



**AGENDA
KENTWOOD ZONING BOARD OF APPEALS
KENTWOOD CITY HALL
CITY COMMISSION CHAMBERS
FEBRUARY 20, 2023, 7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes of November 21, 2022 (to be reviewed and approved at the March 20, 2023 meeting)
5. Acknowledge visitors and those wishing to speak to non- agenda items.
6. Public Hearing

Appeal #V-23-01

Applicant: Drive & Shine
Location: 3277, 3311, & 3343 Woodland Drive, SE

Request: The applicant wishes to develop a carwash/oil change facility on the site. The building would have a rear yard setback of 2 feet and be setback 87 feet from an adjacent residential district. Section 8.03.B of the Zoning Ordinance requires a rear yard setback of 30 feet, Section 19.03.C requires a 10-foot buffer zone adjacent to the office zone to the north, and Section 15.04.F.11 requires a building setback of 100 feet from the residential district to the north. The requested variances are for a reduction of 28 feet to the required rear yard setback, waiver of the buffer requirement, and a reduction of 13 feet to the required setback from a residential district.

Appeal #V-23-02

Applicant: Benjamin Bauer
Location: 5120 East Paris Avenue, SE

Request: The applicant wishes to locate a major vehicle repair establishment within a tenant space in the existing building.

The tenant space has an overhead door facing East Paris Avenue; Section 15.04.E.6 does not permit the proposed use to have an overhead door facing the street. The requested variance is to permit the proposed vehicle repair establishment to have an overhead door facing the street.

7. Commissioners Comments

8. Adjournment

STAFF REPORT: February 14, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-01

GENERAL INFORMATION

APPLICANT: Drive & Shine
16915 Cleveland Road
Granger, IN 46530

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to develop a carwash/oil change facility on the site. The building would have a rear yard setback of 2 feet and be setback 87 feet from an adjacent residential district. Section 8.03.B of the Zoning Ordinance requires a rear yard setback of 30 feet, Section 19.03.C requires a 10-foot buffer zone adjacent to the office zone to the north, and Section 15.04.F.11 requires a building setback of 100 feet from the residential district to the north. The requested variances are for a reduction of 28 feet to the required rear yard setback, waiver of the buffer requirement, and a reduction of 13 feet to the required setback from a residential district.

EXISTING ZONING OF SUBJECT PARCEL: C2 Community Commercial (Conditional)

GENERAL LOCATION: 3277, 3311, & 3343 Woodland Drive, SE

PARCEL SIZE: 4.54 acres

EXISTING LAND USE ON THE PARCEL: Parking Lot

ADJACENT AREA LAND USES:
N - Apartment Complex & Vacant Office Building
S - Regional Shopping Center
W - Restaurant
E - Parking Lot

ZONING ON ADJOINING

PARCELS:

- N - Mixed Density Residential & Neighborhood Office Service
(City of Grand Rapids)
- S - C3 Regional Commercial
- E - C3 Regional Commercial
- W - C3 Regional Commercial

Staff Comments:

1. The applicant wishes to develop a carwash/oil change facility on the site. The building would have a rear yard setback of 2 feet and be setback 87 feet from an adjacent residential district. Section 8.03.B of the Zoning Ordinance requires a rear yard setback of 30 feet, Section 19.03.C requires a 10-foot buffer zone adjacent to the office zone to the north, and Section 15.04.F.11 requires a building setback of 100 feet from the residential district to the north. The requested variances are for a reduction of 28 feet to the required rear yard setback, waiver of the buffer requirement, and a reduction of 13 feet to the required setback from a residential district.
2. The City Commission approved the conditional rezoning of the property from C3 Regional Commercial to C2 Community Commercial on December 6, 2022. The conditions applying to the rezoning of the property are:
 - Uses shall be limited to a car wash with interior/exterior vacuums, detailing, and oil/lube facility. Detailing and oil/lube operation shall only be in conjunction with a car wash facility.
 - Use shall conform to the City of Kentwood Zoning Ordinance uses of vehicle repair and vehicle wash establishments.
 - All car wash and oil and lube operations shall be performed within the building.
3. The site is currently developed as an overflow parking lot for the adjacent office building to the north. There is a detention pond on the west side of the site. At the southeast corner of the site is a drive that provides the adjacent property to the east access to Outer Drive (pvt); this drive does not provide access to the parking lot. With the exception of the drive at the southeast corner, the site sits approximately 10 feet higher than the adjacent properties to the south and east (see Exhibits 3 through 5).
4. The Zoning Ordinance requires a minimum rear yard setback of thirty (30) feet from the north property line. The applicant owns adjacent property to the north and one thought was to shift the common property line thirty (30) feet to the north to meet the building setback and landscape buffer requirements. The adjacent property is located in the city of Grand Rapids and the Grand Rapids School District, which is different than the car wash site (Kentwood School District). In speaking with the City Assessor's Office, there are issues with a parcel crossing municipal and/or school district boundaries and shifting the property lines would require an agreement between Kentwood and the city of Grand Rapids to shift the property into Kentwood and the Kentwood School District.

In lieu of shifting the common property line to the north, the applicant is proposing to place a permanent easement over a portion of the adjacent property to the north which would simulate the required building setback and landscape buffer.

5. Section 15.04.F.11 requires a building setback of 100 feet from the residential district to the north; this setback is specific to the use and not the C2 Community Commercial zoning district (the zoning district would otherwise require a minimum building setback of fifty (50) feet). While the northwest corner of the building would have a setback of eighty-seven (87) feet from the SE corner of the residential property, it would have a setback of over two hundred (200) feet from the nearest residential building and there would be a fifty (50) foot wide landscape buffer along the common property line.
6. Since 1985, the Zoning Board of Appeals has heard over sixty (60) requests for variances to minimum rear yard setback requirements. The most requests were:

| Appeal No. | Address | Action |
|------------|--------------------------------|------------------------------------|
| V-22-12 | 3297 – 52 nd Street | Granted (↓ of 6.2') |
| V-22-10 | 1088 Sluyter Avenue | Granted (↓ of 10') |
| V-21-04 | 3560 Broadmoor Avenue | Granted (↓ of 20') |
| V-21-01 | 5120 East Paris Avenue | Granted (↓ of 20') |
| V-18-07 | 2187 West Greenstone Drive | Withdrawn (PC review due to a PUD) |
| V-17-15 | 5720 Madison Avenue | Granted (↓ of 7.5') |
| V-15-11 | 4429 Breton Avenue | Granted (↓ of 3.3') |
| V-15-07 | 3855 Burton Street | Granted (↓ of 15') |
| V-14-16 | 3770 – 28 th Street | Granted (↓ of 22') |
| V-11-10 | 2850 Shaffer Avenue | Granted (↓ of 15') |
| V-09-07 | 737 Silvershores Drive | Granted (↓ of 13') (residential) |
| V-08-25 | 2589 – 44 th Street | Granted (↓ of 40') |
| V-07-19 | 4243 Broadmoor Avenue | Granted (↓ of 14') |
| V-07-15 | 437 Pine Vista Drive | Granted ((↓ of 12' 7")) |
| V-07-11 | 2400 Forest Hill Avenue | Granted (↓ of 30') |
| V-06-20 | 2950 – 29 th Street | Granted (↓ of 2.5') |
| V-06-12 | 5658 Division Avenue | Granted (↓ of 20') |
| V-05-44 | 3333 – 28 th Street | Granted (↓ of 13.5') |
| V-05-30 | 900 – 52 nd Street | Granted (↓ of 20') |
| V-04-13 | 4045 – 28 th Street | Granted (↓ of 25') |
| V-04-12 | 133 – 44 th Street | Granted (↓ of 19') |

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. Since 1985, the Zoning Board of Appeals has heard fourteen (14) requests for building setback variances based on the use/zoning of adjacent property. The requests were as follows:

| | Address | Action |
|---------|--------------------------------|--|
| V-21-10 | 4384 Kalamazoo Avenue | Granted (↓ of 26.7 feet/fuel station adj. to residential) |
| 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.

8. Since 2002 there have been twenty (20) requests heard by the Board for relief from landscaped buffer width requirements. The requests were as follows:

| Appeal | Address | Action |
|---------|--------------------------------|---------------------------------------|
| V-19-07 | 3185 Woodland Drive | Granted (↓ width of buffer by 5.7') |
| V-18-16 | 4316 Sparks Drive | Withdrawn (↓ width of buffer by 19') |
| V-18-10 | 3170 – 28 th Street | Withdrawn (↓ width of buffer by 4.7') |
| V-18-05 | 3560 – 36 th Street | Granted (↓ width of buffer by 30') |
| V-15-08 | 3415 East Paris Avenue | Granted (↓ width of buffer by 13') |
| V-15-04 | 3375 East Paris Avenue | Granted (↓ width of buffer by 20') |
| V-12-11 | 3015 – 28 th Street | Granted (↓ width of buffer by 8') |
| V-08-19 | 5189 Eastern Avenue | Granted (↓ width by 15.5' & 16.1') |
| V-08-11 | 3570 – 28 th Street | Granted (↓ width by 15' & 20') |
| V-07-17 | 4842 Division Avenue | Withdrawn (↓ width by 17') |

| | | |
|-------------------------|--------------------------------|---|
| V-07-02 | 5091 Broadmoor Avenue | Granted (↓ width by 5' and 10') |
| V-06-01 | 3609 – 32 nd Street | Granted (↓ width by 20' and 10') |
| V-05-27 | 815 – 52 nd Street | Granted (↓ width by 17') |
| V-05-26 | 2210 East Paris Avenue | Granted (waived req. for 10 foot buffer) |
| V-05-20 | 815 – 52 nd Street | Granted (↓ buffer by 15' adj. to residential) |
| V-05-20 | 815 – 52 nd Street | Dismissed (↓ width of buffer along street by 5') |
| V-05-16 | 815 – 52 nd Street | Withdrawn |
| V-04-12 | 133 – 44 th Street | Granted (↓ width of buffer by 10') |
| V-02-13 (2 requests) | 4115 – 36 th Street | Granted (granted waiver for the north property line adjacent to Consumer's Energy lines, denied for east property line adjacent to residential) |

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

9. 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 north side of the property abuts both a municipal and school district boundary restricting the ability to modify existing property lines to meet the rear yard building setback and buffer zone requirements. The applicant owns adjacent property to the north and has the ability to create a permanent easement on the adjacent property. With the exception of the drive at the southeast corner, the site sits approximately 10 feet higher than the adjacent properties to the south and east placing further restrictions on building placement.

- 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 very few commercial properties in Kentwood which abut both a municipal and school district boundary; staff is not aware that in any of those circumstances where properties on both sides are also under common ownership. The grade of this property is unique when compared to the adjacent and surrounding properties.

- 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 would not be able develop the property as proposed. Even though the applicant owns adjacent property there are restrictions place on the ability to modify the properly line to meet building setback and landscape buffer requirements due to municipal and school district boundaries.

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

It is not anticipated that granting the variances will be detrimental to adjacent property or the surrounding areas. The creation of a permanent easement on the adjacent property to the north would simulate the required building setback and landscape buffer requirements. The building setback adjacent to a residential district exceeds what would otherwise be required in the C2 Community Commercial district and the setback is only to the NW corner of the building, not the entire structure.

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

With the circumumstance and conditions applying to the property and the creation of a permanent easement on the adjacent property to the north, it is not anticipated that the variances would 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.

The applicant did not create the conditions or circumstances (topography, school district boundary, and munidpal boundary) that apply to this property.

10. 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 grants the variance, it should be conditioned on Kentwood Planning Commission of the special land use (vehicle wash establishment) and site plan and the creation of a permanent easement on the adjacent property to the north, with the final dimensions to be approved by staff and the Kentwood Planning Commission

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

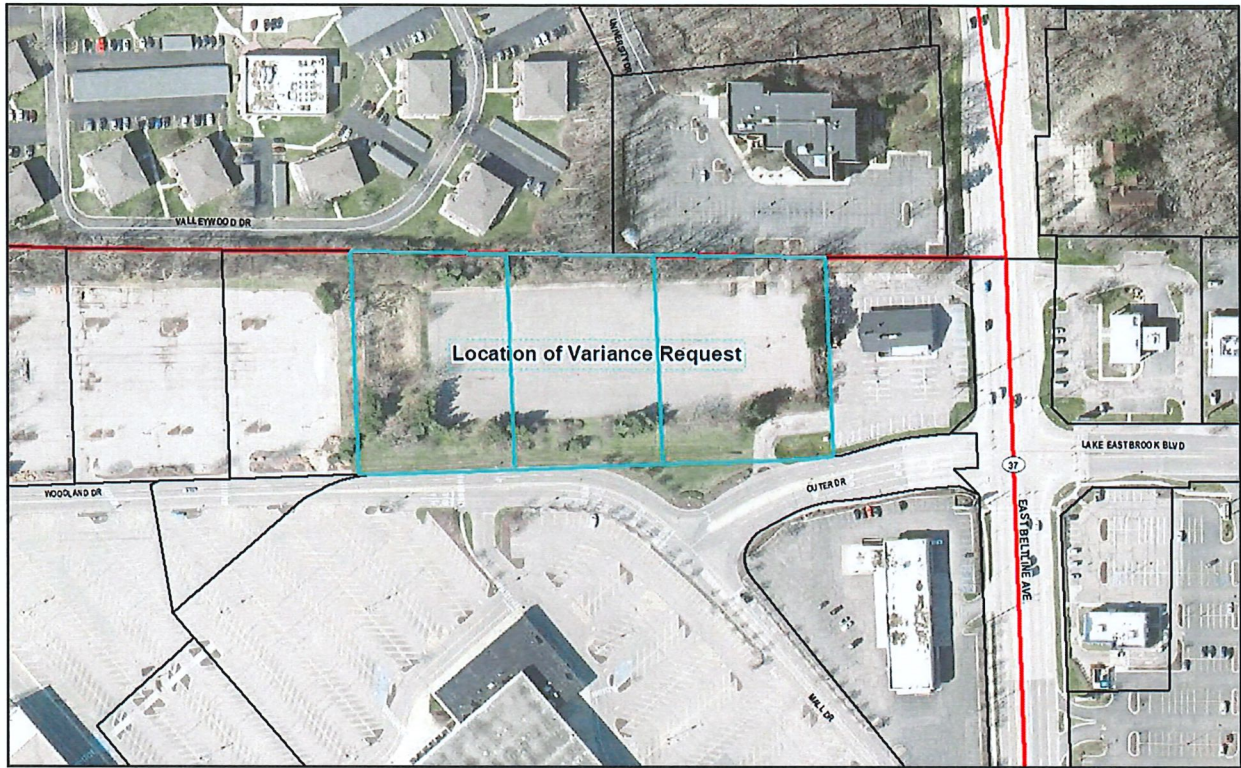


Exhibit 2: April 2020 Pictometry Image (View from the South)

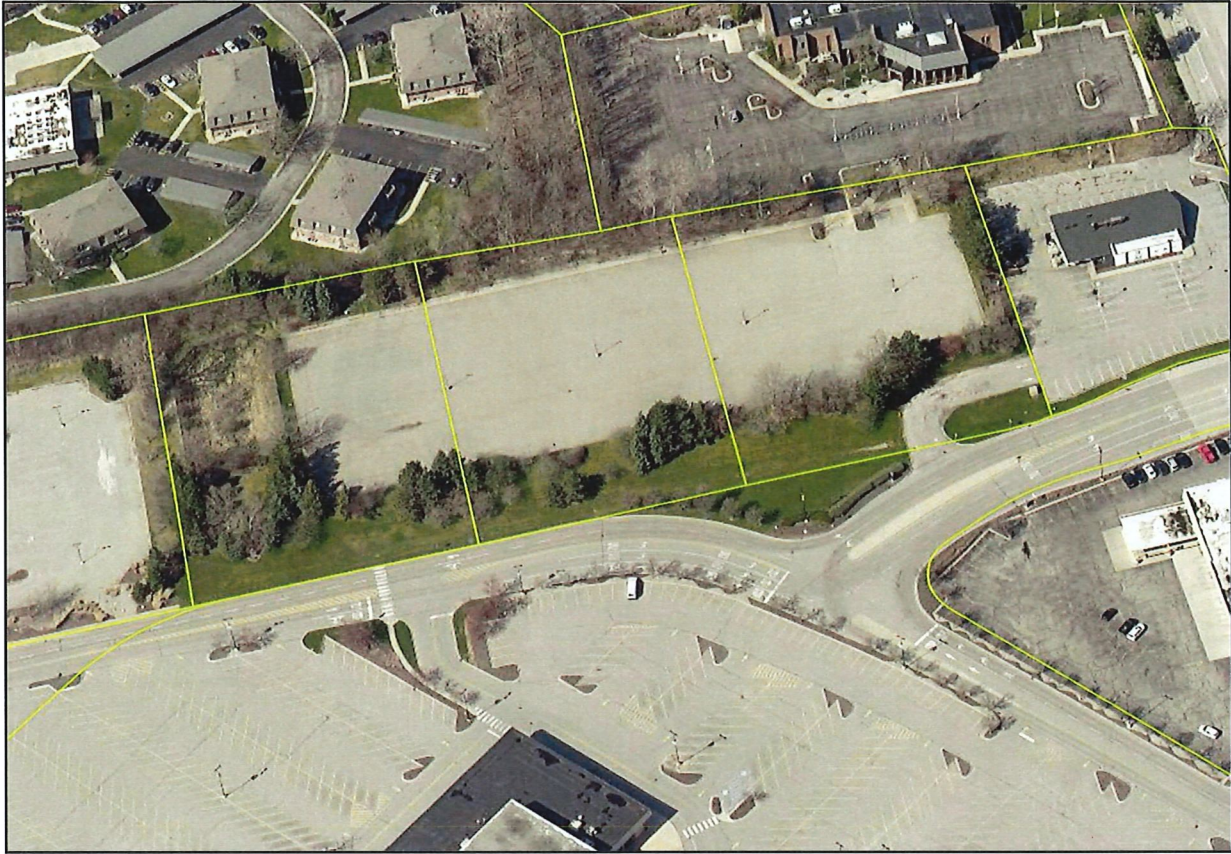


Exhibit 3: Photo from Adjacent Property to the East



Exhibit 4: View of Grade Change Along South Side of the Property



Exhibit 5: View of Adjacent Property to the East



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

APPEAL # 1-23-01
HEARING DATE February 20, 2023
PHONE # _____

APPLICANT: Drive & Shine

ADDRESS: 16915 Cleveland Rd, Granger, IN 46530

PROPERTY OWNER: DEV 2333 Beltline Ave, LLC

PHONE # 574-277-8877

ADDRESS: 16915 Cleveland Rd, Granger, IN 46530

LOCATION OF VARIANCE (If applicable) North property line/Northeast corner of building

ZONING DISTRICT OF PROPERTY: C-2 Community Commercial (rezone approved on 12-6-22)

ZONING ORDINANCE SECTION (S) APPEALED: Sec 8.03.B, Section 15.03.F.11

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

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 variance is caused by an extraordinary circumstance due to the corporation jurisdictional change, extreme topography change, and access limitations from previous developments.

STANDARD (2): This situation does not occur often enough to require an ordinance change as only a few properties will border a different jurisdiction and experience an extreme grade change, along with limited access to the site.

STANDARD (3): The literal application of the provisions of the zoning ordinance would not allow the applicant to provide their complete and safe commercial development due to constraints previously mentioned.

STANDARD (4): Granting of the variance will not be detrimental to the neighboring properties as the site has been previously developed, and paved entirely, and will only provide more business and convenience to the area.

STANDARD (5): The variance will not impair the intent and purpose of the zoning ordinance as it is based on conditions specific to this one property. The residential property to the northwest has an extensive buffer of mature trees along with a grade change.

STANDARD (6): The circumstances are not a result of the actions of the applicant, instead they are a result of the existing topography and how the neighboring sites were previously developed in order to limit the access points to the site.

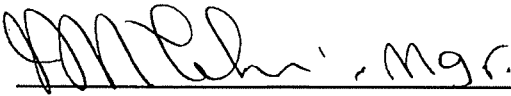
Zoning Board of Appeals
Non-Use Variance Application
Page 2

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

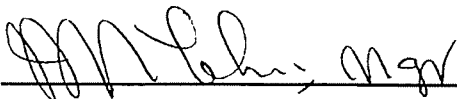
Authorization for city staff and board members to enter the property for evaluation.

Yes X No

NAME OF APPLICANT: Haji Tehrani
(Please print)

SIGNATURE OF APPLICANT:  Mgr. DATE: 12-9-22

NAME OF PROPERTY OWNER: DEV 2333 Beltline Ave, LLC
(Please print)

SIGNATURE OF PROPERTY OWNER:  Mgr. DATE: 12-9-22

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

Drive and Shine – Variance Request

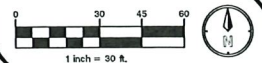
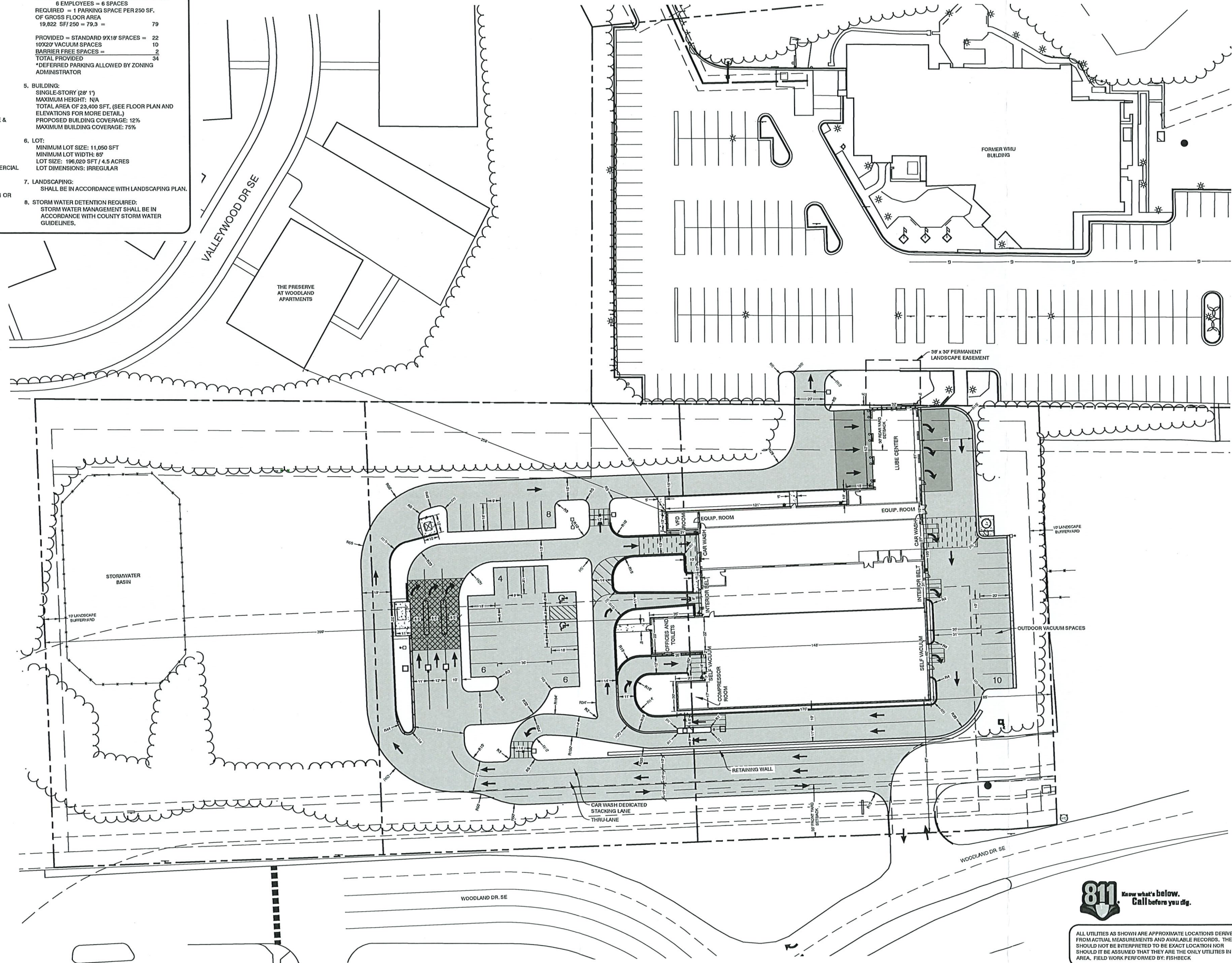
Nature of Appeal:

Variance Request 1: Section 8.03.B requires the building to be setback 30' from the property line (rear setback) where the lot abuts C-4 Office District (Note: The property to the north is zoned NOS - Neighborhood Office Service in the City of Grand Rapids limits and was confirmed to represent City of Kentwood C-4 district.) The property only allows for a 2' setback due to extreme topography and complicated access. A non-build / landscape easement has been proposed by applicant to cover this area and provide the necessary 30' setback.

Variance Request 2: Section 15.03.F.11 states that a vehicle wash establishment building and its accessory uses and buildings shall be located not less than one hundred (100) feet from any right-of-way line or from any side or rear lot line abutting a Residential District. The nearest residential property is 87' from the proposed building, however, the residential property corner is situated a considerable distance away from its residential structures and has a considerable buffer of mature trees and grade change. Again, because of the topography, the proposed building and parking cannot go east further. The site has also been designed ideally as possible to site the buildings and outdoor vacuum facilities as far east away from the residential property.

SITE DATA

- PROPERTY INFORMATION:**
 PARCEL #S: 41-18-11-302-003, 41-18-11-302-004, & 41-18-11-302-005
 SITE AREA: 196,020 SF (4.5 AC)
 OWNER: DEV 2333 BELTUNE AVE
 16915 CLEVELAND RD.
 GRANGER, IN 46530
 DEVELOPER: DRIVE & SHINE, INC
 16915 CLEVELAND RD.
 GRANGER, IN 46530
- ZONING:**
 PROPERTY CURRENTLY ZONED: C-3 REGIONAL COMMERCIAL
 ABUTTING PROPERTY CURRENTLY ZONED: NORTH: CITY OF GRAND RAPIDS
 NOS-NEIGHBORHOOD OFFICE SERVICE & MIXED DENSITY RESIDENTIAL
 SOUTH: C-3 REGIONAL COMMERCIAL
 EAST: C-3 REGIONAL COMMERCIAL
 WEST: C-3 REGIONAL COMMERCIAL
 PROPOSED LAND USE = VEHICLE WASH
 *REZONED TO CONDITIONAL C-2 COMMUNITY COMMERCIAL
- SETBACKS**
 FRONT = 35'
 SIDES = NONE WHEN ADJACENT TO C-2, C-3, I-1 OR I-2
 REAR = 30' (50' AGAINST RESIDENTIAL)
- PARKING:**
 VEHICLE WASH = 1 SPACE FOR EACH EMPLOYEE
 6 EMPLOYEES = 6 SPACES
 REQUIRED = 1 PARKING SPACE PER 250 SF OF GROSS FLOOR AREA
 19,822 SF / 250 = 79.3 = 79
 PROVIDED = STANDARD 9'X18' SPACES = 22
 10'X20' VACUUM SPACES = 10
 BARRIER FREE SPACES = 2
 TOTAL PROVIDED = 34
 *DEFERRED PARKING ALLOWED BY ZONING ADMINISTRATOR
- BUILDING:**
 SINGLE-STORY (28' 1")
 MAXIMUM HEIGHT: N/A
 TOTAL AREA OF 23,400 SFT. (SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL)
 PROPOSED BUILDING COVERAGE: 12%
 MAXIMUM BUILDING COVERAGE: 75%
- LOT:**
 MINIMUM LOT SIZE: 11,050 SFT
 MINIMUM LOT WIDTH: 88'
 LOT SIZE: 196,020 SFT / 4.5 ACRES
 LOT DIMENSIONS: IRREGULAR
- LANDSCAPING:**
 SHALL BE IN ACCORDANCE WITH LANDSCAPING PLAN.
- STORM WATER DETENTION REQUIRED:**
 STORM WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY STORM WATER GUIDELINES.



PLANS PREPARED BY:



DRAWN: AS
CHECKED: ASR

| No. | ISSUED FOR: | DATE | BY |
|-----|-------------|------------|----|
| 0 | VARIANCE | 12/09/2022 | AS |
| 1 | | | |
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| 4 | | | |

SITE LAYOUT
 DRIVE & SHINE KENTWOOD
 DRIVE & SHINE, INC
 3311 WOODLAND DRIVE SE
 SECTION 12, T11N, R11E

JOB NUMBER
2139006
DATE
12/09/2022

SHEET NUMBER
C2.0



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: FISHBEEK

SITE DATA

1. PROPERTY INFORMATION:

PARCEL #S: 41-18-11-302-003, 41-18-11-302-004, & 41-18-11-302-005

SITE AREA: 196,020 SF (4.5 AC)

OWNER: DEV 2333 BELTUNE AVE
16915 CLEVELAND RD.
GRANGER, IN 46530

DEVELOPER: DRIVE & SHINE, INC
16915 CLEVELAND RD.
GRANGER, IN 46530

2. ZONING:

PROPERTY CURRENTLY ZONED: C-3 REGIONAL COMMERCIAL

ABUTTING PROPERTY CURRENTLY ZONED: NORTH: CITY OF GRAND RAPIDS
NOS-NEIGHBORHOOD OFFICE SERVICE & MDR MIXED DENSITY RESIDENTIAL
SOUTH: C-3 REGIONAL COMMERCIAL
EAST: C-3 REGIONAL COMMERCIAL
WEST: C-3 REGIONAL COMMERCIAL

PROPOSED LAND USE = VEHICLE WASH
*REZONED TO CONDITIONAL C-2 COMMUNITY COMMERCIAL

3. SETBACKS

FRONT = 35'

SIDES = NONE WHEN ADJACENT TO C-2, C-3, I-1 OR I-2

REAR = 30' (50' AGAINST RESIDENTIAL)

4. PARKING:

VEHICLE WASH = 1 SPACE FOR EACH EMPLOYEE
6 EMPLOYEES = 6 SPACES
REQUIRED = 1 PARKING SPACE PER 250 SF. OF GROSS FLOOR AREA
19,822 SF / 250 = 79.3

PROVIDED = STANDARD 9'X18' SPACES = 22
10'X20' VACUUM SPACES = 10
BARRIER FREE SPACES = 2
TOTAL PROVIDED = 34

*DEFERRED PARKING ALLOWED BY ZONING ADMINISTRATOR

5. BUILDING:

SINGLE-STORY (28' 1")

MAXIMUM HEIGHT: N/A

TOTAL AREA OF 23,400 SFT. (SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL.)

PROPOSED BUILDING COVERAGE: 12%

MAXIMUM BUILDING COVERAGE: 75%

6. LOT:

MINIMUM LOT SIZE: 11,050 SFT

MINIMUM LOT WIDTH: 85'

LOT SIZE: 196,020 SFT / 4.5 ACRES

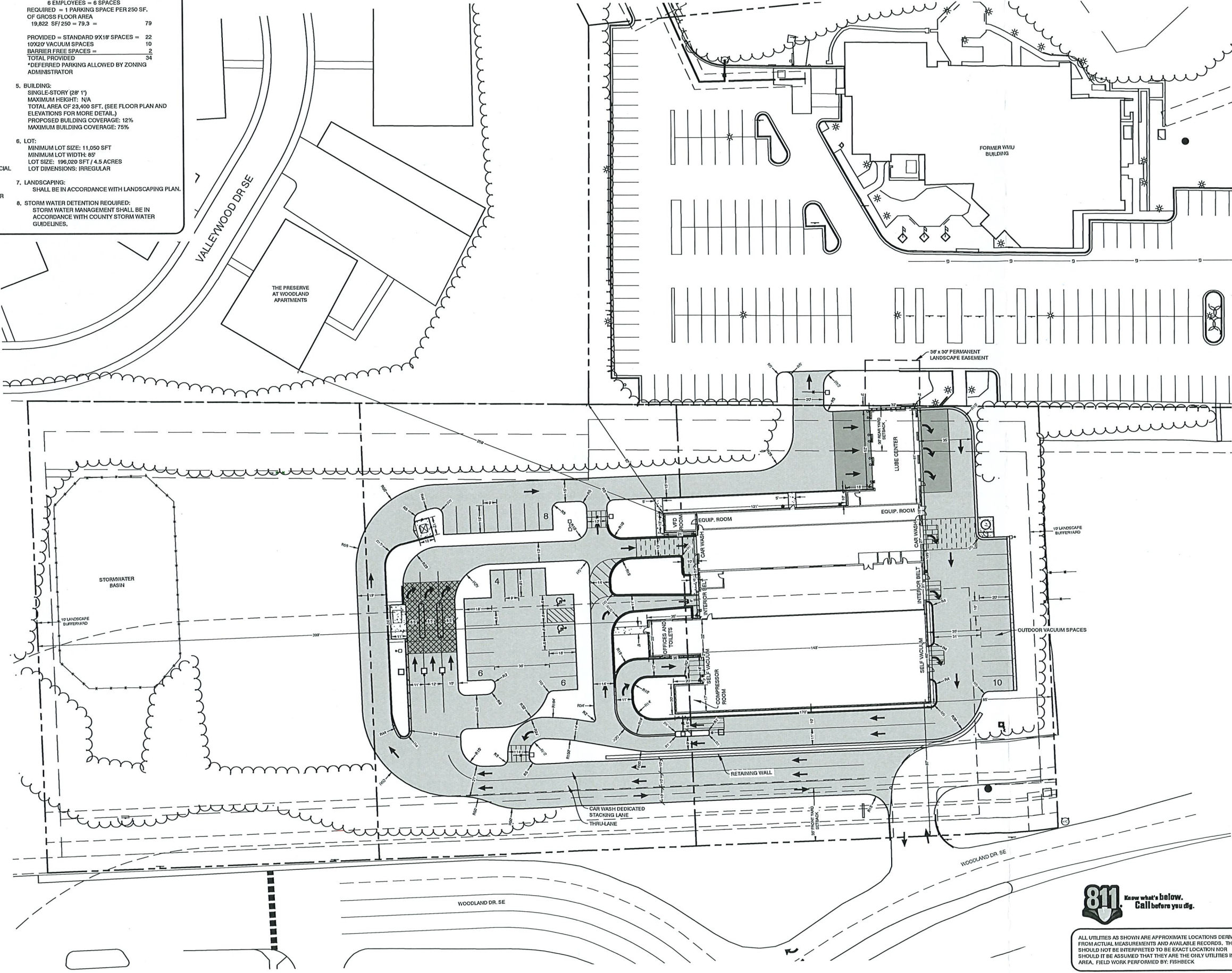
LOT DIMENSIONS: IRREGULAR

7. LANDSCAPING:

SHALL BE IN ACCORDANCE WITH LANDSCAPING PLAN.

8. STORM WATER DETENTION REQUIRED:

STORM WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY STORM WATER GUIDELINES.



811

Know what's below.
Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: FISHBEEK

PLANS PREPARED BY:

AR ENGINEERING

CIVIL ENGINEERING & SURVEYING

15026 SAN JUAN AVE. | KENNESHA, IN 46534 | (219) 339-1111
202.270.5551 FAX | (219) 339-1111 FAX
www.ar-engineering.com

DRAWN: ar

CHECKED: ASR

| No. | ISSUED FOR: | DATE | BY |
|-----|-------------|------------|----|
| 0 | VARIANCE | 12/09/2022 | ar |
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| 4 | | | |

PRODUCTION, COPYING OR OTHER USE OF THE DRAWINGS WITHOUT WRITTEN CONSENT IS PROHIBITED - ALL DISCLAMERS - 2022

SITE LAYOUT

DRIVE & SHINE KENTWOOD

DRIVE & SHINE, INC

3311 WOODLAND DRIVE SE

SECTION 12, T11N, R11E

SHEET TITLE:

PROJECT:

CLIENT:

SITE ADDRESS:

SITE SECTION:

JOB NUMBER

2139006

DATE

12/09/2022

SHEET NUMBER

C2.0

STAFF REPORT: February 14, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-02

GENERAL INFORMATION

APPLICANT: Benjamin Baur
4216 Unity Drive
Hudsonville, MI 49426

STATUS OF
APPLICANT: Prospective Tenant

REQUESTED ACTION: The applicant wishes to locate a major vehicle repair establishment within a tenant space in the existing building. The tenant space has an overhead door facing East Paris Avenue; Section 15.04.E.6 does not permit the proposed use to have an overhead door facing the street. The requested variance is to permit the proposed vehicle repair establishment to have an overhead door facing the street.

EXISTING ZONING OF
SUBJECT PARCEL: I1 Light Industrial

GENERAL LOCATION: 5120 East Paris Avenue, SE Suite 3

PARCEL SIZE: 1.92 acres

EXISTING LAND USE
ON THE PARCEL: Multi-tenant Industrial Building

ADJACENT AREA
LAND USES: N: Industrial
S: Kentwood Master Stormwater Pond
E: Kentwood Master Stormwater Pond
W: East Paris Avenue ROW

ZONING ON ADJOINING
PARCELS: N: I1 Light Industrial
S: I1 Light Industrial
E: I1 Light Industrial
W: I1 Light Industrial

Staff Comments:

1. The applicant wishes to locate a major vehicle repair establishment within a tenant space in the existing building. The tenant space has an overhead door facing East Paris Avenue; Section 15.04.E.6 does not permit the proposed use to have an overhead door facing the street. The requested variance is to permit the proposed vehicle repair establishment to have an overhead door facing the street.
2. The existing 22,960 square foot multi-tenant building was constructed in 2021. A variance was granted in 2021 for a reduction of twenty (20) feet to the minimum rear yard building setback of forty (40) feet (see Exhibits 6 – 8).
3. Due to the site's topography, building layout, and limited rear yard, there is no access (vehicular or pedestrian) to the rear (east side) of the building.
4. Staff could find no record of any other similar variance requests.
5. The existing building, with overhead doors facing East Paris Avenue, does comply with the requirements of the I1 Light Industrial district. The prohibition of street facing overhead doors is specific to the proposed use and not the zoning district. In the I1 Light Industrial district, street facing overhead doors are allowed but front yard loading areas are prohibited; based on the building layout, the utilization of the overhead doors facing East Paris Avenue does not result in loading activities occurring in the front yard.
6. The proposed use is a dry ice cleaning process that includes buffing, waxing, and ceramic coating for automotive vehicles. The process is considered to be similar to steam cleaning and since the definition of Major Vehicle Repair includes "steam cleaning", the proposed dry ice process for automotive vehicles must be reviewed and approved by the Planning Commission as a special land use. The Planning Commission held a work session for the proposed use on February 14, 2023; no issues or concerns were raised in regards to having an overhead door facing East Paris Avenue.
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 ALL 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 zoned I1 Light Industrial. The site is developed with an existing multi-tenant building with several tenant spaces having overhead doors facing the street, one

of which would be occupied by the applicant. Due to the site's topography, building layout, and the limited rear yard, there is no access (vehicular or pedestrian) to the rear (east side) of the building.

- 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.

Except for corner lots, the majority of industrial buildings with overhead doors have them in the rear or sides of the building not facing a street.

- 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 prohibition of an overhead door facing the street is related to the use (major vehicle repair), if the dry ice cleaning process were used for a different industrial use there would not be an issue with the overhead door facing the street. Without the requested variance, the applicant would have to find a new location with overhead doors that do not face a street.

- 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 overhead door for the tenant space which the applicant would occupy faces East Paris Avenue and will continue to do so whether or not the variance is granted. There is no outside storage associated with this use as may be associated with a typical major vehicle repair operation.

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

Based on the circumstances, history, and zoning of the property, it is not anticipated that granting the variance will 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.

The exceptional circumstances or conditions applying to the property 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 variance is granted by the Board, it should be conditioned on approval by the Kentwood Planning Commission of the special land use and site plan.

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

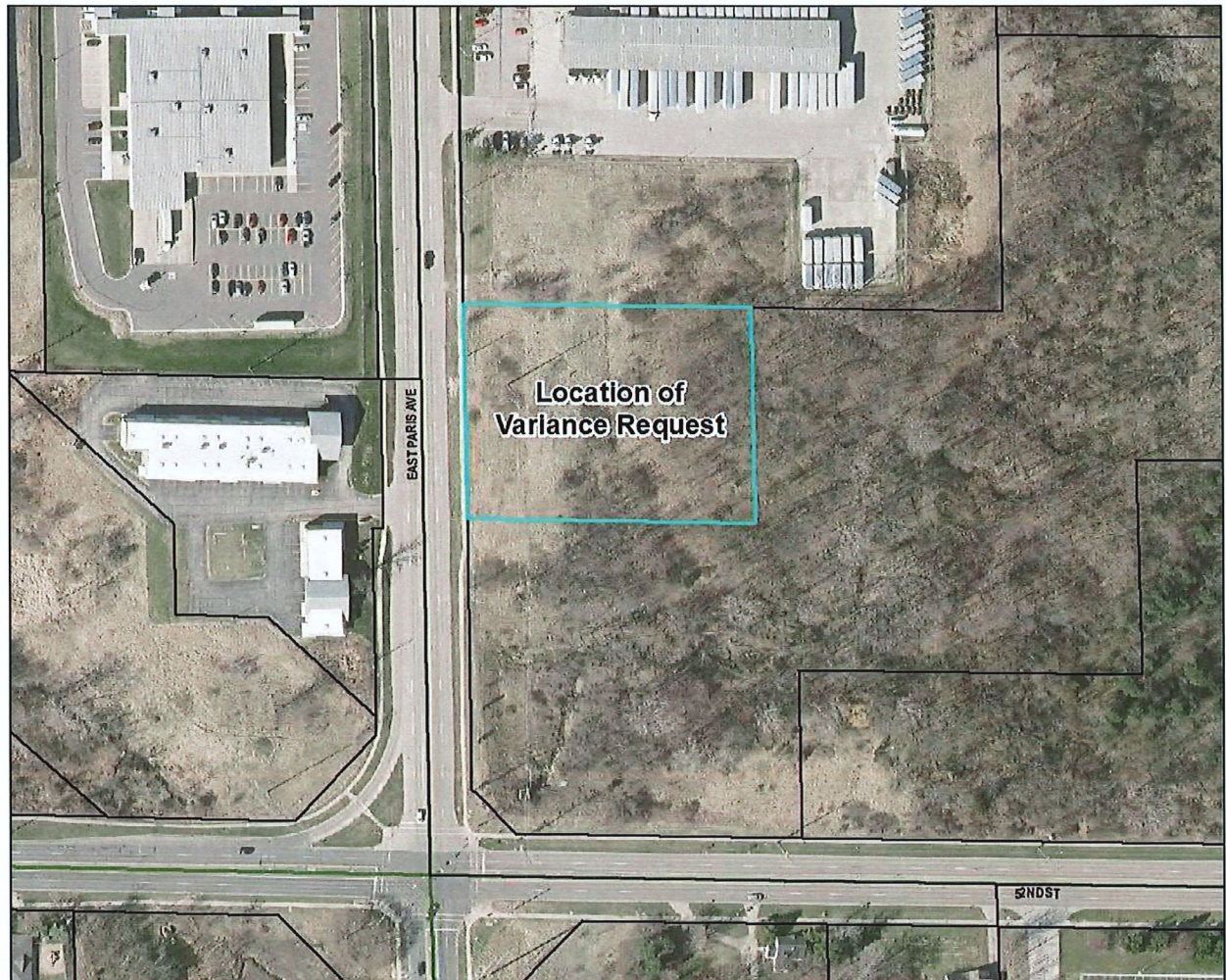


Exhibit 2: September 2021 Google Earth Image

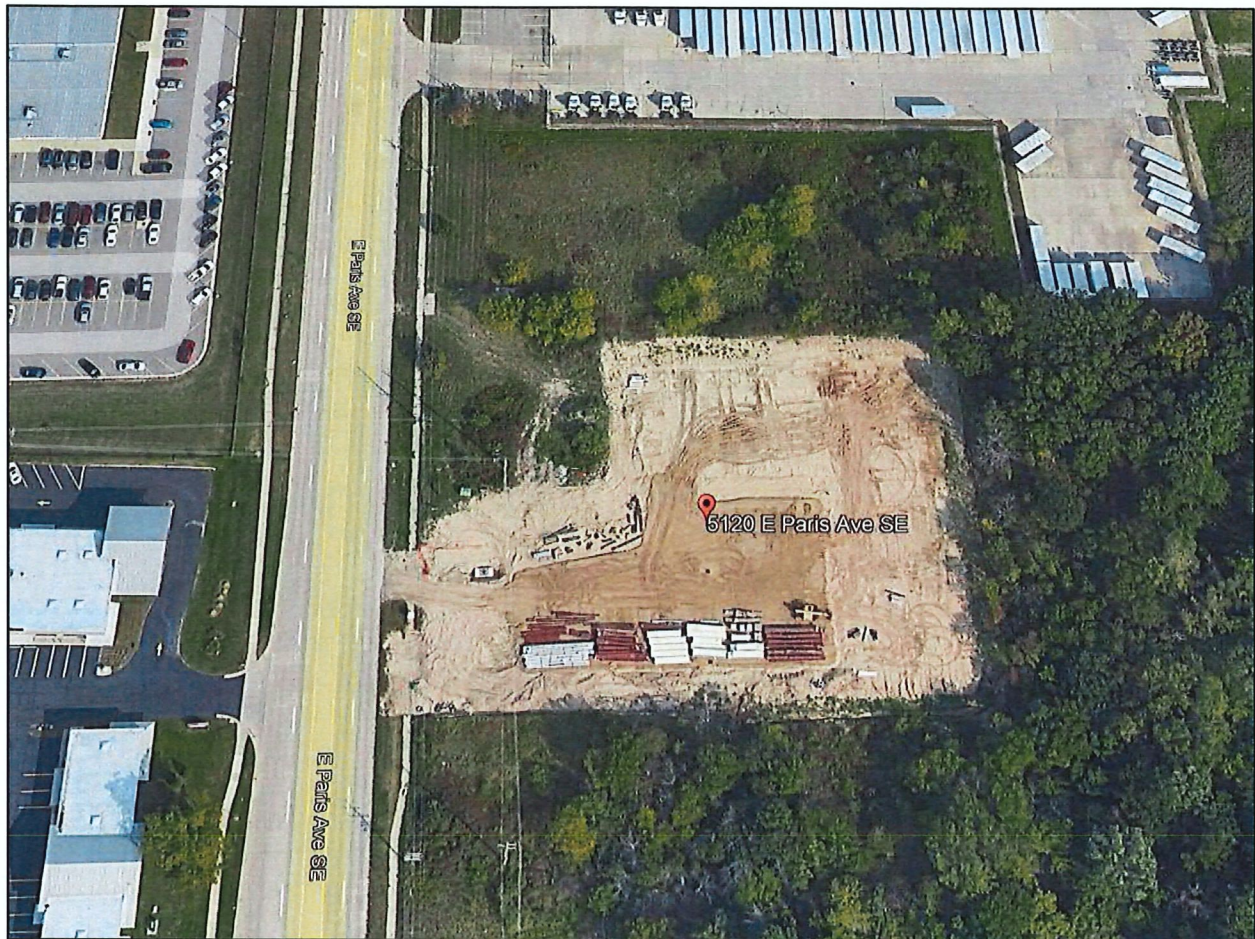


Exhibit 3: Front Elevation of Existing Building (View from Driveway)



Exhibit 4: Front Elevation of Existing Building (View from SW Corner of the Site)



Exhibit 5: View of East Paris Avenue Frontage



Exhibit 6: Excerpt from February 15, 2021 ZBA Minutes (Page 1 of 3)

Proposed Minutes
Zoning Board of Appeals
February 15, 2021
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Request:

The applicant wishes to construct an industrial building on the property. As proposed, the building would have a rear yard setback of twenty (20) feet; Section 10.03.B of the Kentwood Zoning Ordinance requires a minimum rear yard building setback of forty (40) feet. The requested variance is for a reduction of twenty (20) feet to the minimum rear yard building setback.

Rob Lamer, with Exxel Engineering was present representing the request. He stated they are looking at putting together a site where they are going to lease spaces. He stated they did submit a plan with the setbacks of what they wish them to be with the storm water both in the front and the back of the building. He stated because of the slope on the property the City Engineer came back with the review that you can only have one detention basin on the property. He stated in this case it is pretreatment. He stated its detention to pretreat the water before it goes to the regional detention which is just offsite on both the south and the east sides and that is owned by the City.

Lamer stated the site has 24 feet of fall from one side to the other, from the north to south along East Paris. He stated it is a tricky site when you must level building that is a pretty large building. He stated the other issue is that they have powerlines in the front that are big and there is no good way to move those.

Lamer stated the ordinance for front yard setbacks is basically asking to push the building back due to visibility if you have a longer side building or if you have parking in front or not in front.

Lamer stated he spoke to staff to see whether it would make sense to apply for a variance on the rear yard and staff indicated they may have the ability to go for that.

Lamer stated the benefit of pushing the building back is that the visibility is even less than what it would be. He stated they have moved it another 20 feet back, the parking in the front is moved 20 feet back, the building itself is 20 more feet back. He stated they are going to need to have a dumpster pad in the front that is going to be 20 more feet back. He stated all these things are positives that will happen with the reduction of the rear yard setback. He stated it also satisfies Engineering's concern of having more than one detention basin on the property. All the detention will be in one basin in the front yard; another area of greenspace. He stated he thinks this is just a good fit for this site.

Houtman questioned what type of businesses he will have in there. Lamer stated it is zoned light industrial, the intent is to lease the spaces out as people want. They don't have a business that is already chosen to use the site.

Lipner questioned what the building will look like. Lamer stated it will be single story. He stated the left side of the building is going to be a retaining wall for the lower 4-6 feet because of the grade change. It will look shorter on the left side than it will on the right side. He stated

Exhibit 7: Excerpt from February 15, 2021 ZBA Minutes (Page 2 of 3)

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there is one truck dock on the site and it is on the right side. The plan shows a couple of lease spaces that are along the front. It is your typical metal building that is a manufactured design by WLP.

VanNoord questioned if there will be any landscaping. Lamer stated per the ordinance they need to have landscaping.

Houtman questioned if they have to go to the Planning Commission. Pung stated it would not be a public hearing in order to have the dumpster in the front yard and will be under other business.

Dan Carter, owner of Connecticut development was present. He shared a sketch of what the building will look like.

Lipner questioned the rationale of the zoning ordinance requirement of the setback. Pung stated different zoning districts have different required minimum rear yard building setbacks; for the I1 Light Industrial district that is 40 feet. That would also provide if you need traffic around the building or to ensure there were adequate setbacks from adjacent businesses. Lipner stated if we were to grant the request it is not going to impinge on anyone to the east which is where the variance is going to be issued.

Lenger opened the public hearing.

There was no public hearing

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

- Motion Carried (6-0) –
- Houtman, Lenger, Lipner, Berry Ridge, Royston, VanNoord
Derusha (absent with notification)

Houtman stated point 1 is met due to item B the existing power lines and the support structures which cause the setback. Houtman stated point 2 is met; there are other properties that have power lines, but this are particularly unique to the extent that they impinge on the property. Houtman stated point 3 is met because you have to significantly reconfigure the site or reduce the building.

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

Houtman stated point 4 is met, you have East Paris on one side and east and south is owned by the City and the original stormwater therefore it will not be impinging on any neighbors. Houtman stated 5 is met it is unique enough that it is not going to impinge on the zoning

Exhibit 8: Excerpt from February 15, 2021 ZBA Minutes (Page 3 of 3)

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ordinance. Houtman stated point 6 is met the existing grade and the way that the land lays the powerlines are not the result of the applicant.

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

Motion by Houtman, supported by VanNoord, to approve V-21-01 as listing as the previous reason noted.

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. Such as the utility lines and support structures in the front yard and the City owned property to the south and east.
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 (6-0) –
- Houtman, Lenger, Lipner, Berry Ridge, Royston, VanNoord
- Derusha (absent with notification)

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

- Motion Carried (6-0) –
- Houtman, Lenger, Lipner, Berry Ridge, Royston, VanNoord
- Derusha (absent with notification)

Meeting adjourned at 7:28p.m.

Respectfully submitted,

Alan Lipner, Secretary

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

APPEAL # 11-23-02
 HEARING DATE 02/20/2023
 PHONE # 616-405-2346
 APPLICANT: Benjamin Bauer
 ADDRESS: 4216 Unity Dr, Hudsonville, MI 49426
 PROPERTY OWNER: Andy Huffman PHONE # 616-299-3906
 ADDRESS: 3509 3 Mile Rd NW, Suite 2, Grand Rapids, MI 49534
 LOCATION OF VARIANCE (If applicable) 5120 East Paris Ave SE, Kentwood, MI 49512 Suite 3
 ZONING DISTRICT OF PROPERTY: 301 - INDUSTRIAL-IMPROVED I-1
 ZONING ORDINANCE SECTION (S) APPEALED: Section 15.04 Para E Num 6

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

Overhead doors shall not face any roadway, except as approved by the Planning Commission for any of the following circumstances:
 a. For through garages where doors are provided on the front and rear of the building; or
 b. Garages located on corner or through lots; or,
 c. Where it is determined that a rear garage door would have a negative impact on an abutting Residential District.

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 multi-tenant industrial building has 4 drive-in-doors, and 1 shared exterior dock at the entrance of the property. The building is "L" shaped and is already existing. The area behind/east of the property is owned by the city and is currently a heavily wooded area zoned 302 - INDUSTRIAL-VACANT (4035 52ND ST SE, Kentwood, MI)
- STANDARD (2): The space has an untraditional design compared to existing buildings in the area. Currently, the industrial lot is maximizing the space by putting the building at the furthest point from the entrance utilizing forward-facing doors. This design allows for a communal loading dock and maximum parking space therefore no portion of the land is left unused.
- STANDARD (3): The front-facing garage door is the only way to access the building's interior space. There is no other location access that could be provided since there are 4 individual suites and all are their own enclosed suite with their own provided garage doors. Without the permission of a front-facing door, Benjamin would not be able to move vehicles in or out.
- STANDARD (4): The property is zoned light industrial and the neighboring properties will be using their front-facing doors for the same purpose and that is to move vehicles or equipment in and out. It is Benjamin's intention to keep all vehicles indoors. The garage door will only be used to move vehicles in and out, at all other times the door will remain closed.
- STANDARD (5): Unfortunately, the approval standard reads that no garage doors shall face any roadway. I am to assume this was put into place to limit noise pollution and to maintain the beautification of the area. Our intended use will not cause either of these to occur and will maintain a standard of professionalism similar to the adjacent businesses.
- STANDARD (6): The building is already constructed and in place. The applicant is merely a tenant to the landlord looking to occupy the space.

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: Benjamin Bauer
(Please print)

SIGNATURE OF APPLICANT:

Benjamin Bauer
dotloop verified
01/27/23 11:53 AM EST
ECKH-P7EX-YTYA-INEF

DATE: 01/27/2023

NAME OF PROPERTY OWNER: Andy Huffman
(Please print)

SIGNATURE OF PROPERTY OWNER:

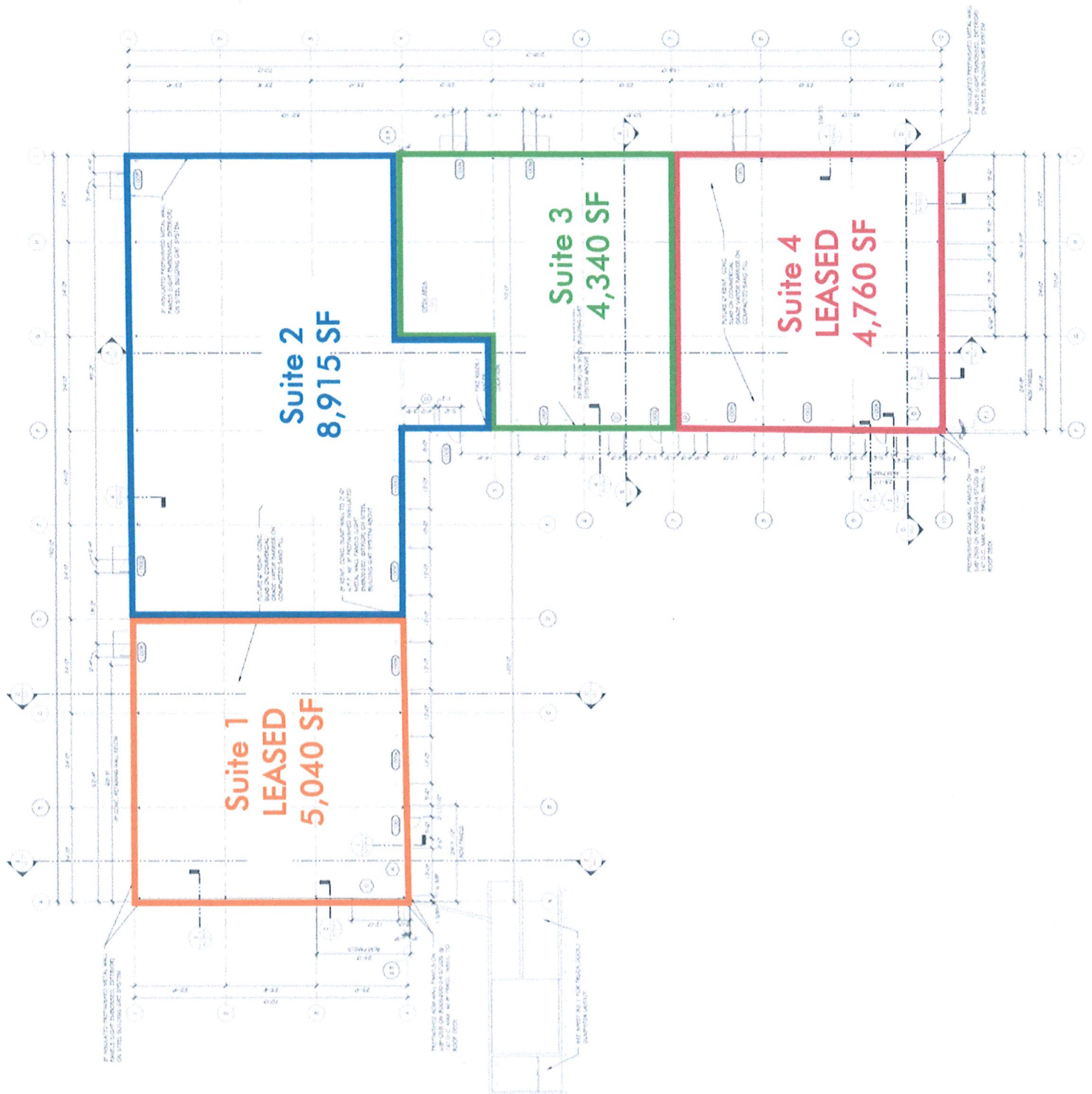
DocuSigned by:
Andy Huffman
850DD845DC984D0...

DATE: 1/27/2023

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

Filing Fee \$ 330.00

Escrow Fee (if applicable) \$ N/A 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.





Jan 30, 2023

**Statement of Operation
Enthusiast Choice Detail Studio**

5120 East Paris Ave. SE

Suite 3 (4340 SF)

Kentwood, MI 49512

Person(s):

Benjamin Bauer - Tenant of suite 3 (5120 East Paris)

Andy Hoffman - Owner/Landlord of 5120 East Paris

Caleb Vachon (cvachon@grar.com) - Representative for Benjamin Bauer

Arthur Vachon (avachon@grar.com) - Representative for Benjamin Bauer

Lane Wells (lane.wells@advantagecre.com) - Representative of Andy Hoffman

Hours of Operation:

8 AM-5 PM (Monday-Friday)

Business Description:

Enthusiasts Choice Detail Studio exists to serve folks who are vehicle enthusiasts of all types. This will not be the "typical" restoration shop, where one may expect a bunch of "daily driver" type of vehicles to be cycling in and out each day. I was purposeful in calling it a studio rather than a shop to help differentiate it. The vehicles that will be worked on for the most part will be collector cars, sports cars, and exotic cars that are in for dry ice cleaning including buffing, waxing, and ceramic coatings to ensure a proper finish. Most of the vehicles are quite clean, to begin with, and our services will be "dialing them in" further. Vehicles will be pulled right into the building as they arrive, so there will not be vehicles sitting in the lot. The shop area will be divided into a few areas to best use the space. The entire space will always be very clean, similar to a professional race shop that builds competition cars for F1, NASCAR, or WRC Rally. All white cabinets and shelves will house tools and supplies. The dry ice process does not produce water, just a small amount of condensation on vehicle components, which evaporates quickly. So water in the dry ice area of the shop is of no concern. The dry ice area will be partitioned off using curtains. A photo area will also be set up within the space to document the work for our clients. We will be using an air compressor in conjunction with the dry ice cleaning machine as part of the cleaning process. Overall the business will be a fancy spot for folks to take their collector or unique vehicles to get them perfected. We could go as far as saying it will be a "boutique" for vehicles.

What is Dry Ice Blasting:

Benjamin is going to be using a new form of steam cleaning commonly known as dry ice blasting. Dry ice blasting is a simple, nonabrasive cleaning process that uses CO2 pellets for removing surface contaminants without the use of chemicals, abrasive materials, or high temperatures. The solid pellets sublime directly after impact on the surface, leaving no residue after blasting. This method can be used on every part of your vehicle inside and out including fabric & painted surfaces.

Employment:

Benjamin will be working alone and if he needs help overtime he is planning to have no more than one employee. To begin operations Ben is planning to run the business independently.

Plan for intake of Vehicles:

Benjamin is planning to intake around 3-6 vehicles per week. Each vehicle on average will take around 8 hours to complete the dry ice cleaning process. The warehouse space will likely contain 3-4 vehicles at a time and once a vehicle is completed it will be held indoors pending client pick up.

Noise level:

We will be using an air compressor in conjunction with the dry ice cleaning machine as part of the cleaning process. The air compressors that I have been "shopping" operate at a decibel level of 61-71db, which is about the decibel level of a normal conversation. I do like things quiet and was happy to see that the decibel levels of new compressors are significantly lower than compressors on the market in the past. The dry ice machine makes a humming noise that I would estimate is also at the same noise level as a normal conversation. The buffers that I use are very quiet, so noise from those tools won't be an issue. The noise level will not be high like in a shipping/receiving, or assembly/factory type of business.