



**AGENDA
KENTWOOD ZONING BOARD OF APPEALS
KENTWOOD CITY HALL
CITY COMMISSION CHAMBERS
OCTOBER 18, 2021, 7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance (Houtman)
3. Roll Call
4. Approval of Minutes of September 20, 2021
5. Public Hearing

Appeal #V-21-12 (tabled from September 20, 2021)

Applicant: Trent R. Wadsworth
Location: 4553 Burton Street

Request: The applicant wishes to expand an existing detached accessory building to 1,300 square feet in area. Section 3.15.D.2.a of the Kentwood Zoning Ordinance limits the size of the detached accessory building to 960 square in area

The requested variance is for an increase in area of 340 square feet over the maximum permitted by ordinance.

Appeal #V-21-13

Applicant: Leo T. Hendges
Location: 2932 East Paris Avenue

Request: The applicant wishes to split an existing parcel into two separate parcels. One of the parcels would have an area of 14,668 square feet. Section 8.03.B.1 of the Kentwood Zoning Ordinance requires a minimum lot area of 15,000 square feet. The requested variance is for a reduction of 332 square feet from the minimum required lot area.

Appeal#V-21-14

Applicant:

J and C Tires

Location:

5170 Division Avenue

Request:

The applicant wishes to display tires along the edge of their parking lot. The Zoning Administrator has made the determination that tires cannot be displayed along the edge of the parking lot. The applicant is appealing the Zoning Administrator's determination prohibiting the display of tires along the edge of the parking lot.

6. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
SEPTEMBER 20, 2021, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (VanNoord)
3. Roll Call
MEMBERS PRESENT: Les Derusha, Robert Houtman, Mary VanNoord and Susan West
MEMBERS ABSENT: Lisha Berry-Ridge, Amanda Le and Alan Lipner (absent with notification)
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicants, and one resident.

Motion by Houtman, supported by VanNoord, to excuse Berry-Ridge, Le and Lipner from the meeting.

- Motion Carried (4-0) –
- Berry-Ridge, Le, Lipner absent -

4. Approval of the Minutes and Findings of Fact

Motion by Houtman, supported by VanNoord, to approve the minutes of August 16, 2021

- Motion Carried (4-0) –
- Berry-Ridge, Le, Lipner absent -

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

There was no public comment.

6. Public Hearing

Appeal #V-21-12

Applicant: Trent R. Wadsworth
Location: 4553 Burton Street

Request: The applicant wishes to expand an existing detached accessory building to 1,300 square feet in area. Section 3.15.D.2.a of the Kentwood Zoning Ordinance limits the size of the detached accessory building to 960 square in area

The requested variance is for an increase in area of 340 square feet over the maximum permitted by ordinance.

Derusha explained to the applicant that there are normally seven Zoning Board of Appeals commissioners. However, there are only 4 members present. He stated in order to approve any variance they will need four positive votes. Derusha gave the applicant the option to move forward with the variance request but he will need all four members yes votes, or they could table their request to the October 18, 2021 meeting where there may be more members present. Derusha also explained to the applicant that if he decides to move forward tonight and if the variance request fails he will not be able to reapply for a year.

Mr. Wadsworth, 4553 Burton Street was present representing the request. He decided they would like to table their request to the October 18 meeting.

Motion by Houtman, supported by VanNoord, to table V-21-12 to October 18, 2021.

- Motion Carried (4-0) –
- Berry-Ridge, Le, Lipner absent -

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

- Motion Carried (4-0) –
- Berry-Ridge, Le, Lipner absent -

Meeting adjourned at 7:15p.m.

Respectfully submitted,

Robert Houtman, Secretary

STAFF REPORT: September 14, 2021
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-21-12

GENERAL INFORMATION

APPLICANT: Trent R. Wadsworth
4553 Burton Street, SE
Kentwood, MI 49546

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to expand an existing detached accessory building to 1,300 square feet in area. Section 3.15.D.2.a of the Kentwood Zoning Ordinance limits the size of the detached accessory building to 960 square in area.

The requested variance is for an increase in area of 340 square feet over the maximum permitted by ordinance.

EXISTING ZONING OF
SUBJECT PARCEL: R1-C Single Family Residential

GENERAL LOCATION: 4553 Burton Street

PARCEL SIZE: 4.67 acres

EXISTING LAND USE
ON THE PARCEL: Single Family Home

ADJACENT AREA
LAND USES: N - Single Family Homes
S - Burton Street ROW
E - Single Family Homes
W - Single Family Home

ZONING ON ADJOINING
PARCELS: N - R1-C Single Family Residential
S - RPUD-1 High Density Residential PUD
E - R1-C Single Family Residential
W - R1-C Single Family Residential

Staff Comments:

1. The applicant wishes to expand an existing detached accessory building to 1,300 square feet in area. Section 3.15.D.2.a of the Kentwood Zoning Ordinance limits the size of the detached accessory building to 960 square in area.

The requested variance is for an increase in area of 340 square feet over the maximum permitted by ordinance.

2. The existing home and 956 square foot attached garage were constructed in 1987. When the home was constructed, the zoning ordinance at the time restricted the capacity of a garage to no more than three (3) vehicles (with additional storage capacity allowed if approved by the Zoning Administrator); no maximum square footage allowance was identified in the zoning ordinance. Under the current zoning code, the attached garage would be limited to 768 square feet in area.

In 1989 a building permit was issued for a 24'x24' (576 square foot) detached accessory building. At some point after 1989 the structure was expanded to at least 768 square feet in area (Assessor's Office indicates 768 square feet and the applicant has stated it is 864 square feet); staff could find no record of a building permit for its expansion.

For residential properties between one (1) and five (5) acres, the zoning ordinance allows for a detached accessory building of up to 960 square feet in area.

3. The maximum size for a detached accessory structure in single family and two-family residential districts is 1,100 square feet for properties of five (5) acres or more in area. This site falls short of the five (5) acre minimum.
4. In addition to the accessory structure that the applicant wishes to expand, there are two (2) other smaller accessory structures on the property (one to the north and one to the south of the larger detached accessory structure). With an attached garage, the Zoning Ordinance (with some limited exceptions) would permit only one detached accessory structure on the property.
5. A detached accessory structure of 960 square feet would require a rear yard setback of thirty (30) feet and a side yard setback of five (5) feet. A detached accessory structure greater than 960 square feet in area would require a minimum rear yard setback of thirty-five (35) feet and a minimum side yard setback of seven (7) feet.
6. Since 1985, the Zoning Board of Appeals has heard over sixty (60) requests for variances to permit larger accessory buildings/garages. The most recent requests were:

Appeal No.	Address	Action
V-20-13	2101 Highlander Drive	Denied (↑ 100 square feet, detached)
V-20-12	380 Pine Needles Court	Denied (↑ 230 square feet, detached)
V-19-09	2101 Highlander Drive	Withdrawn (↑ 216 square feet, detached)

V-18-17	4106 Walnut Hills Drive	Granted (↑ 1,018 square feet, apt. complex maintenance. garage)
V-18-13	3582 29 th Street	Withdrawn (↑ 830 square feet, detached)
V-18-04	5475 Settlers Pass	Withdrawn (↑ 120 square feet, detached)
V-17-15	5720 Madison Avenue	Granted (↑ 134 square feet, detached)
V-15-06	5380 Eastern Avenue	Granted (↑ 1,030 square feet, detached)
V-15-01	731 – 52 nd Street	Denied (↑ 248 square feet, detached)
V-14-12	5460 Wing Avenue	Granted (↑ 196 square feet, detached)
V-11-12	5747 Blaine Avenue	Granted (↑ 326 square feet, detached)
V-09-06	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-09-03	1677 Gentian Drive	Granted (↑ 134 square feet, detached)
V-08-22	1677 Gentian Drive	Granted (↑ 70 square feet, detached)
V-08-10	4330 Burton Street	Granted (↑ 290 square feet, detached)
V-08-01	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-07-24	3608 Lake Drive	Granted (↑ 204 square feet, detached)
V-07-13	2500 – 52 nd Street	Granted (↑ 1,705 square feet, detached)
V-06-19	1161 – 60 th Street	Denied (↑ 265 square feet, attached)
V-05-21	5830 Wing Avenue	Granted (↑ 432 square feet, detached)
V-05-08	3716 Breton Avenue	Denied (↑ 710 square feet, detached)

Whether a request was approved or denied depended on the ability to meet the non-use variance standards of the 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 property is just over 4-1/2 acres in area (there are other single family residential properties in Kentwood of a similar size or larger). The accessory structure is setback over 850 feet from Burton Street and is not visible from the street due to the heavily wooded nature of the property (a larger setback from a public street is not unique).

- 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.

There are other single family residential properties in Kentwood that or of a similar size or larger and which are also heavily wooded.

- 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 variance, the applicant can still have a 960 square foot detached accessory structure the same as other single family residential properties in Kentwood between one (1) and five (5) acres in area.

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

The existing vegetation (both on-site and off-site) and the significant setback from the street should screen the structure from both the street and exiting adjacent residences.

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

Granting the variance could impair the intent and purpose of the ordinance to limit the size of detached accessory structures in residential districts.

- 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 size, shape, and wooded nature of the property 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.

If the Board were to grant the request, it should be conditioned on the removal of the other detached accessory structures on the property.

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

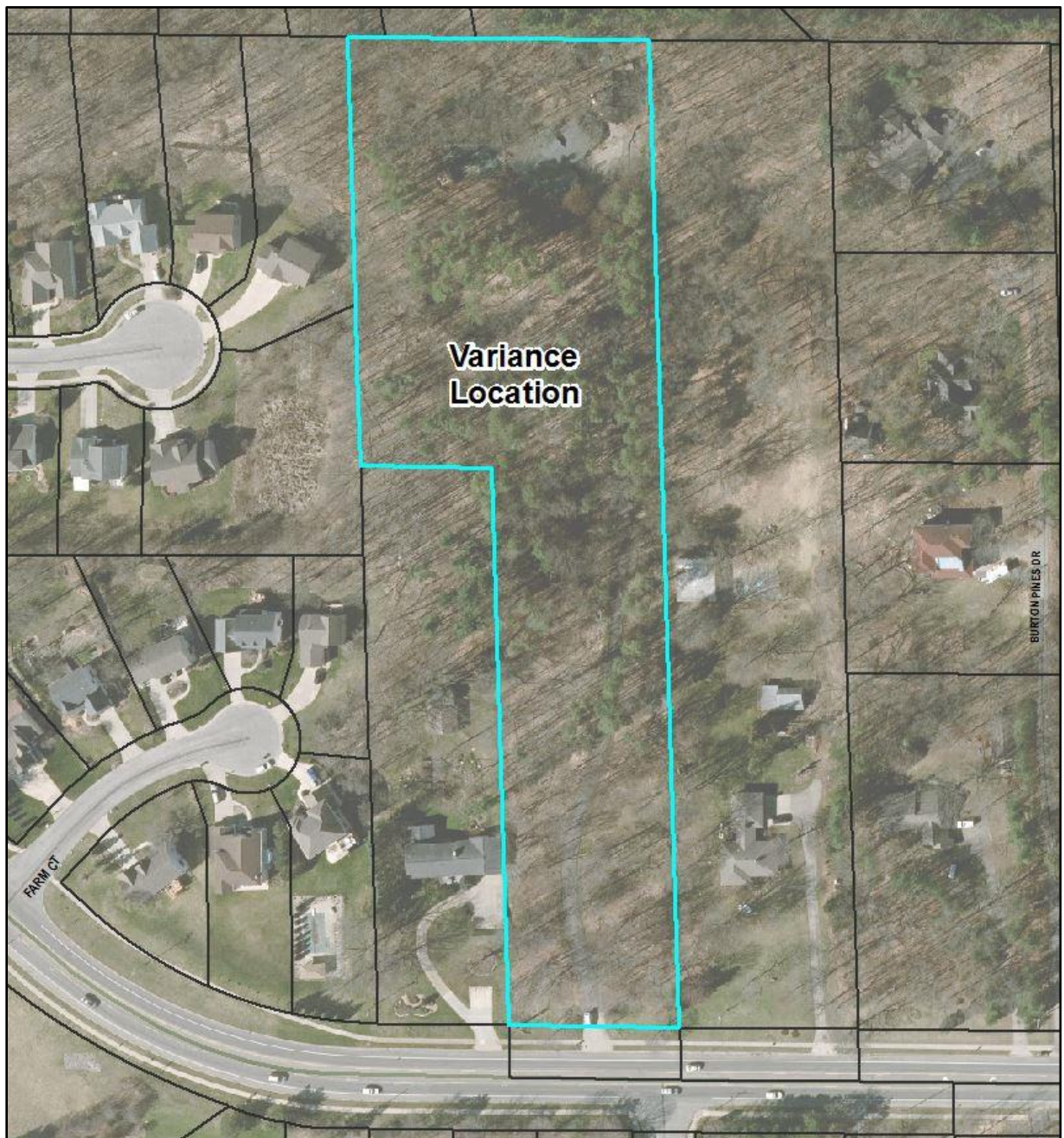


Exhibit 2: April 2020 Pictometry Photo (view from the south)





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

APPEAL # V-21-12

HEARING DATE 9-20-21

APPLICANT: Trent R Wadsworth

PHONE # _____

ADDRESS: 4553 Burton St SE

PROPERTY OWNER: Trent R Wadsworth PHONE # (616) 293-1037

ADDRESS: 4553 Burton St SE

LOCATION OF VARIANCE (If applicable) 4553 Burton St SE

ZONING DISTRICT OF PROPERTY: R1-C

ZONING ORDINANCE SECTION (S) APPEALED: 3.15.D.2.a

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)

Asking to expand an existing out building from
800 sq ft to 1300 sq ft. by adding 6 foot along the
side and 8 ft along the back.

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): Just under 5 acres; building in question is
1,000 feet off the road and for most part not
visible to neighbors.

STANDARD (2): Most lots are less than 5 acres

STANDARD (3): There are others properties in same
district with larger out buildings

STANDARD (4): Correct, as stated prior the building
is not visible by other neighbors

STANDARD (5): I don't feel it will.

STANDARD (6): If I understand the question properly
I don't believe it does

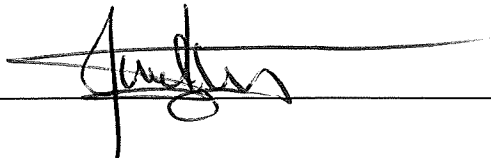
Zoning Board of Appeals
Non-Use Variance Application
Page 2

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

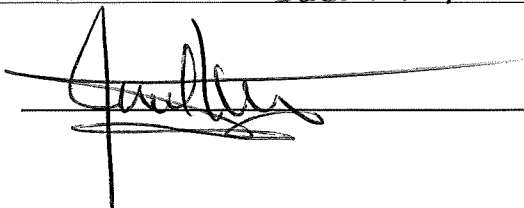
Authorization for city staff and board members to enter the property for evaluation.

Yes ☒ No ☐

NAME OF APPLICANT: Trent R. Wadsworth
(Please print)

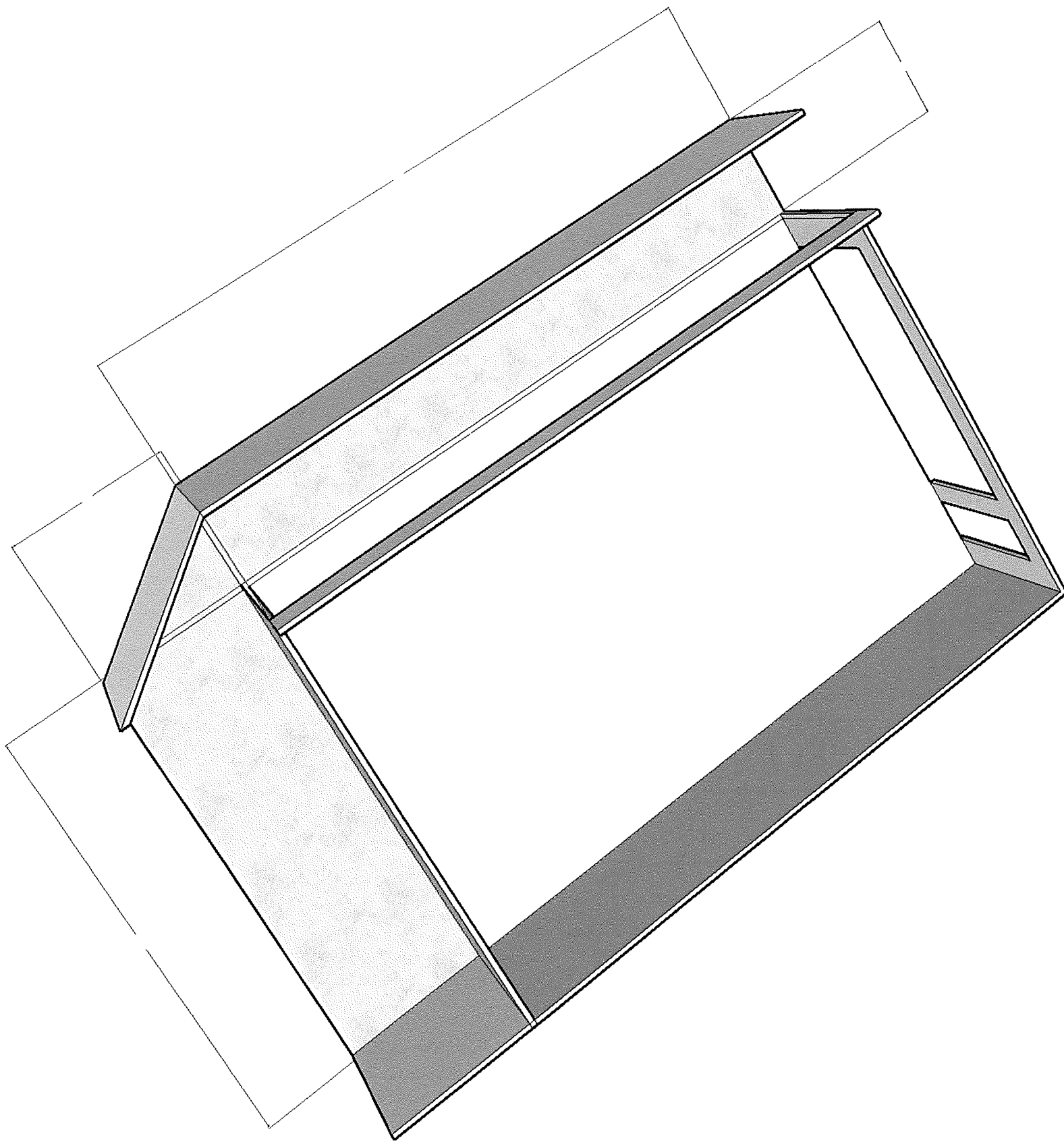
SIGNATURE OF APPLICANT:  DATE: 8/17/2021

NAME OF PROPERTY OWNER: Trent R Wadsworth
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 8/17/2021

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

Filing Fee \$ _____
Escrow Fee (if applicable) \$ _____ Escrow fee to cover extraordinary fees directly attributable to the project review. Applicant will also be responsible for any other extraordinary fees in excess of the original escrow fee.





1 inch = 116 feet This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accurach







STAFF REPORT: October 11, 2021
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-21-13

GENERAL INFORMATION

APPLICANT: Leo T. Hendges
2932 East Paris Avenue, SE
Kentwood, MI 49512

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to split an existing parcel into two separate parcels. One of the parcels would have an area of 14,668 square feet. Section 8.03.B.1 of the Kentwood Zoning Ordinance requires a minimum lot area of 15,000 square feet. The requested variance is for a reduction of 332 square feet from the minimum required lot area.

EXISTING ZONING OF
SUBJECT PARCEL: C4 Office

GENERAL LOCATION: 2932 East Paris Avenue, SE

PARCEL SIZE: 29,668 sq. feet

EXISTING LAND USE
ON THE PARCEL: Office Building

ADJACENT AREA
LAND USES: N - 29th Street ROW
S - Single Family Home
E - Commercial Building
W - East Paris Avenue ROW

ZONING ON ADJOINING
PARCELS: N - C2 Community Commercial
W - R2 Two Family Residential
S - C4 Office
E - C2 Community Commercial

Staff Comments:

1. The applicant wishes to split an existing parcel into two separate parcels. One of the parcels would have an area of 14,668 square feet. Section 8.03.B.1 of the Kentwood Zoning Ordinance requires a minimum lot area of 15,000 square feet. The requested variance is for a reduction of 332 square feet from the minimum required lot area.
2. In 1981 a use variance (Case #44-81) was granted to permit the use of a single-family home (constructed in 1948) exclusively as an office.
3. In 1990 the property was rezoned from R2 Two Family Residential to C4 Office (Case 37-90). The area of the property rezoned was 31,482 square feet. In 1996 Kentwood acquired an additional seventeen (17) feet of right-of-way (approximately 1,802 square feet) along East Paris Avenue to expand the street . With the acquisition of additional right-of-way, the overall depth of the lot was reduced from 297 feet to the current 280 feet. Prior to the acquisition, there would appear to have been sufficient lot area to allow for a lot split meeting the current requirements of the zoning ordinance.
4. The adjacent property to the east is zoned C2 Community Commercial; under the C2 zoning district the minimum lot area is 11,050 square feet.
5. The adjacent property to the south was rezoned from R2 Two Family Residential to C4 Office in 2006 (Case 16-06).
6. Since 1985, the Zoning Board of Appeals has heard approximately thirty-one (31) requests for variances relating to lot area. Of the requests, ten (10) related to the formation of lots not meeting the minimum lot area requirements of the Zoning Ordinance, the rest related to the use of existing lots that either did not meet the minimum lot area requirements of the zoning district or the minimum lot area requirements for a specific use. The requests related to the formation of lots not meeting the lot area requirements were as follows:

Case #	Address	Action
V-20-03	4222 East Hills Court	Denied (↓ of 9,375 sf an office lot)
V-10-09	4308 Division Avenue	Granted (↓ of 3,822 sf & 5,866 sf for 2 commercial lots)
V-04-02	4601 Potter Avenue	Denied (↓ of 870 sf for 3 new residential lots)
V-02-08	245 – 58 th Street	Dismissed (upon further review it was determined that variance was not required)
V-93-10	5450 Eastern Avenue	Granted (↓ of 2,290 sf for one of three new residential lots)
V-90-20	3261 – 60 th Street	Denied (create 2 nonconforming residential lots from an existing nonconforming lot)
V-89-36	4352 Division Avenue	Granted (split a commercial lot into 2 lots with less than minimum lot area)
V-89-09	52 nd Street	Denied (create a residential lot with less than minimum required lot area)

V-88-04	3101 Woodland Drive	Granted (↓ 9,592 sf for a commercial lot for an adjacent residential side yard)
V-86-50	3130 Breton Avenue	Denied (further reduce the area of a nonconforming residential lot)

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. 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 lot, as it is currently configured, is a lawful lot for the zoning district. Prior to the acquisition of additional right-of-way in 1996, there would have been sufficient lot area to split the property without the need for a variance. It is not uncommon for the city to acquire additional property for road expansion projects.

- 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.

As noted above, it is not uncommon for the city to acquire property for road projects.

- 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.

Meeting the minimum lot area requirements of the zoning ordinance does not deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district. Other properties in the same zoning district are required to meet the lot area requirements. The existing structure could be replaced with a larger office building or there may be the ability to construct a second building on the property.

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

Granting the variance is not anticipated to be detrimental to adjacent property and the surrounding neighborhood. Any development would have to otherwise comply with all other applicable zoning ordinance regulations.

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

Lacking any exceptional or extraordinary circumstances or conditions applying to the property, granting the variance could impair the intent and purpose of the Zoning Ordinance to require minimum lot areas.

- 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 property currently complies with all applicable zoning ordinance requirements.

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.
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

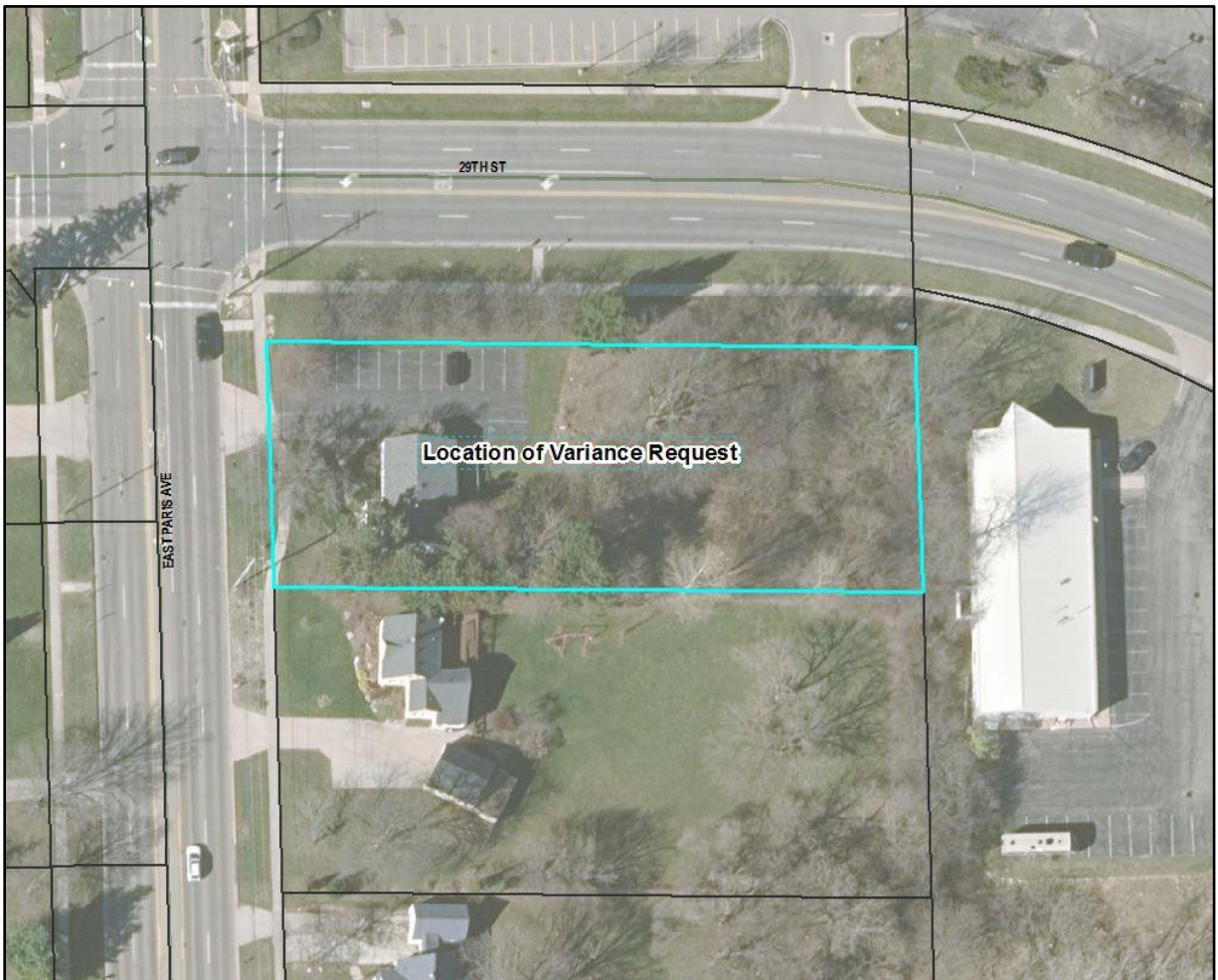


Exhibit 2: July 2019 Google Street View Image (view from intersection)



Exhibit 3: July 2021 Google Street View Image (view of East Paris Avenue frontage)



Exhibit 3: July 2021 Google Street View Image (view of 29th Street frontage)



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

APPEAL # V-21-13
HEARING DATE 10-18-2021
PHONE # 616-957-4950

APPLICANT: Leo T. Hendges
ADDRESS: 2932 East Paris Ave., SE, Kentwood, MI 49512
PROPERTY OWNER: Henry Howard Holdings, LLC; Member Leo Hendges, PHONE # 616-957-4950
ADDRESS: 2932 East Paris Ave., SE, Kentwood, MI 49512
LOCATION OF VARIANCE (If applicable) 2932 East Paris Ave., SE, Kentwood, MI 49512
ZONING DISTRICT OF PROPERTY: C4

ZONING ORDINANCE SECTION (S) APPEALED: Section 8.03 B C4 minimum lot area 15,000 sq. ft.

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)

Does not allow me to split my parcel into 2 lots because the split lot, including the existing building at 2932 East Paris would only be 14,668 sq. ft. as shown on attached drawing. My lot is landlocked between R2 & C2 districts. I am requesting a variance to split into 2 lots with the existing lot having 98% of the required lot area.

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): This property is exceptional being a corner lot that is landlocked by differently zoned regions. To the South is R2. To the East is C2. To the West across East Paris Ave. is more C4 zoned areas.

STANDARD (2): If the property were not surrounded by differently zoned property, I could attempt to purchase the land needed to reach 15,000 sq. ft. for both proposed lots. Other land is not so isolated that they would face the same problem.

STANDARD (3): The variance would allow for the use of what is now a wooded lot, to bring another approved use C4 business to the area & increase local tax revenue. 2921 & 2940 East Paris are zoned R2 & have use variances allowing for commercial use & I should have the same right to a variance.

STANDARD (4): This area is full of C4 and C2 zoned property. Allowing for this split would not change the makeup of the neighborhood.

STANDARD (5): The variance would allow for a new C4 approved use business to operate on 29th Street. The same as the property to the West of East Paris and 29th Street.

STANDARD (6): Applicant was not involved in drawing the zoning districts that landlocked the parcel.


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.

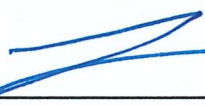
Authorization for city staff and board members to enter the property for evaluation.

Yes X No _____

NAME OF APPLICANT: Leo T Hendges
(Please print)

SIGNATURE OF APPLICANT:  DATE: 9/21/2021

NAME OF PROPERTY OWNER: Leo T Hendges
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 9/21/2021

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

Project No.210856
Date:July 15, 2021
For:Hendges, Leo
Hendges Law
2932 East Paris SE
Kentwood, MI 49512

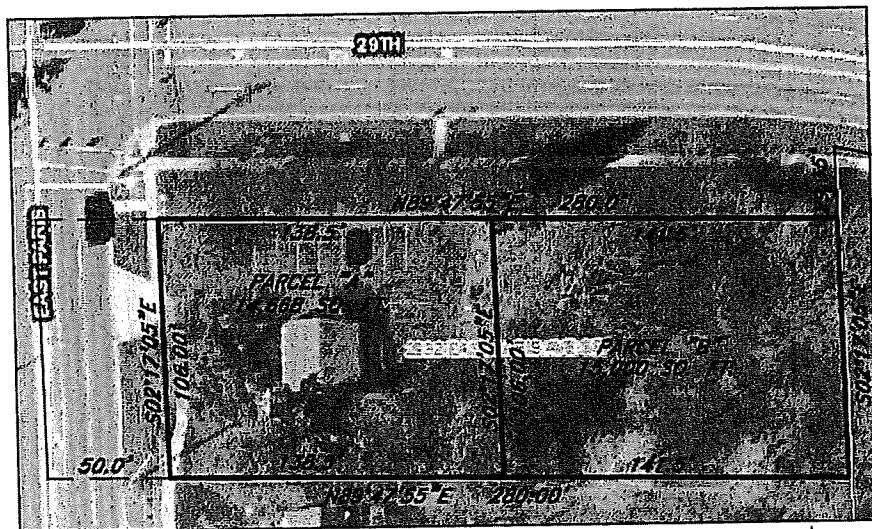
RE: Proposed Parcel Split
Prop. Address: 2932 East Paris Ave SE

LEGAL DESCRIPTION PER TAX RECORDS:

The South 106 feet of the North 874.5 feet of the East 280 feet of the NW
1/4, Section 13, T6N, R11W, City of Kentwood, Kent County, Michigan.

Zoning minimums for C-4 Zone:

- 15,000 SQ. FT. LOT AREA
- 30' FRONT YARD SETBACK
- 12' SIDE YARD SETBACK
- 35' REARE YARD SETBACK



NOTE:
A title insurance policy was not
provided at the time of this
survey. One should be obtained
to compare for accuracy of
legal description and easements
of record.



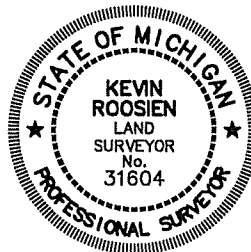
I hereby certify that the buildings and improvements are located entirely thereon and that said buildings and improvements are within the property lines and that there are no existing encroachments upon the lands and property described unless otherwise shown hereon.

LEGEND

- - IRON STAKE - SET
- - IRON FOUND
- - WOOD STAKE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- P - PLATTED DIMENSION
- M - MEASURED DIMENSION
- ⊙ - CENTERLINE
- x-x - FENCE LINE



5055 PLAINFIELD AVENUE, NE
GRAND RAPIDS, MICHIGAN 49525
TELE. (616) 361-7220
FAX (616) 361-1822



BY

Zoning Map

City of Kentwood

Kent County, Michigan
4900 Brelton Ave. SE, P.O. Box 8848
Kentwood, Michigan 49518-8848
(616) 698-9610



Mission Statement:
The City of Kentwood strives to support a high quality of life by being fiscally responsible, transparent, and welcoming to all residents and businesses.

Telephone Directory

Mayor.....554-0770
Assessor.....554-0723
Clerk.....554-0730
Engineer.....554-0740
Public Works.....554-0817
Library.....647-3910
Planning.....554-0707
Recreation.....656-5270
Treasurer.....554-0764
District Court.....554-6811
Fire Department.....554-0800
Police Chief.....698-6580
Silent Observer.....774-2345
Emergencies.....9-1-1

City Website

www.kentwoodus

Chair, Planning Commission Date

Last Update: 02/28/2018

Printed February 2018

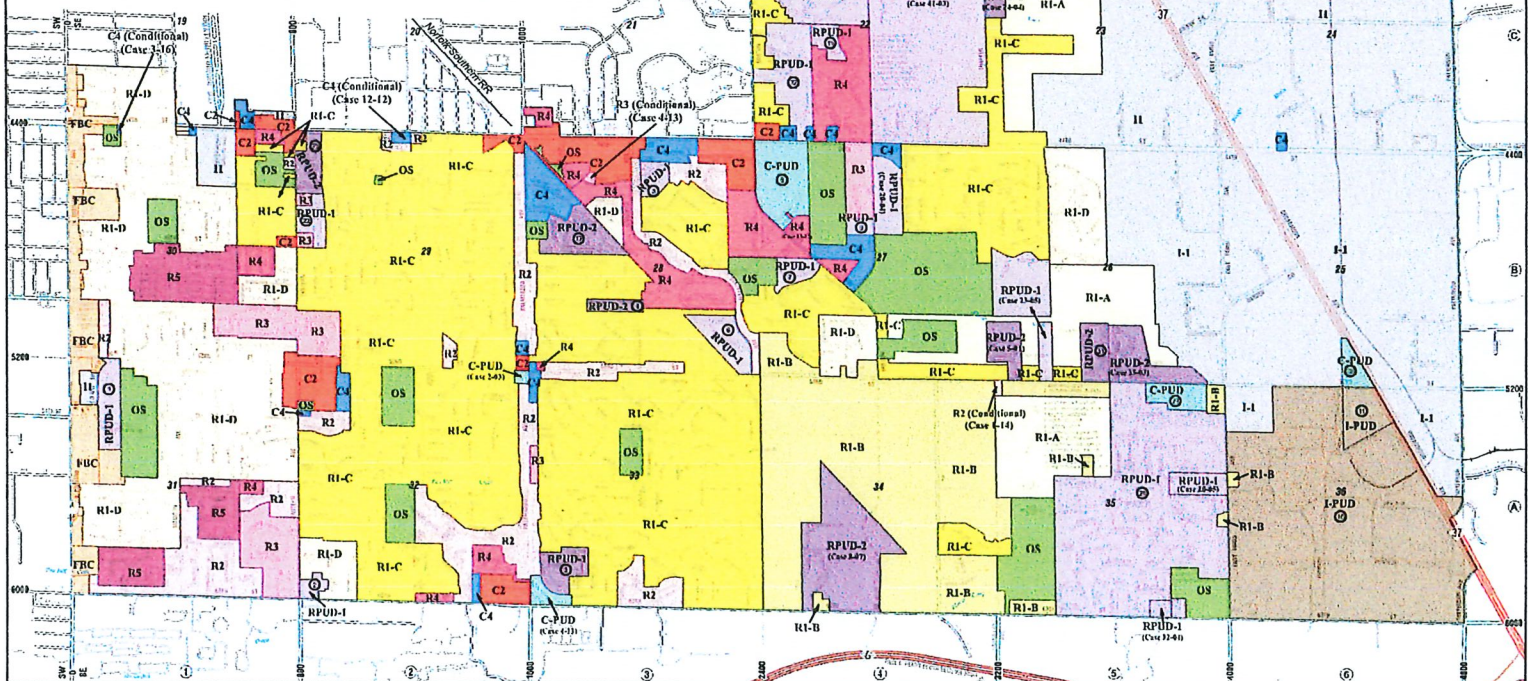
ZONING DISTRICTS

FBC	Form Based Code	C4	Office
R1-A	Estate Residential	C5	Neighborhood Commercial
R1-B	Single Family Residential	I1	Light Industrial
R1-C	Single Family Residential	I2	Heavy Industrial
R1-D	Single Family Residential	OS	Open Space
R2	Two Family Residential	C-PUD	Commercial Planned Unit Development
R3	Medium Density Residential	I-PUD	Industrial Planned Unit Development
R4	High Density Residential	M-PUD	Mixed Use Planned Unit Development
R5	Mobile Home Park	O-PUD	Office Planned Unit Development
C2	Commercial	RPUD-1	High Density Residential PUD
C3	Regional Commercial	RPUD-2	Low Density Residential PUD



1 inch = 1,500 feet

Ⓢ Denotes a PUD Nomenclature Reference Corresponding with the Zoning Ordinance
16 Section Number



2932 EAST PARIS AVE SE KENTWOOD, MI 49512 (Property Address)

Parcel Number: 41-18-13-102-002



Item 1 of 3

2 Images / 1 Sketch

Property Owner: HENRY HOWARD HOLDINGS LLC**Summary Information**

- > Commercial/Industrial Building Summary
 - Yr Built: 1948 - # of Buildings: 1
 - Total Sq.Ft.: 1,420
- > Assessed Value: \$153,200 | Taxable Value: \$153,200
- > 5 Building Department records found
- > Property Tax information found

Owner and Taxpayer Information

Owner	HENRY HOWARD HOLDINGS LLC 2932 EAST PARIS AVE SE KENTWOOD, MI 49512	Taxpayer	SEE OWNER INFORMATION
--------------	---	-----------------	-----------------------

General Information for Tax Year 2021

Property Class	201 COMMERCIAL-IMPROVED	Unit	65 CITY OF KENTWOOD
School District	Kentwood Public Schools	Assessed Value	\$153,200
NOTES	Not Available	Taxable Value	\$153,200
USER NUMBER IDX	Not Available	State Equalized Value	\$153,200
PP DEL NEXT YR	Not Available	Date of Last Name Change	05/26/2021
VET EXEMPTION	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
DUPLEX FIELD	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2021	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$155,000	\$155,000	\$123,233
2019	\$150,100	\$150,100	\$120,936
2018	\$144,800	\$144,800	\$118,102

Land Information

Zoning Code	C4	Total Acres	0.681
Land Value	\$178,000	Land Improvements	\$4,388
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	OFFICE: SMALL SGL OCCUPANT	Mortgage Code	Not Available
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

S 106 FT OF N 874.5 FT OF E 280 FT OF W 330 FT OF NW 1/4 * SEC 13 T6N R11W 0.68 A.

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	<i>Not Available</i>
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Adj. Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
No sales history found.							

Building Information - 1420 sq ft Office Buildings (Commercial)

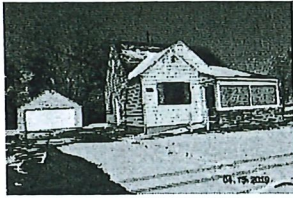
Floor Area	1,420 sq ft	Estimated TCV	\$132,734
Occupancy	Office Buildings	Class	D
Stories Above Ground	1	Average Story Height	9 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	1948	Year Remodeled	1991
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	56%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	23 yrs

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2921 EAST PARIS AVE SE KENTWOOD, MI 49512 (Property Address)

Parcel Number: 41-18-14-229-024



Item 1 of 4

3 Images / 1 Sketch

Property Owner: S VEGA PROPERTIES LLC**Summary Information**

- > Commercial/Industrial Building Summary
 - Yr Built: 1941
 - # of Buildings: 2
 - Total Sq.Ft.: 1,545
- > Assessed Value: \$92,400 | Taxable Value: \$92,400
- > 8 Building Department records found
- > Property Tax information found

Owner and Taxpayer Information**Owner**

S VEGA PROPERTIES LLC
4262 CROOKED TREE RD SW
WYOMING, MI 49519

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2021

Property Class	201 COMMERCIAL-IMPROVED	Unit	65 CITY OF KENTWOOD
School District	Kentwood Public Schools	Assessed Value	\$92,400
NOTES	Not Available	Taxable Value	\$92,400
USER NUMBER IDX	Not Available	State Equalized Value	\$92,400
PP DEL NEXT YR	Not Available	Date of Last Name Change	12/21/2020
VET EXEMPTION	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
DUPLEX FIELD	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2021	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$95,300	\$95,300	\$95,300
2019	\$66,600	\$66,600	\$65,740
2018	\$64,200	\$64,200	\$64,200

Land Information

Zoning Code	R2	Total Acres	0.400
Land Value	\$103,600	Land Improvements	\$8,232
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	PERSONAL CARE/FITNESS/HEALTH	Mortgage Code	Not Available
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

PART OF NE 1/4 COM 12.0 FT S 0D 00M 00S ALONG E LINE OF EAST PARIS HOMESITES FROM SE COR OF LOT 7 OF SD PLAT TH 90D 00M 00S E 106.29 FT TH S 45D 00M 00S E 14.14 FT TO W LINE OF EAST PARIS AVE TH N 0D 00M 00S ALONG W LINE OF SD AVE 10.0 FT TH 90D 00M 00S E 50.0 FT TO E SEC LINE TH S 0D 00M 00S ALONG E SEC LINE 109.56 FT TH N 87D 33M 00S W PAR WITH N SEC LINE 166.44 FT TO E LINE OF EAST PARIS HOMESITES TH N 0D 00M 00S ALONG E LINE OF SD PLAT 102.44 FT TO BEG * SEC 14 T6N R11W 0.40 A.

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	<i>Not Available</i>
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Adj. Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
09/05/2019	\$212,000.00	\$190,543.00	WD	TCML INVESTMENTS LLC	S VEGA PROPERTIES, LLC	03-ARM'S LENGTH	20190913-0070075
04/14/2016	\$152,850.00	\$136,545.00	WD	VANDENBERG PATRICIA D	TCML INVESTMENTS LLC	03-ARM'S LENGTH	20160420-0033180

Building Information - 1145 sq ft Barber/Beauty Salons (Commercial)

Floor Area	1,145 sq ft	Estimated TCV	\$71,173
Occupancy	Barber/Beauty Salons	Class	D
Stories Above Ground	2	Average Story Height	9 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	1941	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	45%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	26 yrs

Building Information - 400 sq ft Garages - Storage (Commercial)

Floor Area	400 sq ft	Estimated TCV	\$6,782
Occupancy	Garages - Storage	Class	D
Stories Above Ground	1	Average Story Height	8 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	1941	Year Remodeled	<i>No Data to Display</i>
Percent Complete	100%	Heat	No Heating or Cooling
Physical Percent Good	35%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	74 yrs

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2940 EAST PARIS AVE SE KENTWOOD, MI 49512 (Property Address)

Parcel Number: 41-18-13-102-004

Property Owner: MCNEE SHIRELL L**Summary Information**

- > Residential Building Summary
 - Year Built: 1942
 - Full Baths: 1
 - Sq. Feet: 1,008
 - Bedrooms: 2
 - Half Baths: 0
 - Acres: 0.848
- > Assessed Value: \$75,300 | Taxable Value: \$53,414
- > Property Tax information found
- > 6 Building Department records found

Item 1 of 3

2 Images / 1 Sketch

Owner and Taxpayer Information

Owner	MCNEE SHIRELL L 2940 EAST PARIS AVE SE KENTWOOD, MI 49512	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2021

Property Class	401 RESIDENTIAL-IMPROVED	Unit	65 CITY OF KENTWOOD
School District	Kentwood Public Schools	Assessed Value	\$75,300
NOTES	Not Available	Taxable Value	\$53,414
USER NUMBER IDX	Not Available	State Equalized Value	\$75,300
PP DEL NEXT YR	Not Available	Date of Last Name Change	01/04/2018
VET EXEMPTION	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
DUPLEX FIELD	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** 01/29/2009

Principal Residence Exemption	June 1st	Final
2021	80.0000 %	80.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$71,000	\$71,000	\$52,677
2019	\$65,800	\$65,800	\$51,695
2018	\$57,300	\$57,300	\$50,484

Land Information

Zoning Code	R2	Total Acres	0.848
Land Value	\$50,800	Land Improvements	\$5,896
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	UNPLATTED RESIDENTIAL S OF 28TH ST	Mortgage Code	Not Available
Lot Dimensions/Comments	132 X 280	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

S 132 FT OF N 1006.5 FT OF E 280 FT OF W 330 FT OF NW 1/4 NW 1/4 * SEC 13 T6N R11W 0.85A

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	<i>Not Available</i>
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Adj. Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
05/10/2006	\$139,900.00	\$139,900.00	WD	FORTUNA BRADLEY J & JENNIFER K	MCNEE SHIRELL L	03-ARM'S LENGTH	200606270072665
04/22/2003	\$0.00	\$0.00	QC	GREVERS FORTUNA JENNIFER K	FORTUNA BRADLEY & JENNIFER	09-FAMILY SALE	6725:462
08/29/2000	\$80,000.00	\$80,000.00	WD		GREVERS JENNIFER	03-ARM'S LENGTH	5144:183

Building Information - 1008 sq ft RANCH (Residential)

General

Floor Area	1,008 sq ft	Estimated TCV	\$101,124
Garage Area	440 sq ft	Basement Area	1,008 sq ft
Foundation Size	1,008 sq ft		
Year Built	1942	Year Remodeled	<i>No Data to Display</i>
Occupancy	Single Family	Class	C -5
Effective Age	30 yrs	Tri-Level	No
Percent Complete	100%	Heat	Forced Heat & Cool
AC w/Separate Ducts	No	Wood Stove Add-on	No
Basement Rooms	<i>Not Available</i>	Water	<i>Not Available</i>
1st Floor Rooms	<i>Not Available</i>	Sewer	<i>Not Available</i>
2nd Floor Rooms	<i>Not Available</i>	Style	RANCH
Bedrooms	2		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1 Story	Basement	Siding	624 sq ft	1 Story
1 Story	Basement	Siding	384 sq ft	1 Story

Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	0 sq ft	Living Area % Good	0%
Walk Out Doors	0	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	1
-----------------------	---

Built-In Information

Dishwasher	1
-------------------	---

Garage Information

Area	440 sq ft	Exterior	Siding
Foundation	42 Inch	Common Wall	Detached
Year Built	1942	Finished	No
Auto Doors	0	Mech Doors	0

Porch Information

CGEP (1 Story)	48 sq ft	Foundation	Standard
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Deck Information

Treated Wood	264 sq ft
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4060 29TH ST SE KENTWOOD, MI 49512 (Property Address)

Parcel Number: 41-18-13-101-056



Item 1 of 4

3 Images / 1 Sketch

Property Owner: DB PHOTOGRAPHY LLC**Summary Information**

- > Commercial/Industrial Building Summary
 - Yr Built: 1994
 - # of Buildings: 1
 - Total Sq.Ft.: 5,906
- > Assessed Value: \$262,300 | Taxable Value: \$262,300
- > 13 Building Department records found
- > Property Tax information found
- > 6 Invoices Found, Amount Due: 0.00

Owner and Taxpayer Information

Owner	DB PHOTOGRAPHY LLC 2024 28TH STREET SW WYOMING, MI 49519	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2021

Property Class	201 COMMERCIAL-IMPROVED	Unit	65 CITY OF KENTWOOD
School District	Kentwood Public Schools	Assessed Value	\$262,300
NOTES	Not Available	Taxable Value	\$262,300
USER NUMBER IDX	Not Available	State Equalized Value	\$262,300
PP DEL NEXT YR	Not Available	Date of Last Name Change	01/15/2020
VET EXEMPTION	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
DUPLEX FIELD	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2021	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$262,700	\$262,700	\$262,700
2019	\$247,100	\$247,100	\$201,774
2018	\$238,600	\$238,600	\$197,045

Land Information

Zoning Code	C2	Total Acres	1.144
Land Value	\$249,200	Land Improvements	\$27,869
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	RETAIL: 1 - 3 TENANTS	Mortgage Code	Not Available
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

LOT 1 ALSO PART OF LOT 2 COM AT SW COR THEREOF TH N 89D 56M 49S E ALONG S LOT LINE 49.0 FT TH N 2D 17M 05S W 268.04 FT TH N 31D 21M 36SE 17.78 FT TO SLY LINE OF 29TH ST /80 FT WIDE/ TH NLY 22.0 FT ALONG SLY LINE OF SD ST ON A 460 FT RAD CURVE TO LT /LONG CHORD BEARS N 60D 00M 38S W 22.0 FT/ TO MOST EAST COR OF SD LOT 1 TH S 42D 22M 23S W 57.20 FT ALONG NWLY LINE OF SD LOT 2 TO W LOT LINE OF SD LOT 2 TH S 2D 17M 05S E 252.0 FT TO BEG * 29TH STREET PARK

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	<i>Not Available</i>
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	01/01/0001	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Adj. Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
10/22/2019	\$625,000.00	\$625,000.00	WD	LIQUID ASSET RE LLC	DB PHOTOGRAPHY LLC	03-ARM'S LENGTH	20191105-0086246
02/17/2010	\$365,000.00	\$365,000.00	WD	PLAINFIELD CENTER ASSOC	LIQUID ASSETS RE LLC	03-ARM'S LENGTH	20100219-0014889

Building Information - 5906 sq ft Stores - Retail (Commercial)

Floor Area	5,906 sq ft	Estimated TCV	\$263,065
Occupancy	Stores - Retail	Class	S
Stories Above Ground	1	Average Story Height	15 ft
Basement Wall Height	<i>Not Available</i>	Identical Units	<i>Not Available</i>
Year Built	1994	Year Remodeled	2010
Percent Complete	100%	Heat	Package Heating & Cooling
Physical Percent Good	56%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	23 yrs

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STAFF REPORT: October 13, 2021
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-21-14

GENERAL INFORMATION

APPLICANT: J and C Tires
Attn: Juan Buitron
5170 Division Avenue, SE
Kentwood, MI 49548

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to display tires along the edge of their parking lot. The Zoning Administrator has made the determination that tires cannot be displayed along the edge of the parking lot. The applicant is appealing the Zoning Administrator's determination prohibiting the display of tires along the edge of the parking lot.

EXISTING ZONING OF SUBJECT PARCEL: FBC Form Based Code

GENERAL LOCATION: 5170 Division Avenue, SE

PARCEL SIZE: .38 acres (16,510 square feet)

EXISTING LAND USE ON THE PARCEL: Commercial Business

ADJACENT AREA LAND USES: N - Apartment Complex (under construction)
S - 52nd Street ROW
E - Commercial Building
W - Division Avenue ROW

ZONING ON ADJOINING PARCELS: N - FBC Form Based Code
S - FBC Form Based Code
W - Form Based Code (City of Wyoming)
E - FBC Form Based Code

Staff Comments:

1. The applicant wishes to display tires along the edge of their parking lot. The Zoning Administrator has made the determination that tires cannot be displayed along the edge of the parking lot. The applicant is appealing the Zoning Administrator's determination prohibiting the display of tires along the edge of the parking lot.
2. As indicated in the attached memo from the Community Development Director dated September 13, 2021; Section 8.03.B.1 of the Kentwood Zoning Ordinance requires principal activities of commercial businesses to be conducted within an enclosed building (except for specific special land uses such as open-air businesses). In the past, the Zoning Administrator had made an interpretation that allowed for limited outdoor display in a commercial district; the display was restricted to the sidewalk area under a canopy or awning along the front of a building, no display was permitted within the required front, side, or rear yards or in parking areas or traffic lanes. The Zoning Administrator has made the interpretation that the open-air display of merchandise by commercial businesses operated in the Form Based Code district also be restricted to the sidewalk under the canopy or awning along the front of the building.

The applicant wishes to display tires along the outer edge of their parking lot and is appealing the Zoning Administrator's determination that such display is not allowed.

3. Section 8.03.B.1 of the Kentwood Zoning Ordinance prohibits storage in the required front yard of a commercial or office property.
4. Since 1985, the Zoning Board of Appeals has heard approximately thirty-four (34) appeals to Zoning Administrator determinations and interpretations. Some of the more recent appeals are as follows:

Case #	Address	Sign Issue
V-21-09	5945 Christie Avenue	Denied (utility cabinet height)
V-21-08	426 Pine Vista Drive	Denied (utility cabinet height)
V-21-07	1539 Pickett Street	Denied (utility cabinet height)
V-17-20	3333 – 28 th Street	Withdrawn (interpretation that a mural on an exterior wall is an art display venue and not permitted)
V-16-07	241 – 44 th Street	Denied (residential parking addition exceeding what is allowed)
V-16-02	12 Daniel Street	Denied (appeal requirement to modify existing front yard fence to provide clear vision)
V-13-04	3017 – 52 nd Street	Withdrawn (number of permitted accessory buildings)
V-10-18	3110 – 28 th Street	Denied (upheld determination that the statue was considered a sign)
V-06-22	1950 – 44 th Street	Withdrawn (related to signage and

		determination of street frontage)
V-00-16		Denied (upheld determination that a cell tower be located on its own parcel)
V-00-07	4860 Broadmoor Avenue	Granted (reversed decision that drive-thru lanes are not permitted in industrial districts)
V-00-02	2757 Ridgemoor Drive	Denied (upheld the determination that a proposed business was a regulated use)
V-00-01	3160 – 28 th Street	Denied (upheld determination that wall graphics were considered signage)
V-99-24	2757 Ridgemoor Drive	Granted (reversed determination of minimum number of signatories required to permit a regulated use)
V-99-22		Dismissed (related to graphics as signage/the applicant failed to appear for two meetings)

5. The Zoning Board has the obligation to review alleged misinterpretations made by administrative officers. Rational review of the Zoning Ordinance provisions guides the Board's decision.
6. A majority vote by at least four members of the Zoning Board is necessary to reverse a determination by the Zoning Administrator.

Exhibit 1: Location of Appeal



Exhibit 2: September 2019 Google Street View Image of Site



CITY OF KENTWOOD
ZONING BOARD OF APPEALS
APPEALS OF ADMINISTRATIVE RULINGS APPLICATION

APPEAL # V-21-14
HEARING DATE 10-18-21
PHONE # 616 534-7182
APPLICANT: J and C Tires
ADDRESS: 5170 Division Ave S
PROPERTY OWNER: Juan Buitron PHONE # 616 961-7353
ADDRESS: _____

LOCATION OF APPEAL (If applicable) _____
ZONING DISTRICT OF PROPERTY: _____
ZONING ORDINANCE SECTION (S) APPEALED: _____

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)

The City does not allow our business to display tires on the edge of our parking lot, Even though parking for customers is not affected.

JUSTIFICATION OF APPEAL: Briefly describe how you are affected or aggrieved by the administrative ruling.

Tires are displayed only during our work hours (9-6) not being able to display the tires outside creates the issue of not having enough space to work properly and comfortably

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 (if applicable).

Yes X No _____

NAME OF APPLICANT: Juan Buitron
(Please print)

SIGNATURE OF APPLICANT:  DATE: 9/17/21

NAME OF PROPERTY OWNER: Juan Buitron
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 9/17/21

Return to Planning Department
PHONE: 554-0707, FAX NO. 656-5292

JandCTiresLLC@gmail.com



September 3, 2021

J and C Tires
5170 Division Avenue, SE
Kentwood, MI 49548

RE: Outside Display/Storage at 5170 Division Avenue, SE

J and C Tires:

I recently visited your business to discuss the daytime storage/display of tires along your landscaped frontage on Division Avenue as well as the inoperable vehicles parked on your property. You indicated the inoperable vehicles would be removed from the site by the end of the week but you indicated your desire to continue displaying the tires along your landscaped frontage. I indicated you are not allowed to display tires along your frontage and you expressed a desire to seek permission from the Zoning Board of Appeals.

I have enclosed a copy of my interpretation. I have also enclosed the information necessary to file an appeal of an administrative ruling to the Kentwood Zoning Board of Appeals.

Given the nature of your request, it is important that you file your Zoning Board application by the September 25 deadline. Once you file the application, we will defer enforcement of the outside display of tires along the frontage pending the Zoning Board's decision.

Sincerely,

Terry Schweitzer
Community Development Director
Phone: (616) 554-0710
schweitzert@kentwood.us

cc Juan Carlos Buitron, 1930 Havana Ave, SW, Wyoming, MI 49509

Lewis Konor, 7660 East Paris Avenue, SE Caledonia, MI 49316



Memorandum

MEMO TO FILE

FROM: Terry Schweitzer, Community Development Director

DATE: September 3, 2021

RE: Outside Display/Storage on Commercial Properties

Zoning Interpretation


Section 8.03.B.1 of the Kentwood Zoning Ordinance requires the principal activities of commercial businesses to be conducted within an enclosed building except for specified Special Land Uses including Open air businesses which are operated substantially in the open air. As Zoning Administrator for the city, I have previously interpreted an exception to this provision allowing for limited display of merchandise for commercial businesses to be restricted to a sidewalk area under the canopy or awning along the front of the building. It is likewise my interpretation that open air display of merchandise by commercial businesses operated in the Form Based Code zoning district to be restricted to the sidewalk under the canopy or awning along the front of the building.

Pung, Joe

From: Collier, Monique
Sent: Monday, October 11, 2021 7:19 AM
To: Schweitzer, Terry; Pung, Joe
Subject: FW: [EXTERNAL]J&C Tires

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tim Densham [mailto:timdensham@gmail.com]
Sent: Thursday, October 07, 2021 4:31 PM
To: ePlanning <eplanning@kentwood.us>
Subject: [EXTERNAL]J&C Tires

 **Stop.Think.Read.This is an external email. Please use caution when clicking on any links or opening attachments.**

To the planning commission:

I fully support J&C Tires' request to display tires on their parking lot.

Since Kentwood won't allow proper signage, this is likely the only way the business would be able to get attention of passing cars.

I would hope this appeal gets approved, and demonstrates that the planning commission truly supports the businesses within the city, and not bureaucrats.

Tim Densham

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