/2 (one and one-half) feet from the public street right-of-way. Section 7.03.D of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public street right-of-

way. The requested variance is for a reduction of 15-1/2 (fifteen and one-half) feet to the required setback.

Brent Lafond, DPI Signs & Graphics was present. He stated they want to remove the existing sign and build a new structure that conforms to the ordinance as far as height, but they want to put it in the same spot and would need the setback reduced.

Spalding stated when he was at the property, he noted that to the north there is quite a bit of foliage from the trees and to the south the same thing with the bushes.

Lafond stated if they were to put the sign to the north side, by his calculations there would be 12 feet between the required setback and the driveway of the tenant that is there and they are putting a 10 foot sign in there so there would be a foot off of the driveway. He stated on the south side the majority of that space is a separate parcel. He stated you could squeeze it in there but there are issues with power.

Houtman questioned if he thought he moved the sign back people wouldn't be able to see it no matter how high it is. Lafond stated you wouldn't be able to see it and if you left it in the middle where the current sign is you would have to tear into the asphalt to extend that island back and that could cause issues with being able to remove and bring in manufactured homes. Lafond stated if the sign were placed at the correct setback, it would be within a foot of the tenants driveway.

Derusha opened the public hearing.

Houtman read a letter that was submitted from Nathan wanting clarification of where the sign would be, where is the public street ROW, what size will the sign be and what is the reason for the normal 17-foot setback. Pung replied the sign will be replacing their existing sign off Madison Avenue. The proposed sign will have a sign area of 18.3 square feet although the entire wall will be about 40 square feet in area with a height of 4 feet.

Nathan stated anything that can be done pushing the sign away from the ROW would be appreciated. He also wanted the light pole to be removed and has concerns about kids safety in the area

Motion by Houtman, supported by Fant, to close the public hearing.

- Motion Carried (6-0) –
- Lipner, Johnson and west absent -

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

Houtman, Spalding, VanNoord, Le and Derusha concurred that points 1, 2 and 3 have been met.

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

Houtman, Spalding, VanNoord, Le and Derusha concurred that points 4, and 6 have been met.

Motion by Fant, supported by Houtman , to approve V-23-09 not placing the sign further back and not any closer to the street as proposed.

- 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. The existing sign has been there for 30 years and does not appear to have been a detriment. The new sign will not be as tall as the existing sign.**
- 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) –

- Johnson, Lipner and West absent -

Appeal #V-23-10

Applicant: Church of Jesus Christ of Latter-day Saints
Location: 2400 Forest Hill Avenue, SE

Request: The applicant wishes to construct a 112-foot high spire as part of a proposed temple. Section 3.03.A of the Kentwood Zoning Ordinance limits the height of the spire to 50-feet. The requested variance is for an increase in height of 77-feet to the maximum height permitted by the Zoning Ordinance.

Pung stated the variance request would be for 62 feet. The height of their spire would be 77 feet.

Dan Holt, Project Manager for the Church of Jesus Christ of Latter-day Saints, was present. He explained the purpose of a temple over a meeting house. The temple is where they perform their sacraments rights. He stated the physical design of the Temple is a representative of that focus. He stated the effort they put into the design is to put something together that is graceful and beautiful. He stated the purpose of the spire and what it stands for in the scripture; it talks about it being the light of the world or following the guidelines and dictates the way of Christ, the spire is the physical manifestation of that it helps them look to heaven and reminds them of their focus in life in a dark world is to look to the sky for guidance and direction and to place an importance on those things that are most important to us.

Holt displayed some photos of the spire and what it will look like. He stated they held an open house for their closest neighbors.

Holt stated they have 300 temples all over the world. He stated they want to make sure they fit within the ordinances but also be able to manifest their religious beliefs in a way that has worked well for them in other communities. He stated they do not want to be a burden to anybody they want to be an accent. He stated he understood the major concern with height is visibility. Holt stated their goal is to become a part of the community.

Spalding questioned how tall the existing spire is. Pung stated just under 80 feet. Spalding questioned if the building on the site going to be retained. Holt stated they will remove the existing building.

Fant questioned why the height of 112 feet was picked. Holt stated nothing specifically symbolic. They want to provide something that both manifests the belief that they have in upward vision of their thoughts but also from a design aesthetic they adhere to a more classical architectural design.

Fant questioned if there was a reason why it can't be 70-80 feet. Holt stated you can put it at any height, but it would change the fundamental appearance of the Temple and end up with a squat feeling rather than a vertical feeling of elevation.

Holt stated by design it is unique and exceptional and it was designed this way to point out something different from the world. They go to the temple to leave the thoughts and the ideas of the world behind and try to elevate their mind to the things that are taught in the scriptures of unity and love and peace. He stated the interior of the building is high quality. Discussion ensued.

He stated typically zoning ordinances by standard have a use by variance for religious facilities everywhere they build but not always the case in institutional or commercial spaces. He stated where they look to be a part of the community in more residential zoned areas.

He stated the height of the steeple is much taller than you typically see. The design of that building there now is a different design and wouldn't fit their needs. As far as the lighting for areas that are more residential and smaller, they turn the lights off or they dim them at closing which is usually 8pm-10pm at night they are more than happy to do that. He stated they try not to light the building where you can't see the design of the stain glass windows. He stated lighting and intrusion on other peoples lives is not something that they want to do. They would follow the zoning and work with the community however it makes sense for them.

He stated one of the reason they try to get more space is so they are not on top of someone and to mitigate the concerns that people do have with lighting and height of the steeple. If they have a lower spire and closer to the neighbors it would be much more intrusion. They tried to create a larger space . Discussion ensued. He stated if they had a smaller temple he would agree with the 80-90 foot range. Discussion ensued

VanNoord stated the spire will be twice the height of the surrounding trees. Holt stated the mature trees are anywhere from 60-80 feet you will see it over the treeline.

Spalding questioned if the airport has been contacted. Tom from Progressive AE stated the Federal Aviation Administration (FAA) has a website that you go to and plug in your information. He stated they have to report because of construction at that height but there are no other requirements by the FAA. Discussion ensued.

Derusha questioned if they had a plan B. Holt stated no, not with a different height. Derusha questioned if they can live with 85 feet. Holt stated he doesn't have the authority to make that change. These designs are approved and requested by the leader of the church.

Derusha stated if the variance is denied they can't come back for another year. If they choose to table they can go back to the leader of the church to see if they will be more flexible with the height. Holt stated he thinks they have a lot of flexibility in other areas but he hasn't been authorized to reduce the design height because of the nature of the building. Derusha stated he would have a tough time approving 112 feet.

Derusha opened up the public hearing.

Houtman read a letters from:

Jared and Allison Lyons in support of the spire.

Robert L Fox adjacent property owner at 2512 Forest Bluff did not want the ordinance to be amended to allow the height and was also concerned about air traffic and if the airport had been contacted.

Forest Meadows Condominium Association had no problem with the church, however, they feel more information is needed. The height of the spire seems out of character for the neighborhood. The steeple structure is very large, twice the height of the surrounding trees. They feel it could be acceptable if the spire was a smaller scale. They believe they would be a good neighbor

Jared Amber, 4433 Burton Street was present. He is concerned about the height. He thinks it will affect the neighborhood view, he isn't opposed to a shorter spire. He stated Burton is busy and the spire will be a distraction and an accident is going to happen.

Marc Daneman 2557 Forest Bluff on behalf of the Forest Meadows Condominium Association was present. He stated he thinks it is going to be a distraction. He stated they want to see them in the community but not at that height.

Diane Friar, 2594 Forest Bluff stated she doesn't have an issue with the height of the spire, she thinks it will be a beautiful addition to the community. As far as distraction, you are supposed to be paying attention to where you are going.

Jim Vansolkema, 2552 Forest Bluff stated he doesn't have any issues with the request.

Brian Thompson 2370 Farm Ct. stated he has objections to the height and traffic distractions

Tonya McAllister, 3763 Farm Ct. she stated her concern is the height and the lights.

Stan Brown resident from north Muskegon. He is a member of the faith community and excited to see this coming to Grand Rapids. They are looking forward to having a temple close by.

Jim Hudson, resident of Grand Rapids stated he is professional construction manager and have built buildings this size and works with a lot of architects and one of the things they point out is dimension and this design they are proposing a tremendous amount of balance. He notices where they Temples are built the property values have increased.

Trent Wadsworth, 4553 Burton stated this is going to be a great addition to the community. He stated it will be noticeable, but in a positive way.

Holt stated they want to be good neighbors and they would be willing to table to come to some resolution.

Motion by Houtman, supported by VanNoord, to table V-23-10 to the July 17, 2023, meeting.

- Motion Carried (6-0) –
- Lipner, Johnson and West absent -

Appeal #V-23-11

Applicant: Church of Jesus Christ of Latter-day Saints
Location: 2400 Forest Hill Avenue, SE

Request: The applicant wishes to illuminate the exterior of their building with an average of 3.5 foot-candles. Section 20.06 of the Kentwood Zoning Ordinance limits the average illumination to 2.0 foot-candles. The requested variance is for an increase of 1.5 foot-candles to the maximum allowable average illumination for the exterior of the building.

Pung stated in this case you would be looking at 2-foot candles on average of illumination. The average illumination is based on the surroundings and what the material of the building is constructed out of.

Holt stated their intention of the lighting on the building is really accent and not draw attention to it and for security and safety. One of the considerations they discussed was the consideration of the surface type. The type of marble and granite they would be using. They researched granite that has lower reflective surface. They would meet with the Planning Department to discuss what the medium light surface requirement might be. Discussion ensued.

Holt stated just for clarification on the variance request. He stated they have done some additional research and tried to find material that might fit in a different category that would satisfy their needs. He thinks they will withdraw the lighting request.

Motion by Fant, supported by Spalding, to withdraw V-23-11.

- Motion Carried (6-0) –
- Lipner, Johnson and West absent -

1. Commissioners Comments

None

2. Adjournment

Motion by Houtman, supported by Spalding, to adjourn the meeting.

- Motion Carried (6-0) –
- Lipner, Johnson and West absent -

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Meeting adjourned at 8:53p.m.

Respectfully submitted,

Robert Houtman, Secretary