

AGENDA KENTWOOD ZONING BOARD OF APPEALS KENTWOOD CITY HALL CITY COMMISSION CHAMBERS JULY 18, 2022, 7:30 P.M.

- 1. Call to Order
- 2. Pledge of Allegiance (Amanda Le)
- 3. Roll Call
- 4. Approval of Minutes of June 20, 2022
- 5. Public Hearing

Appeal #V-22-07

Applicant:

Jessica Sherman

Location:

4208 Haralson Court

Request: The applicant wishes to continue to rent out rooms in her home for short durations. Drawing upon the definition of family, the Zoning Administrator has determined that a homeowner can "rent out" a room to not more than one additional unrelated person provided that they live as a single, domestic house keeping unit for more than a limited or temporary duration. The Zoning Administrator has made the interpretation that a residential lease of less than six (6) months is deemed to be of a limited or temporary duration. The applicant is appealing the Zoning Administrator's interpretation that a lease of less than six (6) months is deemed to be of a temporary duration. The applicant wishes to at least rent on a month to month basis to 1 or more people.

Appeal #V-22-08

Applicant:

Michael McCarroll

Location:

5840 West Grove Drive, SE

Request: The applicant wishes to retain a 120 square foot detached accessory structure in its current location abutting the garage and setback four (4) feet eleven (11) inches from the front wall of the home. Sections 3.15.C.1.a and 3.15.C.2.a of the Zoning Ordinance require a minimum setback of five (5) feet from the home and Section 3.15.C.1.also requires a minimum setback of fifteen (15) feet from the front wall of the home. The requested variances are for a reduction of five (5) feet to the required setback from the home and a reduction of ten (10) feet one (1) inch to the required setback from the front wall of the home.

Agenda - Zoning Board of Appeals July 18, 2022 Page 2 6. Other Business

Speedway - 4384 Kalamazoo Ave SE – One Year Extension

Adjournment 7.

PROPOSED MINUTES OF THE REGULAR MEETING OF THE KENTWOOD ZONING BOARD OF APPEALS CITY COMMISSION CHAMBERS JUNE 20, 2022, 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, Amanda Le, Alan Lipner, Mary VanNoord and Susan West

MEMBERS ABSENT: Aaron Johnson, Ricardo Rogers (absent with notification) OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, and the applicants.

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

- Motion Carried (6-0) -
- Johnson and Rogers absent -
- 4. Approval of the Minutes and Findings of Fact

Motion by Lipner, supported by Houtman, to approve the minutes of May 16, 2022

- Motion Carried (6-0) -
- Johnson and Rogers absent -
- 5. Acknowledge visitors and those wishing to speak to non-agenda items.
- 6. Public Hearing

Appeal #V-22-06

Applicant:

Signworks of Michigan

Location:

3300 Broadmoor Avenue

Request:

The applicant wishes to replace an existing freestanding sign with new freestanding sign in the same location. The existing sign is setback 7 feet from the Broadmoor Avenue right-of-way; Section 10.03.E of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public right-of-way. The requested variance is for a reduction of 10 feet to the minimum required

sign setback.

Proposed Minutes Zoning Board of Appeals June 20, 2022 Page 2

Ann and Chad Derusell with Signworks of Michigan were present representing Doyle and Ogden Insurance Advisors. She stated they have an existing sign and when it was installed in 2002 it met the ordinance at that time with the setback and ROW that was in place at that time. She stated now the sign is in bad shape and beyond repair. She stated when they were taking out a sign permit they became aware that between 2002 and now the ROW had been increased by MDOT by over 20 feet. She stated now the setback is moved back even farther. She stated this puts Doyle and Ogden at a disadvantage from their neighbors. She stated the current ordinance would cause Doyle and Ogden to have to move their sign up to the building where it would be obscured by the architectural pillars. She stated they are not asking to move the sign any closer than what it is now. They would like to leave the sign where it is now. She stated it is not going to impact any of their neighbors, traffic or pedestrian traffic.

Lipner questioned how long the present sign has been up. Ann stated she believes it was installed in 2002.

Houtman stated this case is similar to the situation at 29th Street and East Paris where they City came in and widened the road, then suddenly when the people wanted to sell the property and split the land into two lots they couldn't because it was too small.

Derusha opened the public hearing.

There was no public comment.

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

- Motion Carried (6-0) -
- Rogers and Johnson absent.

VanNoord stated point 1 is met. The existing sign did meet the setback requirements at the time it was installed. The ROW was expanded by approximately 20 feet on the east side of Broadmoor.

VanNoord stated point 2 is met. There are 6 other properties on Broadmoor Avenue between 32nd Street and 36th Street that appear to also have freestanding signs with non-conforming setbacks.

VanNoord stated point 3 has been met. It is a preexisting freestanding ground sign which they continue to use. A sign meeting current requirements would place the sign in a location that is less visible etc.

Houtman, Le, Lipner, West and Derusha concurred that points 1, 2 and 3 have been met.

VanNoord stated point 4 is met. It will not be detrimental to the surrounding neighborhood the new sign will be placed at the same location as the existing non conforming sign

Proposed Minutes Zoning Board of Appeals June 20, 2022 Page 3

VanNoord stated point 5 is met, based on the exceptional circumstances. VanNoord stated point 6 is met. The applicant was not responsible for creating the nonconforming setback.

Houtman, Le, Lipner, West and Derusha concurred that points 4, 5 and 6 have been met.

Motion by VanNoord, supported by Houtman, to approve V-22-06 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.
- 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 did not result from the actions of the applicant.

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

- Motion Carried (6-0) -
- Rogers and Johnson absent -

Meeting adjourned at 7:20p.m.

Respectfully submitted,

Robert Houtman, Secretary



June 28, 2022

Planning Commission and Zoning Board of Appeals City of Kentwood 4900 Breton Ave SE Kentwood, MI 49508

RE:

Planning Commission - Site Plan and Special Use Approval Extension Request

ZBA - Variance Approval Extension Request

Dear Planning Commission Members and Zoning Board of Appeal Members,

On 08/16/2021, the City of Kentwood Zoning Board of Appeals approved multiple variances for the rebuild of the Speedway site located at Kalamazoo Ave. and 44th Street SE.

On 08/24/2021, the City of Kentwood Planning Commission granted Site Plan and Special Use Approval for the rebuild of the Speedway site located at Kalamazoo Ave. and 44th street SE.

Since the date of the approval Speedway purchased the additional parcel. The existing Tuffy has an existing lease that is set to expire in September 2022.

7-Eleven acquired Speedway in 2021 and with the acquisition multiple Speedway projects that were scheduled for construction in 2022 were placed on hold until all sites and numbers could be evaluated by 7-Eleven and new construction budgets and schedules could be prepared. With the new schedules the majority of Speedway sites that were supposed to be constructed in 2022 were moved to 2023. The construction for this project is slated for a Spring 2023 start date.

Therefore, 7-Eleven (Previously known as Speedway) is requesting an extension of one year for the variances, site plan, and special use approvals. If you have any questions, please feel free to reach out to me.

Sincerely,

Jennifer Simon 7-Eleven Inc.

Development Project Manager (937) 405-7043

jennifer.simon@7-11.com



Memorandum

To:

Kentwood Zoning Board of Appeals

CC:

From:

Joe Pung

Date:

July 13, 2022

Re:

Incomplete Application V-22-07

To date the applicant has failed to pay the application fee for the requested appeal; therefore, the application is incomplete and cannot be acted upon by the Zoning Board of Appeals

If you have any questions please call me at (616) 554-0810.

STAFF REPORT: July 12, 2022

PREPARED FOR: Kentwood Zoning Board of Appeals

PREPARED BY: Joe Pung

CASE NO.: V-22-08

GENERAL INFORMATION

APPLICANT: Michael McCarroll

5840 West Grove Drive, SE

Kentwood, MI 49512

STATUS OF

APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to retain a 120 square foot detached accessory

structure in its current location abutting the garage and setback four (4) feet eleven (11) inches from the front wall of the home. Sections 3.15.C.1.a and 3.15.C.2.a of the Zoning Ordinance require a minimum setback of five (5) feet from the home and Section 3.15.C.1.also requires a minimum setback of fifteen (15) feet from the front wall of the home. The requested variances are for a reduction of five (5) feet to the required setback from the home and a reduction of ten (10) feet one (1) inch to the required setback from

the front wall of the home.

EXISTING ZONING OF

SUBJECT PARCEL: RPUD-1 Attached Residential

GENERAL LOCATION: 5840 West Grove Drive, SE

PARCEL SIZE: .35 acres (15,187 square feet)

EXISTING LAND USE

ON THE PARCEL: Single Family Home

ADJACENT AREA

LAND USES: N: Single Family Home

S: West Grove Drive ROWE: Single Family HomesW: Single Family Home

ZONING ON ADJOINING

PARCELS: N: RPUD-1 Attached Residential

S: RPUD-1 Attached Residential E: RPUD-1 Attached Residential

W: RPUD-1 Attached Residential

Staff Comments:

- 1. The applicant wishes to retain a 120 square foot detached accessory structure in its current location abutting the garage and setback four (4) feet eleven (11) inches from the front wall of the home. Sections 3.15.C.1.a and 3.15.C.2.a of the Zoning Ordinance require a minimum setback of five (5) feet from the home and Section 3.15.C.1.also requires a minimum setback of fifteen (15) feet from the front wall of the home. The requested variances are for a reduction of five (5) feet to the required setback from the home and a reduction of ten (10) feet one (1) inch to the required setback from the front wall of the home.
- 2. The existing home and 480 square foot attached garage were constructed in 2000.
- 3. The city became aware of the accessory structure through and inquiry from the Bailey's Grove Home Owners Association based on a site plan application for a shed that they received for review.
- 4. In September of 2020, the City Commission amended to the Zoning Ordinance allowing for the placement of detached accessory buildings of 250 square feet or less in non-street side yards in R1 and R2 Residential districts when setback at least 15 feet from the front wall of the main building, setback at least 5 feet from any main building, and setback at least 5 feet from any side lot line.
 - Prior to the amendment, detached accessory structures were required to be placed in the rear yard.
- 5. Staff spoke with the Building Inspector, and he indicated that in order to place the shed as proposed and meet building code requirements, there would need to be at least ½ inch gypsum board installed either on the interior of the garage or the wall of the shed abutting the home.
- 6. Since 1985, the Zoning Board of Appeals has heard many requests for setback (front, side and rear) variances for attached and detached garages in residential districts. Some of the recent requests were as follows:

| Appeal No. | Address | Action |
|------------|-----------------------|---|
| V-19-08 | 130 Murray Street | Granted (↓of 27' to rear yard setback) |
| V-19-05 | 3643 Long Grove Drive | Denied (\lof 5' to side yard setback) |
| V-18-09 | 4829 Mildred Avenue | Granted (↓of 2' to side yard setback) |
| V-18-04 | 5475 Settlers Pass | Granted (↓of 3' to side yard setback) |
| V-17-05 | 3364 Southbury Drive | Granted (\lof 18' to street side yard setback) |
| V-17-04 | 5241 Burgis Avenue | Granted (↓of 8' to rear yard setback) |
| V-15-09 | 5041 Kalamazoo Avenue | Granted (\lof 7' to side yard setback for a deck) |

| V-15-06 | 5380 Eastern Avenue | Granted (↓of 22' to rear yard setback & ↓ 11 to street side yard setback) |
|---------|------------------------|---|
| V-11-13 | 5407 Claudia Avenue | Granted (↓of 25' to rear yard setback) |
| V-08-14 | 5087 Mildred Avenue | Denied (\lof 25' to rear yard setback) |
| V-05-22 | 228 Regent Street | Granted (↓of 3.5' to side yard setback) |
| V-05-09 | 4639 Potter Avenue | Denied (\lof 19' to front yard setback) |
| V-04-17 | 1913 Stanford Drive | Granted (↓ in street side yard setback) |
| V-03-31 | 5531 Kalamazoo Avenue | Denied (↓ in side and rear yard setbacks) |
| V-03-27 | 5071 Mildred Avenue | Denied (\psi of 27' to rear yard setback) |
| V-02-15 | 4752 Millhaven Avenue | Granted (↓ in side and rear yard setbacks) |
| V-02-09 | 5501 Eastern Avenue | Granted (↓ in side and rear yard setbacks) |
| V-02-06 | 5994 Wind Brook Avenue | Granted (↓ in street side yard setback) |
| V-01-16 | 5350 Kelekent Avenue | Denied (allow drip edge to overhang lot |
| | | line) |
| V-01-11 | 1809 Whistlestop Drive | Granted (play structure w/in 3' of lot line) |

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

This variance is the first request regarding an accessory structure located in the side yard since the ordinance was amended in September of 2020.

- 7. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that <u>ALL</u> of the following conditions are met:
 - 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 encumbered by a storm water detention easement along the east (side) and north (rear) property lines (see Exhibits 3, 4, 5, and 7). The backyard slopes down to the stormwater detention easement along the east side of the property (see Exhibits 6 and 7). City ordinances prohibit the placement of permanent structures (such as an accessory building) within such easements. The lot is irregular in shape with a width of approximately 134 feet at the street and a width of approximately 39 feet at the rear lot line (see Exhibit 3). The irregular lot lines and placement of the home on the lot result in the front of the home having a greater side yard setback than the rear of the home.

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.

Residential properties encumbered by stormwater easements are not unusual, nor are properties with irregular lot lines. The stormwater easements along the irregular lot line, the extent of the slope of the property, and irregular lot lines is exceptional compared to most residential properties in Kentwood.

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 requested variances the applicant would have to relocate the structure, in all probability to the rear yard. Based on the information provided by the applicant, at its current location the structure is setback 10 feet from the adjacent property line. If the structure were setback an additional 10 feet from the front of the home it would have to be setback less than 5 feet from either the home or the side lot line.

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

It is not anticipated that the variance would be detrimental to adjacent property or the surrounding neighborhood. The applicant has indicated that the structure will look as though it were part of the home (design, color, and materials). The setback from the adjacent home to the west is greater than if the structure met the setback requirements of the Zoning Ordinance.

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

Based on the exceptional circumstances and the design of the accessory structure, granting the variance may not impair the intent and purpose of the ordinance to require minimum setbacks for accessory structures.

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 exceptional circumstances were not the result of an action 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 decides to grant the variance it should be conditioned on the structure meeting all applicable building code requirements.

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)

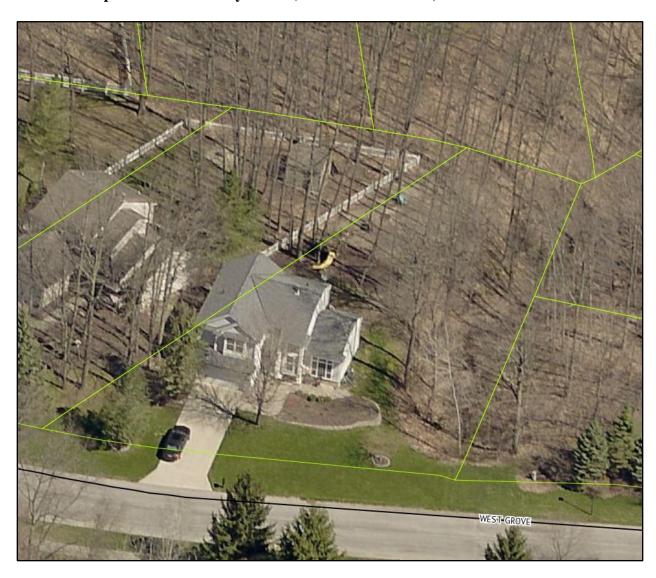


Exhibit 3: Building Permit Site Plan

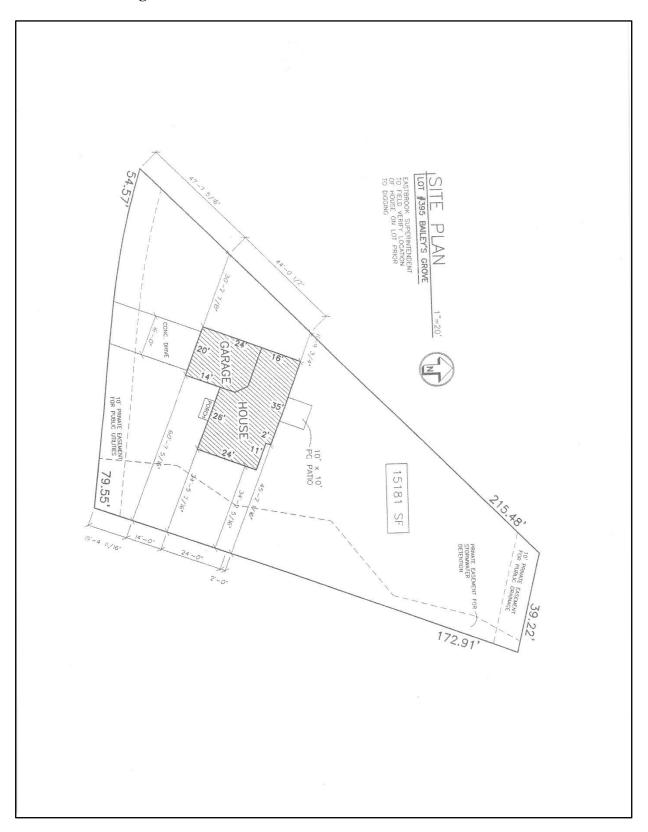


Exhibit 4: Excerpt from Plat Map

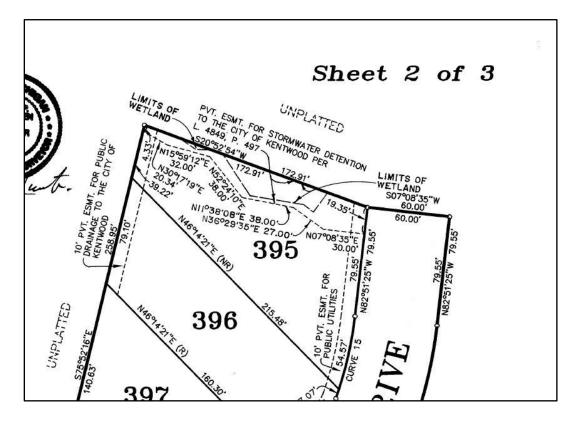


Exhibit 5: Storm Water Detention Easement



Exhibit 6: Contours



Exhibit 7: Contour/Easement Composite Map



Exhibit 8: View of east Side of the Property



Exhibit 9: View of east Side of the Property



Exhibit 10: View of Front of Home



Exhibit 11: View of Front of Accessory Structure

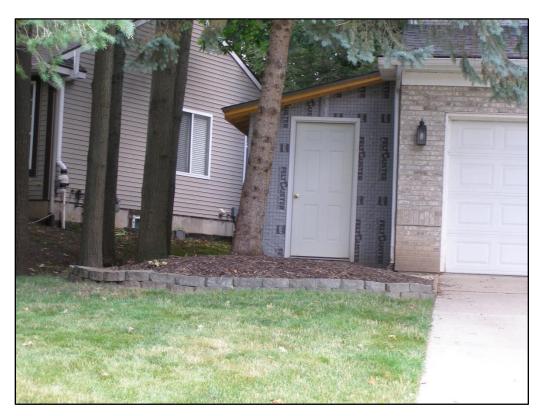


Exhibit 12: View of Accessory Structure from the Side



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

| APPEAL # 12 V-D-08 |
|--|
| APPLICANT: MICHAEL MCCARROLL HEARING DATE 51/6/30 6772 |
| ADDRESS: 5840 W. GROVE DR SE |
| PROPERTY OWNER: MICHAEL MCCARROLL PHONE # 6/6 930 6722 |
| ADDRESS: 5840 W. GROVE DR SE |
| LOCATION OF VARIANCE (If applicable) |
| ZONING DISTRICT OF PROPERTY: |
| ZONING ORDINANCE SECTION (S) APPEALED: 3,15, C,1, q |
| NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit) ADD ANACCESSORY BUILDING IMMEDIATELY ADJACENT TO THE SIDE OF GARAGE. |
| 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): EXTRAORDINARY CIRCUM STANCE - LACK OF LOCATION TO FIT SHED IN BACK YARD DUE TO SLOPED LAND WITH LARGE TREES AND PIE SHAPED LOT CONTAINING DRAINAGE RAVINE. |
| STANDARD (2): THE SHAPE OF THE LOT AND THE DRAINAGE RAVINE ON ONE SIDE OF MY LOT REDUCES THE USEFULNESS OF LAND. |
| STANDARD (3): MANY HOMES IN MY NEIGHBORHOOD HAVE SHEDS FOR STORAGE. THE SHED IS NEEDED LIKE MY NEIGHBOR'S TO STORE SEASONAL EQUIPMENT. |
| STANDARD (4): THE ACCESSORY (SHED) BUILDING WILL LOOK AS IF IT IS PART OF THE HOME (DESIGN, COLOR, MATERIAL AS THE MOME) SEE PHOTO'S OF SIMILAR HOMES IN THE NEIGHBORHOOD |
| STANDARD (5) THE ORDINANCE WILL NOT BE IMPAIRED. THIS MYARIANCE IS A SPECIAL CASE TO ALLOW PLACEMENT IN A AREA OF ENJOYMENT A SECURITY. |
| STANDARD (6) I PURCHASED THE PROPERTY 7 YEARS AGO. |
| FRONT YARD GARDEN. |
| TOWN TOTAL |

Zoning Board of Appeals Non-Use Variance Application Page 2

PHONE: 554-0707, FAX NO. 698-7118

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



Site Plan Approval Form

All exterior site improvement projects must be approved by the Bailey's Grove Property Owners Association (BGPOA). BGPOA will review, approve, monitor and inspect your project.

| Instructions: Complete all boxes with the requested information. Be as complete an Describe exact location, foundation, building materials, exterior appearance, landscap drawing and any other supporting documentation, including but not limited to any materials. | ing, etc. Attach a site plan |
|--|---|
| 5840 W. GROVE Dr SE | |
| Street Address | Lot Number |
| MICHAEL + LYNDA MCCARROLL | 616 930 6722 |
| Property Owner Name(s) | Home Telephone |
| Jun | E 2022 |
| Current Date Estimated Project Start Date Estimated | Project Completion Date |
| SHED 7'6" X 16" (SEE ATTACHED) 120 SQUARE | FEET |
| Describe site improvement project. | |
| SEE SITE PLAN (SEE ATTACHED) | |
| Describe where planned site improvement will be located on your lot. | |
| ALL MATERIALS TO MATCH HOME SIDING, RO | F , AND CONSTAUCTION |
| Describe building materials, noting type of material, manufacturer, quality, color, weather endurance, durantees, durante | bility, etc. |
| APPEARANCE WILL MATCH HOME IN EVERY DETA | IL ei! VINYL SIDE, ARCHITECTE COLOR SAIN |
| Describe finished exterior appearance of planned site improvement, noting whether project will be painted | l, sided, stained, etc. |
| PATIO BRICK TO DOOR | |
| Describe planned landscaping around site improvement, if applicable. | |
| Right of Entry Authorization and Completion Certification: | Please send completed form to: |
| I hereby grant the Bailey's Grove Property Owners Association the irrevocable right to enter upon my property as identified above for the purpose of site plan Bailey | y's Grove Property Owners Association |
| inspection during the project period. Furthermore, I certify that the information provided on this form is complete and accurate to the best of my knowledge. | 4460 44th St SE Suite C-500 |
| muchan Mynull 3-20-22 | Kentwood, MI 49512 |
| Property Owner(s) Signature Date | (616) 245-5003 info@select1pm.com |
| | Good of the part of the |
| | |
| | |
| FOR INTERNAL USE ONLY: | Received Date |
| Approval: Yes No Initials | Approval Date |
| Letter Sent: Yes No Initials | Letter Sent Date |
| Final Inspection: Pass Fail Initials Final | al Inspection Date |

All site plan approval forms will be kept on permanent file with the Property Owners Association.

Revision Date: June 4, 2007

Dear Baily's Grove Architectural Board

I am submitting a Site Plan Approval Form for my home at 5840 W Grove DR SE. I am asking for a variance to the Storage Building Guidelines. I would like to keep/locate the shed per the plans included with this form. The variance I am asking for is to have the shed visible from the front of the house. I have a small sloped back yard with a ravine witch greatly reduces the usable space of my back yard.

I have also taken pictures of houses with similar looking additions to the side of the garage on my street for comparison for what I am asking for. Enclosed are two aerial views of my property both in winter and summer to show the property line and how many trees that are in the back yard.

The shed plans attached are showing the construction type and materials used. The shed when complete will match the house in every way, looking as if it is attached to the house.

Please consider approving my request.

Thank you

Michael McCarroll

5840 W Grove Dr SE

Kentwood, MI 49512

Cell 616-930-6722

madmikemccarroll@aol.com

P.S. Please call for any questions you may have.

Muhael McCarroll





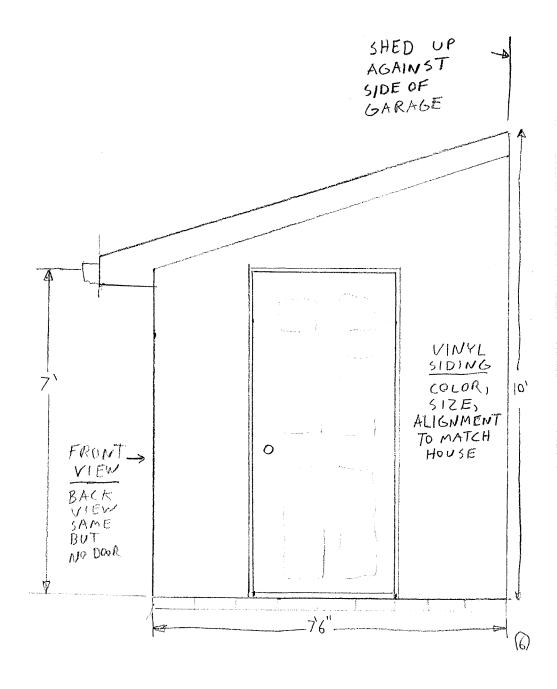


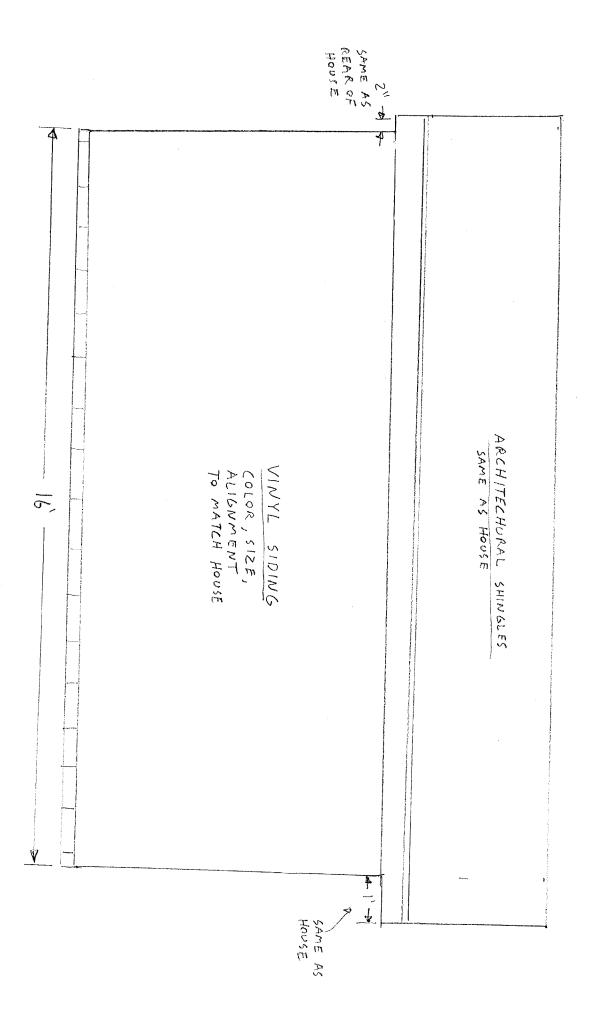






WOOD CONSTRUCTION
ARCHITECHURAL ROOFING
VINYL SIDING
BRICK FOUNDATION





SIDE VIEW

HOUSE 5'

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