

AGENDA
KENTWOOD ZONING BOARD OF APPEALS
KENTWOOD CITY HALL
CITY COMMISSION CHAMBERS
AUGUST 16, 2021, 7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (West)
3. Roll Call
4. Approval of Minutes of March 15, 2021 and May 17, 2021.
5. Public Hearing

Appeal #V-21-10

Applicant: Speedway, LLC
Location: 4384 Kalamazoo Avenue, 4338 Kalamazoo Avenue, 4382
Kalamazoo Avenue & 1637 – 44th Street SE

Request: The applicant wishes to demolish the existing vehicle fuel station and construct a new one. As proposed, the building would be setback 23.3 feet from the east property line and there would be two (2) driveways onto Kalamazoo Avenue. Section 15.04.D.1 requires a minimum building setback of fifty (50) feet from the east property line and Section 15.04.D.6 permits only one (1) driveway onto Kalamazoo Avenue.

The requested variances are: 1) a reduction of 26.7 feet to the building setback from the east property line, and 2) permit a second driveway onto Kalamazoo Avenue.

Appeal #V-21-11

Applicant: Speedway, LLC
Location: 4384 Kalamazoo Avenue, 4338 Kalamazoo Avenue, 4382
Kalamazoo Avenue & 1637 – 44th Street SE

Request: The applicant wishes to demolish the existing vehicle fuel station and construct a new one. The proposed sign package includes two (2) one hundred (100) sq. foot pole signs with clearance of 5.4 feet from the bottom of the sign to the ground and signs on four (4)

sides of the proposed pump canopy with 47.25 square foot signs on the north and south elevations. For the pole signs, Section 8.03.D of the Zoning Ordinance permits only one (1) pole sign, requires a minimum of ten (10) feet of ground clearance, and limits the sign area along the 44th Street frontage to 95 square feet. For the signs on the canopy, Section 8.03.D permits signage on only two (2) sides of the canopy and limits the sign area on the north and south sides to 42 square feet.

The requested variances are: 1) permit a second pole sign; 2) reduce the pole sign ground clearance by 4.6 feet; 3) permit increase in pole sign area along 44th Street by 5 square feet; 4) permit signage on all four sides of the canopy; and 5) permit an increase in sign area of 5.25 square feet for signs on the north and south sides of the canopy.

If the variances for the additional pole sign are not approved, the applicant requests a variance to install an eight (8) foot high ground sign less than ten (10) feet from the Kalamazoo Avenue right-of-way line. Section 8.03.D requires that a ground sign greater than four (4) feet in height be setback at least ten (10) feet from the right-of-way line.

6. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
MARCH 15, 2021, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance
3. Roll Call
MEMBERS PRESENT: Lisha Berry-Ridge, Les Derusha, Robert Houtman, Richard Lenger, Alan Lipner, Joe Royston, Mary VanNoord
MEMBERS ABSENT: None
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicants, and

4. Approval of the Minutes and Findings of Fact

Motion by Lipner, supported by Houtman, to approve the minutes of February 15, 2021.

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

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

There was no public comment.

6. One Year Extension

Pung stated the applicant came before the Board regarding a hotel and they were granted variances for off-site parking and a higher parapet. As per their letter covid came along and they put everything on hold. He stated they are requesting a one year extension on the variances with the hopes that they will be able to start construction this year.

Motion by Houtman, supported by Lipner, to approve the extension.

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

7. Public Hearing

Appeal #V-21-02

Applicant:

DPI Signs

Location:

3130 Slater Avenue, SE

Request:

The applicant wishes to replace an existing manufactured housing community entrance sign with a new entrance sign. The proposed sign would be 5.33 feet in height and be setback 5 feet from the Slater Avenue public right-of-way line. Section 7.03.D of the Zoning Ordinance limits the height of the sign to 4 feet and requires that it be setback at least 17 feet from the public street right-of-way line. The requested variances are for an increase in height of 1.33 feet and a reduction of 12 feet to the required setback.

Brent LaFound, (12650 64th Ave) was present. He stated they are proposing a new single sided sign that is 5 feet from the property line instead of 17. They wish to increase the height of the top of the sign from 48 inches to 64 inches.

Pung stated they are proposing one sign. They are flexible on either side of placement. It would only be one sign placed 5 feet off the public right-of-way property line.

Lipner questioned how far back is the current sign from the public ROW. Pung stated it is a non-conforming sign, it appears that it might be on the adjacent property.

Houtman questioned if they will remove any vegetation in front. LaFound stated that is possible depending where the sign is. There are some shrubs there. He stated on the left hand side if it were 17 feet back there are some cable and power boxes. Houtman stated if the sign is 5 feet from the line on the left side there looks like there is some small vegetation in front of the sign which would be removed he realizes there is an issue at 17 feet. LaFound stated some of the tall shrubs would have to go away you would have one or two shrubs on each side with the sign in the middle.

VanNoord questioned if they wanted the sign higher so it can be seen from the road. LaFound stated there are multiple reasons. They would like it a foot higher (64 inches instead of 48 inches) to be able to help viewing distance. The main road is over 600 feet away. He stated if it was going on the right side with the 17 feet back he thinks it would be an obstruction for the person pulling out of their driveway. By being only 5 feet back it would alleviate that issue and would also help with viewing. He stated the other reason they would like to raise it if they do the 4 foot sign to the top of the sign there is only a 7 inch clearance. The sign will be immersed in snow and weather because of that and it will shorten the life of the sign.

Houtman questioned if it will be lighted. Lafond stated this is a non-lit sign, he isn't sure if they plan on doing anything down the road but he is not lighting the sign.

Derusha opened the public hearing.

There was no public comment.

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

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

Houtman stated point 1 is met. He stated this is fairly isolated only residential property accessed off Slater and there is landscaping located on the adjacent property which would obscure it. Houtman stated point 2 has been met, only manufactured housing community which has access at the end of the cul-de-sac. Houtman stated point 3 has been met. They already have an existing non conforming sign which they continue to use and the landscaping on the adjacent properties the sign set back at 17 feet you could see.

Lenger, Lipner, Royston, Van Noord, Berry-Ridge and Derusha concurred that points 1,2 and 3 have been met.

Houtman stated point 4 has been met fairly isolated there are shrubs that screen the sign. Houtman stated point 5 has been met there are exceptional circumstances. Houtman stated point 6 has been met the trees and the vegetation are not under the control of the owner of the property.

Lenger, Lipner, Royston, Van Noord, Berry-Ridge and Derusha concurred that points 4,5and 6 have been met.

Motion by Houtman supported by Royston, to approve V-21-03 based on the prior discussion.

- 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. situation on the land, building or structure.**
- 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. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner,
Berry-Ridge, Royston, VanNoord
- Nays: None

Appeal #V-21-03

Applicant:

ICC Behar

Location:

3425 East Paris Avenue, SE

Request: The applicant wishes to construct a 77-foot high minaret. Section 8.03.A and Section 8.03.B of the Zoning Ordinance limit the height of the minaret to 45 feet. The requested variance is for an increase of 32 feet to the maximum permitted height.

Ken Dixon, with Dixon Architecture was present. He stated about 10 year ago he came before the board for a similar variance request. He stated they were asking for a 96 foot tall minaret based on historical speaking of the Bosnian Mosque. He stated in 2011 they were approved for a 60 foot minaret. He stated the never built that. He stated a lot has changed. He stated ICC Behar is working towards erecting the minaret and wanted to revisit the height they want to discuss this again and see if there is any leniency. He stated this variance is an extremely exceptional circumstance. He stated this one deals with height and their goal of creating an accurate architectural representation of a true Bosnian Mosque. He stated they are trying to do something special to this site. He stated they are trying to repeat the general representation of a Bosnian Mosque. He stated they are not looking at the 96 feet as they did before they are compromising at the 77 foot height. He stated they feel that is a good representation and that will work for the Bosnian community. He stated this is very significant to their community. Discussion ensued regarding the minaret being authentic and true to the Bosnian religion.

Anel Jamacolic was present. He stated he is one of the board directors. He stated he has overseen the development of the building. He stated they think the 77 foot is appropriate. He stated they want to maintain a beautiful minaret for their community and Kentwood. Discussion ensued.

Houtman questioned what is significant about 77 feet versus, 66 feet, versus 90 feet. Dixon stated there is no mathematical solution it is more a visual what they have discovered studying Bosnian mosque as well as personal experience. The height was 2-3 times the height of the dome. They were looking at not being too aggressive that is why they thought 77 feet would be something they can still and feel a sense of pride.

Jamolig stated it deals with symmetry and tradition. Anything below 77 feet would not be proportional.

Houtman questioned if there will be a stairway or a solid structure. Dixon stated there will be a stairway within. However, they won't be using the traditional call to prayer, they won't be using any speaker system, maybe some lights.

Houtman questioned if there were any height requirements due to the airport proximity. Pung stated the airport does have height requirements, they may require a permit, we would have to check with them to see if there is a height limit in the area. Houtman stated if we approve it would be subject to airport regulations. Pung stated that is correct they would still be required to get a tall structure permit. If we granted the variance it doesn't mean the airport would have to approve it. They still have to check with the airport to see if any permits would be required.

Jamolig stated they are about the same height as the water tower.

Vanoord questioned in 2011 they were approved for 60 feet instead of 96 feet however they did not build it. Dixon stated that is correct.

Lipner questioned the reason it was never built. Jamolig stated because the minaret at 60 feet didn't work with the design of the building, it wasn't symmetric. They wouldn't build it at 60 feet

Lenger questioned if there is any consideration of the height versus the street height. Pung stated we measure the building height based on the average. Discussion ensued Dixon stated it is showing 66 feet from the first floor height they took it from the grade which is 11 feet below. If they can build from the first floor height it would only be 66 feet.

Derusha opened the public hearing

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

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

Lipner stated point 1 is met predicated on the conversation and the slope of the center line. Lipner stated point 2 is met. Lipner stated point 3 is met.

VaNoord, Berry-Ridge, Lenger stated because of where they located it, Houtman, Derusha, Royston stated points 1,2 and 3 have been met.

Royston stated point 4 is met. Royston stated point 5 is met. Royston stated point 6 met.

VaNoord, Berry-Ridge, Lenger, Houtman, Derusha, Lipner concurred that point 4, 5 and 6 have been met.

Motion by Lipner, supported by Royston, to approve V-21-03 conditioned on it will be the height depicted on the plan and not any higher and based on the prior discussion on meeting standards 1-6.

- 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. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.**

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

Appeal #V-21-04

Applicant:

3607 Broadmoor Avenue, LLC

Location:

3560 – 36th Street, SE

Request:

The applicant wishes to construct an industrial building on the property. The proposed building would have a rear yard setback of 80 feet. Section 10.03.C.4 of the Zoning Ordinance requires a rear yard building setback of 100.

The requested variance is for a reduction of 20 feet to the required rear yard building setback.

Peter Baldwin with (A&G Architect 25 Commerce) was present. He stated this is a proposal for a new headquarters as well as a manufacturing facility. He stated they have been working all the dynamics of this development from parking, to retention, to green space, setbacks etc. and are trying to find the right balance for all of these things. He stated they have a hill so there are some pretty unique topographical conditions. He stated they believe they have a unique situation with this light industrial property adjoining a residential zone property. He stated they are asking for a variance going from 100feet to 80 feet on the south side. He stated they don't have a series of houses backing up to this property. He stated this will be an investment in the community and new jobs. He stated this will be a beautiful building with a significant buffer and landscaping but they are asking for 20 feet.

Derusha questioned the dimensions of the property. Pung stated looking at of 500 feet from their front property line to their rear lot line and then it has a frontage of 494 along the rear lot line and it goes over to Broadmoor Avenue. He stated they picked up a home that will be incorporated into this development. Pung stated when the project came forward before, the residential piece was not part of the development where the home was already zoned I-1 light Industrial.

VanNoord questioned the elevation change that is there. Jeff VanLard Excel Engineering stated there is 40 feet of grade change, it is just a significant topographic feature of the site that adds a lot of challenges to the site with retaining walls, how to locate the detention the highest part of the site is at the southeast corner the lowest is at the northwest corner so trying to squeeze in as much open air detention as possible for cost reasons is a challenge.

Houtman questioned what product is being manufactured. Baldwin stated they manufacture cutting tools and implants for surgeries. Houtman questioned what are they looking at in terms of jobs creation projections. Baldwin stated the jobs are highly technical jobs. He stated they have a plant on East Paris right now, Plymouth Massachusetts a Plant in Tennessee and one in China. Discussion ensued regarding employees and trainings etc.

Lenger stated this will be a good use of this space they did a good job. Lenger stated the proposed park and as far as the part how close are activities in relations to the building. Pung stated he hasn't seen any plans. Lenger stated whether it is gong to encroach is hard to say. Schweitzer stated this is a case they are going to start over from scratch and rethinking the entire site. The Mayor and City commission will have appoint a committee. Discussion ensued

The landscape plan was displayed

BerryRidge questioned if employees will be going through background checks, she is looking at it as a concern for children and families in the area. Baldwin stated they pass a background check before they hire them

There was no public comment.

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

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner, Berry-Ridge, Royston, VanNoord
- Nays: None

Lenger. Stated point 1 is met by utilizing as much as the can of the space that is available they are making the most of what they have. The size of the property and the size of the building is a factor but he believes by keeping the building from the corner and utilizing the space. Lenger stated point 2 is met this is a unique shaped property. Lenger stated point 3 is met.

Lipner, Royston, VanNoord, Berry-Ridge, Houtman and Derusha concurred that point 1, 2 and 3 have been met.

Lenger stated point 4 has been met this could be a park and they have done a good job of putting vegetaion between that. Lenger stated point 5 has been met this is unique. Lenger stated point 6 met utilizing a piece of property this is good for.

Lipner, Royston, VanNoord, Berry-Ridge, Houtman and Derusha concurred that point 4, 5 and 6 have been met.

Motion by Lenger supported by VanNoord to approve V-21-04that based on the prior discuss on standard 1 through 6

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. Thus, by way of example, the exceptional circumstances**

result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

Motion by supported by to adjourn the meeting.

- Motion Carried (7-0) –
- Yays: Derusha, Houtman, Lenger, Lipner,
Berry-Ridge, Royston, VanNoord
- Nays: None

Meeting adjourned at 8:15p.m.

Respectfully submitted,

Alan Lipner, Secretary

**PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
ZOOM MEETINGS
MAY 17, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (VanNoord)
3. Roll Call
MEMBERS PRESENT: Lisha Berry-Ridge, Les Derusha, Robert Houtman, Richard Lenger, Alan Lipner, Mary VanNoord, Susan West
MEMBERS ABSENT: None
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier and the applicants.
4. Acknowledge visitors and those wishing to speak to non-agenda items.

Joe Royston stated he is resigning from the commission as he will be moving to Georgetown Township and thanked the commissioners for everything.

5. Public Hearing

Appeal #V-21-05

Applicant: Complete Weddings & Events
Location: 3720 – 28th Street, SE

Request: The applicant wishes to install an approximately 15 square foot wall sign on the north building elevation. The applicant's tenant space does not have any frontage on the north building elevation. The Zoning Ordinance determines sign area for a tenant based on the wall width of the tenant space and requires that a permitted wall sign be attached to the same wall used to determine its size. The requested variance is to place a wall sign on a wall which a tenant space does not have any frontage.

Justin Loser was present. He stated on the north side of their building faces 28th Street but his spot is on the west side of the building along a very long stretch of the back alley. He stated it is very limited visibility and road signage. He stated he is hoping to place a sign 15-30 square feet in area on the north wall to gain some visibility for traffic.

VanNoord questioned if the sign that is above where he wants his to be is the same size he is proposing but just underneath. Loser stated exactly the same size, for aesthetics it is sufficiently sized. He stated he might change a little bit of wording on the sign but the size and color will be identical. VanNoord stated she was at the property and there is a freestanding sign on 28th Street. Justin stated he reached out to his landlord to verify with

the owner that being in the rear suite he does not have access to that road sign at all. He stated that is why a wall sign would be necessary.

Houtman questioned if there are other businesses in the back. Loser stated they have an inter-joining suite between Tae Kwon Do so they have frontage on the west wall as well with no access to the north wall. He stated he was unable to determine if they received permission or a variance to put that sign up, but it has been there for the 10 years he has worked at Complete Weddings.

Derusha questioned if we have any history on signage. Pung stated he did not find a sign permit and there has been no variances granted at this site. Pung stated he would have to do more research it could be the sign went up without a permit.

Derusha questioned if the applicant is allowed any kind of a signage. Loser stated he would be allowed one on the west wall but because of Trader Joes development on the next door property, driving past from the west to the east the trees are in the way and there is no visibility coming from east to west because of the west facing wall.

Lipner questioned if there was no chance of him being added to the sign along 28th Street. Loser stated that is correct, he has a letter from the owner that says the rear suites do not have access for signage. Lipner questioned if that was in the leasing contract. Justin stated he thought it was contractual in his lease because that is what the previous owner of his company indicated. He stated he checked his lease and there is nothing in his lease that specifically says that. Loser stated that is when he reached out to the property manager and he in turn reached out to the owner and it was confirmed that he does not have access and it says in his letter that the rear suites do not have that available as an option.

Justin stated at the end of the plaza side they just put in a new restaurant 9 months ago and their sign went on the roadside fairly quickly. Therefore, that indicated that is part of their lease but he reached out a couple of times to ask and hasn't gotten anywhere with their property managers getting them on that sign.

Houtman questioned if he could put some type of direction indicator on the sign. Justin stated he does have the wording "rear of building" on there and he was debating on putting an arrow on that sign as well. Houtman stated he drove around a couple of times and saw reference to the rear of the building he went right past his door because that to him is the side not the rear. VanNoord stated she actually did the same. Loser stated he gets that all the time. He stated rear of the building made the most sense to him however if the commissioners have any suggestions he is open.

VanNoord stated she would suggest them to put their address on the sign too because she couldn't find that address at all. Lipner stated he did that same thing drove around twice it wasn't until he used the address and that is when he found it.

Lipner stated when he goes from the 28th Street side around to the building where there is some ground level signage. Justin stated he recently put those signs in prior to all of this happening as a directional and that has only been there a short time. Justin stated this is mostly for exposure to 28th Street. The small directional sign is not big enough to gain any of that exposure. Justin stated he didn't feel that renting one of the black signs was necessary during the pandemic. However, they recently did some internal remodeling that is very customer friendly to their office and he is trying to attract people once or twice a month to get a walk in and the Google searching that is going to come about by having some exposure on that north wall.

Lipner questioned if the landlord has offered any alternatives to them. Justin stated he approached and asked over the summer if it would be ok with them if he put a sign on the north wall underneath Tae Kwon Do sign. They said they did not have a problem with putting one sign on the north wall. They suggested he hire a professional company to do it and make sure it is according to code. He contacted a sign company and they said they have to pull a permit and he has to get a variance to put it on that wall.

Justin stated there is an old decrepit sign on the west wall in the very far upper corner that no one can see it because it has faded and needs to be removed. The sign company has indicated that they will remove the old signage at no charge.

Pung stated he doesn't think those spaces in the back were intended for tenant spaces and believes over time they started leasing them out.

Derusha opened the public hearing.

There was no public comment

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

- Motion Carried (7-0-
- Yeas: Berry-Ridge, Derusha, Houtman, Lenger, Lipner, VanNoord, West
- Nays: None

Lenger stated point 1 is met because of the location and there is nothing else that can be done as far as where it is located and the design of the building. Lenger stated point 2 is met it is unique. Lenger stated point 3 is met, other stores have signs and have the ability for customers to find the location.

Lipner, VanNoord, West, Berry-Ridge, Houtman and Derusha concurred that points 1, 2 and 3 have been met.

Lenger stated point 4 has been met there isn't anyone who has spoken against the sign it is just a sign for location and not overly large or offensive. Lenger stated point 5 is met it is just a property right of the owner to identify where he is. Lenger stated point 6 has been met.

Lipner, VanNoord, West, Berry-Ridge, Houtman and Derusha concurred that points 4, 5 and 6 have been met.

Motion by Lenger, supported by VanNoord, to approve V-21-05 conditioned on that the sign will be equal to the sign that is already there and that the overall signage will not exceed what is already on that wall.

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. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel

- Motion Carried (7-0-
- Yeas: Berry-Ridge, Derusha, Houtman, Lenger, Lipner, VanNoord, West
- Nays: None

Appeal #V-21-06

Applicant: Vista IT Group
Location: 5282 East Paris Avenue, SE

Request: The applicant wishes to expand their parking lot. The proposed additional parking would come up to the north property line. The adjacent property to the north is currently a single-family home; Section 17.06.C require a forty-five (45) foot parking setback, twenty-foot landscaped buffer, and six (6) foot high vertical screen along the adjacent (north) property line. The requested variances are for a reduction of forty-five (45) feet to the required parking setback, reduction of twenty (20) feet to the required landscape buffer, and to waive the vertical screen requirement.

Jeff Stevens, 5282 East Paris, was present. He stated they have been in the building over 3 years and the company experienced a growth curve that was beyond what they projected. He stated when they moved in the building it was a total of 42 employees and at that time he had about 52 parking spots. He stated they have done some reconfiguring with the stripping of the parking lot to add an additional 4 spaces when they had it resurfaced about 2 years ago and as of today he has about 62 employees and 56 spaces. He stated they have been doing a rotation with their employees to accommodate the limited spacing that they have. He stated he looked at this as a solution to expand the parking lot. He stated the organization doesn't have enough warehouse spacing either. He stated the area that is west of the rear of the building is a high elevation and in order to expand the facility he has to do excavation because it is a 20 foot rise until you hit the building to the west. He stated that is when he started working with an architectural firm and they were providing plans to expand the warehouse.

Stevens stated about 2 weeks ago he signed a letter of intent to temporarily move into some additional warehouse space around the corner and that will give them an additional 5,000 square feet to accommodate some contractual opportunities that the company has been recently awarded. He stated he had to react quickly to find additional warehouse space to accommodate the space and capacity requirements that he is going to have beginning in June. He stated that was a 3 year lease and that will buy him probably about 2 years to get the space he needs from the warehouse perspective.

He stated the reason for the additional parking spaces is he doesn't need as many parking spots for the additional warehouse but he will need more parking spots for the sales and administrative staff that supports the business. He stated this feels like putting the parking spots in for the future business and his intent to stay in the Kentwood community for the foreseeable future. He stated they like the area. He stated from the landscaping perspective they have spent over \$20,000 just beautifying the area. He stated recently they improved the signage with some rocks that they had moved with the parking lot expansion in question to build a nice retaining wall around East Paris Ave that faces the traffic.

He stated in the application pictures it shows where the parking lot would be added and also shows a picture of the street view as a pedestrian. There is a little bit of a natural grade or elevation that has the building and the parking lot somewhat elevated from the street view. Where the parking lot would start there are also trees in the landscaping that would provide a natural barrier and buffer for anybody to have visibility of any additional vehicles that they parked in that spot. He stated this location was actually chosen as a suggestion by Superior Asphalt as they were looking at their options and the biggest reason is for the flow of traffic. He stated at the warehouse they get about 7-10 trucks that deliver daily. He stated it is unpredicted timeframes. He stated the traffic flow comes in and goes south of the shared top and bottom north/south parking spaces. He stated they circle around with the vehicles north and back up in the recessed loading dock and unload their goods there and then head back around to the top because that is the sharp corner that they can't avoid. Therefore that parking area would get added to give him the traffic pattern that won't disrupt some of the larger vehicles that are making deliveries throughout the day in the building.

He stated the one thing the commissioners need to take into consideration is that they are one of six properties that butts up to adjacent residential and by the aerial view that there is probably at least a 50 yard natural wooded barrier that is already in place from the residential area. He stated had that been an industrial property they wouldn't have to go in front of the Zoning Board to get the variance.

Houtman questioned if he has heard anything from the residents. Stevens stated no not that he is aware of. Pung stated we have not heard anything from the homeowner. Stevens stated they will not be encroaching or taking any trees or nature elements from the other property owners. He stated they have some aged pine trees which will have to go at some point, the landscaper stated they have some type of fungus and they are old enough it is time to replace them.

Lipner questioned what type of parking he plans to put in. Stevens stated whatever the preference is that the Zoning Board has he hasn't seen any detail from Superior as to whether it is going to angled or straight but if he recalls it may be angled to provide more spaces. Discussion ensued. Lipner stated he is just wondering if he has enough room to put in another row of parking. Stevens stated that has all been measured by Superior Asphalt. Lipner questioned if he could use the land to the south of the present building. Stevens stated no, to the south there is a water basin and a retention pond.

Houtman questioned if it will be a single row of parking. Stevens stated that is correct.

Derusha opened the public hearing.

There was no public comment.

Motion by Lipner, supported by Lenger, to close the public hearing.

- Motion Carried (7-0-
- Yeas: Berry-Ridge, Derusha, Houtman, Lenger, Lipner, VanNoord, West
- Nays: None

Houtman stated point 1 is met because of the distance of the other home but also because of the elevations to the side and the potential of the use of the land to the rear. Houtman stated point 2 is met because there are only 5 or 6 other pieces of property in Kentwood that are butt up against a residential piece of housing and this makes the most sense in terms of future expansion. Houtman stated point 3 is met.

Berry-Ridge, West, VanNoord, Lipner, concurred points 1,2 and 3 are met. Lipner added especially point 1 when the dwelling is actually on a light industrial zoning lot. Lenger and Derusha concurred.

Houtman stated point 4 has been met the whole area is zoned industrial and the residents have not been heard from and if that house ever goes there is not going to be another residential property there. Houtman stated point 5 has been met unique circumstances applying to the property to the north it is anticipated the variance will impair the intent of the zoning ordinance. Houtman stated point 6 has been met.

Berry-Ridge, West, VanNoors, Lipner, Lenger, Dersha concurred that points 4, 5 and 6 have been met

Motion by Houtman, supported by Lenger, to approve V-21-06 based on the discussion

- 1. There are exceptional or extraordinary circumstances or conditions based on the topography site layout etc. 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. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.**

Appeal #V-21-07

Applicant: AT&T
Location: 1539 Pickett Street, SE

Request: The applicant wishes to install a forty-nine (49) inch tall utility and/or communications cabinet in the front yard. The Zoning Administrator has made the interpretation that no utility and/or communications equipment more than thirty-six (36) inches in height may be placed within the public street right-of-way or on private property within the minimum required building setback along streets. The applicant is appealing the Zoning Administrator's interpretation that the proposed utility and/or communications cabinet is limited to no more than thirty-six (36) inches in height.

Appeal #V-21-08

Applicant: AT&T
Location: 426 Pine Vista Drive, SE

Request: The applicant wishes to install a forty-nine (49) inch tall utility and/or communications cabinet in the street side yard. The Zoning Administrator has made the interpretation that no utility and/or communications equipment more than thirty-six (36) inches in height may be placed within the public street right-of-way or on private property within the minimum required building setback along streets. The applicant is appealing the Zoning Administrator's interpretation that the proposed utility and/or communications cabinet is limited to no more than thirty-six (36) inches in height.

Appeal #V-21-09

Applicant: AT&T
Location: 5945 Christie Avenue, SE

Request: The applicant wishes to install a forty-nine (49) inch tall utility and/or communications cabinet in the front yard. The Zoning Administrator has made the interpretation that no utility and/or communications equipment more than thirty-six (36) inches in height may be placed within the public street right-of-way or on private property within the minimum required building setback along streets. The applicant is appealing the Zoning Administrator's interpretation that the proposed utility and/or communications cabinet is limited to no more than thirty-six (36) inches in height.

Chad Vantil, 245 East 24th Street Holland, MI with AT & T was present. He stated he would like to cover all three locations and if there is comment on a specific location he will be open to answer any questions.

Vantil stated AT&T has a plan to bring in a very large capital investment to the City of Kentwood. He stated they would like to bring their current infrastructure to the residents by building fiber optic cable straight to their homes. He stated the current build plan for the next 3 years is to cover an estimated 20% of Kentwood's population and expanding their build closer to 70% in future years as their capital build continues. He stated this infrastructure will also be able to provide a more affordable broadband option to businesses adjacent to these neighborhoods.

Vantil stated he laid out the plan to use existing cabinets if room was available to retrofit their fiber distribution in them as their first choice. He stated the only other option would be to propose a new stand-alone cabinet placement. Due to the average number of living units within the targeted Kentwood neighborhoods (about 342 homes) the cabinets they would need to serve that capacity would exceed that 36 inch minimum height restriction. He stated the selected locations are made to be the least intrusive as possible. Their cabinet height would not contribute to any vision impediment nor impact the well-being

or safety of the City of Kentwood, its residents or its visitors. He stated the new proposed cabinet heights do not exceed the height of the structures presently at these locations.

Vantil stated it is his request with the cabinet height of 49 inches at the specified address be given consideration for a variance from the Zoning Administrators interpretation. He stated without such variance the City of Kentwood residents and businesses will not have the latest technology in high speed broadband that is crucial to this world.

Derusha opened the public hearing.

Douglas and Shelly Hogle, 1539 Pickett were present. She stated they already have 3 cabinets in their yard that measure 50-60 inches tall. She questioned if they would be taking those down and then putting only one up. Vantil stated it is to displace the current infrastructure in their facilities that they have now. Previous upgrades have been interactive with the current infrastructure of copper cable, those are all copper boxes. He stated it is to displace them but they can not remove because everybody in that area would have to go off of that service they can not force people to go off legally and it wouldn't be a good proactive for them to say they can no longer have their service. There may be opportunities to remove those boxes, but it might take years after the customer has left that service the new fiber to the home is more affordable and reasonable. They are hoping all the customers they have will come to that technology. Discussion ensued. Vantil stated they are not going to replace at this time.

VanNoord questioned how many customers they have right now. Vantil stated the average is 342 customers in all their zones.

Hotuman questioned how many will convert over from copper over to fiber. Vantil stated they currently have a copper service so out of the 342 customers only 20% are using their actual copper services. Discussion ensued.

Houtman questioned how the boxes are higher than 36 inches and how did they get there. Pung stated in the past in those easements there weren't building permits required. What brought this to the forefront was the advent of things like small cell wireless and a lot of the new wireless facilities we were getting some requests for the associated utility cabinet that were quite large. One request they were looking to put in the public ROW. It was a cabinet that was 7 feet wide and 5 feet high. Pung stated part of looking at that request we created an interpretation currently for how we would look at structures within the public ROW and in the front yards along streets. The Planning Commission is looking at amending the Zoning Ordinance with regard to the height for utility structures and cabinets. They wanted staff to look at other communities to see what type of equipment they have and what their minimum requirements are. Staff is in the process of gathering additional information for the Planning Commission review but at this point there is no recommendation.

Houtman questioned why is the Zoning Board discussing if the Planning Commission is reviewing. Pung stated currently there is the interpretation where they are limited to 36inches. The applicant is saying they don't agree with the interpretation. Pung stated an appeal for an interpretation comes before the Zoning Board of Appeals and they have to decide if this was a proper interpretation to restrict them to 36inches and 30 inches in a clear vision corner.

Houtman stated if everything is already over 36inches how can we say that this one at 49 inches is wrong. He questioned if Vantil plans to get rid of the other cabinets over time and if so how long will it take him to do so. Pung stated if the ordinance is amended then it becomes non-conforming and nonconforming structures can remain and have maintenance done to them and when they are replaced whatever they are replaced with does have to come into conformance with whatever the ordinance restrictions are. Discussion ensued.

Mr & Mrs. Hogle said their concern is the replacement of the new boxes and how long it is going to take for the old stuff to be taken away. He stated they have 3 now they are going to have a 4th one

Houtman questioned how long will these cabinets be there. Vantil stated they may be able to talk to their attorneys, AT&T has a legal obligation to keep service maintained. They have no legal recourse or no action to remove people from those services. He stated he doesn't know but the new technology does displace that. Discussion ensued. He stated this will be their 3rd AT&T box he isn't sure what the other electrical boxes are. It will go directly behind their other cabinet. He stated they also have options to provide landscaping aesthetics that will help the homeowners out as well.

Houtman questioned if he can consolidate some of those old cabinets down as people drop out of copper and go to fiber. Vantil stated they do that as first choice. Discussion ensued.

Houtman stated this request should go to the Planning Commission. Pung stated since there is an interpretation out there, that is what the commissioners need to vote on. Pung stated making the presentations to the Planning Commission in the end they will determine what the appropriate heights would be or what the ordinance will be. But, in the meantime the Zoning Administrator came up with the interpretation the Zoning Board should address the situation as it is now.

Houtman questioned if the cabinets are installed and the planning commission decides 36 inches is reasonable then there will be 3-4 cabinets that are grandfathered. Pung stated if they are in before the ordinance then yes.

Vantil stated he would need to place 3 boxes around 34 inches and they would be centrally located for the whole neighborhood. He stated regarding the height he knows

there are other service providers out there, but their largest box that they have is 49 inches.

Hogle, questioned whether or not they will have 3 more cabinets in their yard, Vantil stated no, that was only to the point out that they have smaller options. He stated he would not do that, he doesn't have any plans to do that. That was just to the point of getting a smaller cabinet. He would need 3 of the smaller boxes to hold the capacity of one larger 49 inch cabinet. Vantil stated he would be more than happy to discuss with the neighbors exactly what it would look like within the easement and discuss some landscape options. Hogle, stated they just see this as a big mess in their front yard

Discussion ensued

Vantil stated he went to their manufacturer to see what they can do for a smaller profile, more dense capacity box and there is nothing in the works. That is their only option. He stated he had a pole mounted option and was told by the Engineering Department that there is a ruling against pole placements in the ROW so that was not an option. He stated they have looked into different options of what they can do.

Derusha questioned how long will it take the Planning Commission to approve this. Pung stated about 3 months or so, it would also have to go through City Commission approval as well. Pung stated staff is looking into other communities and what their requirements are.

Houtman stated his concern is anything that is approved now may all end up being grandfathered. He stated then they don't have another option other than multiplying the smaller ones. Houtman stated it doesn't seem like Zoning Board should be dealing with this right now.

Ruth Goddard, external and legislative affairs for At&T for West and Southwest Michigan was present. She stated these are expensive to do so they are their last choice. They searched for any other options and worked very hard with municipalities and residents and that is why she has no doubt that Vantil will work with the homeowners and try and do landscaping etc. She stated staff stated that the City of Kentwood were going to work with other providers when the Planning Commission comes up with an ordinance. She stated it could be that ordinance is not going to only be 36 inches and a possibility it is going to be bigger. Discussion ensued. VanNoord stated the Zoning Board has to interpret the zoning as it is now.

BerryRidge questioned have they run into any other similar issues with other municipalities that they have worked with. Goddard stated not in West Michigan or Southwest Michigan and her colleagues have not reported this issue in other areas of the state.

Lipner questioned how long they have been installing these larger cabinets. Goddard stated the fiber technology is new. When they came out with Uverse they were very controversial and yet people found once they were in, they were not quite intrusive as feared.

Houtman questioned what do they consider to be decent landscaping around the cabinet. Hogle, 1539 Pickett stated they would not be able to do landscaping because it is under wire. They were concerned how far back are they going to go. They don't know how landscaping is going to accommodate what is already there. Houtman questioned fencing. Hogle, 1539 Pickett stated the City won't allow that either because it is close to the road and it would obstruct clear vision.

Discussion ensued regarding the placement of the boxes at 1539 Pickett. Vantil stated the new cabinet would be on the neighbors property to the east. Hogle, stated regardless it is an eyesore. Vantil stated he does try to take into consideration as to where these boxes go and have worked with residents to try to ease the visual clutter as much as they can.

Derusha stated whatever decision they come up with is probably not going to fix anything. Hogle, stated they don't want to have to have 3 additional boxes along with what they already have there now.

Lenger stated if Zoning Board doesn't act on it and tables it, does this inhibit his continued work. Vantil stated it does, they have it ready to roll out and scheduled for early March. It wasn't until the application was reviewed by the Engineering Department that this issue was identified. He stated they have been doing these boxes since 2006 without any type of issues. He stated they have already bought the cabinet for this location, the fiber that feeds it, and the 30,000 feet of fiber that goes into the neighborhood. They have postponed all other builds in the City of Kentwood, however for these 3 locations they have already had their investment into the material and infrastructure. He stated he could hold off going beyond these three but he would request a variance of the interpretation today to move forward with the three that they have now. He stated this is the only way they can bring the upgraded broadband service to the City of Kentwood.

Ryan Mosley, 426 Pine Vista was also present. He stated he sent an email asking for shop drawings, cabinet locations and dimensions and hasn't received a reply. They have 2 cabinets existing and wants to know what is being proposed. Vantil stated he can give out his email and contact all the parties in the area and explain to them and show them graphs that he provided to the City. They have schematics of the Pine Vista location and he can also do some renderings to show them what it looks like. Mosley stated he also needs a copy of the easement. Vantil stated his property the easement is along Madison and it is part of a public utility easement and part of the plat of his subdivision.

Houtman questioned if the Planning Commission can take action on this sooner than 3 months. Pung stated it is not scheduled yet and they are going to want feedback from

other service providers then it will have to be a work session and public hearing then go to the City Commission 3 weeks after that.

Derusha questioned how long a request can be tabled. Pung stated we will have to check with the City Attorney and he will have to see in the ordinance how quickly a decision needs to be made.

Lenger stated Vantil stated if Zoning Board doesn't approve these locations then we tie their hands and they won't continue working on these 3 locations. Vantil stated these 3 location are the only ones he has a large cost investment into them already and materials purchased. He stated they do have a number of locations that would need standalone. He stated he would like an interpretation tonight due to his investment of materials and then they can table other future locations if need be. Houtman questioned how he would be able to build in the future if the ordinance is 36 inches. Vantil stated they would just have to scratch the City of Kenwood from their build plan and invest in the neighboring communities. Discussion ensued.

Houtman stated he feels this isn't a decision the Zoning Board should be involved in. Derusha stated what they have right now is putting a band aid on a poor solution. Lipner stated we have to take into account the neighborhood and the effect it will have on them. Pung stated the 6 standards do not apply for this request. They have to decide if the interpretation is correct and reasonable.

Vantil stated this is a request to bring fiber to the existing residents. He stated this benefits them as well as the better the technology the more customers.

Mosley stated he was hoping the boxes were going to consolidated. He stated he feels like this is a poorly executed plan.

West questioned why does AT&T have to use the cabinets. Vantil stated the boxes are the main distribution hub so they do have throughout the front yard the smaller boxes that are 36 inches those are the service taps the feed the individual homes. The proposed box is supposed to feed on an average of 342 homes up to 832 living units. Discussion ensued

Pung stated the Board should look at the addresses individually to determine if the interpretation is reasonable or not due to their proposed location

Derusha stated there should be some limitation as to how many boxes they can have and the height. Vantil stated he can relocate across the street but they try to stay were existing cabinets are because the intrusion is already there. They purchased the easement to be on the north side of the street. This would be the third cabinet on each location

Motion by Houtman supported by Lipner to close the public hearing.

- Motion Carried (6-0-

- Yeas: Berry-Ridge, Derusha, Houtman, Lenger, Lipner, VanNoord, West
- Nays: None

Houtman stated he thinks this is a decision that should be made by the City Commission, the elected officials. He stated he doesn't think this decision should be made tonight he recognizes the investment that AT&T has and walking in with a 36 inch cabinet as a potential solution to this will blow up in their faces. He stated he is not in favor of moving forward but he thinks this has to be settled at a higher level.

Houtman stated he approves the Zoning Administrator's decision to deny the cabinet.

VanNoord stated the 36 inches to her is reasonable.

Lenger stated because this is a temporary thing he would like to deny it, but it was never there before then all of a sudden it impeded work that was already in place. He thinks we should ok this. He stated we are not making a new rule or new ordinance.

Motion by, Lenger supported by Lipner that based on the circumstances to these 3 specific requests V-21-07, V-21-08, V-21-09 the interpretation should not be upheld and we allow them to proceed with strong recommendation that this is looked at sooner rather than later by the City Commission.

- Motion Failed (2-5)-
- Yeas: Lenger, Lipner
- Nays: Berry-Ridge, Derusha, Houtman, VanNoord, West

Motion by Lipner, supported by Lenger, to adjourn the meeting.

- Motion Carried (7-0-
- Yeas: Berry-Ridge, Derusha, Houtman, Lenger, Lipner, VanNoord, West
- Nays: None

Meeting adjourned at 9:05p.m.

Respectfully submitted,

Alan Lipner, Secretary

STAFF REPORT: August 10, 2021
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-21-10

GENERAL INFORMATION

APPLICANT: Speedway, LLC
8902 Vincennes Circle, Ste. E
Indianapolis, IN 46268

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to demolish the existing vehicle fuel station and construct a new one. As proposed, the building would be setback 23.3 feet from the east property line and there would be two (2) driveways onto Kalamazoo Avenue. Section 15.04.D.1 requires a minimum building setback of fifty (50) feet from the east property line and Section 15.04.D.6 permits only one (1) driveway onto Kalamazoo Avenue.

The requested variances are: 1) a reduction of 26.7 feet to the building setback from the east property line, and 2) permit a second driveway onto Kalamazoo Avenue.

EXISTING ZONING OF
SUBJECT PARCEL: C2 Community Commercial

GENERAL LOCATION: 4384 Kalamazoo Avenue, 4338 Kalamazoo Avenue, 4382 Kalamazoo Avenue & 1637 – 44th Street

PARCEL SIZE: 1.53 acres

EXISTING LAND USE
ON THE PARCEL: Existing gas station, existing vehicle repair (Tuffy Auto Center) and vacant oil change

ADJACENT AREA
LAND USES: N - Commercial
S - 44th Street ROW
W - Kalamazoo Avenue ROW
E - Vehicle Repair & High Density Residential (Greentree Apts.)

ZONING ON ADJOINING
PARCELS:

- N - C2 Community Commercial (as per 425 Agreement)
- S - C2 Community Commercial
- E - C2 Community Commercial & R4 High Density Residential
- W - Commercial (City of Grand Rapids)

Staff Comments:

1. The applicant wishes to demolish the existing vehicle fuel station and construct a new one. As proposed, the building would be setback 23.3 feet from the east property line and there would be two (2) driveways onto Kalamazoo Avenue. Section 15.04.D.1 requires a minimum building setback of fifty (50) feet from the east property line and Section 15.04.D.6 permits only one (1) driveway onto Kalamazoo Avenue.

The requested variances are: 1) a reduction of 26.7 feet to the building setback from the east property line, and 2) permit a second driveway onto Kalamazoo Avenue.

2. Speedway is currently located on three (3) parcels of land, two (2) in the City of Kentwood and one (1) in the City of Grand Rapids. Each municipality has retained jurisdiction of the property and buildings within its municipal boundaries. The building in which Speedway is located also houses a Tuffy Auto Center. To expand the facility, Speedway would purchase the .49-acre property to the north (also located in Grand Rapids). A new, larger gas station and convenience store is intended to be constructed. Due to concerns regarding the jurisdiction for planning, inspections, assessing, income tax, and other services, Kentwood and Grand Rapids have entered a Conditional Land Transfer under the provisions of Public Act 425 of 1984 (PA 425).

Public Act 425 permits the conditional transfer of property by contract between the local units of government. In this case, the two (2) parcels for the proposed project within Grand Rapids would be transferred to Kentwood for a period of 50 years. Under the provisions of a Conditional Land Transfer Agreement, the property would receive all municipal services from Kentwood, including zoning administration and jurisdiction; building, electrical, plumbing, mechanical, and other inspection services; ordinance enforcement; special assessments; fire/rescue service; property tax assessing and collection.

While Kentwood would retain planning and zoning jurisdiction on the overall Speedway property, the 425 Agreement between the two communities requires Kentwood to consult with and receive a recommendation from the Grand Rapids Police Department (relative to security issues) as well as to incorporate specific Grand Rapids zoning elements.

3. Section 15.04.D.1 of the Kentwood Zoning Ordinance states that a vehicle fuel station building, and its accessory uses, and buildings shall be located not less than fifty (50) feet from any right-of-way line or from any side or rear lot line abutting a residential district. The proposed building would be located twenty-three (23) feet from the common lot line of an adjacent residential district to the east.

4. Section 15.04.D.6 of the Kentwood Zoning Ordinance states that the site shall be limited to no more than one (1) driveway for each street on which it has frontage. The applicant is proposing retaining two driveways onto Kalamazoo Avenue. The existing gas station has one (1) driveway on Kalamazoo Avenue (south drive – see Exhibit 1) and the adjacent property which will be acquired for the expansion has a driveway (north drive – see Exhibit 1) onto Kalamazoo Avenue. The north drive currently serves as the only means of access for 4328 Kalamazoo Avenue (adjacent property to the north of the proposed redevelopment).
5. Since 1985, the Zoning Board of Appeals has heard thirteen (13) requests for building setback variances based on the use/zoning of adjacent property. The requests were as follows:

	Address	Action
V-15-13	3663 Broadmoor Avenue	Granted (↓ of 10 feet/industrial adj. to residential)
V-08-07	3300 – 36 th Street	Granted (↓ of 6 feet/accessory bldg. for institutional use adj. to residential)
V-05-20	815 – 52 nd Street	Granted (↓ of 45 feet/gas station adj. to residential)
V-05-16	815 – 52 nd Street	Withdrawn (↓ of 12.42 feet/gas station adj. to residential)
V-02-13	4115 – 36 th Street	Denied (↓ 50 feet/industrial adj. to residential – east property line) Granted (↓ 80 feet/industrial adj. to residential – north property line)
V-02-11	3351 – 36 th Street	Granted (↓ 30 feet/industrial adj. to residential) Conditioned on office use of the property
V-00-18	3530 – 36 th Street	Granted (↓ 13 feet/industrial adj. to residential)
V-94-24	4345 Air Lane Drive	Denied (↓ 60 feet/industrial adj. to residential)
V-88-32	1569 – 52 nd Street	Denied (↓ 15 feet/drive-in restaurant adj. to residential)
V-87-44	3640 – 44 th Street	Granted (↓ 20 feet/industrial adj. to residential)
V-85-73	851 – 52 nd Street	Denied (↓ 10 feet/commercial adj. to residential)
V-85-30	1800 - 44 th Street	Granted (↓ 70 feet/commercial adj. to residential)
V-85-17	41 – 44 th Street	Granted (↓ 85 feet/industrial adj. to residential)

Whether a variance was approved or denied depended on its ability to meet the non-variance standards of the City of Kentwood Zoning Ordinance.

6. The Zoning Board of Appeals has heard only three (3) requests in 1985 relating to the number of permitted driveways. The requests were:

Appeal No.	Address	Action
V-17-21	4429 – 52 nd Street	Granted (add a second driveway)
V-04-15	4511 Shiloh Way Drive	Denied (retain existing driveway)
V-01-06	3031 Lake Eastbrook Boulevard	Granted (retain existing driveway)

Whether a variance was approved or denied depended on its ability to meet the non-variance standards of the City of Kentwood Zoning Ordinance.

7. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant demonstrates through competent material and substantial evidence on the record that ALL of the following exist:

- 1) That 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:
 - a) Exceptional narrowness, shallowness or shape of the property on the effective date of this ordinance; or
 - b) Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.

The development site is in both Kentwood and Grand Rapids. Under a 425 Agreement most permitting and reviews will under Kentwood zoning regulations.

The east property line of the site abuts properties zoned R4 High Density Residential and C2 Community Commercial (see Exhibit 4). Only adjacent to the property zoned R4 High Density Residential is a fifty (50) foot building setback required.

The existing gas station development has one (1) driveway onto Kalamazoo Avenue. The property at 4382 Kalamazoo, which is being acquired for the redevelopment, also has a driveway onto Kalamazoo Avenue. The driveway for 4383 Kalamazoo Avenue is shared with the adjacent property to the north (4328 Kalamazoo Avenue).

Kalamazoo Avenue is a divided roadway to just north of the proposed development. The north drive is just south of the only Michigan left turn available for those exiting the site onto Kalamazoo Avenue and wanting to head south.

- 2) That 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.

The situation and conditions for this site do not occur often. This is the only gas station in Kenwood that is located within two different jurisdictions. Redevelopment involving the acquisition of property with an existing drive shared by multiple properties does

not occur often. Developments where a property line abuts both commercially and residentially zoned properties does not occur often.

- 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.

Without the setback variance the applicant may still be able to develop the property but would have to significantly reconfigure the site, reduce the size of the building, and/or relocate the building.

Without the variance for two (2) driveways onto Kalamazoo Avenue redevelopment could still occur but based on the traffic study provide by the applicant, if the south drive were closed then vehicles exiting the site onto Kalamazoo Avenue to head south would not be get into the left lane when during time when vehicles as stacked past the north drive. The north drive is shared with an existing adjacent property and is currently the sole means of access to that site.

- 4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

It is not anticipated that the variances would be detrimental to adjacent property and the surrounding neighborhood. The site is already the location of a gas station and vehicle repair.. The redevelopment is anticipated to improve on-site circulation. The development will still be required to meet Zoning Ordinance landscaping and screening requirements along the east property line..

- 5) Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.

Based on the unique circumstances and conditions applying to the site, staff does not anticipate that the variance would impair the intent and purposed of the Zoning Ordinance as it relates to rear yard building setbacks.

- 6) The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

The existing circumstances and conditions of this site and the adjacent properties were not created by the applicant.

8. In authorizing a variance, the Board may, in addition to the specific conditions of approval called for in the Zoning Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of the Ordinance and the protection of the public interest or as otherwise permitted by law.

The proposed development does require special land use and site plan approval from the Kentwood Planning Commission. The Planning Commission held a work session on the project on August 10, 2021. If approved, the variances should be conditioned on Planning Commission special land use and site plan approval.

9. A majority vote by at least four members of the Zoning Board is necessary to approve the requested variance.

Exhibit 1: Location of Variance Request

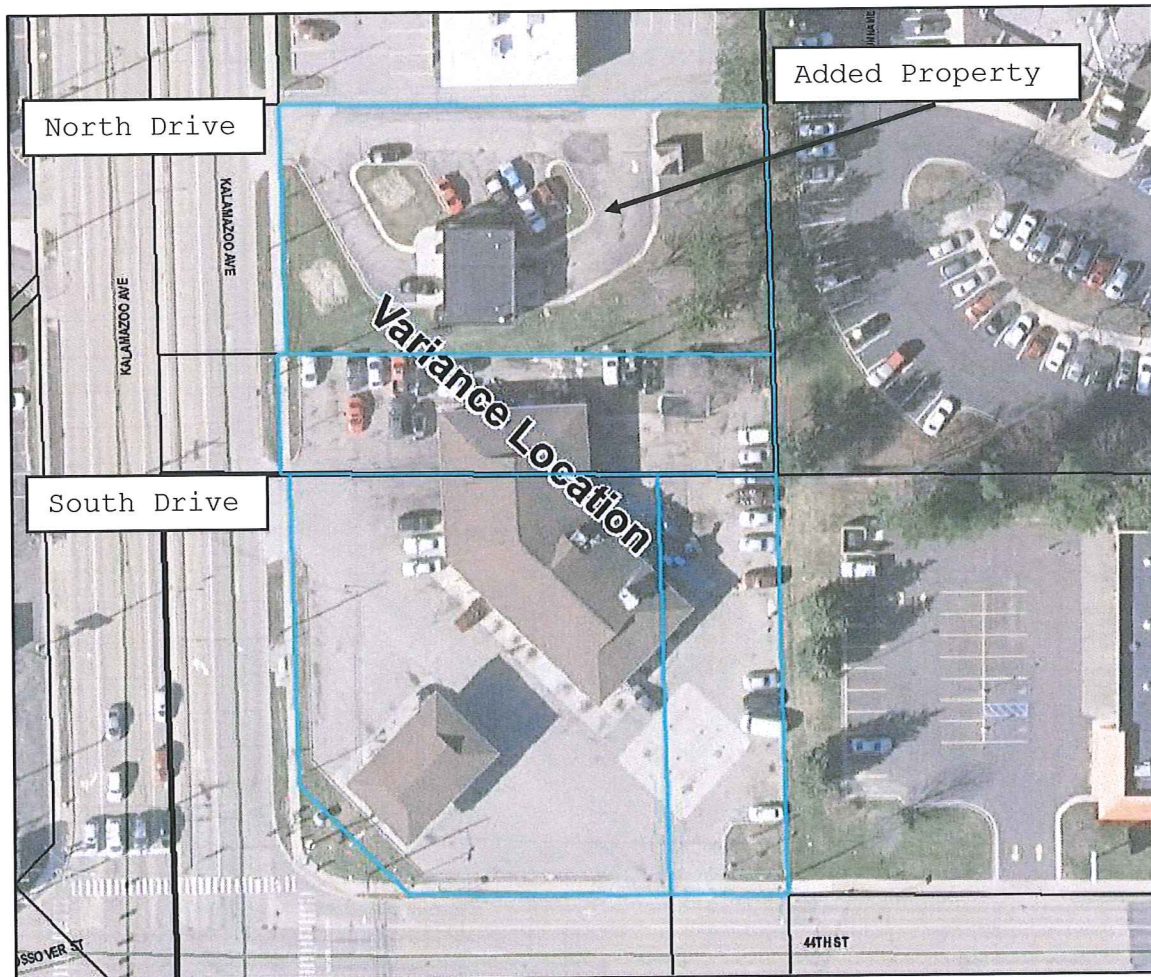


Exhibit 2: April 2020 Aerial Pictometry Photo (view from the south)

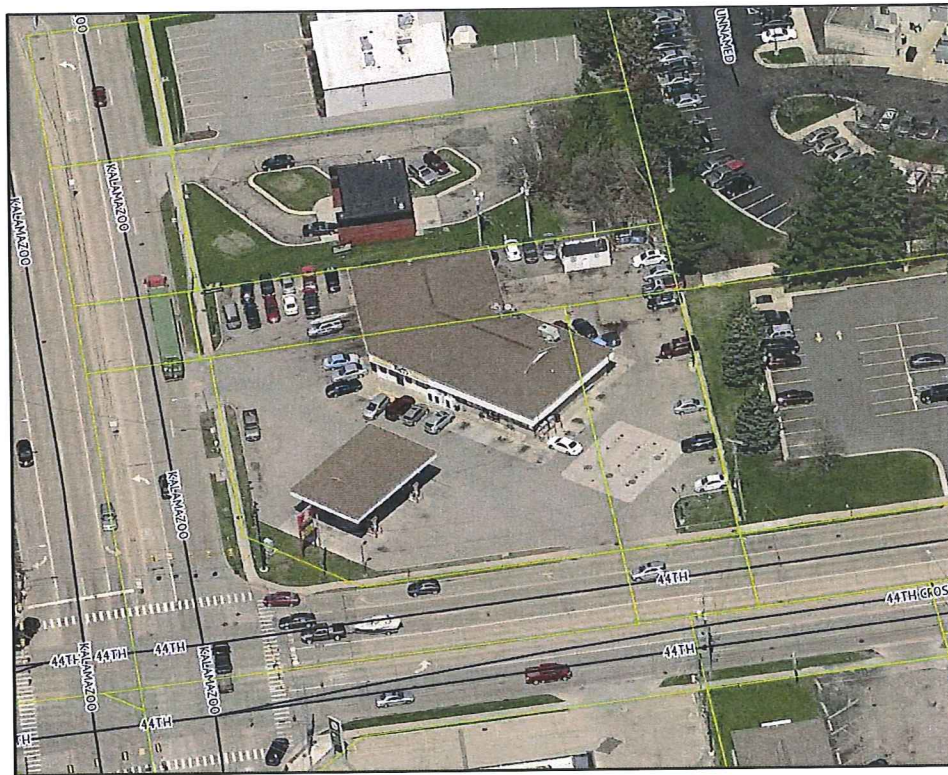


Exhibit 3: April 2020 Aerial Pictometry Photo (view from the west)

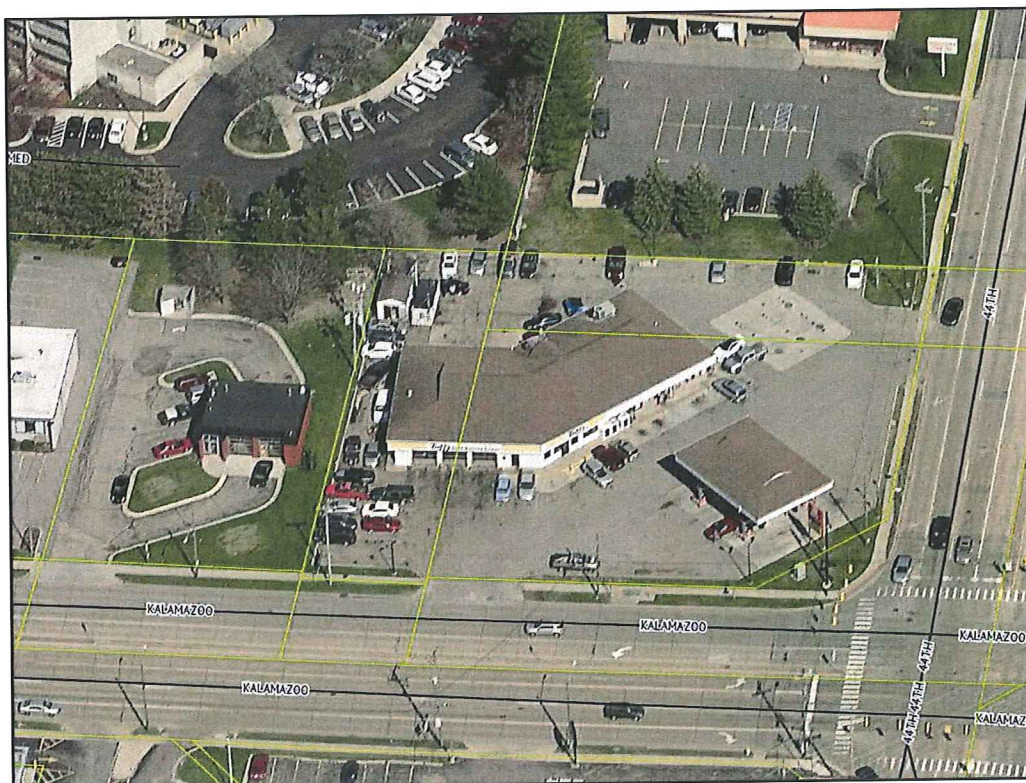
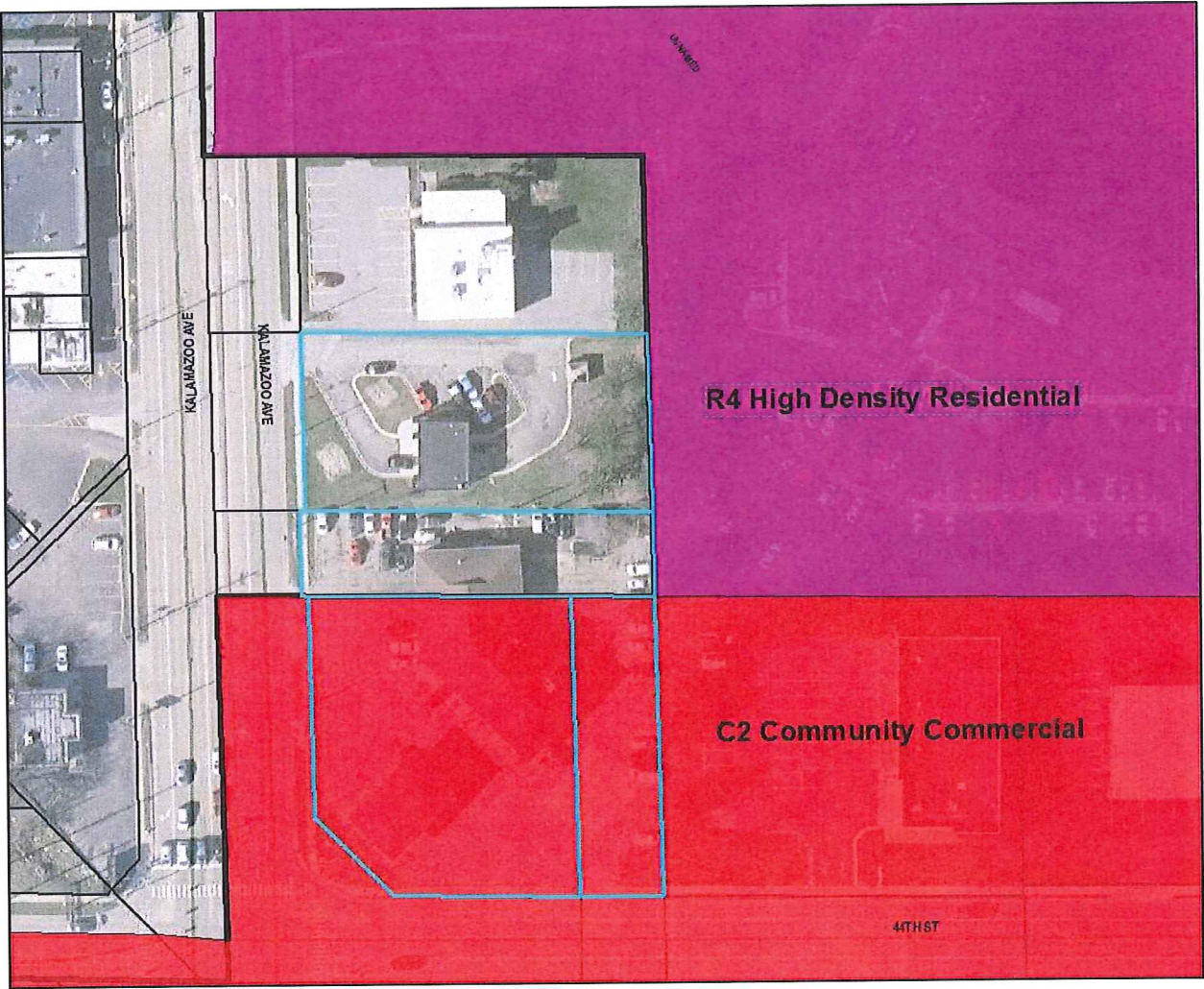


Exhibit 4: Adjacent Zoning Districts



CITY OF KENTWOOD
ZONING BOARD OF APPEALS
NON-USE VARIANCE APPLICATION

APPEAL # 1-21-10
HEARING DATE 8-16-2021
PHONE # 937-405-7043

APPLICANT: Jennifer High (Speedway LLC)
ADDRESS: 8902 Vincennes Circle, Ste. E; Indianapolis, IN 46268
PROPERTY OWNER: Speedway LLC PHONE # 937-864-3000
ADDRESS: 500 Speedway Drive; Enon, OH 45323
LOCATION OF VARIANCE (If applicable) 4384 Kalamazoo Ave.
ZONING DISTRICT OF PROPERTY: C2 Commercial
ZONING ORDINANCE SECTION (S) APPEALED: 08.03.D and 15.04.D
NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)
Variance to allow 23.3' setback from side lot line instead of 50' where adjacent to residential. Variance
to allow two access drives on Kalamazoo Ave. Signage variance for two goal post signs (including size
and clearance. Variance for the number of wall/canopy signs per frontage.
JUSTIFICATION OF APPEAL: Briefly describe how your appeal meets the Standards of Section 21.04B of the
Kentwood Zoning Ordinance. Each standard must be met.
STANDARD (1): See attached narrative.

STANDARD (2): See attached narrative.

STANDARD (3): See attached narrative.

STANDARD (4): See attached narrative.

STANDARD (5): See attached narrative.

STANDARD (6): See attached narrative.

Zoning Board of Appeals
Non-Use Variance Application
Page 2

I hereby certify that all of the above statements and any attachments are correct and true to the best of my knowledge.

Authorization for city staff and board members to enter the property for evaluation.

Yes ☒ No ☐

NAME OF APPLICANT: Jennifer High
(Please print)

SIGNATURE OF APPLICANT:  DATE: 7-20-21

NAME OF PROPERTY OWNER: Jennifer High
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 7-20-21

Return to Planning Department
PHONE: 554-0707, FAX NO. 698-7118

July 21, 2021

City of Kentwood
Planning Department
4900 Breton Ave SE
Kentwood, MI
616.554.0709

**RE: Speedway – Rebuild Store No. 8782 – 4384 Kalamazoo Ave; Kentwood, MI
VARIANCE REQUEST**

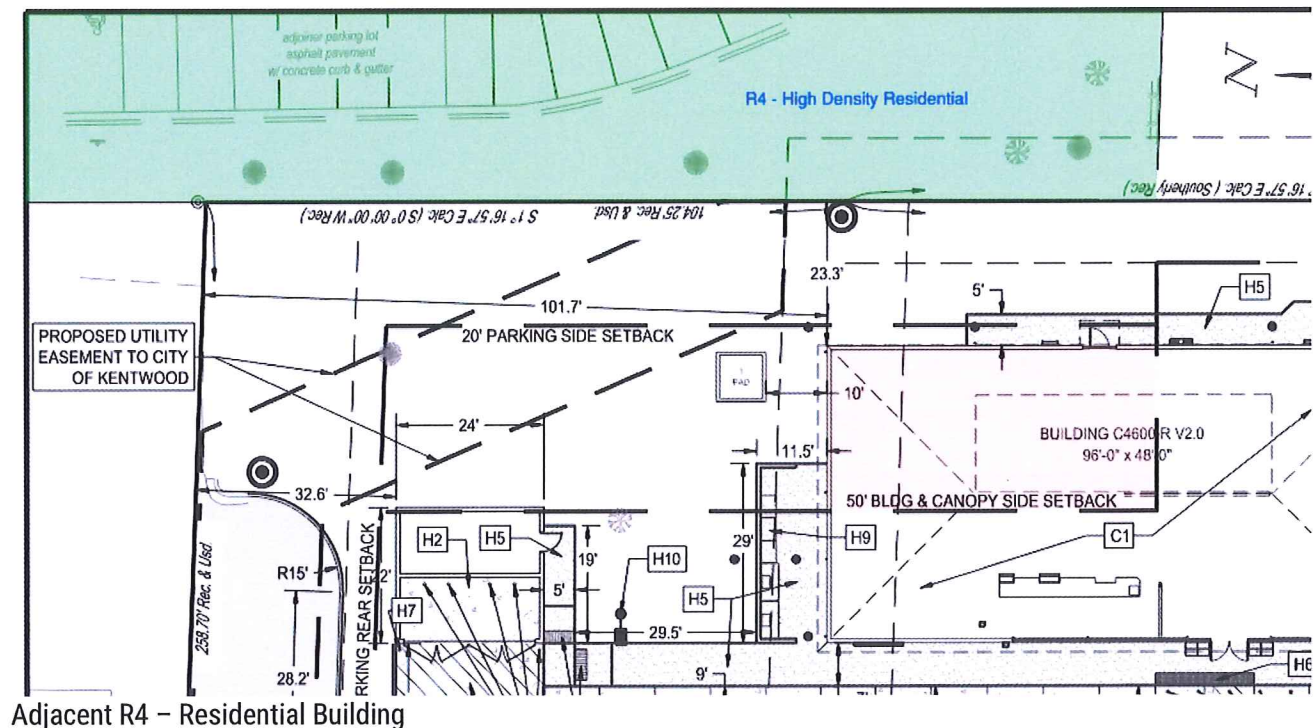
Dear Ms. Golder:

CESO, Inc. is pleased to submit this letter to you on behalf of Speedway LLC. This letter is to request approval of sign variances, setback variance, and driveway variance for the proposed Speedway rebuild on the NE corner of Kalamazoo Ave. and 44th Street in City of Kentwood, MI.

Speedway is requesting that the City of Kentwood ZBA grant the following variances to the Zoning Ordinance for the proposed convenience store:

Side Yard Setback (Zoning Code 15.04.D.1):

Per section 15.04.D.1 the special land use site design standards for the vehicle fuel stations require a vehicle fuel station building and its accessory uses and buildings shall be located not less than fifty (50) feet from any right-of-way (ROW) line or from any side or rear lot line abutting a residential district. This setback requirement shall not apply to accessory parking. The 50' building and canopy setback is achieved along all ROW lines. However, the NE corner of the site abuts R4 – High Density Residential Zoning District. In this location the proposed building setback is 23.3' instead of 50'.





1) That 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:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance; or
- b) by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
- c) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.

Response: This site is currently in two different zoning districts. There are four parcels of which two are located in the City of Kentwood and two are located in the City of Grand Rapids. The parcels where abutting the R4 district are within the City of Grand Rapids currently. Since a 425 agreement has been put in place we are permitting the project through the City of Kentwood only. However, the City of Grand Rapids side yard setback requirement would only be 15' along the residential property line.

2) The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Response: This is a unique circumstance with the site being in dual zoning districts. Even the existing Speedway gas station is located across two zoning districts, so this is not a self-created situation.

3) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not be of itself be deemed sufficient to warrant a variance.

Response: The existing site is currently a gas station attached to a Tuffy Auto Service Center. The purchase parcel has a vacant underground oil change building. The proposed site will be a new 4608 sf convenience store with eight fueling dispensers and will be similar in right to the existing property.

4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

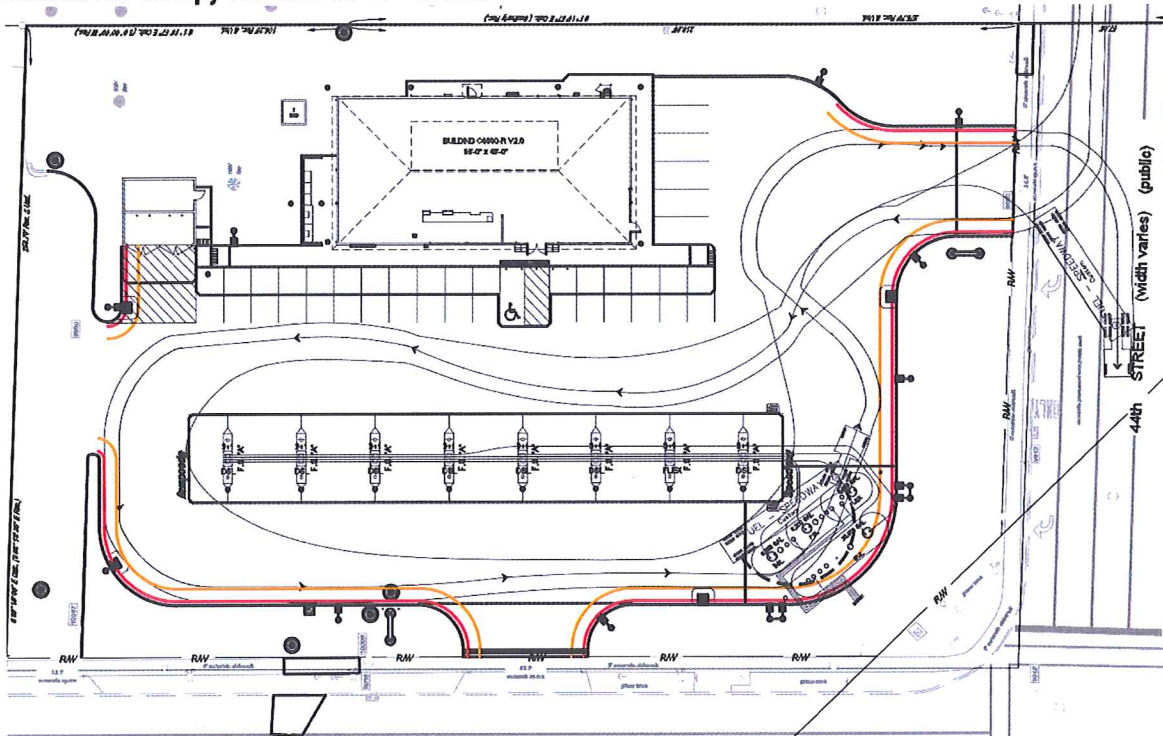
Response: The existing site is congested with multiple uses and a vacant building. The redevelopment of the site will improve internal circulation and allow for a more environmentally safe gas station with new double wall fiberglass storage tanks with monitoring as well as double wall product piping. At the same time will allow any cleanup of existing environmental concerns during demolition. Overall, the redevelopment will not be detrimental to the adjacent property or surrounding neighborhood.

5) The variance will not impair the intent and purpose of this Ordinance.

Response: The setback variance will not impair the intent and purpose of this ordinance. The SLU requirement for the vehicle fuel station is what requires the greater setback from the residential zoning district. The standard side setback required in the C2 zoning district adjacent to residential is 20', which is provided.

6) That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

Response: The need for the variance is not self-created. The fueling truck can only enter and exit on 44th Street per the City of Kentwood (Kalamazoo Ave. is not rated for trucks north of the site and the michigan left on Kalamazoo Ave. is not designed to accommodate the necessary radius for the truck to turn left heading back south on 44th street). Therefore the building needed to be shifted further north on the site and the drive aisle on the west side of the canopy needed to be wider to allow for the fueling truck to enter on 44th Street, circle around the canopy and exit on 44th Street.



Number of Access Drives (Zoning Code 15.04.D.6):

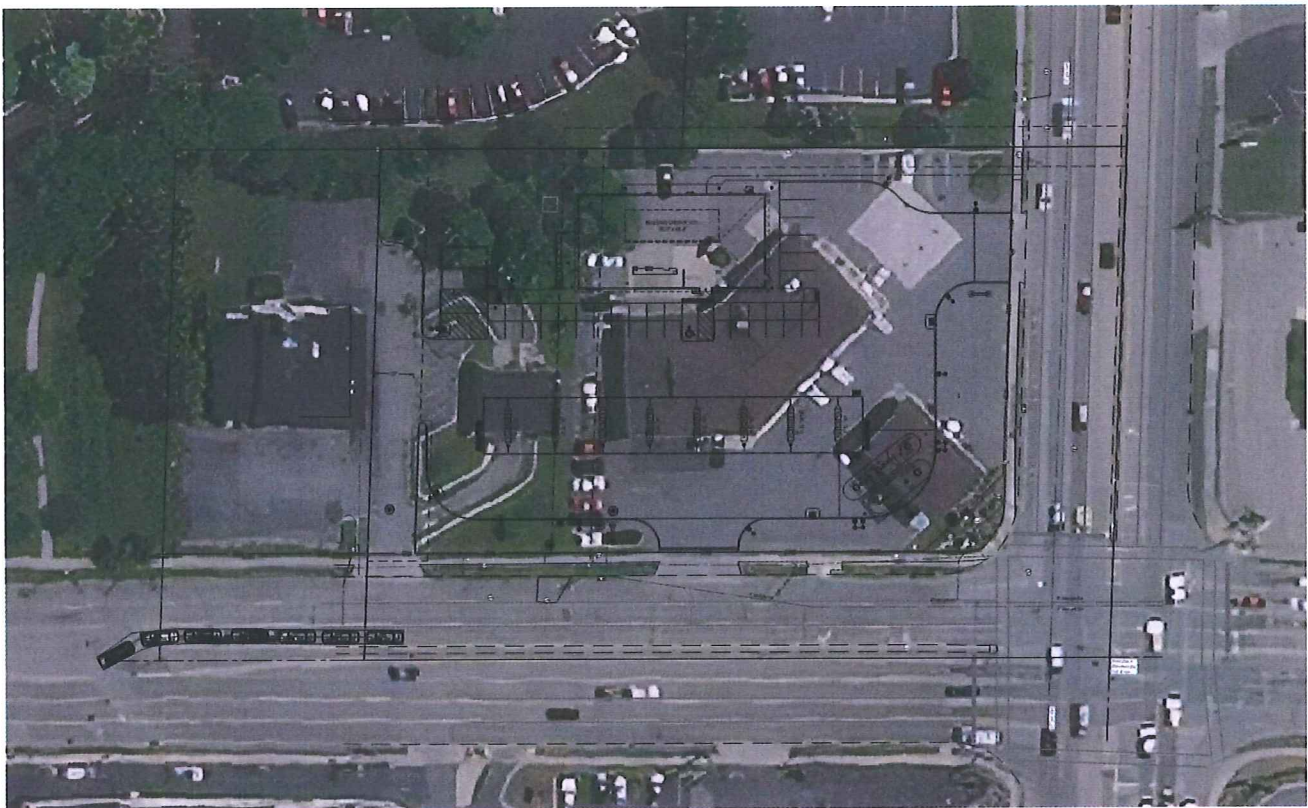
Per section 15.04.D.6 the special land use site design standards for the vehicle fuel stations require the site shall be limited to no more than one (1) driveway for each street on which it has frontage. Speedway is requesting to keep both the existing driveways on Kalamazoo Ave. open. The driveway to the north is a shared driveway with

the adjacent Success Business. CESO prepared a Traffic Impact Study to analyze the traffic for the proposed site and the main intersection. The findings of the study show that the traffic currently queues up to the middle of the shared access drive.

Queue Length Analysis

Location	Movement	2022 No-Build/Build Traffic Scenario			
		95 th Percentile Queue Lengths			
		AM Peak Hour		PM Peak Hour	
Traffic Scenario →		2022 No-Build	2022 Build	2022 No-Build	2022 Build
44 th Street & Crossover W of Kalamazoo Avenue	WBU	23	25	53	55
	NBU	63	72	142	144
Kalamazoo Avenue & Crossover N of 44 th Street	NBT	4	---	---	---
	SBT	51	47	50	85
	SBT	103	103	166	188

Image showing actual queue at turn around (north is to the left on the image below):



As you can see in the image above if only the shared access drive is permitted then cars looking to go southbound on Kalamazoo Ave. would not be able to get into the left turn lane due to traffic backing up beyond that drive. It is safer to allow the second drive in the current location so that vehicles can turn right and maneuver safely into the left turn lane.

Both access drives on Kalamazoo during the build scenario will have an acceptable level of service:

Table 7
Summary of 2022 Build Traffic Scenario Capacity Analysis

Intersection →	Year →	2022 Weekday AM and PM Peak Hours				
	Volume →	Build – Year 2022				
	Geometry →	Existing				
	Direction	Movement	AM Peak Hour		PM Peak Hour	
			LOS	*Delay	LOS	*Delay
144 th Street & Crossover W of Kalamazoo Avenue (Stop Sign Controlled)	Intersection Overall →		--	--	--	--
	Westbound	WBU	C	15.3	C	19.2
Kalamazoo Avenue & Crossover N of 44 th Street (Signal Controlled)	Intersection Overall →		A	0.2	A	0.3
	Northbound	NBT	A	0.2	A	0.2
	Southbound	SBT	A	0.3	A	0.4
2Kalamazoo Avenue & Success Shared Driveway/Access Driveway (Stop Sign Controlled)	Intersection Overall →		--	--	--	--
	Eastbound	EBR	A	9.4	B	10.8
	Westbound	WBR	A	8.6	A	8.7
3Kalamazoo Avenue & Speedway North Driveway/Access Driveway (Stop Sign Controlled)	Intersection Overall →		--	--	--	--
	Eastbound	EBR	A	9.5	B	10.8
	Westbound	WBR	A	9.0	A	9.2

1) That 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:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance; or
- b) by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
- c) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.

Response: This site is located on a divided highway where the divided highway ends to the north of the site with only one Michigan left turn around available. The existing traffic will queue past the northern driveway which will prevent cars from getting into the left turn lane to head southbound.

2) The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Response: This is a unique circumstance due to the existing traffic and existing access drive locations that are being requested to remain in place for proper access. The northern access could not be closed since it is shared with the adjacent business to the north. The southern access drive is necessary due to the existing traffic patterns on Kalamazoo Ave.

3) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not be of itself be deemed sufficient to warrant a variance.

Response: The existing site is currently a gas station attached to a Tuffy Auto Service Center. The purchase parcel has a vacant underground oil change building. The proposed site will be a new 4608 sf convenience store with eight fueling dispensers and will be similar in right to the existing property.

4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

Response: The existing site is congested with multiple uses and a vacant building. The redevelopment of the site will improve internal circulation and allow for a more environmentally safe gas station with new double wall fiberglass storage tanks with monitoring as well as double wall product piping. At the same time will allow any cleanup of existing environmental concerns during demolition. Overall, the redevelopment will not be detrimental to the adjacent property or surrounding neighborhood. Both access drives are in place today and function at an acceptable level of service.

5) The variance will not impair the intent and purpose of this Ordinance.

Response: The variance for two driveways will not impair the intent and purpose of this ordinance. The SLU requirement for the vehicle fuel station is what restricts the site to one access drive per frontage. However, the northern access drive is shared with the neighbor to the north to serve both parcels and the southern driveway is necessary due to existing traffic patterns on Kalamazoo Ave.

6) That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

Response: The need for the variance is not self-created. The northern drive is shared with the adjacent business as the site sits today and that access needs to be maintained. The southern drive is necessary due to the existing traffic on Kalamazoo Ave.

Freestanding Signage (8.03.D):

Per section 08.03.D the site is permitted to have one freestanding sign or two ground mount signs for the proposed development. The freestanding sign is permitted to be 100 sf in size and 25' tall with a clearance of 10'. Speedway is requesting a variance to allow two 99 sf goal post signs (one per frontage). With an overall height of 22'9" and a clearance of 5' 4.75".

If the pole signs are not approved then Speedway would have to go to two ground mount signs, the signage code requires the setback of 10' from the ROW for a 10' tall sign; otherwise the sign height can only be 4'. Due to the relocated sanitary main onsite and the 20' easement required for the sanitary main the sign along Kalamazoo Ave. could not be located 10' off the ROW. If the pole signs are not permitted Speedway would like a variance for the height of the ground mount sign on Kalamazoo Ave. to be 8' tall max. This would allow for a 1.7' brick base with a 6.2' tall sign (72 sf in size).

Wall/Canopy Signage (8.03.D):

Per section 08.03.D the site is permitted to have 1 wall sign per street frontage. The allowable SF for the wall sign on Kalamazoo Ave. is 118 sf and the allowable SF for the wall sign on 44th Street is 72 sf (total of 190 sf of wall signage permitted). Speedway is requesting to install the following wall/canopy signs:

- Reader board sign on the building face 40 sf in size
- Speedway channel letter signs on the north and south sides of the canopy (47.25 sf in size each)
- "S" logo sign on the east and west sides of the canopy (11 sf in size each)
 - TOTAL = 156.50 sf in size

The variance request would be to allow for five signs instead of the permitted two signs. The overall size of the signage is less than the permitted overall sf allowed for wall signs.

1) That 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:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance; or

- b) by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
- c) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.

Response: This site is located on two divided highways where it is important for the visibility of signage for vehicles to change lanes and maneuver in order to access the site safely.

- 2) The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Response: This is a unique circumstance due to the gas station use. Gas stations are a pass-by use and not a destination use typically. More vehicles enter the site as they are travelling the roadways and need to be able to see the signage in order to safely maneuver to the correct lanes to enter the site.

- 3) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not be of itself be deemed sufficient to warrant a variance.

Response: The existing site is currently a gas station attached to a Tuffy Auto Service Center. The purchase parcel has a vacant underground oil change building. The proposed site will be a new 4608 sf convenience store with eight fueling dispensers and will be similar in right to the existing property.

- 4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

Response: The variance will not be detrimental to adjacent properties or surrounding neighborhood.

- 5) The variance will not impair the intent and purpose of this Ordinance.

Response: The signage variance will not impair the intent and purpose of this ordinance. The ordinance allows for one ground sign per frontage and one wall sign per frontage. The request is to modify the height/number of signage to allow for better visibility and safer access since it is located on a corner parcel near a busy intersection with multiple lanes of traffic.

- 6) That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

Response: The need for the variance is not self-created. The signage is necessary for safe access to the site.

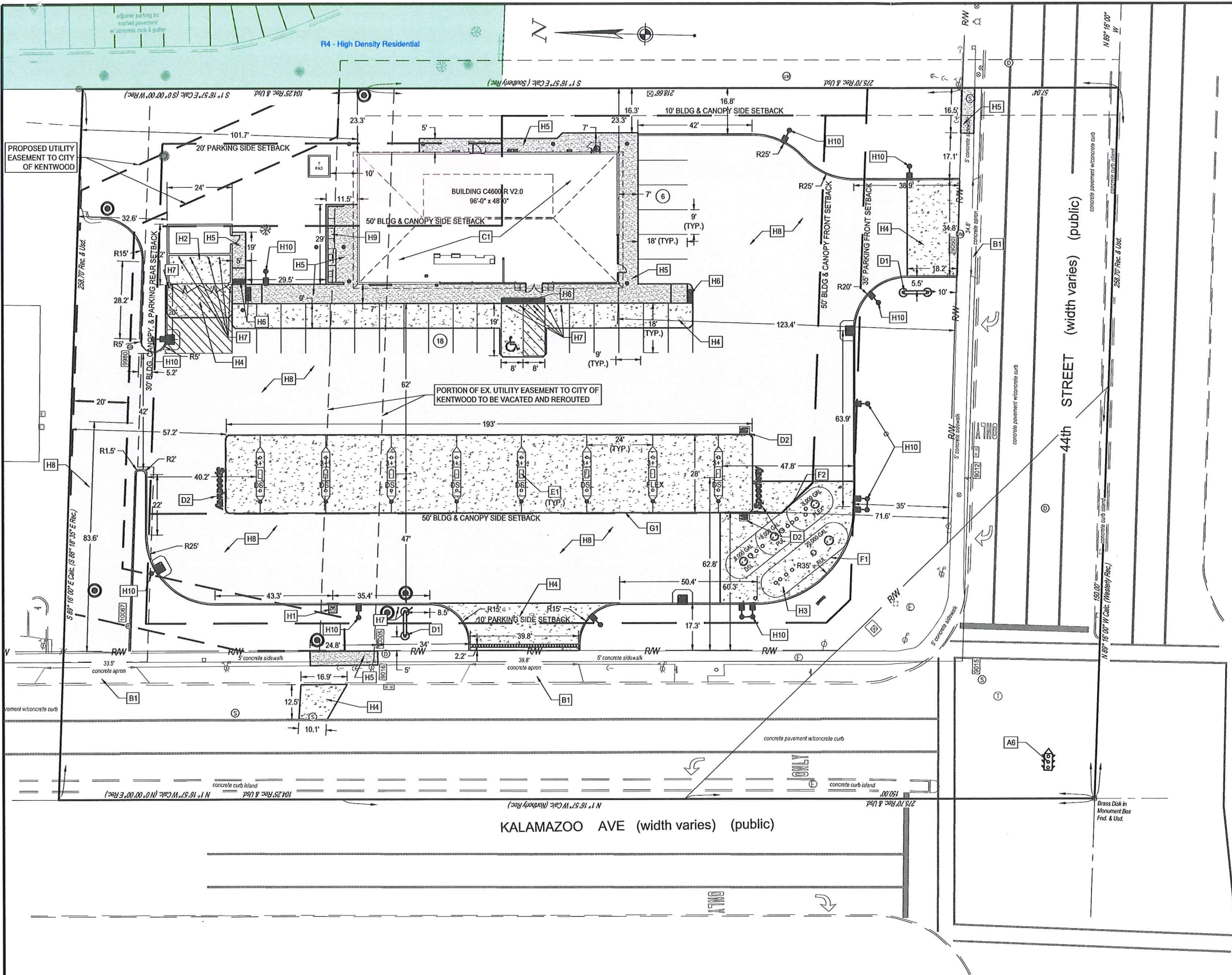
Please see the enclosed plans for the locations and details of the proposed variances being requested. Please place us on the next available meeting agenda. Should you have any further questions, please do not hesitate to call me at 517.212.4185.

Respectfully,



Mandy Gauss, P.E.
Project Manager

Enclosures – CS plan and SS Plan



NOTE: AS AN AID TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES/STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

**BEFORE YOU DIG
CALL MISS DIG**
1-800-482-7171

EXISTING LEGEND

— — — — — CURBING TO REMAIN

— — — — — FENCE

PROPOSED LEGEND

PROPOSED CURB

NORMAL STRENGTH ASPHALT PAVEMENT PER SPEEDWAY STANDARDS

NORMAL STRENGTH CONCRETE PAVEMENT PER SPEEDWAY STANDARDS

CONCRETE SIDEWALK PER SPEEDWAY STANDARDS

- A. GENERAL NOTES**
- GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING AND DISPENSERS AND PARKING.
 - TRUCK TURNS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM LOCATION OF UST'S.
 - FINAL DESIGN OF SITE SUBJECT TO LOCAL AND STATE REGULATIONS.
 - EXISTING PROPERTY SIZE: ±71,279 SQ. FT. / ±1.6363 AC. (±1.0094 AC. OUTSIDE RW)
PROPOSED PROPERTY SIZE: ±98,232 SQ. FT. / ±2.2551 AC (±1.4989 AC. OUTSIDE RW)
 - REQUIRED PARKING:
CONVENIENCE STORE: 1 SPACE PER EVERY 250 SF OF GFA = 18 SPACES
FUEL STATION: 1 SPACE PER EACH EMPLOYEE = 6 SPACES
TOTAL REQUIRED = 24 SPACES
PROVIDED PARKING: (1) ADA PARKING SPACE AND (23) STANDARD PARKING SPACES.
 - THE ADJACENT INTERSECTION IS SIGNALIZED.
- B. SITE WORK**
- EXISTING DRIVE APPROACH.
- C. BUILDING**
- STANDARD #4600-R V2.0 BUILDING.
- D. EXTERIOR APPEARANCE & SIGNAGE**
- GOAL POST SIGN.
 - CANOPY SIGNAGE.
- E. DISPENSERS**
- (8) 3+1 DISPENSERS, SUMPS AND ISLANDS.
- F. UNDERGROUND STORAGE TANKS**
- (1) 20,000 GALLON FOR UNLEADED FUEL.
 - (1) 24,000 GALLON FOR PREMIUM, ETHANOL FLEX FUEL, AND AUTO DIESEL FUEL.
- G. CANOPY**
- (1) 193' x 28' (8) ISLAND AUTO CANOPY PER CURRENT STANDARDS.
- H. YARD**
- AIR ISLAND.
 - TRASH ENCLOSURE.
 - CONCRETE TANK SLAB.
 - CONCRETE PAVEMENT.
 - CONCRETE SIDEWALK.
 - ADA RAMP AND DETECTABLE WARNING STRIPS.
 - BOLLARDS.
 - ASPHALT PAVEMENT.
 - OUTDOOR SALES AREA.
 - LIGHT POLE
- I. ZONING, VARIANCE, SETBACKS, & PERMITS**
- ZONING: C2 COMMERCIAL
- NORTH PROPERTY: CITY OF GRAND RAPIDS - MODERN ERA NEIGHBORHOODS - COMMERCIAL
- EAST PROPERTY: CITY OF KENTWOOD - R4 HIGH DENSITY RESIDENTIAL & C2 COMMERCIAL
- SOUTH PROPERTY: CITY OF KENTWOOD - C2 COMMERCIAL
- WEST PROPERTY: CITY OF GRAND RAPIDS - MODERN ERA NEIGHBORHOODS - COMMERCIAL

	REQUIRED				PROVIDED		
	FRONT (44TH)	SIDE (KZOO)	SIDE (EAST)	REAR (NORTH)	FRONT	SIDE	REAR
BUILDING	50'	50'	10' (C2) 50' (R4)	30'	123.4'	23.3'	101.7'
CANOPY	50'	50'	10' (C2) 20' (R4)	30'	71.6'	50.3'	57.2'
DUMPSTER ENCLOSURE	-	-	-	-	-	-	-
SIGNS	0'	0'	0'	0'	10'	5'	124.7'
TANKS	35'	15'	3'	20'	36.6'	19.2'	241.9'
DISPENSERS	50'	50'	10' (C2) 20' (R4)	30'	83.8'	62.8'	69.5'
VENT LINES	35'	15'	3'	20'	42.7'	16.4'	276.5'
PARKING	35'	10'	0' (C2) 20' (R4)	30'	95.6'	-	58.3'

- NOTES:**
- VARIANCE FOR BUILDING TO BE 23.3' OFF SIDE LOT LINE WHERE ADJACENT TO RESIDENTIAL INSTEAD OF THE REQUIRED 50' ADJACENT TO RESIDENTIAL.
 - VARIANCE REQUIRED TO ALLOW TWO (2) ACCESS DRIVEWAYS ON KALAMAZOO AVENUE.
 - VARIANCE REQUIRED TO ALLOW ONE (1) GOAL POST SIGN PER FRONTAGE, TO REDUCE THE CLEARANCE FROM 10' TO 5' - 4", AND TO INCREASE THE MAXIMUM SQUARE FOOTAGE PER FRONTAGE.
 - VARIANCE TO ALLOW MORE THAN ONE WALL/CANOPY SIGN PER FRONTAGE.

CESO
WWW.CESOCINC.COM

Speedway
Prepared By:
Speedway Engineering and Construction Dept.
Enon, OH 45323

NO.	REVISIONS	DATE
1	DESIGN/REVIEW/REVISIONS	
2	DESIGN/REVIEW/REVISIONS	
3	DESIGN/REVIEW/REVISIONS	

DESIGN TEAM DATE

DGNR. S. GARNER 07/01/2022

P.MGR. J. HIGH 07/01/2022

R.WR. B. PAPOTTO 07/01/2022

DRWG. NO. CS

PLOT PLAN

REBUILD #8782

4384 KALAMAZOO AVENUE

KENT COUNTY

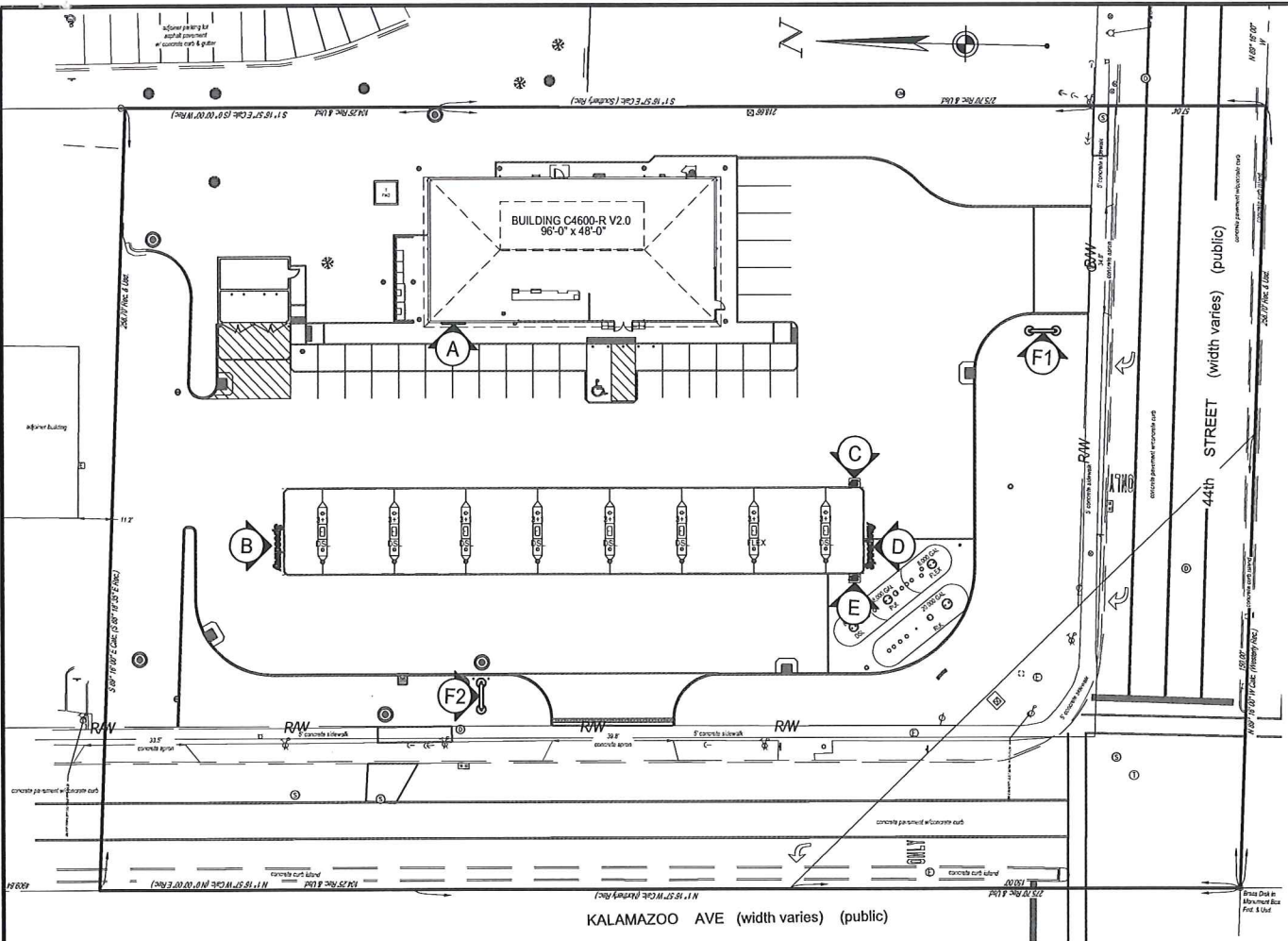
KENTWOOD, MI

STORE OR BLDG NO. **8782**

VERSION OR ID NO. **142024**

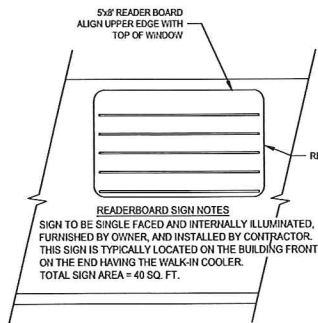
SCALE 0 10 20

GRAPHIC SCALE IN FEET

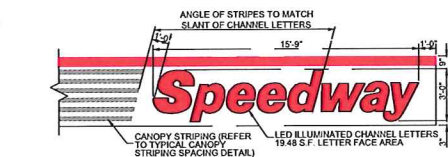


A. GENERAL NOTES

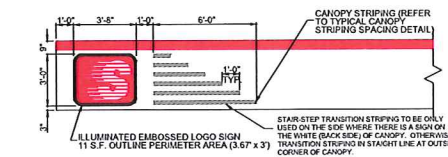
- ALL SIGNAGE SHALL BE INSTALLED AT LEAST FOUR WEEKS PRIOR TO THE DAY OF "TURNOVER."



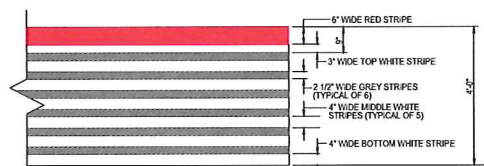
A. READER BOARD
NOT TO SCALE



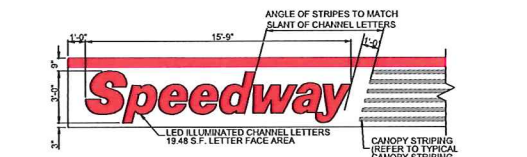
B. CANOPY FASCIA WITH "SPEEDWAY" CHANNEL LETTERS
NOT TO SCALE



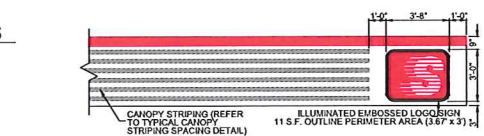
C. CANOPY FASCIA WITH "S" LOGO (STAIR-STEP STRIPING)
NOT TO SCALE



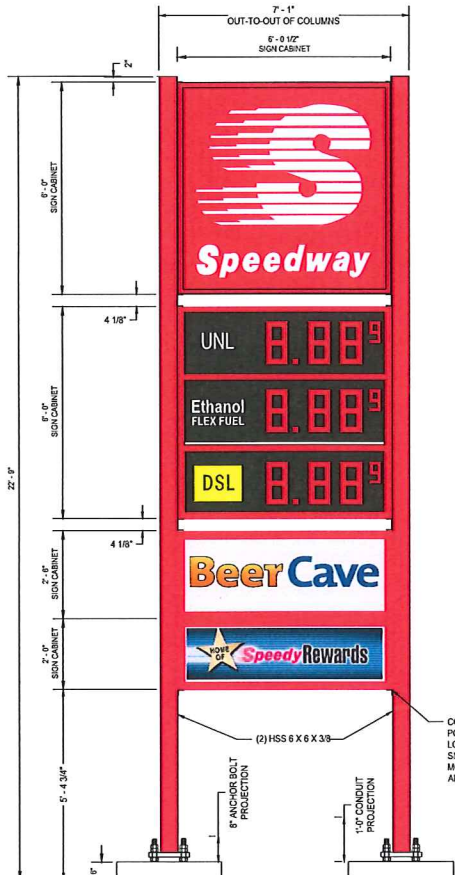
CANOPY STRIPE SPACING
NOT TO SCALE



D. CANOPY FASCIA WITH "SPEEDWAY" CHANNEL LETTERS
NOT TO SCALE

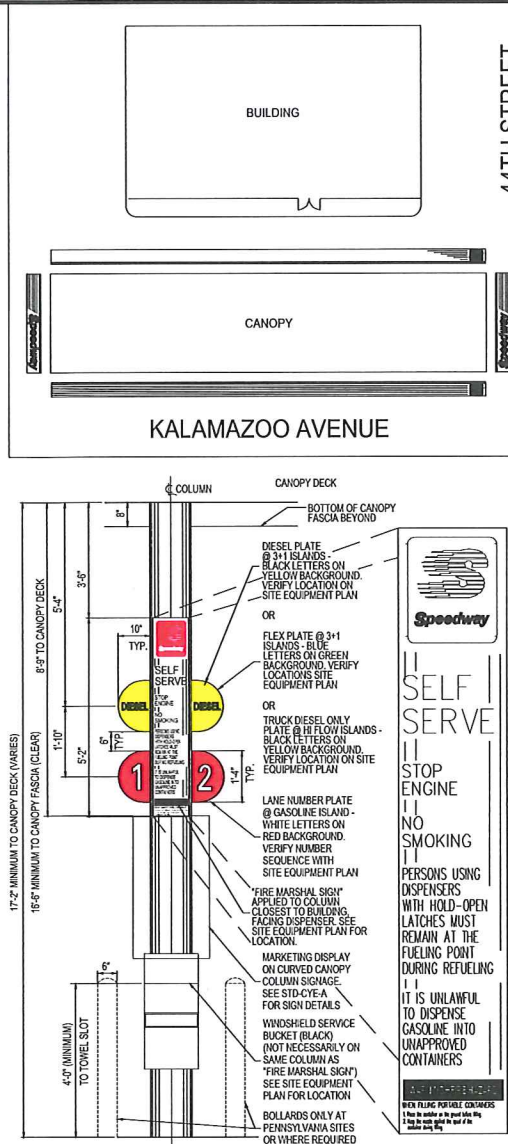


E. CANOPY FASCIA WITH "S" LOGO
NOT TO SCALE



F1, F2 99 SQ. FT. "SPEEDWAY" GOAL POST SIGN DETAIL
NOT TO SCALE

SPEEDWAY PAINT SCHEDULE - REV. 11/27/2019					
ITEM #	REF	SUBSTRATE	PRIMER	INTERMEDIATE	TOPCOAT
1		METAL BOLLARDS	PRG-CRYL, B66-313 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT
2		METAL SIGN POLES AND FRAMES	PRG-CRYL, B66-313 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT
3		METAL AREA LIGHT POLES	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT
4		METAL STRUCTURAL CANOPY COLUMNS	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT
4.1		CANOPY DOWNSPROUTING GASOLINE ISLAND CANOPIES	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT
4.2		CANOPY GUTTERS GASOLINE ISLAND CANOPIES	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT
5		ARRIVE ON SITE POWDER COATED		IMC - BRITE RED	
6		DOWNSPROUTING STANDARD C3900/C3600 BLOCK OR BRICK COLOR SCHEMES	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT
7		METAL EXTERIOR DOORS	PRO-CRYL, B66-313 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT
8		CONCRETE CURB TRANSITIONS / STAIRCASE RING	NOT REQUIRED	NOT REQUIRED	CORCTHANE 1 ES PAINT COLOR: YELLOW D65Y53
8		PARKING LOT STRIPING	NOT REQUIRED	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: YELLOW B97YD427
8		PARKING LOT STRIPING (ONLY WHEN BLUE IS REQUIRED)	NOT REQUIRED	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: BLUE B97LD2022
8		PARKING LOT STRIPING (ONLY WHEN WHITE IS REQUIRED)	NOT REQUIRED	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: WHITE B97WD2434
11		METAL CANOPY DECKING	DTM BONDING PRIMER 366A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	NOT REQUIRED	SHER-CRYL, B66W311 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT



FRONT ELEVATION @ FIRE MARSHAL SIGN
WITH AUTO DSL LANE IDENTIFIERS
NOT TO SCALE

GRAPHICS - INSTALLATION			
ITEM	FURNISHED BY:	INSTALLED BY:	REMARKS
DISPENSER DECALS	V	V	
FIRE MARSHAL SIGN	O	C	SEE SITE EQUIPMENT PLAN
LANE NUMBER PLATES	O	C	SEE SITE EQUIPMENT PLAN
BUILDING READERBOARD	O	C	
CANOPY FASCIA SIGNS	V	V	ELECTRICAL BY CONTRACTOR
BUILDING ADDRESS NUMERALS	O	V	
O-OWNER V-OWNER'S VENDOR C-CONTRACTOR			

SIGNAGE					
REF. LET.	LOCATION	MESSAGE	ILLUMINATION	DIMENSION	AREA
BUILDING - SEE GRAPHICS CONTROL DRAWING					
A	BUILDING WALL	READER BOARD	ILLUMINATED	5' x 8'	40.0 SF
					BUILDING TOTAL 40.0 SF
CANOPY - SEE GRAPHICS CONTROL DRAWING					
B	SHORT SIDE (N)	SPEEDWAY	ILLUMINATED	LETTER FACING	47.25 SF
C	LONG SIDE (E)	MOVING "S" LOGO	ILLUMINATED	3.66 x 3	11.0 SF
D	SHORT SIDE (S)	SPEEDWAY	ILLUMINATED	LETTER FACING	47.25 SF
E	LONG SIDE (W)	MOVING "S" LOGO	ILLUMINATED	3.66 x 3	11.0 SF
					CANOPY TOTAL 116.5 SF
GOAL POST - SEE SIGN DRAWING					
F1	DRIVE AT 44TH STREET	TRADEMARK/PRICE	ILLUMINATED		99.0 SF
F2	DRIVE AT KALAMAZOO AVENUE	TRADEMARK/PRICE	ILLUMINATED		99.0 SF
					GOAL POST TOTAL 198.0 SF
					SITE TOTAL 354.5 SF

NOTE: AS AN AID TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION, ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES/STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.



CONTRACTOR SHALL REVIEW THE COMPLETE DRAWING SET AND NOTIFY THE DESIGN PROFESSIONAL IN WRITING PRIOR TO CONSTRUCTION, IF ANY DISCREPANCIES ARE FOUND WITHIN THE DRAWINGS OR WITH ACTUAL FIELD CONDITIONS.

WWW.CESOINC.COM

NOT FOR CONSTRUCTION

Speedway®

Prepared By: Speedway Engineering and Construction Dept.
Columbus, OH 43228

NO.	REVISIONS	DATE
1	DESIGN/REVIEW/DATE	
2	INITIAL PLAN SUBMITTAL	

SIGNAGE PLAN

REBUILD #8782

4384 KALAMAZOO AVENUE

KENT COUNTY

KENTWOOD, MI

BLDG TYPE & VERSION C4600-V2.0

PROJECT ID NO 142024

SCALE 0 15 30

GRAPHIC SCALE IN FEET

DESIGN TEAM	DATE
DGNR. S. GARNER	07/01/2022
P.MGR. J. HIGH	07/01/2022
R.WGR. B. PAPOTTO	07/01/2022

DRWG. NO. SS

STAFF REPORT: August 10, 2021
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-21-11

GENERAL INFORMATION

APPLICANT: Speedway, LLC
8902 Vincennes Circle, Ste. E
Indianapolis, IN 46268

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to demolish the existing vehicle fuel station and construct a new one. The proposed sign package includes two (2) one hundred (100) sq. foot pole signs with clearance of 5.4 feet from the bottom of the sign to the ground and signs on four (4) sides of the proposed pump canopy with 47.25 square foot signs on the north and south elevations. For the pole signs, Section 8.03.D of the Zoning Ordinance permits only one (1) pole sign, requires a minimum of ten (10) feet of ground clearance, and limits the sign area along the 44th Street frontage to 95 square feet. For the signs on the canopy, Section 8.03.D permits signage on only two (2) sides of the canopy and limits the sign area on the north and south sides to 42 square feet.

The requested variances are: 1) permit a second pole sign; 2) reduce the pole sign ground clearance by 4.6 feet; 3) permit increase in pole sign area along 44th Street by 5 square feet; 4) permit signage on all four sides of the canopy; and 5) permit an increase in sign area of 5.25 square feet for signs on the north and south sides of the canopy.

If the variances for the additional pole sign are not approved, the applicant requests a variance to install an eight (8) foot high ground sign less than ten (10) feet from the Kalamazoo Avenue right-of-way line. Section 8.03.D requires that a ground sign greater than four (4) feet in height be setback at least ten (10) feet from the right-of-way line.

EXISTING ZONING OF
SUBJECT PARCEL:

C2 Community Commercial

GENERAL LOCATION:

4384 Kalamazoo Avenue, 4338 Kalamazoo Avenue, 4382
Kalamazoo Avenue & 1637 – 44th Street

PARCEL SIZE:

1.53 acres

EXISTING LAND USE
ON THE PARCEL:

Existing gas station, existing vehicle repair (Tuffy Auto Center) and
vacant oil change

ADJACENT AREA
LAND USES:

N - Commercial
S - 44th Street ROW
W - Kalamazoo Avenue ROW
E - Vehicle Repair & High Density Residential (Greentree Apts.)

ZONING ON ADJOINING
PARCELS:

N - C2 Community Commercial (as per 425 Agreement)
S - C2 Community Commercial
E - C2 Community Commercial & R4 High Density Residential
W - Commercial (City of Grand Rapids)

Staff Comments:

1. The applicant wishes to demolish the existing vehicle fuel station and construct a new one. The proposed sign package includes two (2) one hundred (100) sq. foot pole signs with clearance of 5.4 feet from the bottom of the sign to the ground and signs on four (4) sides of the proposed pump canopy with 47.25 square foot signs on the north and south elevations. For the pole signs, Section 8.03.D of the Zoning Ordinance permits only one (1) pole sign, requires a minimum of ten (10) feet of ground clearance, and limits the sign area along the 44th Street frontage to 95 square feet. For the signs on the canopy, Section 8.03.D permits signage on only two (2) sides of the canopy and limits the sign area on the north and south sides to 42 square feet.

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2. Speedway is currently located on three (3) parcels of land, two (2) in the City of Kentwood and one (1) in the City of Grand Rapids. Each municipality has retained jurisdiction of the property and buildings within its municipal boundaries. The building in which Speedway is located also houses a Tuffy Auto Center. To expand the facility, Speedway would purchase the .49-acre property to the north (also located in Grand Rapids). A new, larger gas station and convenience store is intended to be constructed. Due to concerns regarding the jurisdiction for planning, inspections, assessing, income tax, and other services, Kentwood and Grand Rapids have entered a Conditional Land Transfer under the provisions of Public Act 425 of 1984 (PA 425).

Public Act 425 permits the conditional transfer of property by contract between the local units of government. In this case, the two (2) parcels for the proposed project within Grand Rapids would be transferred to Kentwood for a period of 50 years. Under the provisions of a Conditional Land Transfer Agreement, the property would receive all municipal services from Kentwood, including zoning administration and jurisdiction; building, electrical, plumbing, mechanical, and other inspection services; ordinance enforcement; special assessments; fire/rescue service; property tax assessing and collection.

While Kentwood would retain planning and zoning jurisdiction on the overall Speedway property, the 425 Agreement between the two communities requires Kentwood to consult with and receive a recommendation from the Grand Rapids Police Department (relative to security issues) as well as to incorporate specific Grand Rapids zoning elements.

3. The current Speedway has one (1) freestanding pole sign which is located at the corner of 44th Street and Kalamazoo Avenue (see Exhibit 4) and there are no wall or canopy signs for Speedway (see Exhibit 4).
4. The Zoning Board of Appeals has reviewed at least sixty (60) requests since 1985 relating to the number of signs. The most recent requests were as follows:

Case #	Address	Action
V-18-08	3170 – 28 th Street	Denied (third wall sign)
V-17-18	3800 – 28 th Street	Granted (third freestanding sign)
V-17-13	2889 – 28 th Street	Granted (second wall sign)
V-17-07	3131 Woodland Mall Drive	Granted (second wall sign)
V-17-02	4543 – 28 th Street	Granted (freestanding signs)
V-17-01	5253 Patterson Avenue	Granted (freestanding directional sign)
V-16-01	3323 – 28 th Street	Granted (second wall sign)
V-14-05	4401 – 28 th Street	Granted (only 2 wall signs of 55 sq. feet each)
V-12-17	3850 Broadmoor Avenue	Granted (2 of 3 additional freestanding signs)
V-12-09	2768 East Paris Avenue	Granted (wall sign)
V-10-09	4515 – 28 th Street	Granted (freestanding signs)
V-08-23	3460 – 28 th Street	Denied (wall sign)

V-08-13	3300 – 36 th Street	Granted (freestanding signs)
V-07-22	4101 – 28 th Street	Granted (freestanding sign)
V-07-21	1490 – 60 th Street	Granted (freestanding sign)
V-07-06	3224 – 28 th Street	Granted (wall sign)
V-07-04	2480 – 44 th Street	Granted (freestanding sign)

Whether a variance was approved or denied depended on its ability to meet the non-use variance standards of the City of Kentwood Zoning Ordinance.

5. Since 1985, the Zoning Board of Appeals has heard twenty-two (22) requests for variances related to sign height, which includes ground clearance and wall signs protruding above the roof line. Only seven (7) requests dealt with the ground clearance of a freestanding sign and were as follows:

Appeal No.	Address	Action
V-15-05	1920 – 44 th Street	Denied (↓ of 2')
V-10-09	4515 – 28 th Street	Withdrawn (↓ of 1')
V-05-43	900 – 52 nd Street	Withdrawn (installed a monument sign instead of a pylon sign)
V-05-27	815 – 52 nd Street	Denied (↓ of 5')
V-02-19	3055 Lake Eastbrook Blvd.	Denied (↓ of 1.5')
V-01-20	777 – 44 th Street	Denied (↓ of 1.5')
V-01-08	777 – 44 th Street	Dismissed (↓ of 1.5')

Whether or not they were approved or denied depended on the ability to meet the non-use variance standards of the Kentwood Zoning Ordinance.

6. Since 1985, the Zoning Board of Appeals has heard twenty-two (22) requests for variances related to sign height, which includes ground clearance and wall signs protruding above the roof line. Thirteen (13) requests dealt with the actual height of freestanding signs and were as follows:

Appeal No.	Address	Action
V-21-02	3130 Slater Avenue	Granted (↑ of 1.33' for a height of 5.33')
V-20-11	4330 Burton Street	Granted (↑ of 2' for a height of 6')
V-18-12	4500 Division Avenue	Denied (↑ of 2' for a height of 6')
V-07-12	4144 Breton Avenue	Denied (↑ of 2' for a height of 6')
V-05-42	3633 – 52 nd Street	Withdrawn (↑ of 2.5' for height of 5')
V-05-37	98 – 52 nd Street	Withdrawn (↑ of .5' for a height of 4.5')
V-05-25	3063 Breton Avenue	Granted (↑ of 5' for a height of 20')
V-01-27	5225 Eastern Avenue	Denied (↑ of .5' for a height of 6.5')
V-99-05	2290 – 44 th Street	Withdrawn (↑ of 2' for a height of 6')
V-97-04	4646 – 28 th Street	Denied (↑ of 9' for a height of 34')
V-95-02	5232 Division Avenue	Granted (↑ of 3' for a height of 18')
V-89-37	2450 – 44 th Street	Denied (↑ of 2' for height of 6')

V-85-36	2956 – 28 th Street	Denied (↑of 5' for height of 30')
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Whether or not they were approved or denied depended on the ability to meet the non-use variance standards of the Kentwood Zoning Ordinance.

7. The Zoning Board of Appeals has reviewed more than sixty (60) requests since 1985 relating to sign area. The most recent requests were as follows:

Case #	Address	Action
V-19-01	5432 Division Avenue	Granted (freestanding sign)
V-18-12	4500 Division Avenue	Denied (freestanding sign)
V-17-18	3800 – 28 th Street	Granted (freestanding sign)
V-17-17	3800 – 28 th Street	Granted (wall sign)
V-17-16	3800 – 28 th Street	Granted (wall sign)
V-14-04	3900 – 28 th Street	Denied (freestanding sign)
V-13-19	4495 – 28 th Street	Granted (freestanding sign)
V-13-17	4770 – 50 th Street	Denied (freestanding sign)
V-13-10	3560 – 28 th Street	Withdrawn (wall sign)
V-13-01	4065 Broadmoor Avenue	Granted (freestanding sign)
V-12-05	4401 – 28 th Street	Granted (freestanding sign)
V-10-10	4065 Broadmoor Avenue	Granted (freestanding sign)
V-10-09	4515 – 28 th Street	Granted (freestanding sign)
V-10-03	3333 – 28 th Street	Granted (freestanding sign)
V-09-10	4720 – 52 nd Street	Denied (wall sign)
V-09-08	4250 – 28 th Street	Granted (wall sign)
V-09-02	4515 – 28 th Street	Withdrawn (freestanding)
V-09-02	4401 – 28 th Street	Withdrawn (wall sign)
V-08-05	3170 – 28 th Street	Withdrawn (wall sign)
V-08-02	1640 East Paris Avenue	Granted (freestanding sign)

Whether or not they were approved or denied depended on the ability to meet the non-use variance standards of the Kentwood Zoning Ordinance.

8. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant demonstrates through competent material and substantial evidence on the record that ALL of the following exist:
- 1) That 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:
 - a) Exceptional narrowness, shallowness or shape of the property on the effective date of this ordinance; or
 - b) Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.

The property is a corner lot. Corner lots are not uncommon. There are twelve (12) gas stations in Kentwood, eleven (11) of which are located on corner lots.

- 2) That 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.

The situation and conditions for this site as it relates to signage do occur often.

- 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.

The property is permitted one (1) freestanding pylon sign, the same other similarly zoned properties in Kentwood. Other gas stations in Kentwood located on corner lots only have one (1) freestanding pylon sign.

They are permitted the same number of wall signs as other businesses located on corner lots.

They have the same allowances for sign area based on lot width and wall width as other businesses located in the same zoning district.

The Zoning Ordinance allows a pylon sign height twenty-five (25) feet, the proposed pylon signs are less than twenty-five (25) feet in height. The height of the signs could be increased to increase ground clearance.

- 4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

It is not anticipated that the variances would 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.

Based on the lack of unique circumstances and conditions applying to the site, staff would anticipate that the variance would impair the intent and purposed of the Zoning Ordinance as it relates to commercial signage.

- 6) The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

No exceptional circumstances were identified what would warrant more signs or larger signs.

9. In authorizing a variance, the Board may, in addition to the specific conditions of approval

called for in the Zoning Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of the Ordinance and the protection of the public interest or as otherwise permitted by law.

10. A majority vote by at least four members of the Zoning Board is necessary to approve the requested variance.

Exhibit 1: Location of Variance Request

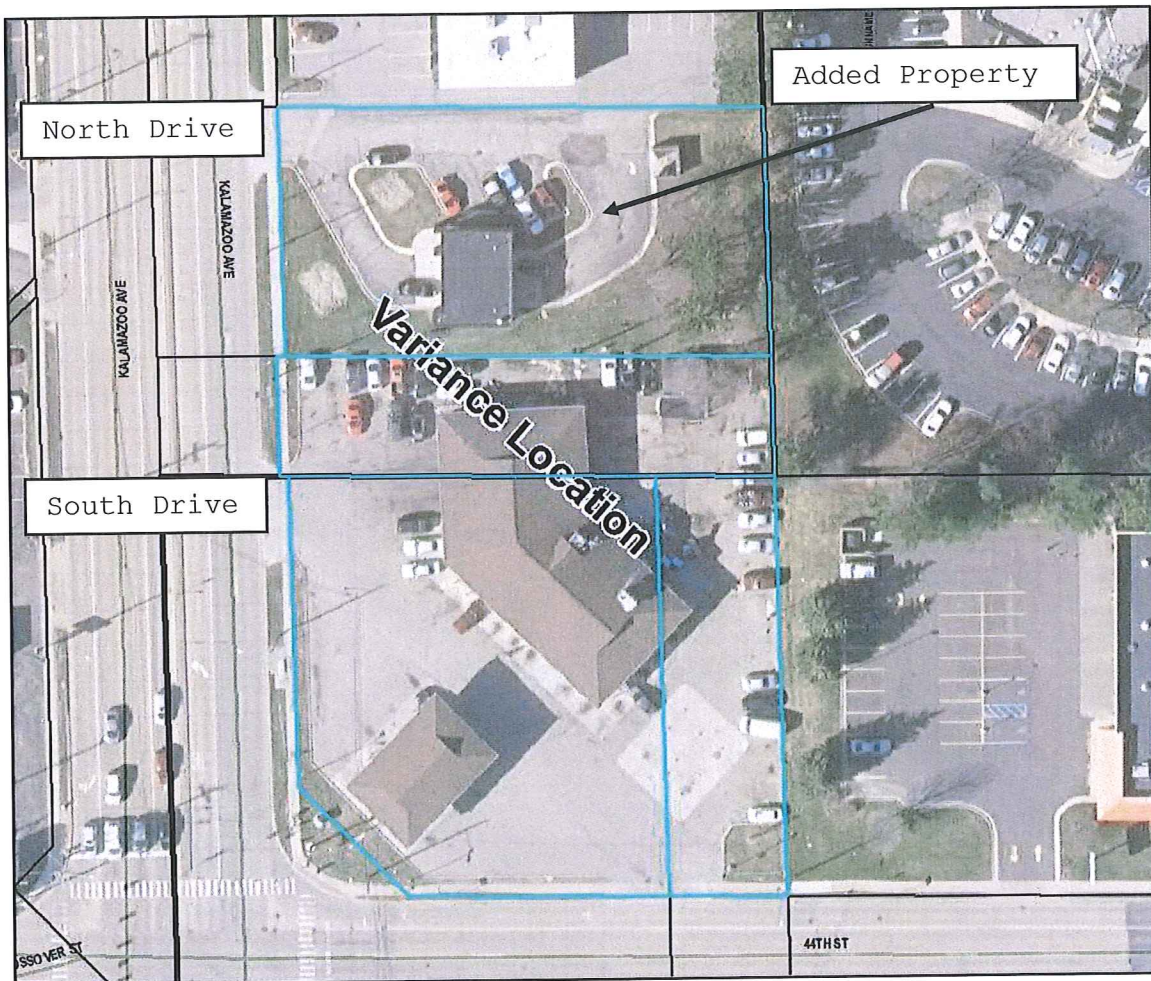


Exhibit 2: April 2020 Aerial Pictometry Photo (view from the south)

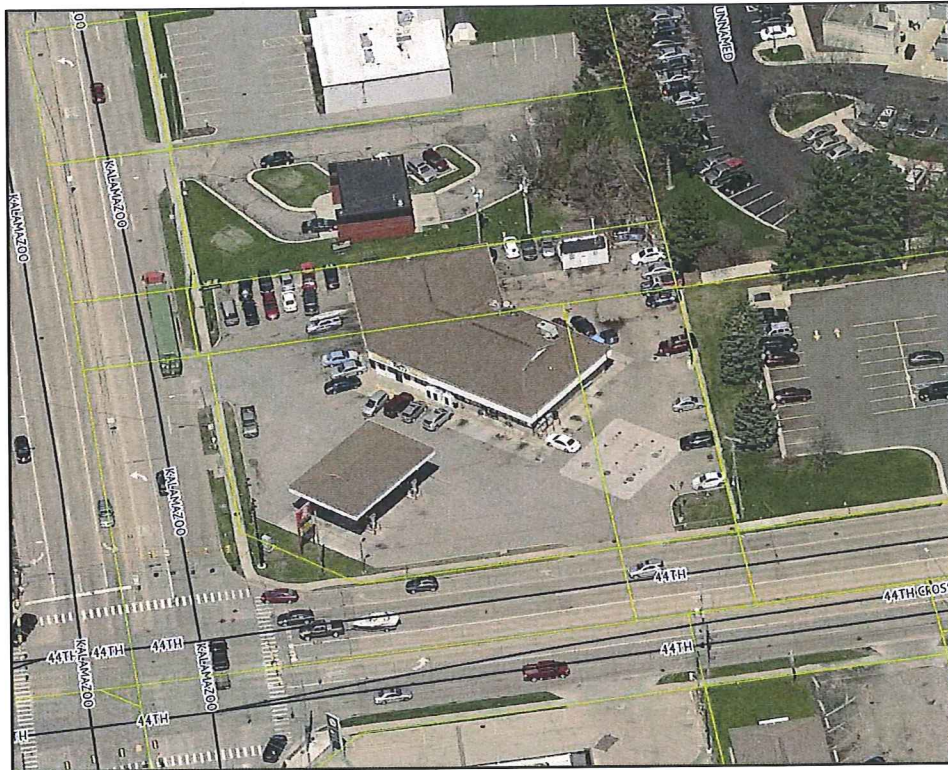


Exhibit 3: April 2020 Aerial Pictometry Photo (view from the west)

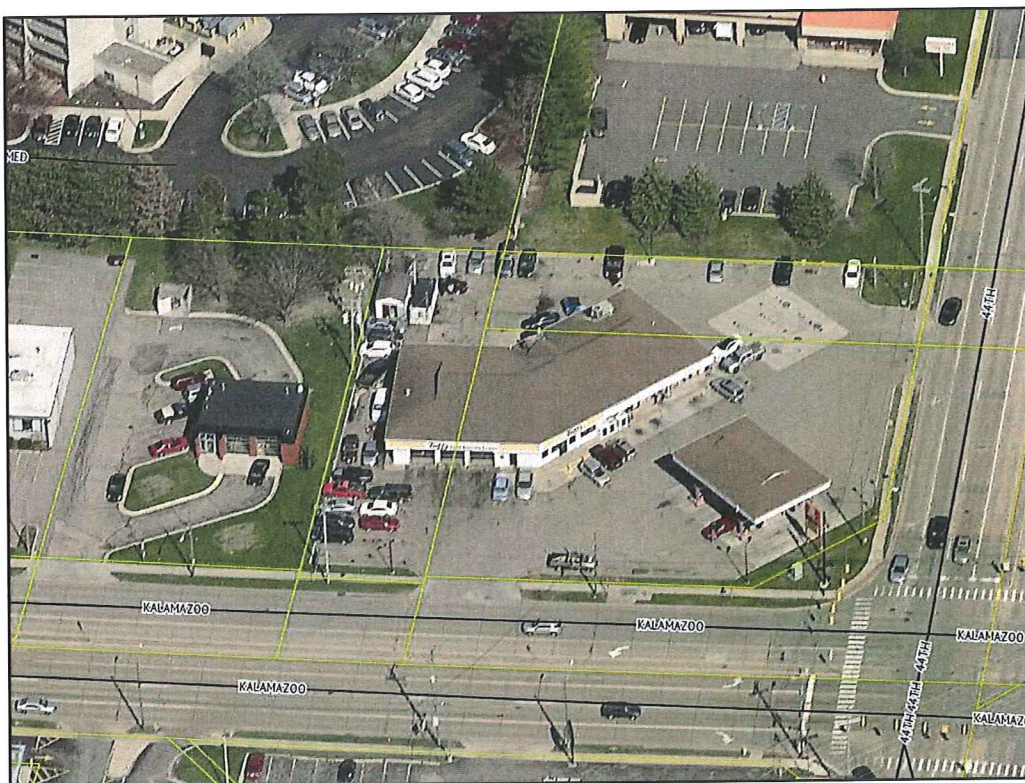


Exhibit 4: Existing Freestanding Sign (2019 Google Street View Image)



CITY OF KENTWOOD
ZONING BOARD OF APPEALS
NON-USE VARIANCE APPLICATION

	APPEAL # <u>V-21-11</u>
	HEARING DATE <u>8-16-2021</u>
APPLICANT: <u>Jennifer High (Speedway LLC)</u>	PHONE # <u>937-405-7043</u>
ADDRESS: <u>8902 Vincennes Circle, Ste. E; Indianapolis, IN 46268</u>	
PROPERTY OWNER: <u>Speedway LLC</u>	PHONE # <u>937-864-3000</u>
ADDRESS: <u>500 Speedway Drive; Enon, OH 45323</u>	
LOCATION OF VARIANCE (If applicable) <u>4384 Kalamazoo Ave.</u>	
ZONING DISTRICT OF PROPERTY: <u>C2 Commercial</u>	
ZONING ORDINANCE SECTION (S) APPEALED: <u>08.03.D and 15.04.D</u>	
NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit) <u>Variance to allow 23.3' setback from side lot line instead of 50' where adjacent to residential. Variance</u> <u>to allow two access drives on Kalamazoo Ave. Signage variance for two goal post signs (including size</u> <u>and clearance. Variance for the number of wall/canopy signs per frontage.</u>	
JUSTIFICATION OF APPEAL: Briefly describe how your appeal meets the Standards of Section 21.04B of the Kentwood Zoning Ordinance. Each standard must be met.	
STANDARD (1): <u>See attached narrative.</u>	
STANDARD (2): <u>See attached narrative.</u>	
STANDARD (3): <u>See attached narrative.</u>	
STANDARD (4): <u>See attached narrative.</u>	
STANDARD (5): <u>See attached narrative.</u>	
STANDARD (6): <u>See attached narrative.</u>	

Zoning Board of Appeals
Non-Use Variance Application
Page 2

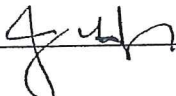
I hereby certify that all of the above statements and any attachments are correct and true to the best of my knowledge.

Authorization for city staff and board members to enter the property for evaluation.

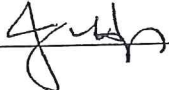
Yes ☒

No ☐

NAME OF APPLICANT: Jennifer High
(Please print)

SIGNATURE OF APPLICANT:  DATE: 7-20-21

NAME OF PROPERTY OWNER: Jennifer High
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 7-20-21

Return to Planning Department
PHONE: 554-0707, FAX NO. 698-7118

July 22, 2021

City of Kentwood
Planning Department
4900 Breton Ave SE
Kentwood, MI
616.554.0709

RE: Speedway – Rebuild Store No. 8782 – 4384 Kalamazoo Ave; Kentwood, MI
VARIANCE REQUEST

Dear Ms. Golder:

CESO, Inc. is pleased to submit this letter to you on behalf of Speedway LLC. This letter is to request approval of sign variances, setback variance, and driveway variance for the proposed Speedway rebuild on the NE corner of Kalamazoo Ave. and 44th Street in City of Kentwood, MI.

Speedway is requesting that the City of Kentwood ZBA grant the following variances to the Zoning Ordinance for the proposed convenience store:

Freestanding Signage (8.03.D):

Per section 08.03.D the site is permitted to have one freestanding sign or two ground mount signs for the proposed development. The freestanding sign is permitted to be 100 sf in size if located along Kalamazoo Ave. and 95 sf in size if located along 44th Street. Freestanding sign is permitted to be 25' in height with a clearance of 10'.

Speedway is requesting a variance to allow two 99 sf goal post signs (one per frontage – which is one more than permitted by code). With an overall height of 22'9" and a clearance of 5' 4.75". This would also be 4 sf larger than the permitted size of 95 sf on the 44th Street frontage.

If the pole signs are not approved, then Speedway would have to go to two ground mount sign option. The signage code requires the setback of 10' from the ROW for a 10' tall sign; otherwise, the sign height can only be 4'. Due to the relocated sanitary main onsite and the 20' easement required for the sanitary main the sign along Kalamazoo Ave. could not be located 10' off the ROW. If the pole signs are not permitted Speedway would like a variance for the height of the ground mount sign on Kalamazoo Ave. to be 8' tall max. This would allow for a 1.7' brick base with a 6.2' tall sign (72 sf in size).

Canopy Signage (8.03.D):

Per section 08.03.D the site is permitted to have 1 wall sign per street frontage. The allowable SF for the canopy on Kalamazoo Ave. is 166 sf and the allowable SF for the canopy sign on 44th Street is 42 sf (total of 208 sf of canopy signage permitted). Speedway is requesting a variance to install four canopy signs instead of two canopy signs permitted. They are also requesting that the Speedway channel letter signs be permitted on the north and south ends of the canopy which is slightly larger than the permitted SF. Speedway is requesting to install the following canopy signs:

- Speedway channel letter signs on the north and south sides of the canopy - 47.25 sf in size each (one sign 42 sf in size is permitted)
- "S" logo sign on the east and west sides of the canopy - 11 sf in size each (one sign 166 sf in size is permitted)
 - TOTAL = 156.50 sf in size

The variance request would be to allow for four canopy signs instead of the permitted two signs. The overall size of the signage is less than the permitted overall sf allowed for canopy signs.

1) That 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:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance; or
- b) by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
- c) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.

Response: This site is located on two divided highways where it is important for the visibility of signage for vehicles to change lanes and maneuver in order to access the site safely.

2) The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Response: This is a unique circumstance due to the gas station use. Gas stations are a pass-by use and not a destination use typically. More vehicles enter the site as they are travelling the roadways and need to be able to see the signage in order to safely maneuver to the correct lanes to enter the site.

3) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not be of itself be deemed sufficient to warrant a variance.

Response: The existing site is currently a gas station attached to a Tuffy Auto Service Center. The purchase parcel has a vacant underground oil change building. The proposed site will be a new 4608 sf convenience store with eight fueling dispensers and will be similar in right to the existing property.

4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.

Response: The variance will not be detrimental to adjacent properties or surrounding neighborhood.

5) The variance will not impair the intent and purpose of this Ordinance.

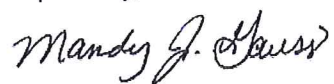
Response: The signage variance will not impair the intent and purpose of this ordinance. The ordinance allows for one ground sign per frontage and one wall sign per frontage. The request is to modify the height/number of signage to allow for better visibility and safer access since it is located on a corner parcel near a busy intersection with multiple lanes of traffic.

6) That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

Response: The need for the variance is not self-created. The signage is necessary for safe access to the site.

Please see the enclosed plans for the locations and details of the proposed variances being requested. Please place us on the next available meeting agenda. Should you have any further questions, please do not hesitate to call me at 517.212.4185.

Respectfully,

A handwritten signature in black ink that reads "Mandy J. Gauss". The signature is written in a cursive style with a large, stylized 'M' and 'G'.

Mandy Gauss, P.E.
Project Manager

Enclosures – SS Plan

