

**APPROVED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
AUGUST 21, 2023, 7:00 P.M.**

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

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

- Motion Carried (7-0) –
- Johnson and Lipner absent -

4. Declaration of Conflict of Interest

Le expressed a conflict of interest for Case#V-23-08 Scott Bird.

5. Approval of the Minutes and Findings of Fact

Houtman stated there was an error in the minutes where it said both votes were a tie for V-23-08, both motions failed.

**Motion by West, supported by VanNoord, to approve the minutes of July 17, 2023 with change noted.**

- Motion Carried (7-0) –
- Johnson and Lipner absent -

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

There was no public comment.

7. Public Hearing

Le recused herself from the request.

**Appeal #V-23-08 (Adjourned from the June 19, 2023, meeting & the July 17, 2023)**

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.

**Motion by Fant, supported by West, to rescind the previous votes.**

- Motion Carried (6-0)
- Le recused –
- Lipner and Johnson absent –

Scott Bird was present.

VanNoord acknowledged that she listened to the entire presentation on tape regarding V-23-08 and has received enough information to make a decision as she was present at the first meeting regarding this case.

Derusha opened the public hearing.

Houtman questioned if the applicant has considered the garage door solution or any other solutions.

Bird stated the garage door is probably his solution if he can't get a variance if that will be approved as an enclosure,

Spalding questioned if it was his intent to continue the removal of the third building. Bird stated if he has to enclose the walkway then he would not need a variance so he would therefore be able to keep it.

**Motion by VanNoord , supported by Houtman, to close V-23-08.**

- Motion Carried (6-0) –
- Le recused
- Lipner and Johnson absent –

Motion by Houtman supported by VanNoord to deny the request based on discussion at prior meetings.

1. **There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply 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. As noted in staff report and prior discussion requests for larger accessory buildings is not uncommon.**
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. Applicant can enclose the walkway and a variance would not be needed.**
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 result from the actions of the applicant.**

**Motion by Houtman, supported by VanNoord. to deny V-23-08.**

- Motion Carried (4-2)
- Houtman, West, Derusha VanNoord-
- Spalding, Fant – opposed
- Le recused -

**Appeal #V-23-10 (Applicant requested tabling to the August 21, 2023 meeting now to the September 18, 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 VanNoord to table V-2-10 to the September 18, 2023 meeting.**

- Motion Carried (7-0) –
- Lipner and Johnson absent -

Appeal #V-23-12

Applicant: Universal Sign, Inc.  
Location: 4768 Danvers Drive, SE

Request: The applicant wishes to replace an existing freestanding sign with a new freestanding sign. The proposed sign would be setback seven and a half (7-1/2) feet from the Patterson Avenue right-of-way. Section 10.03.E of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public right-of-way. The requested variance is for a reduction of nine and a half (9-1/2) feet to the required setback

Nate Zevenbergen with Universal Sign, 5001 Falconview was present. He stated they have been asked by Skyline Exhibits to update their branding on their sign. He stated the sign has been there since 1994. He stated it has been refaced and replaced a few times so there are a lot of different layers on the sign and it is pretty old. He stated they looked into doing the same, but they really want to replace it and put some new steel in it. Their new design is a similar sign just a little bit shorter, a little bit less square footage and it has a nicer cap on top that makes it look nicer. He stated the issue they ran into was the larger than normal ROW setback to comply. With the ROW setback they would actually be into the building or the parking lot. He stated they are really stuck on where they can put the sign. They feel the sign at its current location is consistent with neighboring properties. He stated there is a nice landscape area, the sign has been there for quite a few years. He stated they would appreciate if they can place the new sign in the same location.

Fant questioned if the new sign the same size as the previous. Zevenbergen stated the size is slightly smaller, it is the same width, but it is little bit shorter.

Houtman questioned if the setback changed because the City changed the code or because the street expanded. Pung stated he thinks back in 1994 when the sign permit was issued it was based on 17 ½ feet setback from the sidewalk. The setback from the ROW hasn't changed since the original sign permit. It was issued and became nonconforming. If it is going to be replaced, we need to bring it into compliance. It should have been back 17 feet from the property line and not the sidewalk. Discussion ensued.

Derusha opened the public hearing.

There was no public comment.

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

- Motion Carried (7-0) –
- Lipner and Johnson absent –

West stated point 1 has been met. West stated point 2 has been met. West stated point 3 has been met.

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

West stated point 4 has been met. West stated point 5 had been met. West stated point 6 has been met.

Houtman, Spalding, Fant, VanNoord, Le and Derusha concurred that points, 4,5 and 6 have been met.

Motion by West, supported by Houtman to approve V-23-12.

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 wider right-of-way compared to other properties along Patterson Avenue**
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 (7-0) –

- Lipner and Johnson absent -

**Motion by supported by to adjourn the meeting.**

- Motion Carried (7 -0) –

- Lipner and Johnson absent -

Meeting adjourned at 7:22p.m.

Respectfully submitted,

Robert Houtman, Secretary