

**APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
July 17, 2023, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (Johnson)
3. Roll Call
MEMBERS PRESENT: Les Derusha, Robert Houtman, Aaron Johnson, Robert Spalding, David Fant, and Susan West
MEMBERS ABSENT: Alan Lipner and VanNoord (absent with notification)
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicant.

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

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

4. Approval of the Minutes and Findings of Fact

Motion by Houtman, supported by West, to approve the minutes of June 19, 2023

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

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

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 he no longer wants 3 accessory buildings. He is going to eliminate one of the existing accessory buildings and have a second accessory building with a larger footprint than the ordinance currently allows .

West questioned if the second attached accessory building is an increase of 800 square feet. Bird stated that is correct.

Bird displayed the front and rear elevations of the home. He displayed the breezeway for which he would like to increase the square footage of. He stated he would like to eliminate the front accessory building that had existed since 1985.

Houtman questioned if he would still have an open breezeway. Bird stated correct.

Derusha stated last month there was conversation that if he enclosed the accessory building then there wouldn't be a problem. Bird stated yes there was that conversation. Bird stated the closing was not the original design intended for the home and he thinks it kills the curb appeal. Bird stated then it will just be a wall and a bunch of added construction cost that doesn't add any value to the house.

Houtman questioned in the winter will it be open from front to back. Bird stated it will be open from front to back probably like an outdoor kitchen area/entertainment space.

Houtman stated if he did decide to enclose the breezeway, the only thing in question is the additional square footage. Pung stated it would eliminate the need for the variances. Pung stated the way the building permit was initially approved it wouldn't be counted as an accessory structure it was designed so it would be considered part of the house. It was also conditions on he can't add garage doors to it, it couldn't be used for a business or it couldn't be used for storage. It would have to be treated as part of the living area and we would not count it as an accessory structure and no variance would be required. Discussion ensued.

Fant stated if he were to enclose with some kind of doors he could theoretically leave the doors open all the time and he doesn't need the variance therefore this isn't that big of a deal. Pung stated it is up to the applicant what he wants to do. Bird stated he has looked into garage door options and the sliding doors were very expensive, glass doors are expensive and if he puts the doors up it interferes with the function of the space. Bird stated his goal is to not have it enclosed.

Derusha stated the garage door option on front and back could work, you open them up then you have an outdoor kitchen. Bird stated then if he had a ceiling fan or lights his

whole ceiling is garage doors. He stated if he encloses it that may be the best option from a curb appeal standpoint but he doesn't want this to look like a restaurant because it is a house.

Fant questioned at what point was it discovered that it is not going to be on the second floor but on the ground floor and that is now a violation of the zoning. Pung stated when the Building Inspector went to do a footing inspection and noticed that the breezeway area was redesigned and that it didn't have the second floor anymore. Discussion ensued.

Houtman questioned if he considered having any lighting on the side walls to provide light in that area if they had them both open. Bird stated he is leaving this out there to see where this goes. He stated if he can't get a variance, he will have to design something he is going to have to leave open all the time.

Spalding questioned how he would protect that area if he were proposing to use it as an outdoor kitchen area. Bird stated he wouldn't do anything with it he would just leave it as is.

Derusha opened the public hearing.

There was no public comment.

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

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

Johnson stated point 1 has been met. Johnson stated point 2 is met. Johnson stated point 3 has not been met,

Fant concurred that points 1 and 2 have been met and 3 has not been met

Houtman, West, Spalding, Derusha stated that points 1, 2 and 3 have not been met

Johnson stated point 4 has been met. Johnson stated point 5 has not been met. Johnson stated point 6 has not been met.

Houtman, Derusha concurred that point 4 has been met and 5 and 6 have not been met.

Spalding, Fant, West, stated points 4, 5 and 6 have not been met

Motion by Johnson, supported by Spalding to approve V-23-08.

- 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 Failed (3-3) –
- Johnson, Spalding, Fant –
- West, Houtman, Derusha opposed. –
- Lipner and VanNoord absent -

Motion by Houtman, supported by West, to deny V-23-08

1. **There are no 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 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 not deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do result from the actions of the applicant.**

- Motion Failed (3-3) –
- West, Houtman, Derusha –
- Johnson, Spalding and Fant opposed –
- Lipner and VanNoord absent -

Motion by Houtman, supported by West, to table V-23-08 to the August 21, 2023 meeting.

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

Appeal #V-23-10 (**Applicant requested tabling to the August 21, 2023 meeting**)

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.

Motion by Houtman supported by Spalding to accept the applicants request to table V-23-09 to the August 21, 2023 meeting.

- Motion Carried (6-0)-
- Lipner and VanNoord absent -

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

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

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Robert Houtman, Secretary