

**APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
MAY 20, 2024, 7:00 P.M.**

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

Motion by Spalding, supported by Derusha to excuse Fant and West from the meeting.

- Motion Carried (6-0)
- Fant and West absent -

4. Declaration of Conflict of Interest

Le stated she has a conflict of interest with Case# V-24-06 and will recuse herself.

5. Approval of the Minutes and Findings of Fact

Motion by Derusha, supported by Elliott, to approve the minutes of April 15, 2024

- Motion Carried (6-0) –
- Fant and West absent -

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

Appeal #V-24-03

Applicant: Jamie Goebel & Linda Martin Trust
Location: 3640 Breton Avenue SE

Request: The applicant wishes to expand an existing non-conforming detached accessory structure; the zoning ordinance permits only one (1) detached accessory structure, there are two (2) on the property. Section 3.24.D.5.does not allow for the expansion of the non-conforming structure. The applicant is requesting a variance to permit the expansion of the non-conforming detached accessory structure.

Jamie Goebel and Linda Martin, 3640 Breton were present. He stated they have an existing barn that was built in the 1950's. He stated the one wall is rotting and they are replacing that wall and rebuilding. He stated they decided they wanted to add an expansion to the same side; a shed roof about 10 feet off the side and enclose it the length of the barn. He stated it gives them a heated working space that they need because they don't have a basement in their home. He stated by them having 20 acres they have quite a bit of equipment they use to maintain their property. That is why they have two buildings. He stated one building carries their lawn mower, tractor utility vehicles, snow plow etc. and this building is their workshop.

Houtman questioned how the first outbuilding became non-conforming. Pung stated the zoning ordinance states if you have an attached garage, then you are allowed one detached accessory building. Pung stated at some point, the other pole barn was constructed, and they now have two. Pung stated therefore, the accessory buildings are now non-conforming.

Houtman opened the public hearing.

There was no public comment.

Motion by Derusha, supported by Spalding to close the public hearing.

- Motion Carried (6-0) –
- Fant and West absent –

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

Le, Derusha, Spalding and Houtman concurred that points 1,2 and 3 have been met. VanNoord stated point 1 is not met, point 2 is met and 3 is not met.

Elliott stated point 4 is met. The closest house is 200 feet away and during this time of the year you are unable to see your neighbors. Elliott stated point 5 has been met. Elliott stated point 6 is met.

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

Motion by Elliott supported by Spalding to approve V-24-03.

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 (5-1) –
- VanNoord dissenting –
- Fant and West absent -

Appeal #V-24-05

Applicant: Kenneth Karsten
Location: 1431 Forest Hill Avenue SE

Request: The applicant wishes to construct a 585 square foot addition to their existing detached accessory building for a total area of 1,215 square feet. Section 3.15.D.2.a limits the size of the accessory building to 768 square feet in area. The requested variance is for a 447 square foot increase in area over the maximum permitted by ordinance.

Kenneth Karsten, 1431 Forest Hill was present. He stated they have lived at the address since 1968 and have recently sold their business and buildings; therefore, he needs additional storage for records and a vehicle. He stated they own approximately 6 acres. He displayed photos of his present home, the garage, the addition, and the property that they own. He stated he has 2 neighbors that he really can't see. He stated they wish to extend the garage.

Houtman questioned if he combines two of the lots to get over an acre would this help this situation. Pung stated no matter how much they combine, they would still require a variance. Pung stated the way the ordinance is written, your first accessory structure can be up to 768 square feet. This is the only accessory structure so technically it is the first one, it can only be 768 square feet. Pung stated once you get to over an acre you can start having the larger second accessory structure. Because they have a detached garage, the first accessory structure could be 768 and the second one can be 500 square feet. If you have an attached garage you can have 960 square feet on the second accessory building.

Derusha questioned how difficult it would be to combine lots to make it an acre. Karsten stated not really that difficult he has 3 acres on the back and 2 acres on the side. Pung stated they could do what would be called a property line shift. Karsten stated they could add an acre to the first one. Discussion ensued.

Houtman opened the public hearing.

There was no public comment.

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

- Motion Carried (6-0) –
- West and Fant absent -

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

Le stated point 1, and 2 has not been met and point 3 has been met.

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

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

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

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

Spalding stated point 4 has been met. Spalding stated point 5 has been met. Spalding stated point 6 has been met.

Le stated point 4 has been met, point 5 not met and point 6 is met.

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

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

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

Houtman stated point 4, 5 and 6 have been met.

Motion by Spalding, supported by Derusha, to approve V-24-05 subject to the applicant adding the additional lot line shift acreage required for the intent of the ordinance.

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 (5-1) –
- Le dissenting -
- Fant and West absent -

Appeal #V-24-06

Applicant: Storage Five Kentwood LLC
Location: 1800 & 1900 44th Street SE

Request: The applicant wishes to develop a self-storage facility on the property. An adjacent property to the south is zoned R4 High Density Residential. The building will come to within 30.7 feet of the residential property line, Section 10.03.C.4 of the Zoning Ordinance requires a building setback of 100 feet. The applicant is requesting a reduction of 69.3 feet from the required building setback. Section 19.03.C requires a 50-foot landscape buffer adjacent to residential districts, the applicant is requesting that this requirement be waived.

Le recused herself due to conflict of interest.

Chris Cantania, 1800 44th Street, Dave Cauldon with Varnum, Doug Tegious, NAI Wisinski, and Matt Kufta, Trinity Health were present. He stated they have worked with Planning and City Commission over a year with a plan to redevelop the site. He stated their use for a self-storage is a mechanism to unlock the potential of the entire site because they do not need the amount of parking that the current use Trinity Help needed.

Cantania stated the area they are talking about is the area between the existing building and the Tamarisk Apartments. He stated currently there is 30 feet between the building and property line. He stated the Planning Commission recommended to the City Commission for conditional rezoning for self-storage. He stated they had to change the zoning from C2 to I1. He stated the City Commission approved the use as well.

Cantania stated the building had been used as a call center. It has not been occupied in 3+ years. He stated the site has been marketed for years and the only interest is for self-storage. He stated the property has a lot of restrictions that don't make it ideal for any other use. One reason for the rezoning is to unlock the property for additional development.

Cantania stated self-storage doesn't need a lot of parking. What the reduced parking allows them to do is to redevelop the area and bring new buildings. As part of the conditional rezoning, they have agreed to completely remake the exterior of the existing structure to bring it up to a modern look. He stated approving the variances allows for a complete remodel of the existing building in addition to allowing for the parking lot to be sold off for the development of the out parcels. Additional out parcel that is created is behind the building because 5.78 acres was rezoned.

Cantania stated they have two support letters from the apartment complex and the church. He stated the church is interested in purchasing the rear property which will likely happen because they have grown and need more space. He stated they already have a contract on parcel 4 and lots of interest in the other parcels.

Catania stated they are asking for the two dimensional variances the building setback from the Tamarisk Apartments and landscape buffer. He stated similar variance was given once before back in 1985 when this site was a bowling alley.

Cantania stated the landscape buffer, from the limited amount of space is impossible. The plan that what was approved by Planning and City Commission has to remain open as a fire lane. They are going to pole gate it off, supply knox boxes, and allow for just fire equipment to go through if needed. He stated other than that it is going to be a non-used area to protect the apartment complex from any kind of light pollution, noise etc. in the evening. He stated there is a little area available for landscaping which he does plan to do a row of hedges. Not on the building side because that would impede fire equipment.

Houtman questioned who owns the fence. Cantania stated he believes the apartment complex owns it. Houtman questioned if they would just be landscaping their side. Cantania stated that is correct. Discussion ensued. Cantania stated they have a landscape architect with a project going on in Grand Rapids and he can have her pick out the appropriate vegetation.

Spalding questioned if it would narrow the existing drive that is back there. Cantania stated they would not narrow it. There will be enough room for fire fighting equipment. Right now, it is an unimproved no mans land and there is a little bit a grass area on the fence line. Spalding stated he was too busy watching the potholes when he was there. Cantania stated they will improve that so that if fire equipment needed to go back there it would be drivable.

Dave Cauldon stated in the staff report, staff mentioned that the Board could condition approval on the applicant working with staff to develop a plan to enhance the landscaping and screening adjacent to the residential. Cauldon stated if the ZBA thought that was appropriate that would be a fine condition to impose.

Elliott questioned the engagement they had with the apartment complex. Cantania stated people that were interested came by and basically all positive communication.

Derusha stated point 1 is met it has been sitting vacant for a long time. Derusha stated point 2 has been met it is unique. Derusha stated point 3 has been met.

Spalding, Elliott, VanNoord, Houtman concurred that points 1, and 2 have been met.

Derusha stated point 4 is met positive responses form the neighborhood. Derusha stated point 5 is met because of the uniqueness. Derusha stated point 6 is met.

Spalding, Elliott, VanNoord, Houtman concurred that points 4, 5 and 6 have been met.

Motion by Derusha, supported by VanNoord to approve V-24-06 with the condition that the applicant work with staff on the landscaping.

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) –

- Le abstained –

- Fant and West absent -

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

- Motion Carried (6 -0) –

- Fant and West absent -

Meeting adjourned at 7:50p.m.

Respectfully submitted,
David Fant, Secretary