

**APPROVED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
FEBRUARY 19, 2024, 7:00 P.M.**

1. Commissioner Robert Spalding called the meeting to order.
2. Pledge of Allegiance (Commissioner Fant)
3. Roll Call  
MEMBERS PRESENT: Joshua Elliott, Amanda Le, Robert Spalding, David Fant, and Susan West  
MEMBERS ABSENT: Les Derusha, Robert Houtman and Mary VanNoord (absent with notification)  
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicants, and two citizens

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

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

4. Declaration of Conflict of Interest  
  
There was no conflict of interest expressed.
5. Approval of the Minutes and Findings of Fact

**Motion by Fant, supported by West, to approve the minutes of January 17, 2024.**

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

6. Acknowledge visitors and those wishing to speak to non-agenda items.  
  
There was no public comment.

7. Public Hearing

Appeal #V-23-10 (Applicant has requested to postpone to March 18, 2024)

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 62-feet to the maximum height permitted by the Zoning Ordinance

**Motion by, supported by to table V-23-10 to the March 18, 2024, meeting.**

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

Appeal #V-24-01

Applicant: Lynn Garreau  
Location: 1677 Gentian Drive

Request: The applicant wishes to install a second driveway off of Gentian Drive for the property. Section 17.11.B of the Kentwood Zoning Ordinance limits the number of driveways to one (1). The requested variance is to permit a second driveway for the property.

Commissioner Spalding indicated that there are only 5 commissioners present. He asked the applicant if he wished to table the request until next month when there could be 7 commissioners present. Spalding explained that he will need at least 4 commissioners to vote to approve the appeal.

Garreua stated that he wanted to move forward with the request.

Lynn Garreau, 1677 Gentian was present. He stated he has an outbuilding on his property that has been there about 20 years. He stated the reason it was placed where it is because of the creek through the backyard keeps flooding; he was able to get a variance. He stated because of the contour of the property the back keeps flooding. He stated normally he would park a trailer in the backyard that but he can't do that because of the elevation change and the creek in the backyard. He stated city ordinance states that trailers have to be on the side lot and on the front lot. He stated most people would pave the side lot along the edge of the house to access their trailer parking but he doesn't have that ability. His trailers are on the side where there is a concrete pad for them to sit on and his access to and from are where the ruts are in the yard. He stated this has actually got paved prior to getting approval. He stated this would be a second driveway on the property.

Garreau stated regarding point 1, he has a short lot; it is not a deep lot and has a creek in the backyard therefore he doesn't have use of the backyard like others might.

Garreau stated point 2 is met because the frequency of the situation of double wide lots with 100% active and seasonal flooding creek is pretty rare.

Garreau stated regarding point 3 most people can park on the side of their property and then improve that with a paved access.

Garreau stated point 4 off street parking is a premium area that doesn't have off street parking their values are less than houses with off street parking.

Garreau stated point 5 the ordinance can remain intact and similar future requests can be accessed individually as they arise.

Garreau stated point 6 is met it's a double wide lot, flooding, and a creek on the property, unusable backyard he did not create. He stated it used to be two lots and in order to get the variance to put the building where it is at, they had to combine the lots had he known this he would have put the driveway in on the second lot if he could have and then put the building up.

Garreau stated he has satisfied all of the needs of the ability to be able to put a second driveway in so that he has access to get his trailers in and out of the property. He stated technically if it is wet, he is stuck he can't get his trailers out. If he brings them out before the rain they get parked in front of his house or on the street which the ordinance states that you can't park them there.

Garreau stated he needs to be able to access the parking space. This isn't bought on by him he stated this is just where its at. He stated he is open to more suggestions if the commissioners have any.

Pung stated the ordinance reads the number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles typically one access point may be provided per lot.

Fant questioned if he wants to extend the driveway out to the street and the pad that is to the right of the building extended out where the ruts are. Garreau stated this is already poured and displayed a street view. He stated the sidewalk is already 6 inches thick, the City of Kentwood did that. They made it 6 inches knowing it was going to be a driveway at some point. Discussion ensued.

Spalding stated it appears that he is going to be using this for commercial purposes. Garreau stated no he is not. He has a camper trailer and a second trailer, and it is all residential. He stated even though he does have a business at the house it is contained to the house there is nothing there that is business. Spalding questioned what the tractor is parked in his side yard. Garreau stated he has two tractors; one was inherited and the other is a backhoe.

Spalding questioned the nature of his business. Garreau stated he owns Cardinal Remodeling and Design which is residential remodeling and light commercial remodeling and has been in business for 25+ years.

Garreau stated he thinks he has satisfied the questions that need to be answered in order to prove his case without any doubt.

Spalding opened the public hearing.

There was no public comment.

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

- Motion Carried (5-0) –
- Derusha VanNoord and Houtman absent –

West stated point 1 is not met. The property is a residential lot resulting from a combination of two lots. There are other properties in Kentwood that have combined lots. West stated point 2 is not met she doesn't think that it is unique to have combined lots. West stated point 3 has not been met.

Le stated points 1,2 and 3 have not been met.

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

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

Spalding stated points 1,2 and 3 have not been met.

West stated point 4 is not met depending on the use of that second driveway it could be detrimental. West stated point 5 has not been met. West stated point 6 has been met. He didn't combine the parcel.

Le stated point 1 has not been met. Point 5 has not been met and point 6 has been met.

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

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

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

**Motion by West, supported by Le, to deny V-24-01**

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 Carried (3-2) –
- West, Spalding and Le
- Elliott and Fant dissenting
- Derusha VanNoord and Houtman absent -

**Motion by Elliott, supported by Fant, to approve V-24-01**

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 Failed (2-3)
- Elliott and Fant
- West, Spalding, Le dissenting
- Derusha VanNoord and Houtman absent -

Due to the motion to approve and deny failed the variance request will postpone action until March 18, 2024.

[ Following the February 19, 2024 meeting, the City Attorney's office was contacted and advised that the motion to deny was, in fact, effective and valid as four votes are only required to approve a variance. Based on this, the minutes shall be amended to reflect that the motion to deny the variance was approved on a vote of (3-2). ]

Appeal #V-24-02

Applicant: Calvin University  
Location: 1661 East Paris Avenue & 3770 Lake Drive

Request: The applicant wishes to install an eight (8) foot high chain link/metal mesh fence on the property. Section 3.19.B.3 restricts the height to six (6) feet. The requested variance is for a two (2) foot increase in height over the maximum allowed by ordinance.

Andrea Lubberts, with Calvin University was present. She stated they have a tree nursery and native plant greenhouse that sits adjacent to the ecosystem preserve which is a large piece of property that is addressed on East Paris. She stated the entrance is a sequence of 3 homes off Lake Drive and the middle lot has a house on it that students live in. She stated behind that house is a greenhouse with a native plant nursery where they grow native plants that are used in restoration projects around the campus and throughout the community.

Lubberts stated they are looking to extend the fenced in area. There is a lot of opportunity and need for trees that are native to Michigan for restoration projects and they need more space to grow these trees. She stated there are a lot of deer that call this place home. She stated they need to keep them out of the nursery while they are growing the trees. She stated a 6-foot fence is great, but not great enough to keep the deer out. She stated they need an 8-foot fence to keep the deer from clearing the fence and eating the trees. She stated it is south of the property line where the fence will be extended. 100 feet south of the property line and 200 feet wide.

Pung stated we received a phone call from a resident. Their concern was they walk on the property and were concerned about getting their access blocked off, but they are in the subdivision to the south of the fields. We have to notify within 300 feet; that is the reason why they received notice. They had no issues or concerns with the request.

Spalding questioned if they already have an 8-foot fence on the north end of the property. Lubberts stated yes that is correct.

Spalding opened the public hearing.

Richard Bouma, 3694 Lake Drive was present and stated he is in favor of the proposal.

Al Danks, 3760 Griggs was present. He just wanted clarification where the fence was going to be.

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

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

Elliott stated point 1 is met. Elliott stated point 2 is met. Elliott stated point 3 has been met.

Le, Fant, West and Spalding concurred that points 1,2 and 3 have been met.

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

Le, Fant, West and Spalding concurred that points 4, 5 and 6 have been met.

**Motion by Fant, supported by Le, to approve V-24-02**

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**
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 VanNoord and Houtman absent -

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

- Motion Carried (5 -0) –
- Derusha VanNoord and Houtman absent -

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Robert Houtman, Secretary