



AGENDA
KENTWOOD ZONING BOARD OF APPEALS
KENTWOOD CITY HALL
CITY COMMISSION CHAMBERS
JUNE 19, 2023, 7:00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Declaration of Conflict of interest
4. Roll Call
5. Approval of Minutes of May 15, 2023
6. Acknowledge visitors and those wishing to speak to non- agenda items.
7. Public Hearing

Appeal #V-23-07

Applicant: Veneklasen Construction
Location: 3838 East Paris Avenue, SE

Request: The property owner wishes to place a dumpster, without an enclosure, on the property. Section 19.03.F.6 of the Kentwood Zoning Ordinance requires that a dumpster be located within an enclosure meeting the design standards of the Zoning Ordinance. The requested variance is to place a dumpster on the property without the required enclosure.

Appeal #V-23-08

Applicant: Scott Bird
Location: 1775 Forest Hill Avenue, SE

Request: The applicant wishes to have two (2) attached accessory buildings, for a total of three (3) accessory buildings. The second attached accessory building would have an area of 2,000 square feet. Section 3.16.D.1 of the Kentwood Zoning Ordinance restricts the number of attached or detached accessory buildings, in combination to no more than two (2). Section 3.15.D.2.a limits the home to an attached accessory building of up to 1,200 square feet. The requested variances are for a third accessory building on the property, two (2) attached accessory buildings, and an increase in area of 800 square feet.

Appeal #V-23-09

Applicant: DPI Signs & Graphics
Location: 444 Bellewood Drive, SE

Request: The applicant wishes to replace an existing manufactured housing community entrance sign with a new entrance sign. The proposed sign would have a setback of 1-1/2 (one and one-half) feet from the public street right-of-way. Section 7.03.D of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public street right-of-way. The requested variance is for a reduction of 15-1/2 (fifteen and one-half) feet to the required setback.

Appeal #V-23-10

Applicant: Church of Jesus Christ of Latter-day Saints
Location: 2400 Forest Hill Avenue, SE

Request: The applicant wishes to construct a 112-foot high spire as part of a proposed temple. Section 3.03.A of the Kentwood Zoning Ordinance limits the height of the spire to 50-feet. The requested variance is for an increase in height of 77-feet to the maximum height permitted by the Zoning Ordinance.

Appeal #V-23-11

Applicant: Church of Jesus Christ of Latter-day Saints
Location: 2400 Forest Hill Avenue, SE

Request: The applicant wishes to illuminate the exterior of their building with an average of 3.5 foot-candles. Section 20.06 of the Kentwood Zoning Ordinance limits the average illumination to 2.0 foot-candles. The requested variance is for an increase of 1.5 foot-candles to the maximum allowable average illumination for the exterior of the building.

8. Commissioners Comments
9. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
MAY 15, 2023, 7:00 P.M.**

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

Motion by Vannoord, supported by West to excuse Lipner and Spalding from the meeting.

- **Motion Carried ((7-0) –**
- **Lipner and Spalding Absent -**

4. Approval of the Minutes and Findings of Fact

Motion by West, supported by VanNoord, to approve the minutes of April 17, 2023

- Motion Carried (7-0) –
- Lipner and Spalding absent -

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

There was no public comment.

6. Public Hearing

Appeal #V-23-06

Applicant: Site Enhancement Services
Location: 3270 – 28th Street, SE

Request: The tenant wishes to install two wall signs on their tenant space with the proposed sign on the north elevation having an area of 136 square feet. Section 8.03.D of the Zoning Ordinance limits the tenant space to one wall sign and restricts the size of a wall sign on the north elevation to 109.5 square feet.

The requested variances are for an additional wall sign and for an increase in sign area of 26.5 square feet over what is allowed by ordinance.

The applicant submitted an email and withdrew their request.

7. Other Business

Attorney Jeff Sluggett gave an approximate one and one half hour training to the commissioners on various City and State laws and policies relating to a variety of Zoning Board of Appeals issues including but not limited to open meetings and freedom of information.

8. Adjournment

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

- Motion Carried (7 -0) –
- Lipner and Spalding absent -

Meeting adjourned at 8:10p.m.

Respectfully submitted,

Robert Houtman, Secretary

STAFF REPORT: June 12, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-07

GENERAL INFORMATION

APPLICANT: Veneklasen Construction
5000 Kendrick Street, SE
Grand Rapids, MI 49512

STATUS OF
APPLICANT: Property Owner Representative

REQUESTED ACTION: The property owner wishes to place a dumpster, without an enclosure, on the property. Section 19.03.F.6 of the Kentwood Zoning Ordinance requires that a dumpster be located within an enclosure meeting the design standards of the Zoning Ordinance. The requested variance is to place a dumpster on the property without the required enclosure.

EXISTING ZONING OF
SUBJECT PARCEL: I1 Light Industrial

GENERAL LOCATION: 3838 East Paris Avenue

PARCEL SIZE: 7.35 acres

EXISTING LAND USE
ON THE PARCEL: Industrial (Contractor's Storage Yard)

ADJACENT AREA
LAND USES: N - Industrial
S - Industrial
E - Industrial
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 property owner wishes to place a dumpster, without an enclosure, on the property. Section 19.03.F.6 of the Kentwood Zoning Ordinance requires that a dumpster be located within an enclosure meeting the design standards of the Zoning Ordinance. The requested variance is to place a dumpster on the property without the required enclosure.
2. The Kentwood Planning Commission approved the special land use contractor's storage and site plan in September of 2022 (Case 21-22).
3. Section 10.03.F.2 of the Zoning Ordinance requires that outdoor storage or accessory equipment be screened from view of a pedestrian on any adjacent street or on the ground floor of any adjacent residential or office use or district. The applicant has indicated that the storage yard is proposed to be fenced in with six (6) foot high chain link fencing with privacy slats to prevent viewing by neighboring properties and the public street.
4. The Zoning Board of Appeal has heard no similar requests relating to the screening of dumpsters since the ordinance provision was adopted in the early 2000s. The requirement for screening of dumpsters is for both aesthetics and to help ensure that trash that may fall out of the dumpster is contained on-site.
5. 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 zoned II Light Industrial and is similar in size and dimensions to other industrial properties. The applicant has indicated that the yard will be surrounded with a 6-foot chain link fence with privacy slats to prevent viewing by neighboring properties and public street. Screening is a Zoning Ordinance requirement and was also a condition of approval for contractor's storage yard and site plan. It is uncommon for industrial properties to be enclosed and screened in such a manner.

- 2) That the condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.

The size and shape of the property are not exceptional or extraordinary for an industrial property in Kentwood. The enclosure and screening of the property with a chain link fence with privacy slats is not common for industrial 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 have to construct a brick, decorative block, or wooden enclosure for any dumpsters on the property. Since the early 2000s all dumpsters have been required to be placed within enclosures.

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

With the proposed screening of the property, the variance would not be expected to be detrimental to adjacent property or the surrounding neighborhood.

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

With the screening of the property along with a condition that a dumpster enclosure meeting the requirements of the Zoning Ordinance be constructed if the screening is removed, the variance should 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.

Other than the required screening of the property, there are no exceptional or extraordinary conditions or circumstances about the property.

6. 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 Zoning Board grants the variance request, it should be conditioned on the requirement that a dumpster enclosure meeting the requirements of the Zoning Ordinance be constructed if the site screening is removed.

7. 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

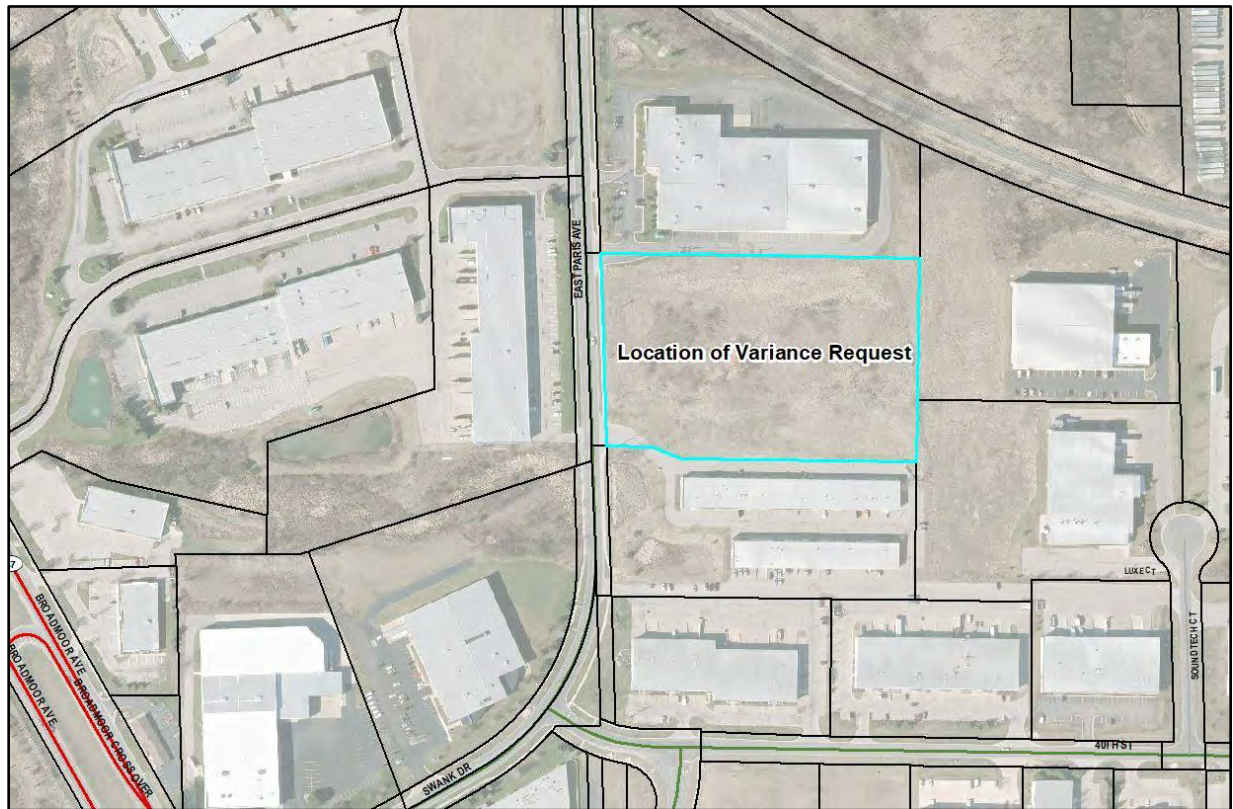


Exhibit 2: April 2023 Pictometry Photo



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

APPEAL # _____
HEARING DATE 06/19/2023
APPLICANT: VENEKLASEN CONSTRUCTION PHONE # (616)957-3731

ADDRESS: 5000 KENDRICK ST SE

PROPERTY OWNER: DEJONG HOLDINGS LLC PHONE # (616)366-2844

ADDRESS: 1867 MIDDLEGROUND DR. SE

LOCATION OF VARIANCE (If applicable) 3838 EAST PARIS AVE SE

ZONING DISTRICT OF PROPERTY: I1-LIGHT INDUSTRIAL

ZONING ORDINANCE SECTION (S) APPEALED: 19.03 "REQUIRED LANDSCAPING" - PART F "DUMPSTERS"

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

Requesting appeal to zoning ordinance requiring dedicated dumpster enclosure as the site plans
show the dumpster being located within a parking lot/yard area that is already fenced with privacy slats.

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): The location of the dumpster will be inside of a yard that is surrounded by a 6ft tall
chain-link fence with privacy slats to prevent viewing by neighboring properties and public street.
The dumpster location, as shown on site plan, is setback over 390 feet from East Paris Avenue.

STANDARD (2): There are surrounding businesses that do not have their dumpster(s) enclosed.

STANDARD (3): There are surrounding businesses that do not have their dumpster(s) enclosed or fencing.
This property will have fencing with privacy slats while other surrounding businesses do not.

STANDARD (4): The location of the dumpster will be inside of a yard that is surrounded by a 6ft tall
chain-link fence with privacy slats to prevent viewing by neighboring properties and public street.
Additionally there is landscaping of trees and shrubs for additional screening along frontage.

STANDARD (5) The location of the dumpster will be inside of a yard surrounded on all sides by a
6 foot tall chain-link fence with privacy slats which should be considered as an enclosure.

STANDARD (6) Do not deem exceptional conditions or circumstances are a result of any action
by the applicant or property owner with regards to development of the property.

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: VENEKLASEN CONSTRUCTION - Nate LaDuke
(Please print)

SIGNATURE OF APPLICANT:  DATE: 5/6/2023

NAME OF PROPERTY OWNER: DEJONG HOLDINGS LLC - Jamin DeJong
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 5-6-2023

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

PREPARED FOR:
AJ Veneklasen Inc
Doug Ritz

5000 Kendrick Street SE
Grand Rapids MI 49512

REVISIONS:

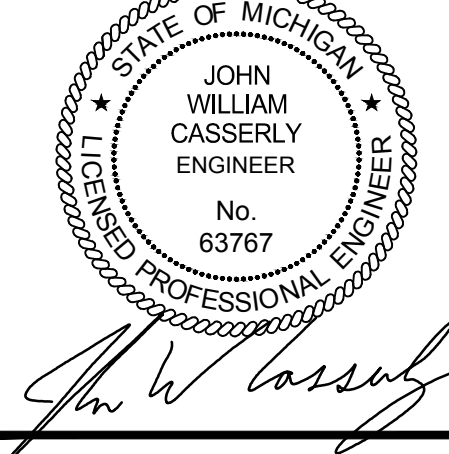
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Drawn: Brad M. Checked: John C. Date: 02.01.21	
Title: City Resubmission	
Drawn: Brad M. Checked: John C. Date: 03.02.21	
Title: Grading Revision	
Drawn: Brad M. Checked: John C. Date: 03.17.22	
Title: City Resubmission	
Drawn: Brad M. Checked: John C. Date: 04.07.22	
Title: City Resubmission	
Drawn: Brad M. Checked: John C. Date: 08.01.22	
Title: SESC Update	
Drawn: Brad M. Checked: John C. Date: 08.25.22	
Title: Loading Dock Coordination	
Drawn: Brad M. Checked: John C. Date: 10.05.22	
Title: Grading Update	
Drawn: Brad M. Checked: John C. Date: 10.27.22	
Title: Grading Update	
Drawn: Brad M. Checked: John C. Date: 11.08.22	
Title: Loading Dock Update	
Drawn: Brad M. Checked: John C. Date: 12.22.22	

Tender Lawn Care

Site Layout Plan

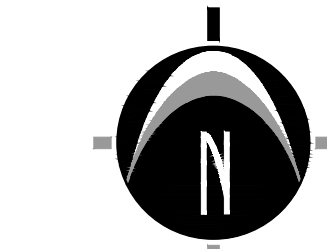
3338 E Paris Ave. SE
Kentwood, MI 49512
PART OF THE NORTHWEST 1/4 OF SECTION 24, T6N, R11W,
CITY OF KENTWOOD, KENT COUNTY, MICHIGAN

STAMP:



PROJECT NO:
20400282

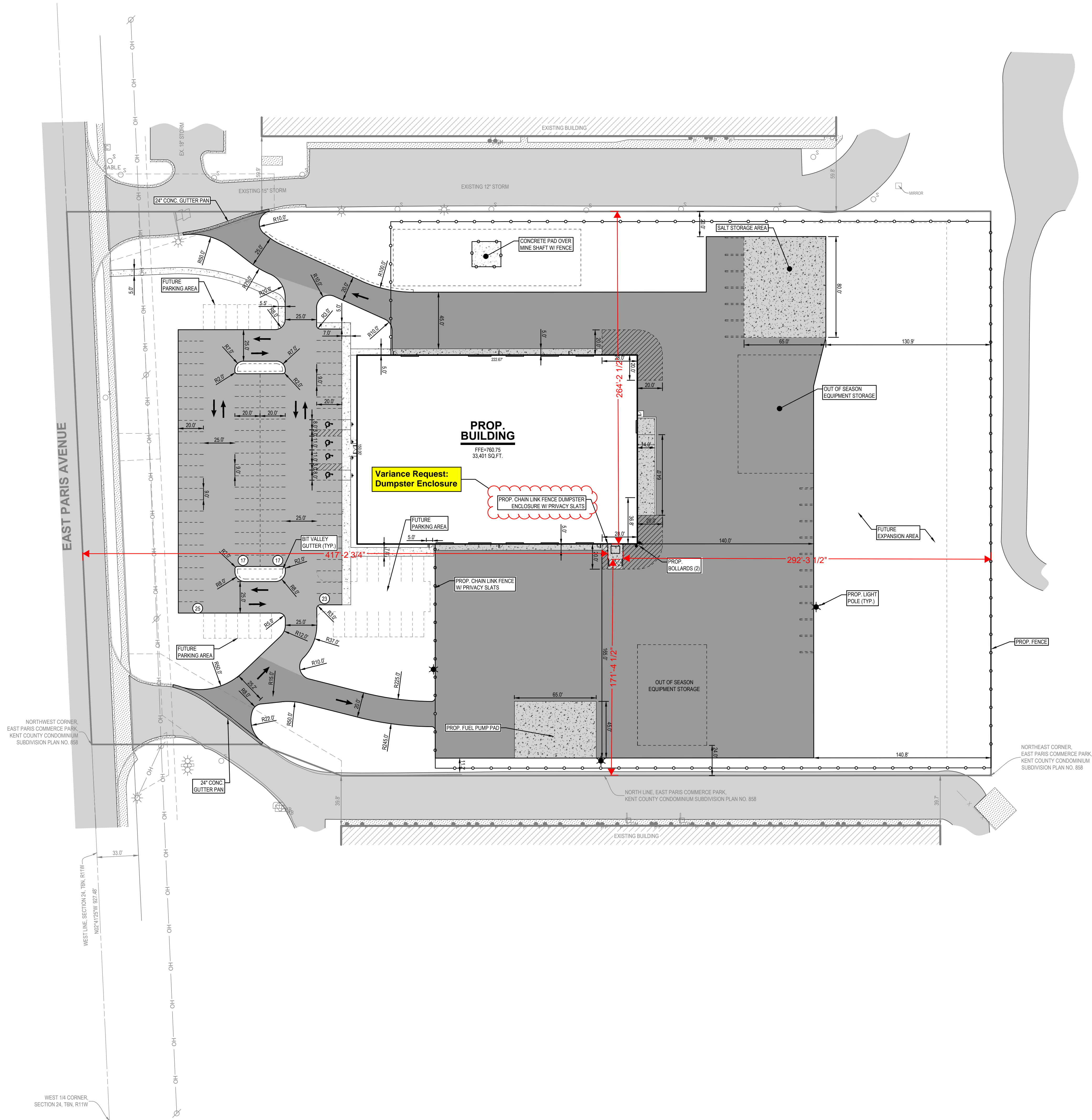
SHEET NO:
C-205



0' 20' 40' 80'
SCALE: 1" = 40'

LEGEND

[Pattern]	EXISTING BITUMINOUS
[Pattern]	EXISTING CONCRETE
[Pattern]	PROPOSED BITUMINOUS (STANDARD DUTY)
[Pattern]	PROPOSED BITUMINOUS (HEAVY DUTY)
[Pattern]	PROPOSED CONCRETE (STANDARD DUTY)
[Pattern]	PROPOSED CONCRETE (HEAVY DUTY)
[Pattern]	PROPOSED PARKING SPACE AMOUNT



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANS" WERE OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

3838 East Paris Ave. SE, Kentwood, MI 49512

“LEGAL DESCRIPTION”

TITLE INFORMATION

The Title Description and Schedule B items hereon are from First American Title Insurance Company, Commitment No. 877465 dated January 24, 2020.

TITLE DESCRIPTION

Land in the City of Kentwood, Kent County, MI, described as follows:

That part of the Northwest 1/4 of Section 24, Town 6 North, Range 11 West, City of Kentwood, Kent County, Michigan, described as: Commencing at the West 1/4 corner of said Section 24; thence North 02 degrees 41 minutes 25 seconds West 927.48 feet along the West line of said Northwest 1/4 to the Northwest corner of EAST PARIS COMMERCE PARK (Kent County Condominium Subdivision Plan No. 858) and the Place of Beginning of this description; thence North 02 degrees 41 minutes 25 seconds West 423.44 feet along said West line; thence North 89 degrees 58 minutes 00 seconds East 733.94 feet; thence South 00 degrees 02 minutes 00 seconds East 447.97 feet to the Northeast corner of EAST PARIS COMMERCE PARK; thence South 89 degrees 58 minutes 00 seconds West 515.88 feet along the Northerly line of EAST PARIS COMMERCE PARK; thence North 69 degrees 06 minutes 31 seconds West 70.00 feet and South 89 degrees 58 minutes 00 seconds West 133.04 feet along said Northerly line to the Place of Beginning.

EASEMENT PARCEL:

Together with a non-exclusive easement for driveway as created, limited and defined in Driveway Easement Agreement recorded in Instrument No. 20080506-0044010 and a non-exclusive easement for driveway and utilities as disclosed by Instrument recorded in Instrument No. 20061211-0133872, Kent County Records.

STAFF REPORT: June 12, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-08

GENERAL INFORMATION

APPLICANT: Scott Bird
1775 Forest Hill Avenue, SE
Kentwood, MI 49546

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to have two (2) attached accessory buildings, for a total of three (3) accessory buildings. The second attached accessory building would have an area of 2,000 square feet. Section 3.16.D.1 of the Kentwood Zoning Ordinance restricts the number of attached or detached accessory buildings, in combination to no more than two (2). Section 3.15.D.2.a limits the home to an attached accessory building of up to 1,200 square feet. The requested variances are for a third accessory building on the property, two (2) attached accessory buildings, and an increase in area of 800 square feet.

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

GENERAL LOCATION: 1775 Forest Hill Avenue

PARCEL SIZE: 3.21 acres

EXISTING LAND USE
ON THE PARCEL: Single Family Home

ADJACENT AREA
LAND USES:
N - Single Family Home
S - Vacant Land
E - Forest Hill Avenue ROW
W - I-96

ZONING ON ADJOINING

PARCELS:

N - R1-C Single Family Residential
S - R1-C Single Family Residential
E - R1-C Single Family Residential
W - R1-C Single Family Residential

Staff Comments:

1. The applicant wishes to have two (2) attached accessory buildings, for a total of three (3) accessory buildings. The second attached accessory building would have an area of 2,000 square feet. Section 3.16.D.1 of the Kentwood Zoning Ordinance restricts the number of attached or detached accessory buildings, in combination to no more than two (2). Section 3.15.D.2.a limits the home to an attached accessory building of up to 1,200 square feet. The requested variances are for a third accessory building on the property, two (2) attached accessory buildings, and an increase in area of 800 square feet.
2. The original home, with 640 square foot attached garage, was constructed in 1985. A variance (V-86-51) was granted in 1986 to allow a 216 square foot detached accessory building in the front yard.
3. In October of 2022, a building permit was issued to remodel the home, which included expanding the attached garage to 898 square feet (with over 3,000 square feet of finished living area an attached accessory building of up to 1,200 square feet it allowed) and constructing a 1,440 square foot “sports court”. In the initial building permit application, the “sports court” was attached to the home with a covered patio; the applicant was notified that with just a covered patio it was considered an accessory structure and not permitted under the zoning ordinance. The applicant subsequently amended the plan to include a second floor mezzanine access (see Exhibits 3 & 4) to the “sports court”.

Based on the addition of the mezzanine/attic connection, Planning Department staff conditionally approved the project. The condition was as follows:

- *The addition for the sport court and golf simulator can only be used as living space; the structure cannot be converted into a garage, storage area, or workshop, nor used for a business.*
4. After construction had commenced, it was noted in an inspection by the Building Official in April that construction was not consistent with the approved permit; the size of the sports court was increased to 2,000 square feet and the mezzanine/attic connect was removed and replace with a covered patio (see Exhibits 6 through 9). The applicant was notified that with just a covered patio the project was not in compliance with the Kentwood Zoning Ordinance; the application was notified that if the covered patio was converted in a fully enclosed connection it would comply with the Zoning Ordinance.

5. In the application, the applicant provided a series of aerial photographs depicting what they indicated as other properties with large and/or multiple accessory structures. The addresses and assertions are as follows:

- 1183 Forest Hill Avenue (large attached accessory building & large detached accessory building)

This property is not located in Kentwood, it is located just north of the city boundary.

- 1830 Forest Hill Avenue (large, attached garage and large detached accessory building)

The property is 2.16 acres in area. The attached garage is 462 square feet (768 sq. feet is allowed) and the detached accessory building is 804 square feet (960 sq. feet is allowed)

- 2065 Forest Hill Avenue (large attached accessory building, large detached accessory building, small detached accessory building)

There is a 528 square foot attached garage (768 sq. feet is allowed), a detached 240 square foot accessory structure (250 sq. feet allowed), and a 144 square foot shed (not allowed no record of a variance or building permit).

- 2200 Forest Hill Avenue (large attached accessory building & large detached accessory building)

The property is 2.18 acres in area. The home and 912 sq. foot attached garage were built in 1986. The 1,200 square foot detached barn (960 sq. feet currently allowed) was constructed in 1960 and is considered legal non-conforming.

- 2209 Forest Hill Avenue (large attached accessory building & large detached accessory building)

There is a 616 square foot attached garage (768 sq. feet is allowed), a 256 square foot detached accessory building with a 256 square foot lean-to (250 square feet is allowed; a building permit for 256 sq. feet was issued in 1987).

- 4383 Woodside Oaks (large attached accessory building & large detached accessory building)

The property is 2.13 acres in area. There is a 912 square foot attached garage (1,200 sq. feet is allowed based on more than 3,000 square feet of living space) and an 825 square foot detached accessory building (960 sq. feet is allowed)

- 4374 Woodside Oaks (large attached accessory building, large detached accessory building, and a small detached accessory building)

The property is 9.86 acres in area. There is an 868 square foot attached garage (home and garage constructed in 1995; 768 sq. feet currently allowed), a 768 square foot detached accessory building (960 square feet is allowed), and at least one additional detached accessory building.

- 1954 Forest Hill Avenue (multiple large detached accessory buildings)

The property is 1.46 acres in area. There is a 616 sq. foot detached garage, a 1,132 square foot detached garage, a 268 square foot shed, and an 80 square foot shed. Building permits indicate the garages were built in 1986. Current ordinance allows 768 square foot detached garage and a second 500 square foot detached accessory building.

- 1990 Forest Hill Avenue (covered breezeway to large detached accessory building)

The property is 1.35 acres in area. There is an 806 square foot attached garage. The initial 416 square foot attached garage was constructed with the home in 1967 with a 390 square foot addition constructed in 1990.

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-23-05	1340 Camille Drive	Granted (↑ 84 square feet, attached)
V-21-12	4553 Burton Street	Denied (↑ 340 square feet, detached)
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. The Zoning Board has reviewed nine (9) requests since 1985 (fourteen since 1968) for additional accessory buildings. The nine (9) requests since 1985 were as follows:

Appeal	Address	Action
V-19-06	1959 – 52 nd Street	Withdrawn (2 nd accessory building)
V-18-01	5080 Rum Creek Court	Denied (3 rd accessory building)
V-14-18	3429 – 52 nd Street	Granted (3 rd accessory building)
V-13-02	3017 – 52 nd Street	Denied (3 rd accessory building)
V-12-08	5080 Rum Creek Court	Denied (3 rd accessory building)
V-12-02	1239 Camille Drive	Granted (3 rd acc. bldg., location variance also)
V-07-13	2500 – 52 nd Street	Granted (3 rd acc. bldg., area variance also)
V-96-07	5615 Wing Avenue	Granted (3 rd acc. bldg., area variance also)
V-88-24	5540 Wing Avenue	Granted (3 rd acc. bldg., area variance also)

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

8. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant demonstrates through competent material and substantial evidence on the record that ALL of the following exist:
- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include by way of example:
 - a) Exceptional narrowness, shallowness or shape of the property on the effective date of this ordinance; or
 - b) Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.

The property is zoned R1-C Single Family Residential. Residential properties between one (1) and five (5) acres in area are not uncommon; just in the immediate area there are four (4) properties ranging from 2 to 4.44 acres in area. There are no exceptional topographic or environmental conditions applying to the property that would warrant a larger accessory building nor an additional accessory 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.

There are no exceptional or extraordinary conditions or situations about the property compared to other properties that are in the neighborhood or the same zoning district that would warrant a larger accessory building nor an additional accessory building.

- 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.

If the applicant were to convert the covered patio into a fully enclosed connection, no variance would be required for the proposed "sports court". Without the variance the applicant is still entitled to the same accessory building allowances as other properties in the same district.

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

Based on the size of the property and the vegetative screening, the variance would not be expected to be detrimental to adjacent property or the surrounding neighborhood.

- 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 and number of accessory buildings 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.

There are no exceptional or extraordinary conditions or circumstances about the property that warrant a larger accessory building or an additional accessory building.

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

If the variance is approved by the Board, it should be conditioned on the following:

- *The accessory building can only be used as living space; the structure cannot be converted into a garage, storage area, or workshop, nor used for a business.*

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

Exhibit 1: Location of Variance Request

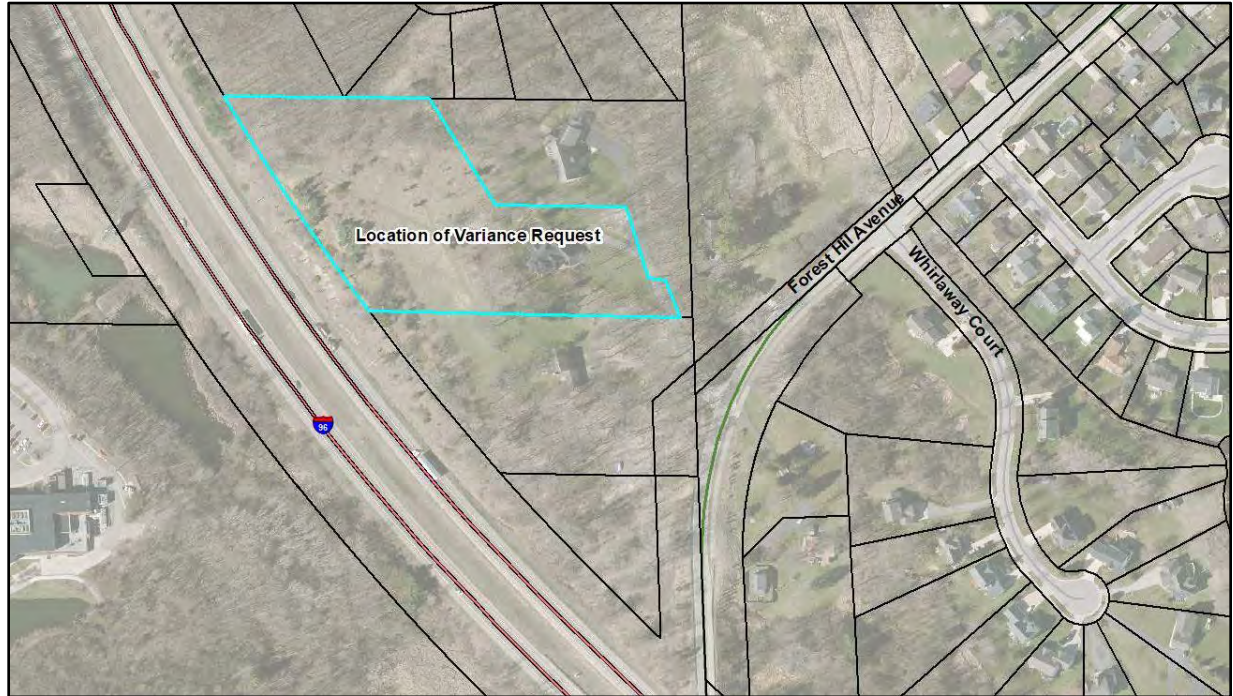


Exhibit 2: April 2023 Pictometry Photo (view from the south)



Exhibit 3: Upper Level Layout from Approved Building Permit



Exhibit 4: Building Elevations from Approved Building Permit

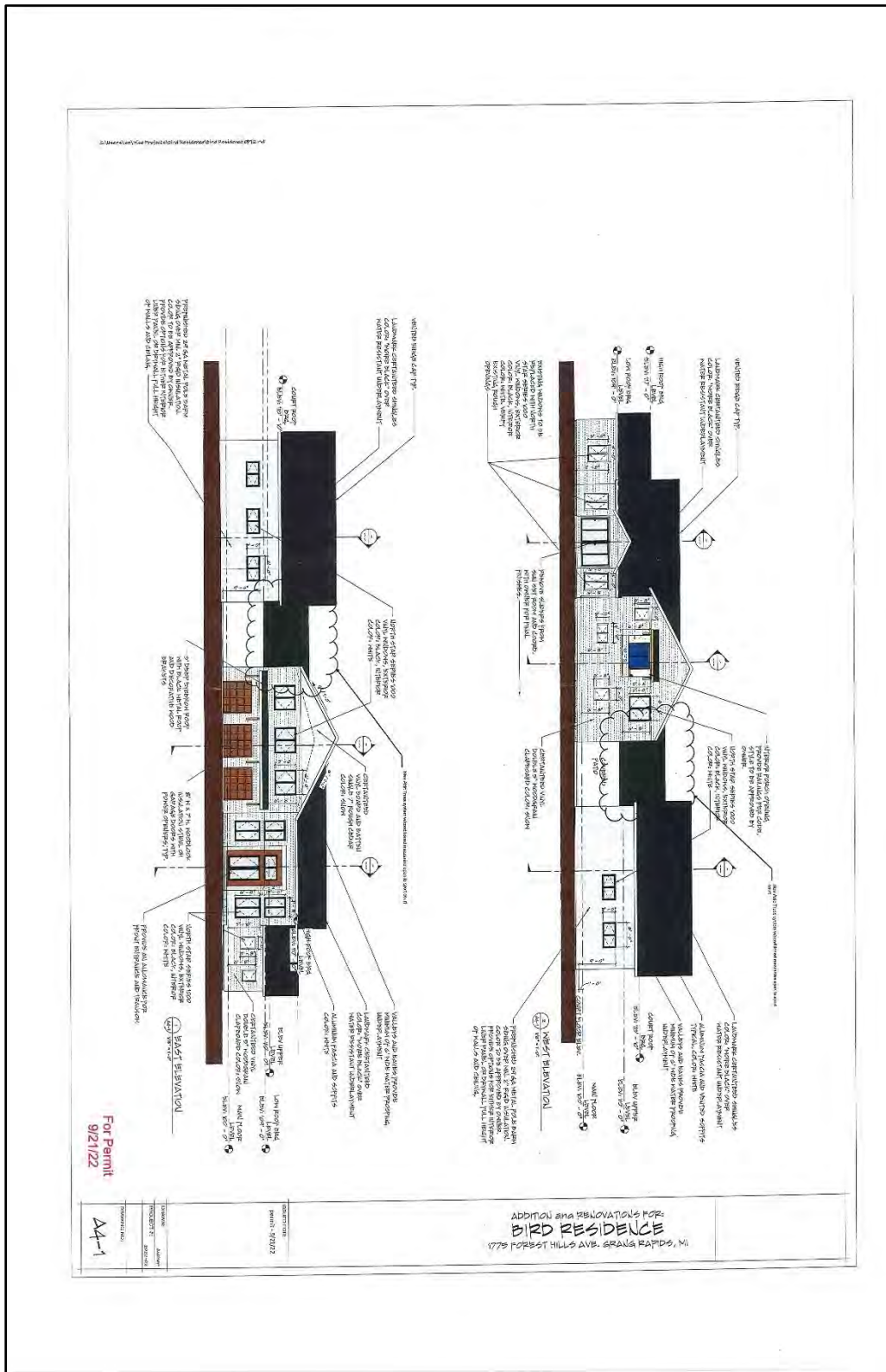


Exhibit 5: June 2021 Google Street View



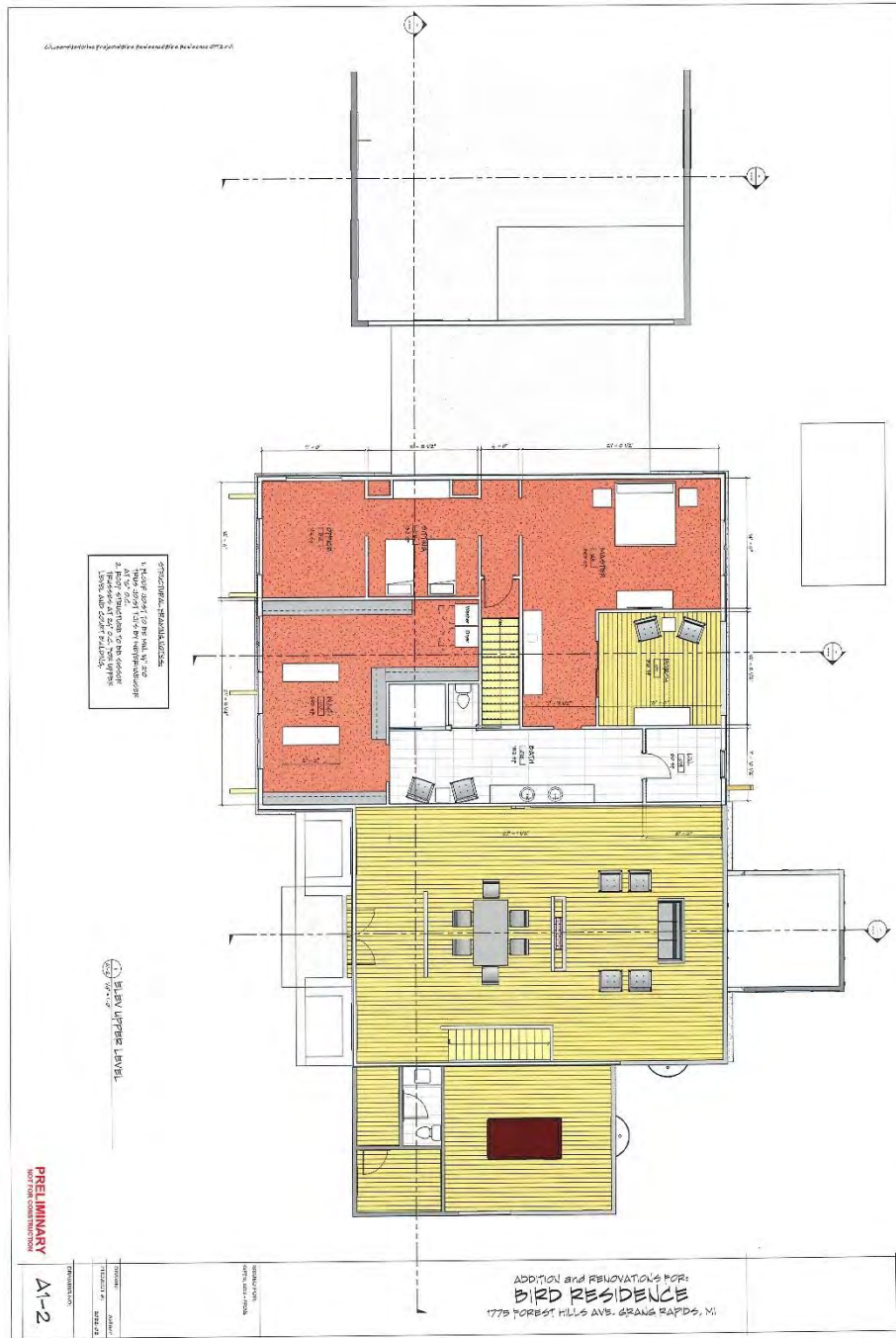
Exhibit 6: Front of Home (May 3, 2023)



Exhibit 7: Covered Breezeway (May 3, 2023)



Exhibit 8: Revised Upper Level Plan



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

APPEAL # V-23-08
HEARING DATE June 17, 2023

APPLICANT: Scott A. Bird PHONE # _____
ADDRESS: 1775 Forest Hill Ave
PROPERTY OWNER: Scott A. Bird PHONE # 616.889.5965
ADDRESS: 1775 Forest Hill Ave
LOCATION OF VARIANCE (If applicable) 1775 Forest Hill Ave
ZONING DISTRICT OF PROPERTY: R1-C
ZONING ORDINANCE SECTION (S) APPEALED: Section 3.15 Accessory Buildings

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

Does not permit 2 attached accessory buildings totaling more than 2,160sqft. I am requesting a variance for 2 attached accessory buildings (Attached Garage-848sqft, Attached accessory-2,000sqft) totaling 2,848sqft and would also like to consider keeping the existing 224sqft detached building if at all possible.

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) :

Due to the size/shape/location of the property and uniqueness of the requested accessory building, we have invested time & money into developing a layout that would create the best site logistics as well as the highest curb appeal. Locating the building elsewhere would have created problems with septic systems, encroachment issues with neighboring property and site drainage issues would have created issues with potential water damage to the existing structure

Standard (2) :

I am unsure of the normal request for this variance, however I would think 2 attached accessory buildings are rare. the size increase of the 2nd building is reasonable as the subject property is much larger than the majority of of the City's properties.

Standard (3) :

Please see attached examples of properties with similar situations:
1830 Forest Hill(41-18-01-451-030),1954 Forest Hill(41-18-01-452-002),1990 Forest Hill(41-18-01-452-004)
2209 Forest Hill(41-18-12-127-028),2200 Forest Hill(41-18-12-203-007),2065 Forest Hill(41-18-12-127-021)
1183 Forest Hill(41-14-36-451-023),4374 Woodside Oaks(41-18-01-176-041),4383 Woodside Oaks(41-18-01-176-040)

Standard (4) :

If granted the variance would not be detrimental to any surrounding properties. The design was laid out to enhance curb appeal and located not to interfere with adjacent properties. The new structures are positioned in manor that should be considered desirable to all surrounding properties.

Standard (5) :

The subject properties consists of almost 5 acres and the variance should not have an impact on surrounding properties. There is no reasonable reason this variance would impair the intent of the ordinance as the property is much larger than most city properties and the layout and size of the variance would look suitable to the property.

Standard (6) :

There are no exceptional conditions or circumstances resulting from the applicants actions that produce a need a need for this variance.

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: Scott A. Bird
(Please print)

SIGNATURE OF APPLICANT:  DATE: 5/8/23

NAME OF PROPERTY OWNER: Scott A. Bird
(Please print)

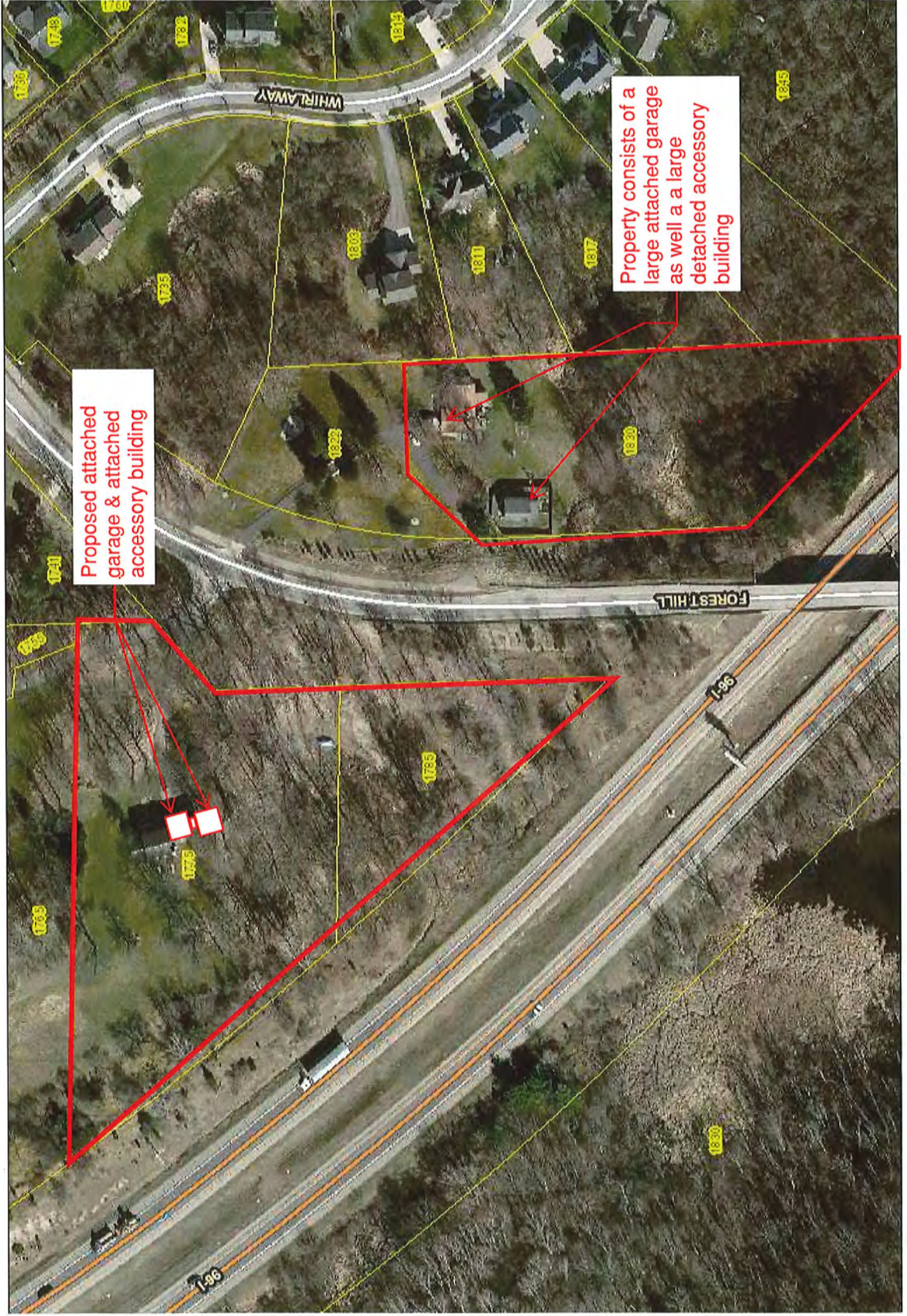
SIGNATURE OF PROPERTY OWNER:  DATE: 5/8/23

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.

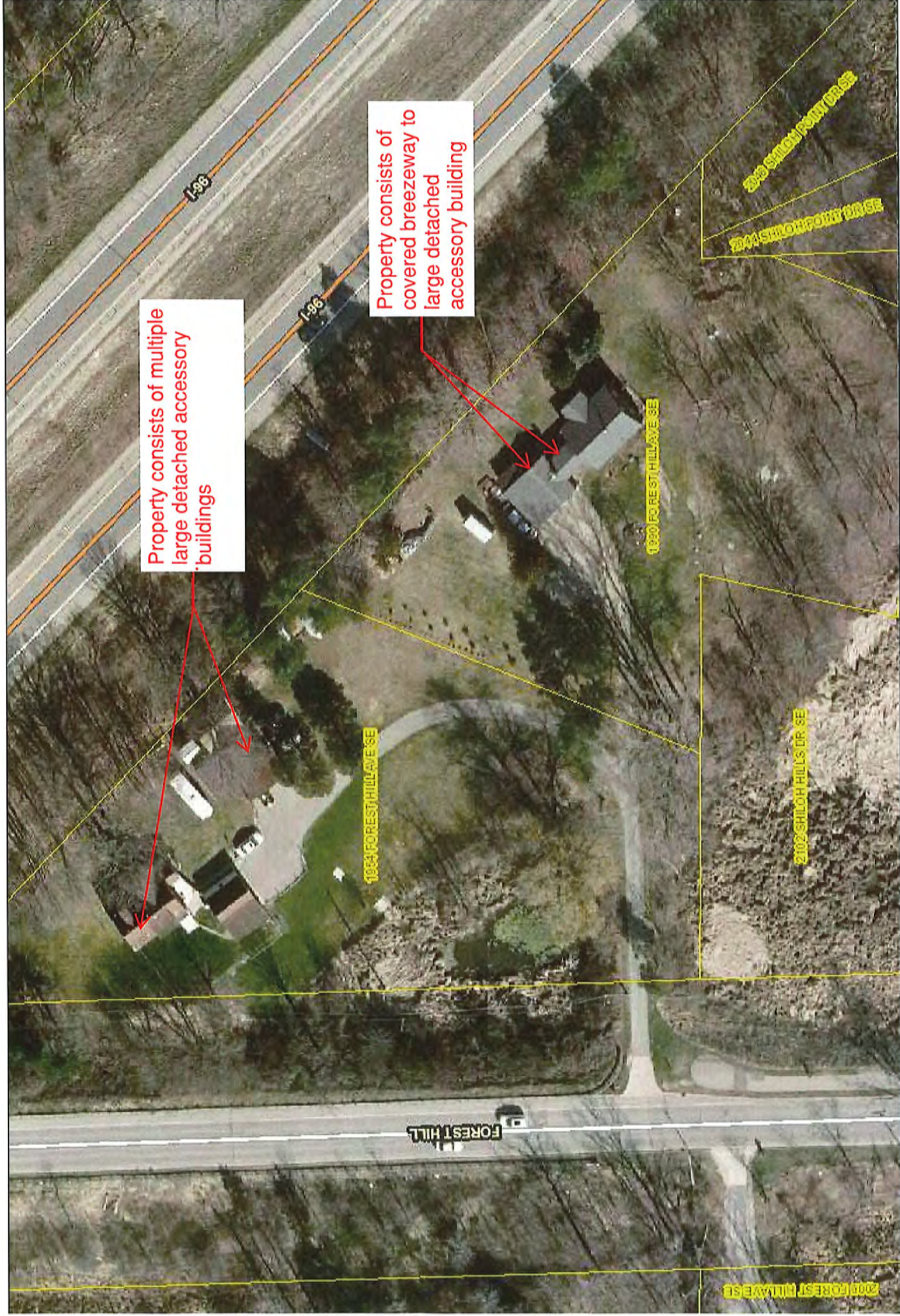
Kent County Web Map

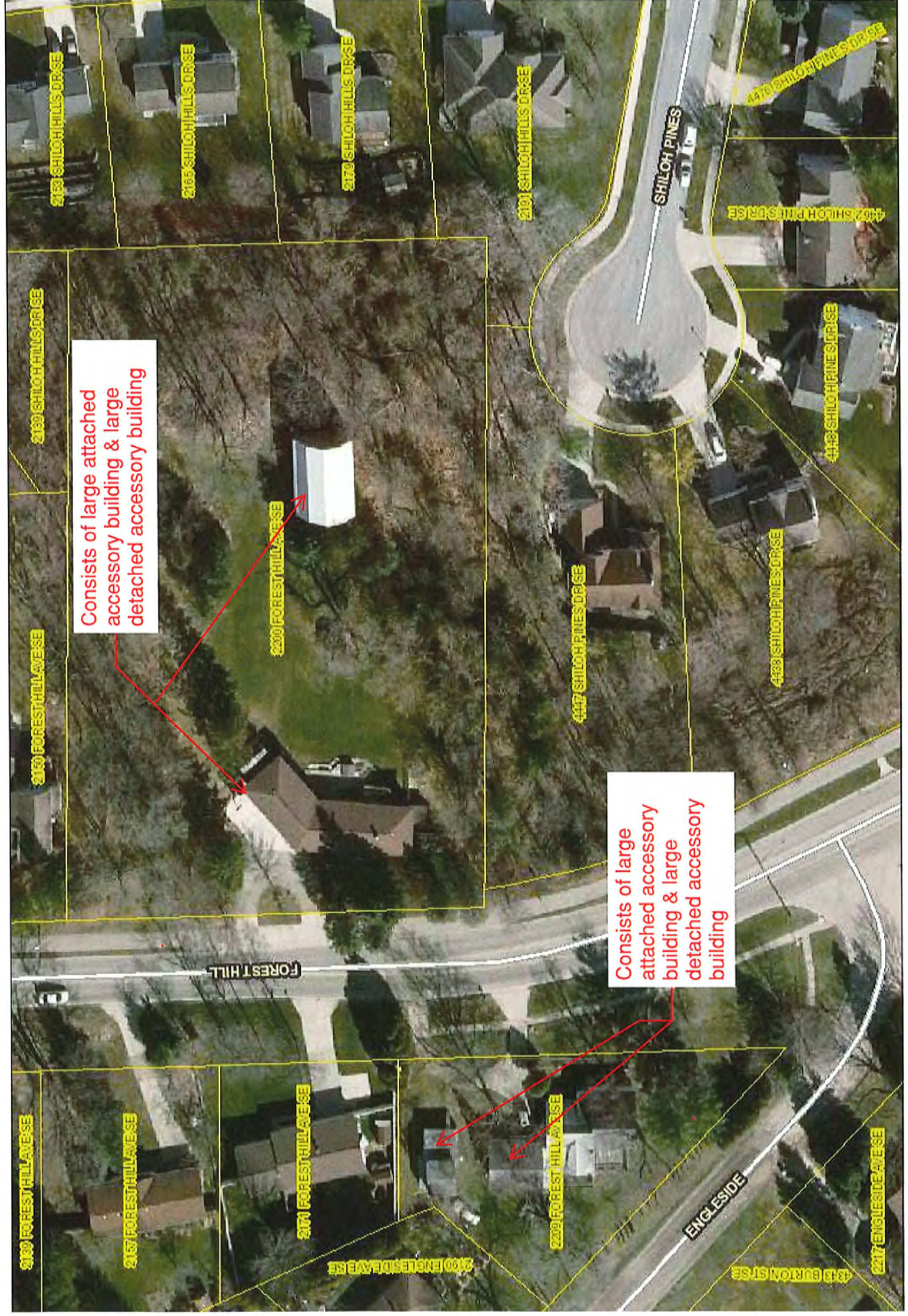
May 08, 2023



Kent County Web Map

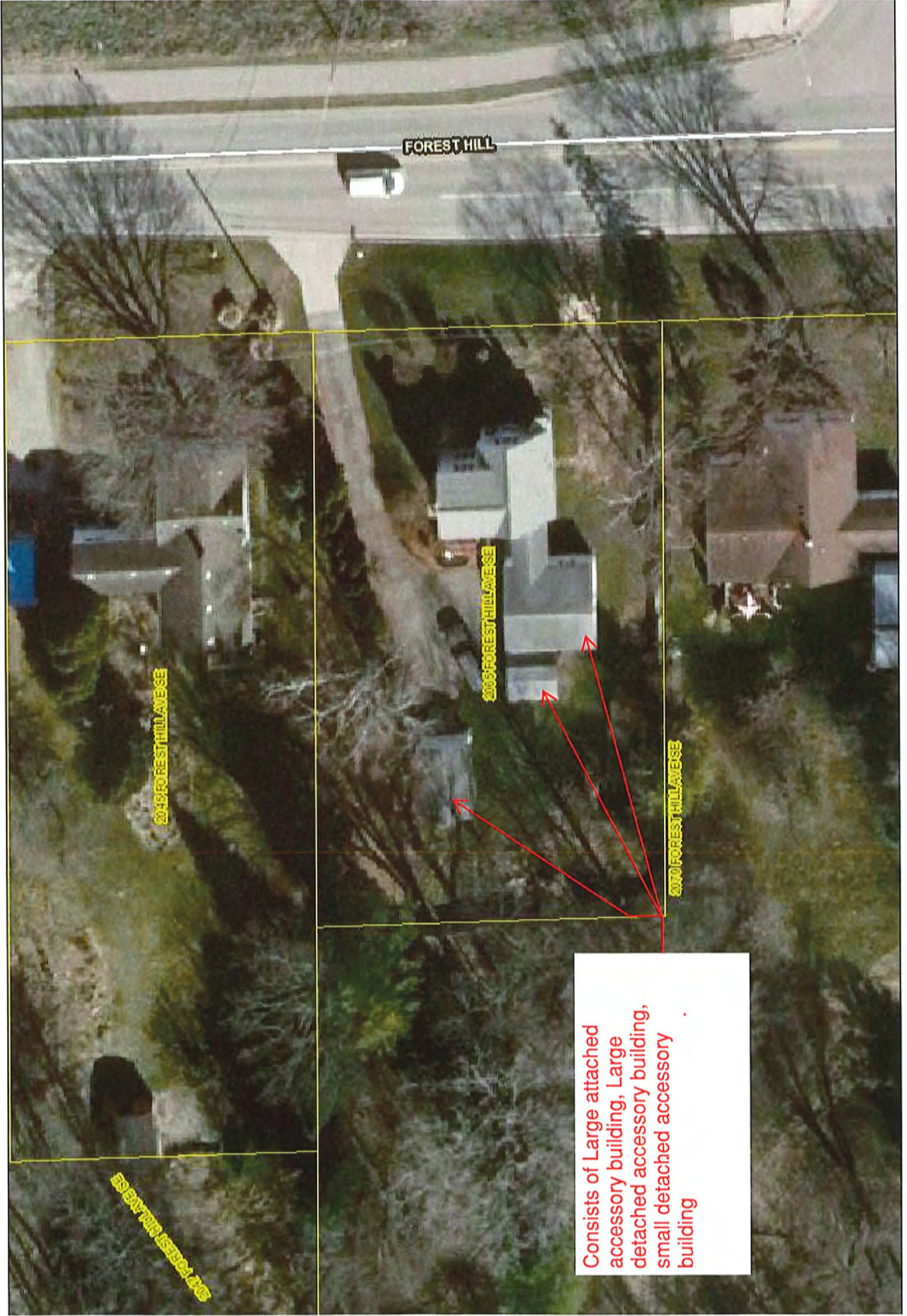
May 08, 2023





Kent County Web Map

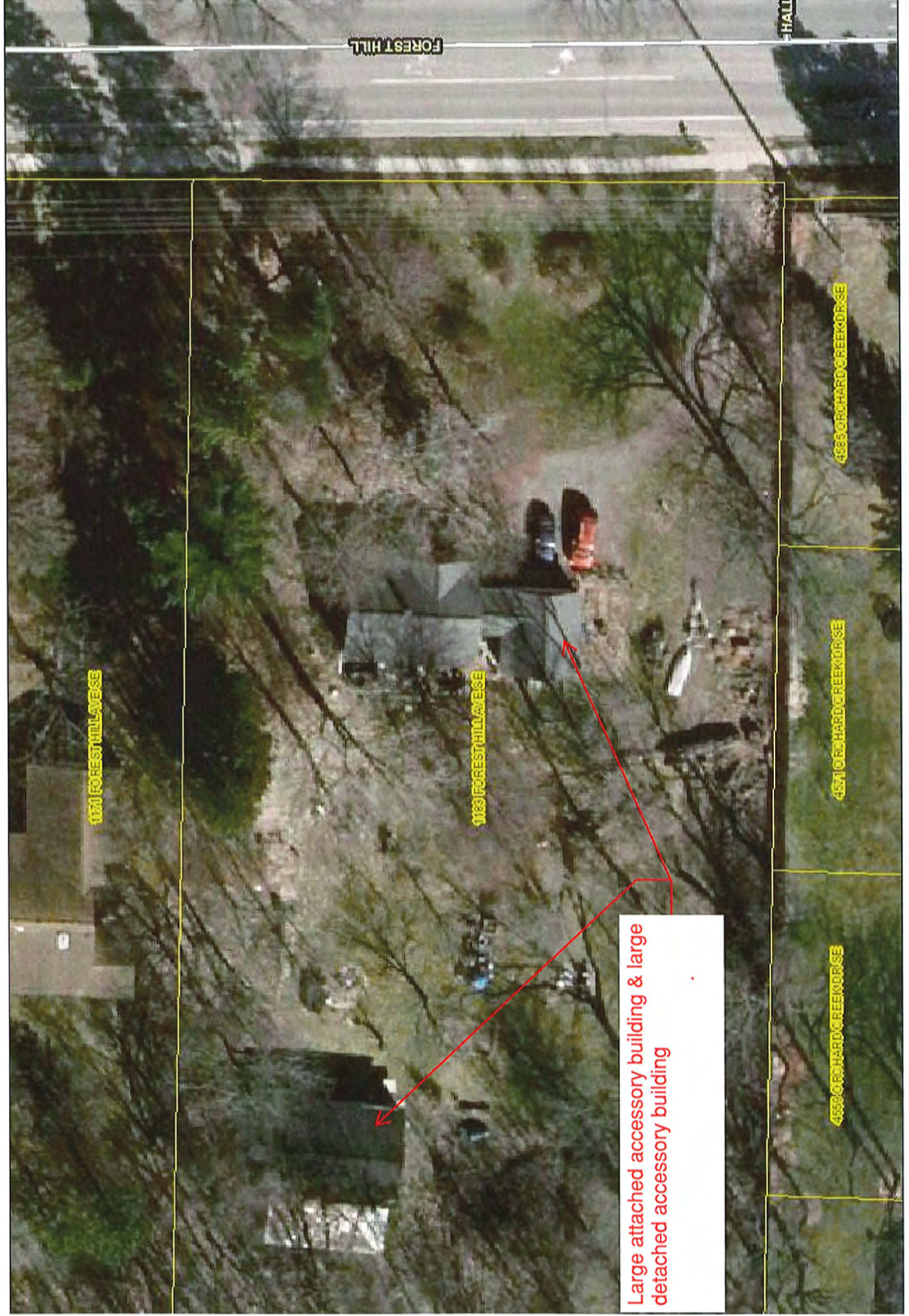
May 08, 2023



Consists of Large attached accessory building, Large detached accessory building, small detached accessory building

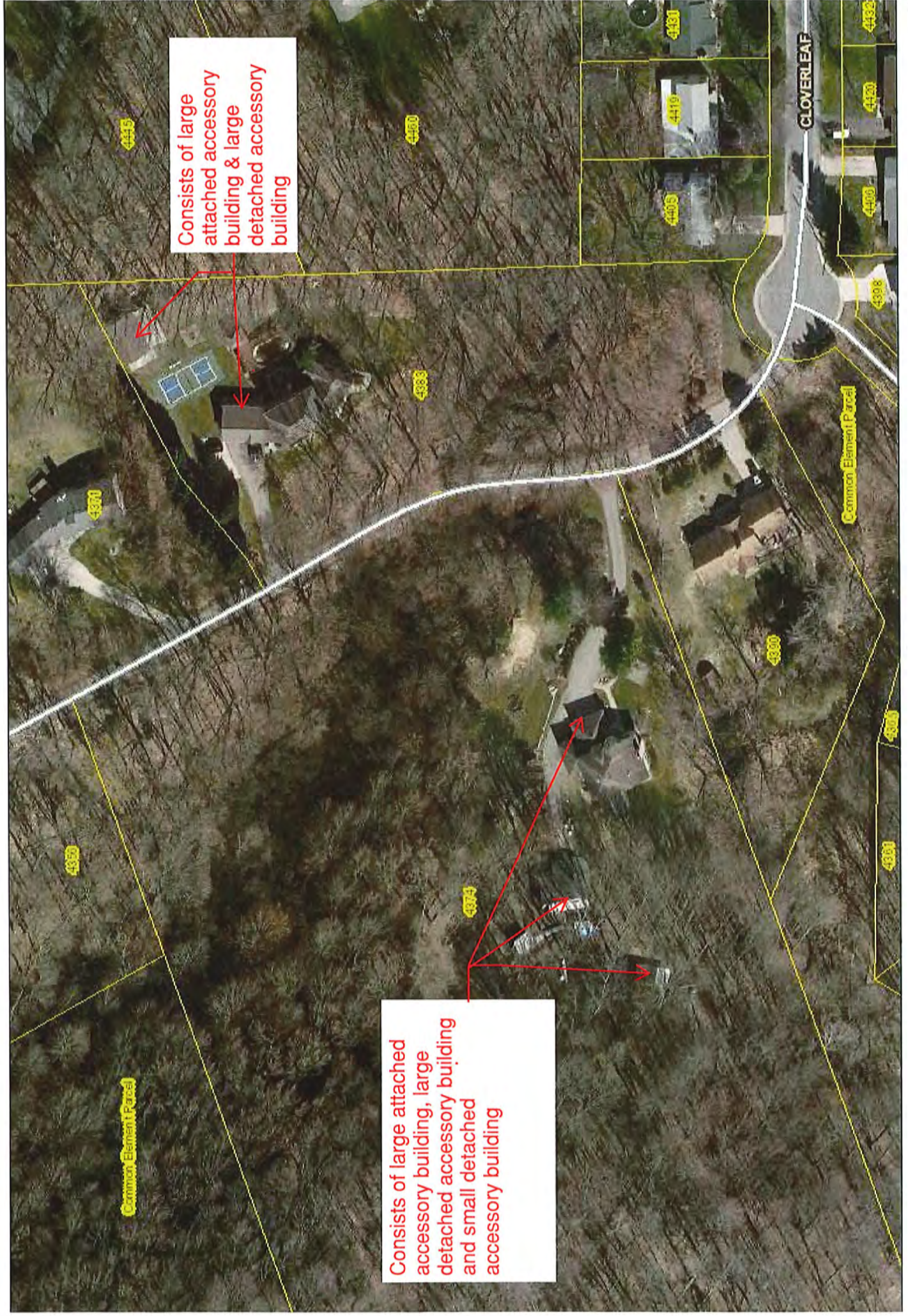
Kent County Web Map

May 08, 2023

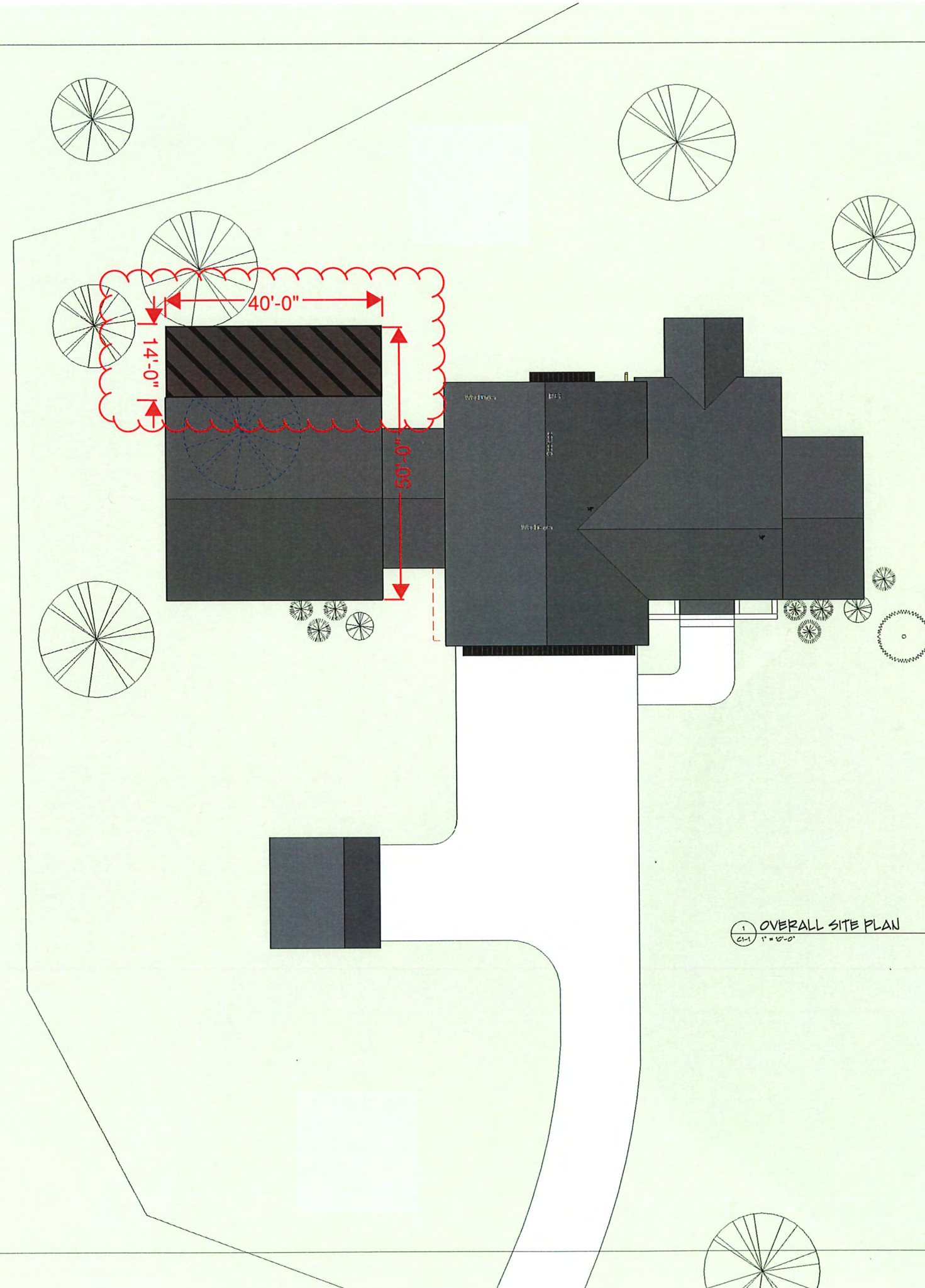


Kent County Web Map

May 08, 2023



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1 OVERALL SITE PLAN
C1-1 1" = 10'-0"

ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRAND RAPIDS, MI

ISSUED FOR:
SEPT 12, 2022 - PERMITS

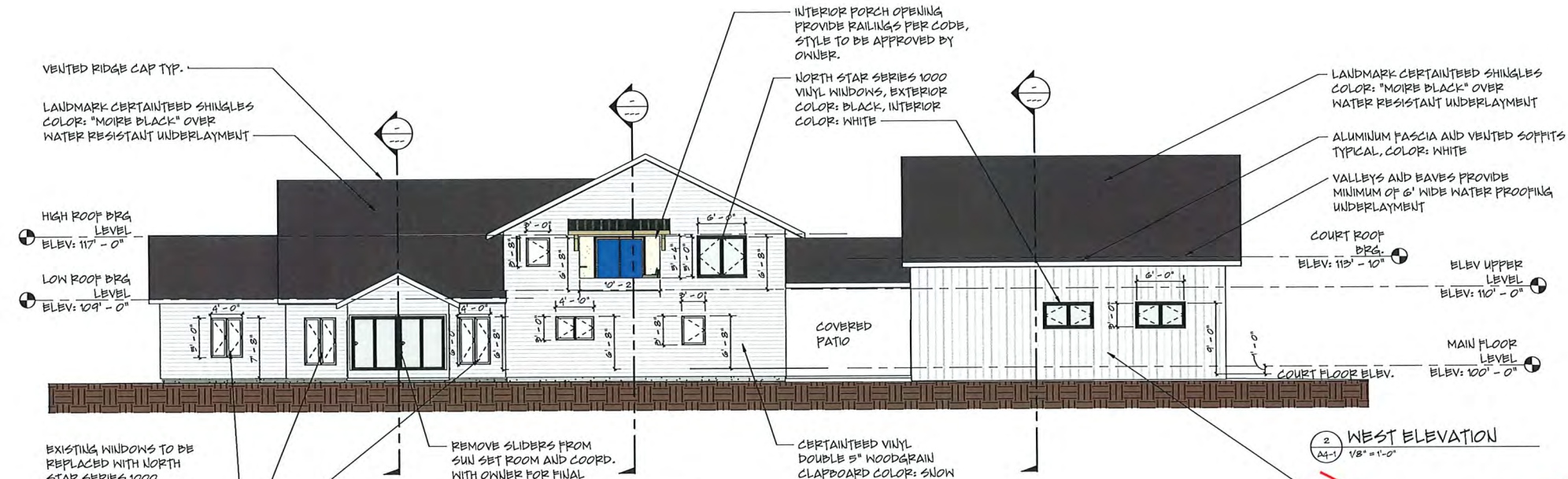
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PROJECT #: 2022-02

DRAWING NO.

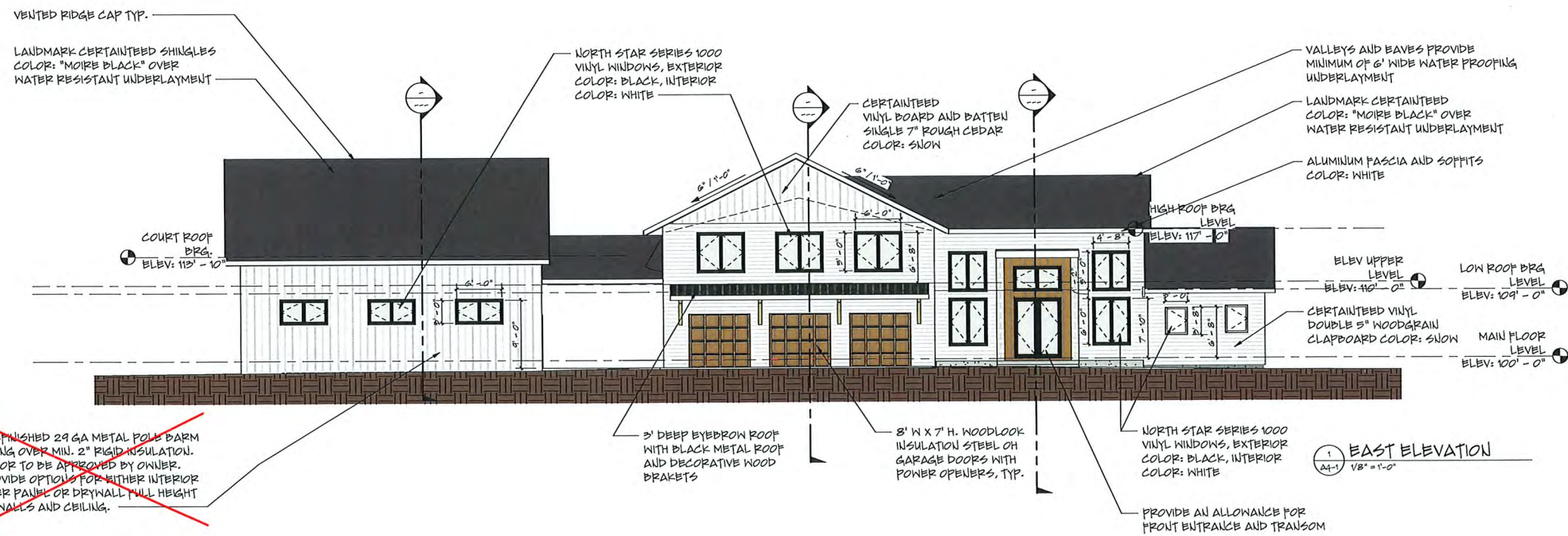
Construction
Bulletin #1

C1-1

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Siding to match house



Siding to match house

Construction Bulletin #1

ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRAND RAPIDS, MI

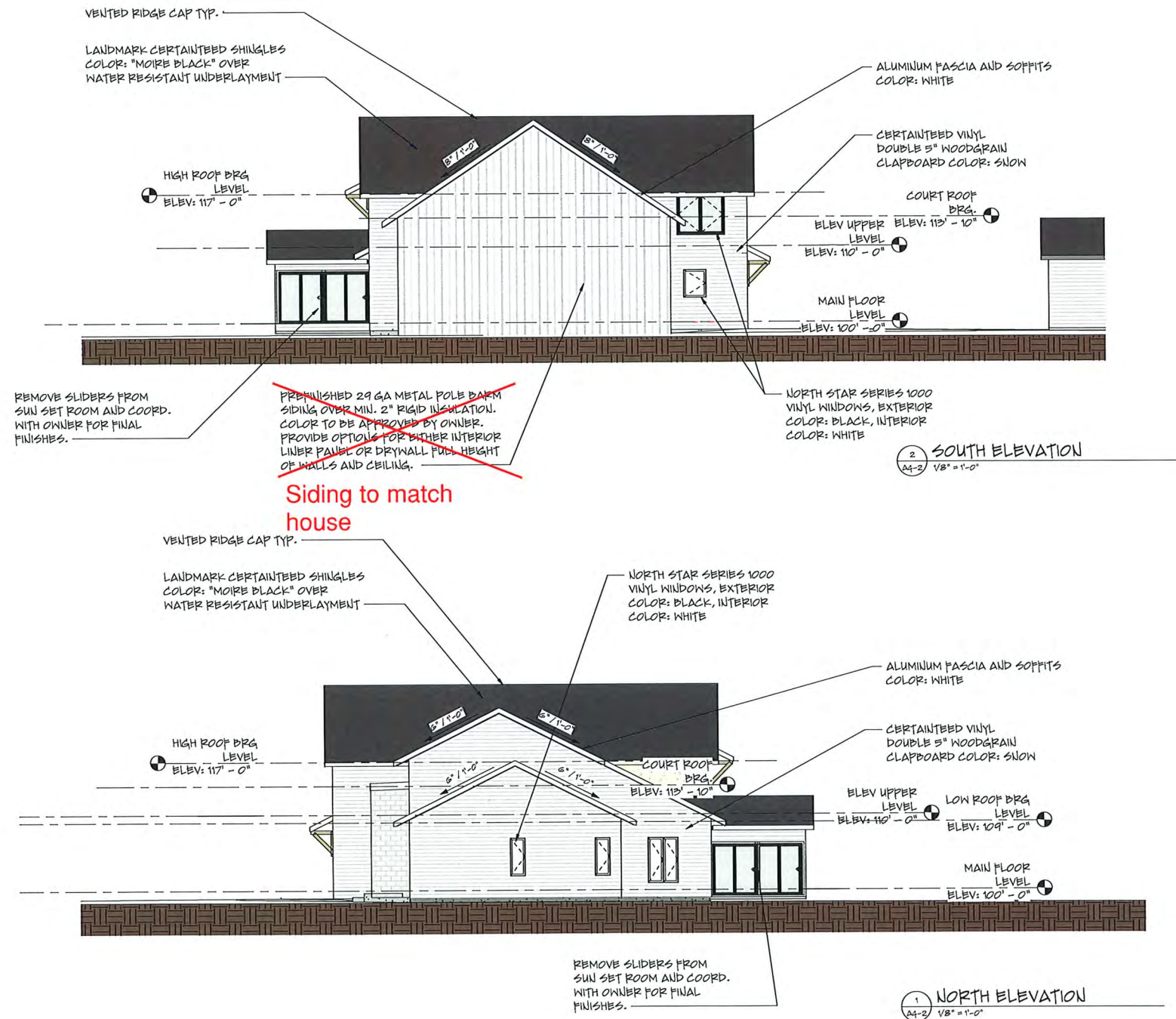
ISSUED FOR:
SEPT 12, 2022 - FRANK

DRAWN: Author
PROJECT #: 2022-02

DRAWING NO:

A4-1

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ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRAND RAPIDS, MI

ISSUED FOR:
SEPT 12, 2022 - PRCUS

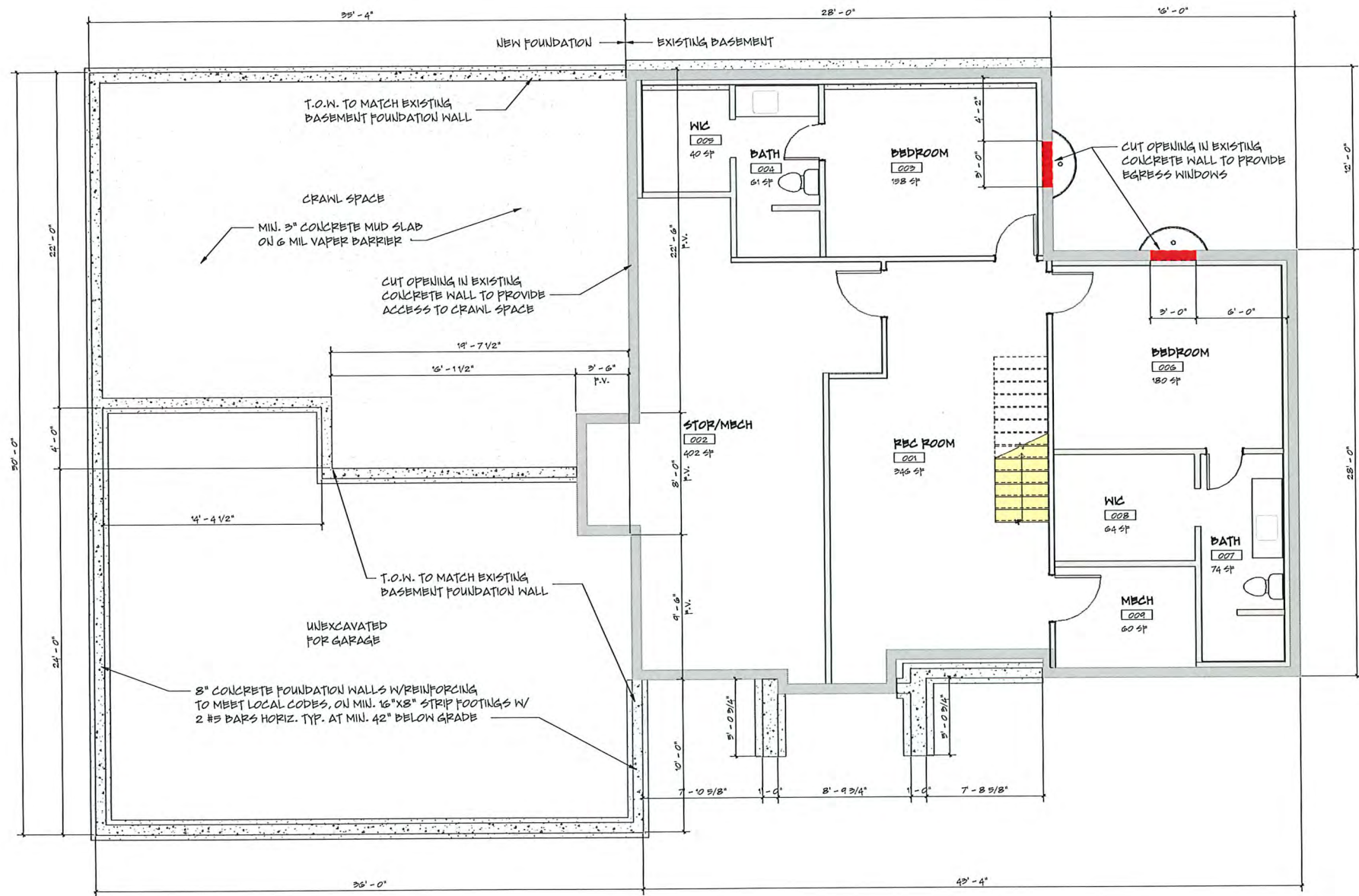
DRAWN: Author
PROJECT #: 2022-02

DRAWING NO:

Construction
Bulletin #1

A4-2

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GENERAL FOUNDATION NOTES:

1. TYPICAL SLAB ON GRADE TO BE 4" CONCRETE SLAB WITH ONE LAYER 6X6 W2.1 X W2.1 W/M OR EQUIVALENT ON COMPACTED GRANULAR FILL. PROVIDE CONTRACTION / CONSTRUCTION JOINTS @ 10'-0" O.C. MAXIMUM.
2. FOOTINGS DESIGNED FOR AN ALLOWABLE BEARING CAPACITY OF 2000 PSF PER MRC. IF POOR SOILS ARE ENCOUNTERED COORDINATE REVISIONS WITH GENERAL CONTRACTOR.
3. DO NOT BACKFILL WALLS UNTIL LOWER LEVEL SLAB AND MAIN FLOOR JOISTS AND SHEATHING ARE INSTALLED. CLAY IS NOT AN ACCEPTABLE BACKFILL MATERIAL. ALL BACKFILL IS TO BE FREE DRAINING GRANULAR MATERIAL.
4. COORDINATE T.O. WALL HEIGHTS WITH GENERAL CONTRACTOR.

1 FOUNDATION PLAN
1/4" = 1'-0"

Construction
Bulletin #1

ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRANG RAPIDS, MI

ISSUED FOR:
SEPT 12, 2022 - PRCVLS

DRAWN: Author
PROJECT #: 2022-02

DRAWING NO:

F1-0

Construction Bulletin #1

ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRAND RAPIDS, MI

ISSUED FOR:
SEPT 12, 2022 - PRCLG

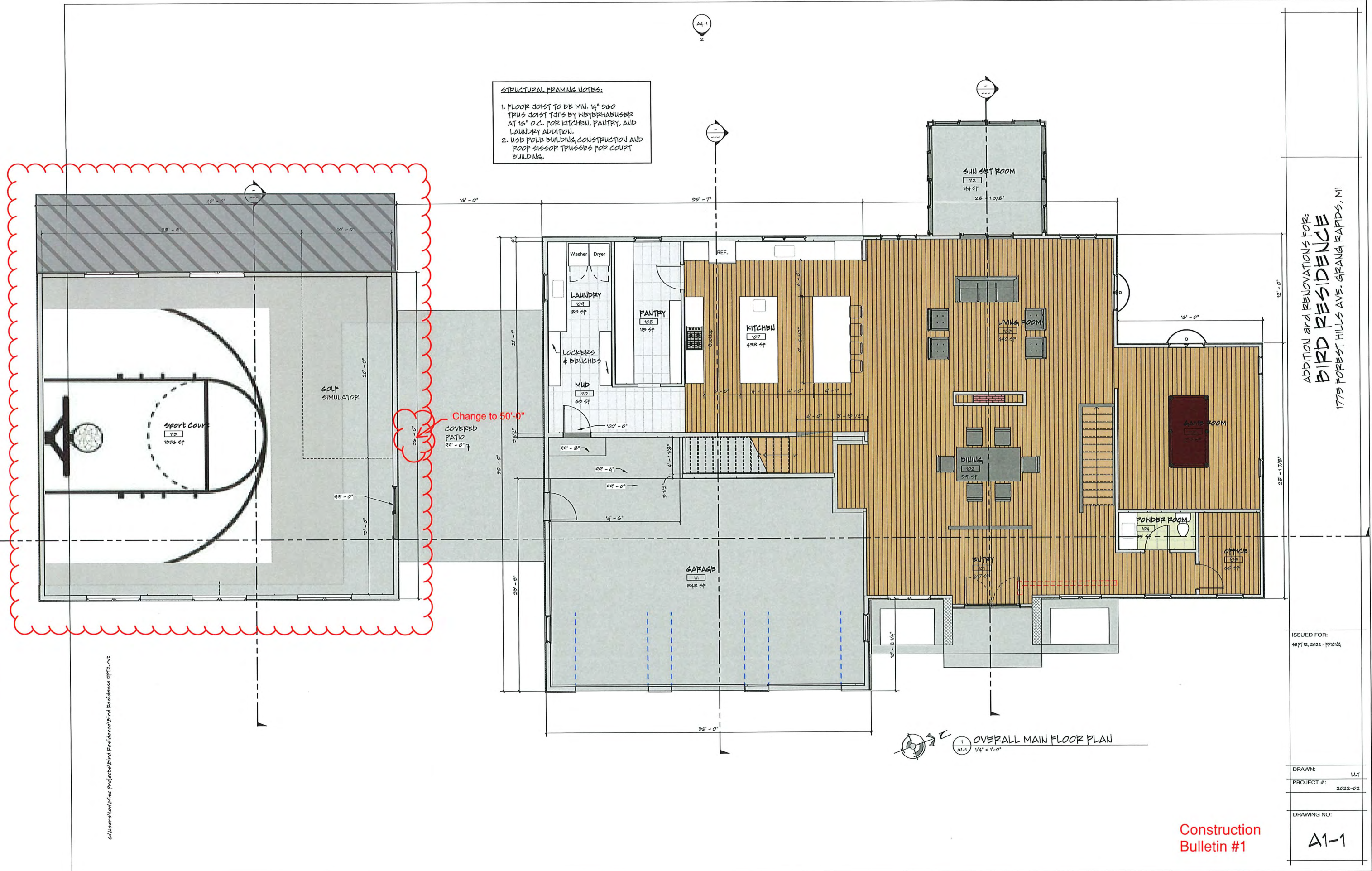
DRAWN:	Author
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PROJECT #:	2022-02
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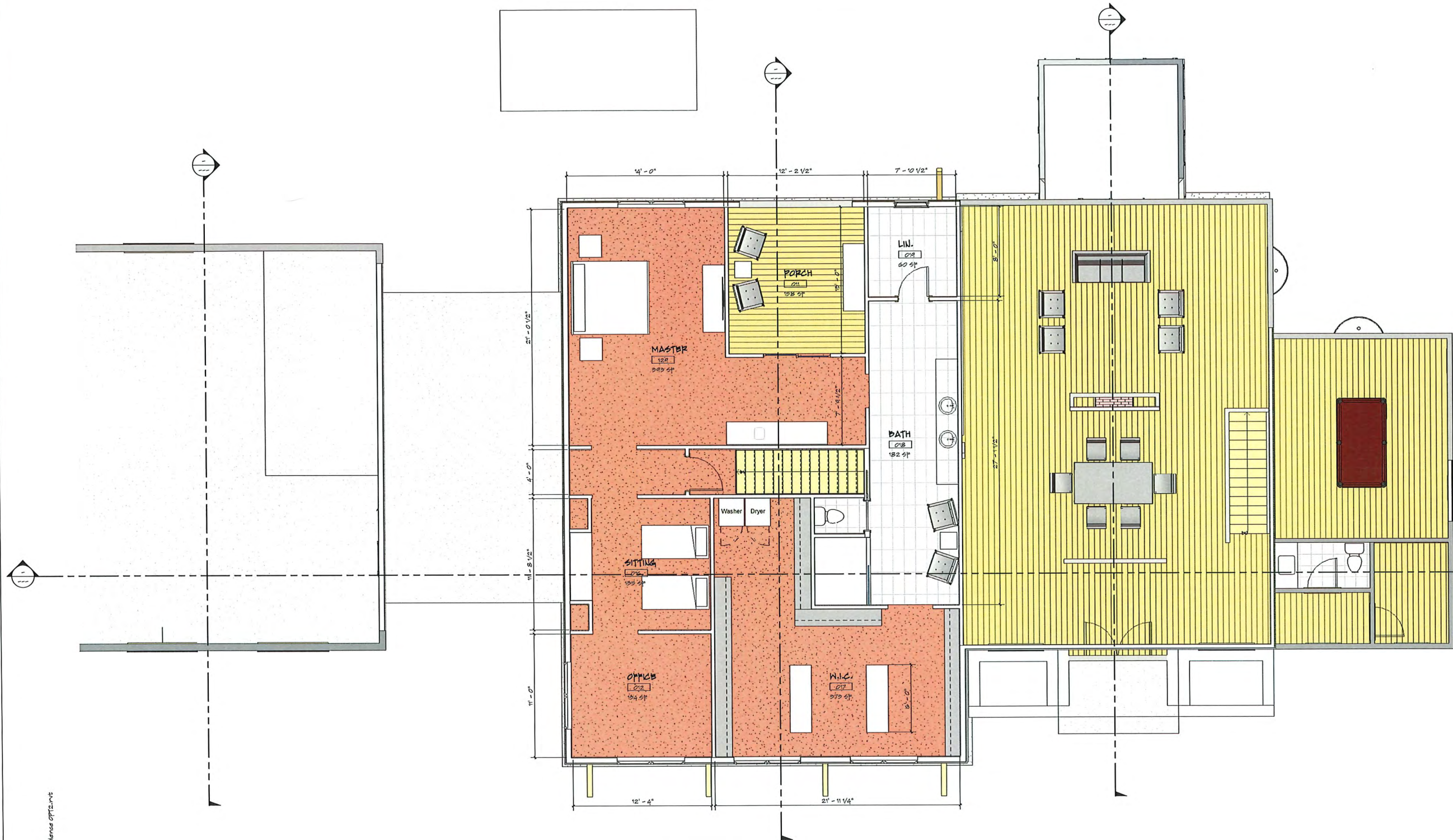
DRAWING NO:

A1-0

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STRUCTURAL FRAMING NOTES:

1. FLOOR JOIST TO BE MIN. 14" 2X10 TRUS JOIST TJ'S BY WEYERHAEUSER AT 16" O.C.
2. ROOF STRUCTURE TO BE SISSOR TRUSSES AT 24" O.C. FOR UPPER LEVEL AND COURT BUILDING.

1
A1-2
ELEV UPPER LEVEL
1/4" = 1'-0"

Construction
Bulletin #1

ADDITION AND RENOVATIONS FOR:
BIRD RESIDENCE
1775 FOREST HILLS AVE. GRAND RAPIDS, MI

ISSUED FOR:
SEPT 12, 2022 - PERMITS

DRAWN: Author
PROJECT #: 2022-02

DRAWING NO:
A1-2

STAFF REPORT: June 12, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-09

GENERAL INFORMATION

APPLICANT: DPI Signs & Graphics
12650 – 64th Avenue
Allendale, MI 49401

STATUS OF
APPLICANT: Property Owner Representative

REQUESTED ACTION: The applicant wishes to replace an existing manufactured housing community entrance sign with a new entrance sign. The proposed sign would have a setback of 1-1/2 (one and one-half) feet from the public street right-of-way. Section 7.03.D of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public street right-of-way. The requested variance is for a reduction of 15-1/2 (fifteen and one-half) feet to the required setback.

EXISTING ZONING OF
SUBJECT PARCEL: R5 Manufactured Housing

GENERAL LOCATION: 444 Bellewood Drive

PARCEL SIZE: 28.42 acres

EXISTING LAND USE
ON THE PARCEL: Manufactured Housing Community

ADJACENT AREA
LAND USES: N - Duplex and Multiple Family Residential
S - Single Family Residential
W - Duplex, Single Family Residential, and Madison Avenue ROW
E - Single Family Residential, Duplex, and Multiple Family Residential

ZONING ON ADJOINING
PARCELS: N - R5 Manufactured Housing, R2 Two Family Residential & R1-D Single Family Residential
S - R2 Two Family Residential
E - R2 Two Family Residential, R3 Medium Density Residential

& R4 High Density Residential
W - R1-D Single Family Residential & R2 Two Family Residential

Staff Comments:

1. The applicant wishes to replace an existing manufactured housing community entrance sign with a new entrance sign. The proposed sign would have a setback of 1-1/2 (one and one-half) feet from the public street right-of-way. Section 7.03.D of the Kentwood Zoning Ordinance requires a minimum setback of 17 feet from the public street right-of-way. The requested variance is for a reduction of 15-1/2 (fifteen and one-half) feet to the required setback.
2. The Pinebrook Village manufactured housing community has been in existence since 1968.
3. The existing freestanding is approximately twenty-five (25) square feet in area and is non-conforming with respect to setback (setback approximately 4 feet; ordinance requires 17 feet) and height (approximately 5 feet 8 inches in height; ordinance limits height to 4 feet)

Staff could not find a record as to when the existing sign was installed but the applicant has indicated that it has been there for over 30 years.

4. The new sign is proposed to be setback 1-1/2 feet from the Madison Avenue right-of-way but would be shorter than the existing sign and would comply with the current height limitation of four (4) feet.
5. Since 1985, the Zoning Board of Appeals has heard approximately fifty-five (55) requests for variances to sign setback requirements. The most recent were as follows:

Case #	Address	Action
V-22-09	5465 Kalamazoo Avenue	Granted (↓ setback by 25 feet to allow at the right-of-way)
V-22-06	3330 Broadmoor Avenue	Granted (↓ setback by 10 feet to allow within 7 feet of the right-of-way)
V-21-02	3030 Slater Avenue	Granted (↓ setback by 12 feet to allow within 5 feet of the right-of-way)
V-20-05	4436 Broadmoor Avenue	Granted (↓ setback by 17 feet to allow adjacent to the right-of-way)
V-20-01	3365 – 36 th Street	Granted (place sign where the minimum lot width is not met)
V-18-12	4500 Division Avenue	Denied (to permit a sign within an easement and in a zoning district where it is not allowed)
V-17-06	2929 – 32 nd Street	Granted (↓ setback by 15 feet to allow w/in 2 feet of the right-of-way)
V-13-19	4495 – 28 th Street	Granted (place sign where minimum lot width is not met)
V-13-12	4375 – 52 nd Street	Granted (↓ setback by 8 feet to allow w/in 9 feet)

		of the right-of-way)
V-13-11	4245 – 52 nd Street	Granted (↓ setback by 8 feet to allow w/in 9 feet of the right-of-way)
V-11-02	3960 Broadmoor Avenue	Granted (↓ setback by 15 feet to allow w/in 2 feet of the right-of-way)
V-10-04	4760 Kalamazoo Avenue	Granted (↓ setback by 12 feet to allow w/in 5 feet 6 inches of the right-of-way)
V-09-10	4720 – 52 nd Street	Granted (↓ setback by 7 feet to allow no closer than 10 feet to the right-of-way)
V-08-13	3300 – 36 th Street	Granted (↓ setback by 5 feet to allow w/in 20 feet of right-of-way)
V-08-02	1640 East Paris Avenue	Granted (place sign where minimum lot width is not met)

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

6. 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 manufacture housing community has been in existence since 1968. The existing landscaped island in which the existing sign is located extends approximately twenty-two (22) feet from the public right-of-way. The existing sign predates current zoning ordinance restrictions/requirements relating to signage for manufactured housing communities. There are only five (5) manufactured housing communities in Kentwood, four of which were constructed prior to 1974.

- 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 only five (5) manufactured housing communities Kentwood, four (4) of which were constructed prior to 1974. A setback variance was granted for the Brookside Village community (Case V-21-02), the Windmill Point and Paris Estate communities appear to have signs that meet current setback requirements, and the Brentwood community has a sign with a non-conforming setback.

- 3) The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.

The property owner could continue to use the existing non-conforming sign. A new sign could possibly be placed seventeen (17) feet back from the property line by locating it either to the north or south of the entrance drive. Relocating the sign would make it less visible to vehicle traffic on Madison Avenue, especially if existing landscaping is retained (see Exhibits 3 & 4).

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

It would not appear that the proposed variance would be detrimental to adjacent property or the surrounding area. The existing sign has been in its current location for more than thirty (30) years. The existing sign does not appear to have had a detrimental impact on clear vision. The proposed sign would be shorter than the existing sign and would comply with the height restrictions of the Zoning Ordinance. In commercial districts, signs up to four (4) feet in height can be placed up to the property line as long as clear vision is not impaired. Staff is not aware of any complaints relating to the current sign.

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

Based on the circumstances applying to the property along with the current use of the property, and the limited number of manufacture housing communities in Kenwood, it would not appear that granting the variance would impair the intent of the ordinance to require minimum sign setbacks 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 applicant was not responsible for the installation of the existing sign. The property layout and development predate the current owner.

7. 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.
8. 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: Current Sign Location and Required Sign Setback



Exhibit 3: Existing Sign from Madison Avenue (approx. 120 feet south of entrance)



Exhibit 4: Existing Sign from Madison Avenue (approx. 190 feet north of entrance)



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

APPEAL # V-23-09
HEARING DATE June 19, 2023
PHONE # 616-892-9585

APPLICANT: DPI Signs & Graphics - Brent LaFond

ADDRESS: 12650 64th Ave. Allendale MI 49401

PROPERTY OWNER: Sun Communities Pinebrook Village PHONE # 888-694-2363

ADDRESS: 444 Bellewood St. SE Kentwood, MI 49548

LOCATION OF VARIANCE (If applicable) Pinebrook Village 444 Bellewood St. SE - Entrance sign area

ZONING DISTRICT OF PROPERTY: R-5 Mobile Home Park

ZONING ORDINANCE SECTION (S) APPEALED: Chapter 7 (7-4) D. Development requirements for signs.

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)
Appealing the setback of 17' from ROW (Right - of - Way) in regards to the entrance sign for Sun
Communities Pinebrook Village at 444 Bellewood St.
The proposal would be for a 1 - 1/2ft Setback from ROW, the 4ft height requirement would still apply.

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): Property to the south of existing sign location is a private parcel which runs right up to the sidewalk. Property to the North of the existing sign is part of the owners parcel, but a new sign adhering to the current ordinance setback would land 1 foot from the tenants driveway. Location to the East is currently part of the Entrance/Exit median and needs to stay as is for safety reasons when bringing in or removing mobile homes into the property.

STANDARD (2): The situation regarding the safety concerns of the location of the entrance sign setback would not apply to new properties, the proper spacing for bringing in and removing homes would be accounted for in the layout of mobile home lots in a new property. Most Mobile home parks have frontage on both sides of the entrance where a sign could be placed in needed, this property does not have any other location option.

STANDARD (3): The variance is necessary to give the property entrance signage without causing safety issues in regards to a service the business has to have in order to operate (bringing in and removing mobile homes).

STANDARD (4): The variance will not be detrimental to the adjacent property or surrounding property. The new sign will still be set into the existing landscaped median area that currently exists, there would be no modification to the driveway or landscaped area. The footprint of the island

STANDARD (5): The variance will not impair the intent and purpose of this ordinance. The new sign will still be out of the ROW and will still allow for traffic pulling up to the intersection to easily see cross traffic. The new sign will still adhere to the 4ft height as set by the ordinance.

STANDARD (6): The current layout of the property entrance/exit was created decades ago and was not created by the applicant Sun Communities. The setback has been revised from when the original sign and landscaped area were first created. The original cannot be repaired.

Zoning Board of Appeals
Non-Use Variance Application
Page 2

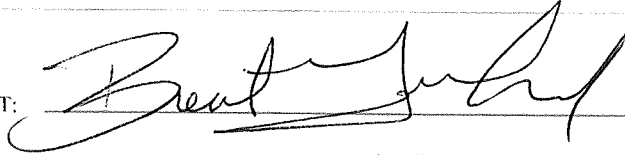
I hereby certify that all of the above statements and any attachments are correct and true to the best of my knowledge.

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

Yes ☒ No ☐

NAME OF APPLICANT: **Brent LaFond**
(Please print)

SIGNATURE OF APPLICANT:

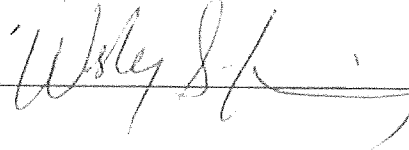


DATE: **5-22-23**

NAME OF PROPERTY OWNER:
(Please print)

Wesley S King

SIGNATURE OF PROPERTY OWNER:



DATE: **5-22-23**

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

qty 1 dbl sided sign



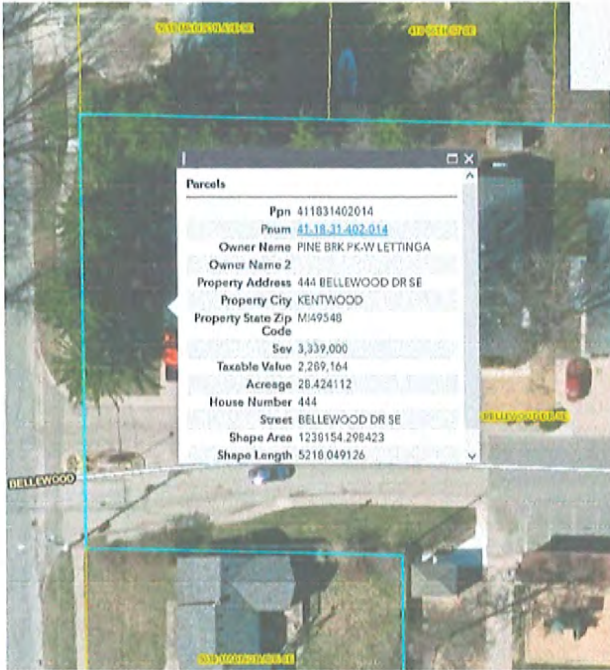
Pantone 7546 C
Pantone 021 C

Customer:	
Address:	
Project (#):	
Description:	
Materials:	
Colors:	
Scale:	
Date/Revisions	
Signed:	
Date:	
Position:	

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dpisigns

DESIGN • GRAPHICS • PRINTING
7124 Pine Grove St. Allendale, NJ, 08001
P: 616.882.9585 F: 616.855.2437
www.dpisigns.com



Sun Communities

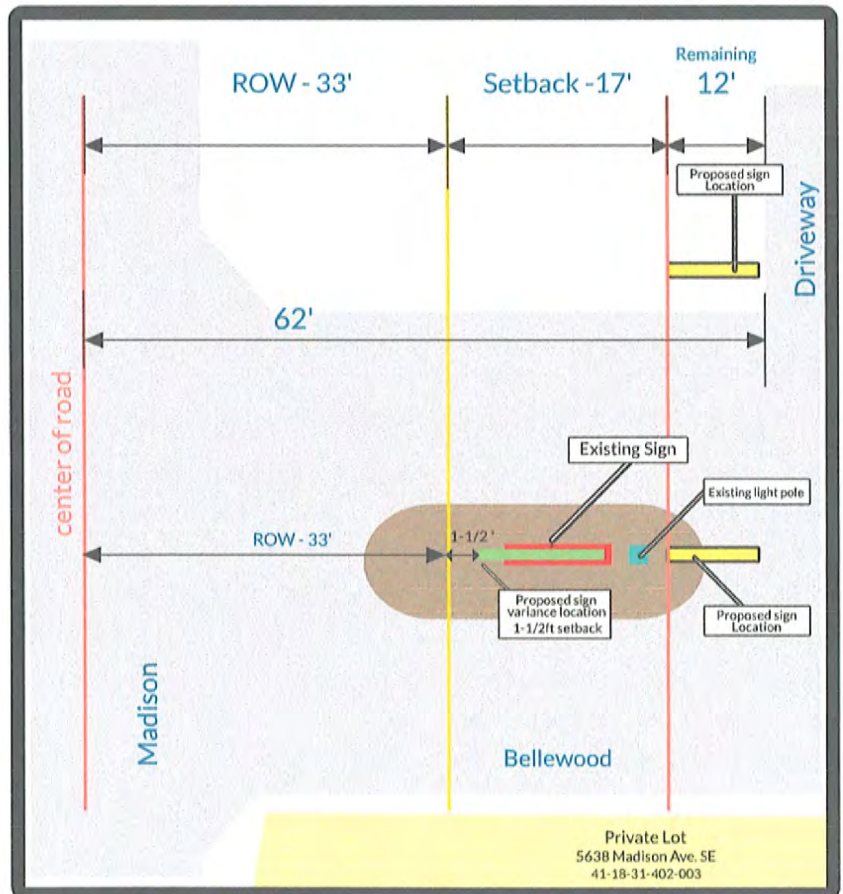
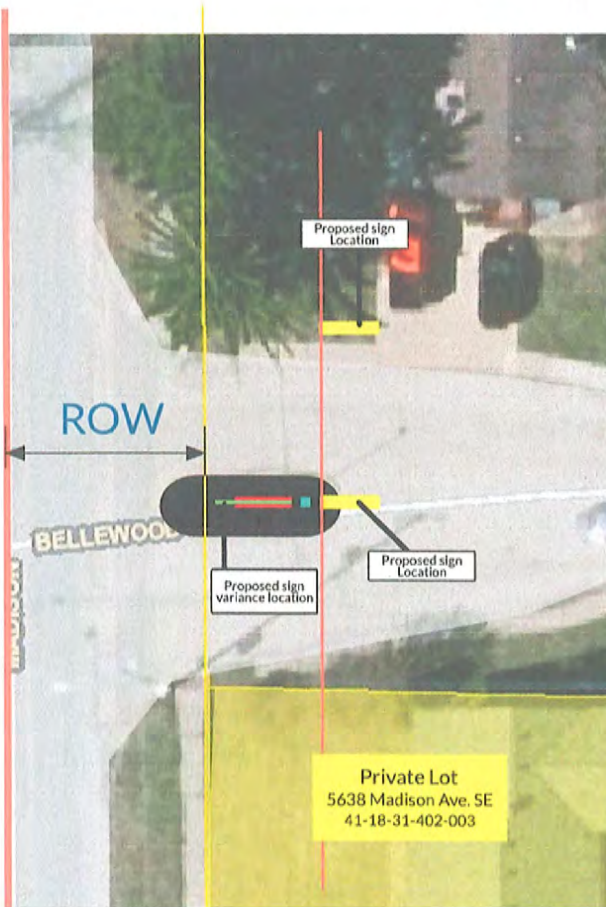
Pinebrook Village

444 Bellewood St. SE

Kentwood, MI 49548

Parcel # 41-18-31-402-014

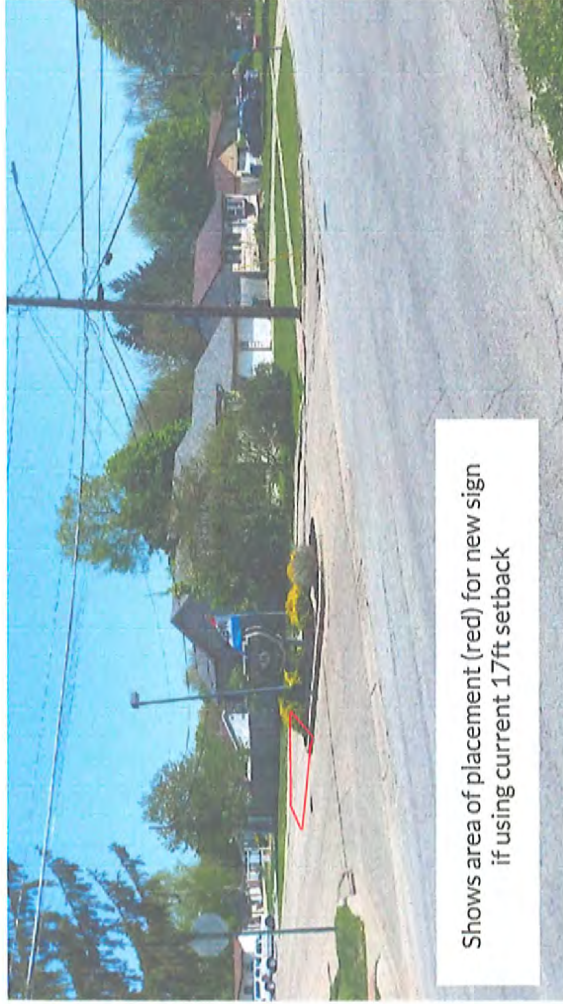
Drawing for requested variance



Requested variance for sign setback 1-1/2 ft from ROW. Drawing (green rectangle) shows purposed sign location. Yellow rectangles show sign locations under the current ordinance (17ft)

Sun Communities Pinebrook Village

Photos illustrating sign location areas and setbacks



Existing sign and new sign placement safety concerns



The current sign is over 30 years old
it has been repaired various times
over the years (I last repaired it 12yrs ago)
it shows extreme rot in the posts and backers
and I do not believe it can be repaired again
without replacing substantial parts of it.



This shows the footprint (to scale)
of a mobile home trailer and semi truck.
It shows the room needed to safely
insert and remove homes from the
lots near the entrance. Extending the median
back to accommodate the 17ft setback
would not allow enough open area
to safely remove and insert
homes which is needed for this
type of property.

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

APPEAL # _____
HEARING DATE _____
APPLICANT: DPI Signs & Graphics - Brent LaFond PHONE # 616-892-9585

ADDRESS: 12650 64th Ave. Allendale MI 49401

PROPERTY OWNER: Sun Communities Pinebrook Village PHONE # 888-694-2363

ADDRESS: 444 Bellewood St. SE Kentwood, MI 49548

LOCATION OF VARIANCE (If applicable) Pinebrook Village 444 Bellewood St. SE - Entrance sign area

ZONING DISTRICT OF PROPERTY: R-5 Mobile Home Park

ZONING ORDINANCE SECTION (S) APPEALED: Chapter 7 (7-4) D. Development requirements for signs.

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)
Appealing the setback of 17' from ROW (Right - of - Way) in regards to the entrance sign for Sun
Communities Pinebrook Village at 444 Bellewood St.
The proposal would be for a 1 - 1/2ft Setback from ROW, the 4ft height requirement would still apply.

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): Property to the south of existing sign location is a private parcel which runs right up to the sidewalk. Property to the North of the existing sign is part of the owners parcel, but a new sign adhering to the current ordinance setback would land 1 foot from the tenants driveway. Location to the East is currently part of the Entrance/Exit median and needs to stay as is for safety reasons when bringing in or removing mobile homes into the property.

STANDARD (2): The situation regarding the safety concerns of the location of the entrance sign setback would not apply to new properties, the proper spacing for bringing in and removing homes would be accounted for in the layout of mobile home lots in a new property. Most Mobile home parks have frontage on both sides of the entrance where a sign could be placed in needed, this property does not have any other location option.

STANDARD (3): The variance is necessary to give the property entrance signage without causing safety issues in regards to a service the business has to have in order to operate (bringing in and removing mobile homes).

STANDARD (4): The variance will not be detrimental to the adjacent property or surrounding property. The new sign will still be set into the existing landscaped median area that currently exists, there would be no modification to the driveway or landscaped area. The footprint of the island

STANDARD (5): The variance will not impair the intent and purpose of this ordinance. The new sign will still be out of the ROW and will still allow for traffic pulling up to the intersection to easily see cross traffic. The new sign will still adhere to the 4ft height as set by the ordinance.

STANDARD (6): The current layout of the property entrance/exit was created decades ago and was not created by the applicant Sun Communities. The setback has been revised from when the original sign and landscaped area were first created. The original cannot be repaired.


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 ☐

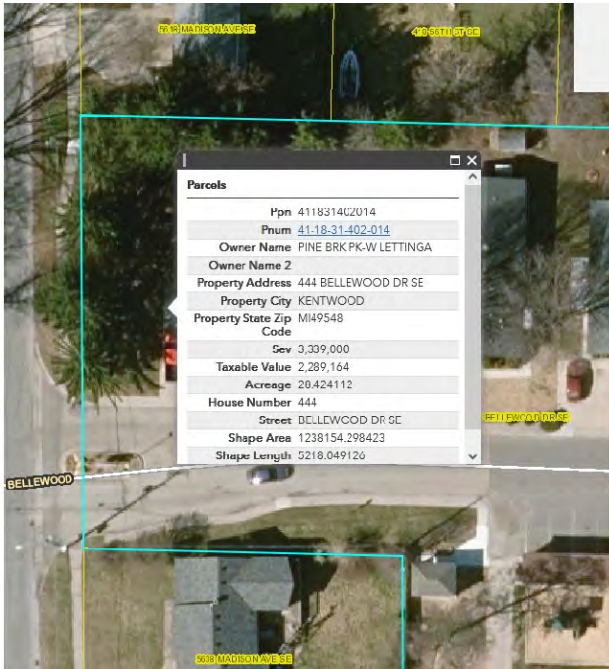
NAME OF APPLICANT: **Brent LaFond**
(Please print)

SIGNATURE OF APPLICANT:  DATE: **5-22-23**

NAME OF PROPERTY OWNER: **Wesley S King**
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: **5-22-23**

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



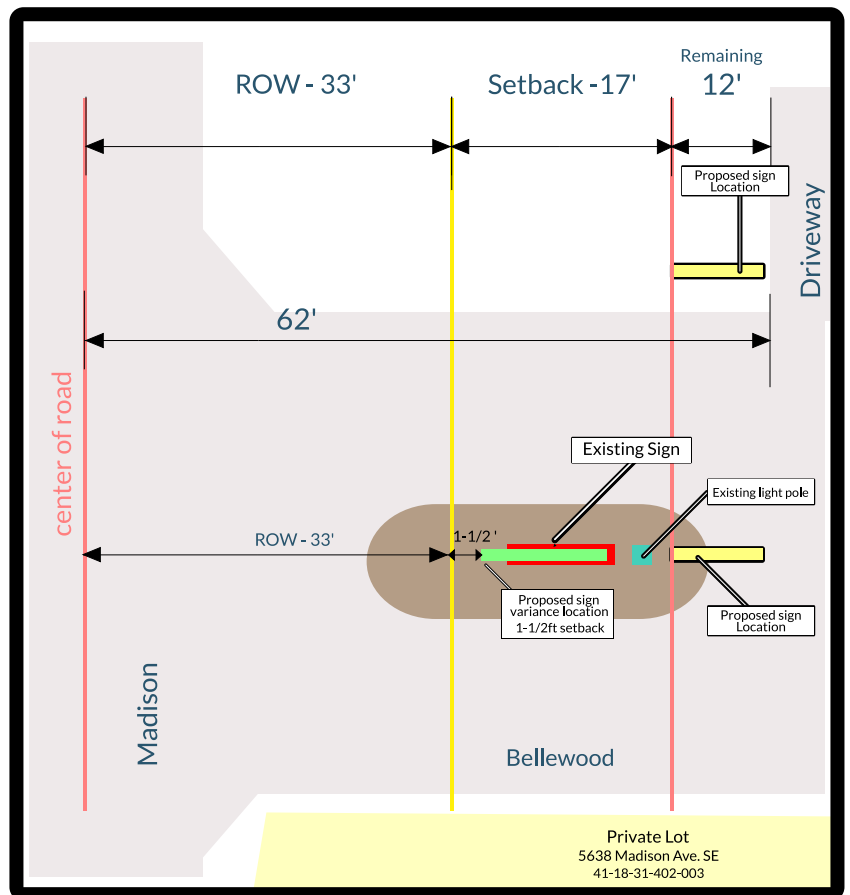
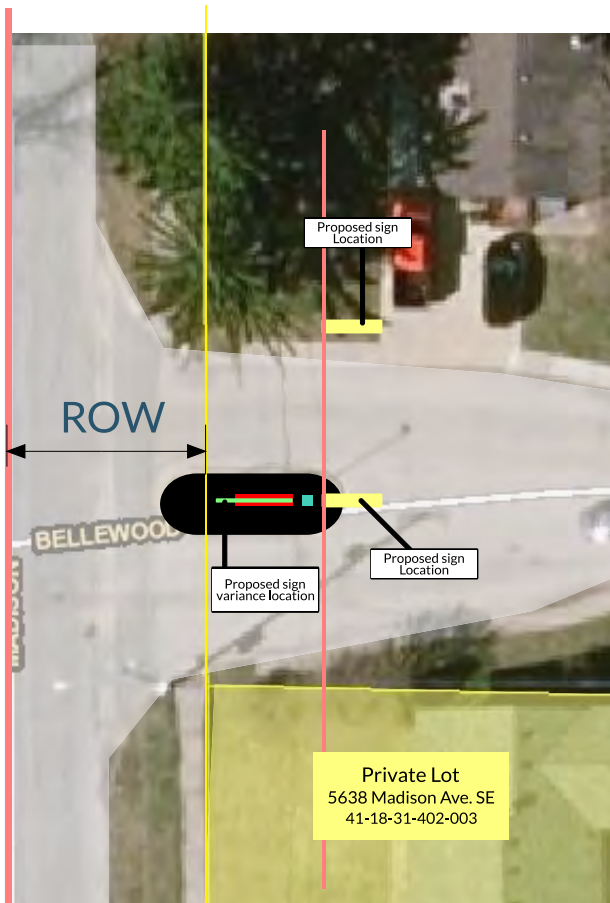
Sun Communities

Pinebrook Village

444 Bellewood St. SE
Kentwood, MI 49548

Parcel # 41-18-31-402-014

Drawing for requested variance



Requested variance for sign setback 1-1/2 ft from ROW. Drawing (green rectangle) shows purposed sign location. Yellow rectangles show sign locations under the current ordinance (17ft)

qty 1 dbl sided sign



Customer:

Address:

Project (#):

Description:

Materials:

Colors:

Scale:

Date/Revisions

Signed:

Date:

Position:

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DESIGN • GRAPHICS • PRINTING

7124 Pine Grove St, Allendale, MI, 49401
P: 616.892.9585 F: 616.855.2437

www.dpsigns.com

Pantone 7546 C

Pantone 021 C

Sun Communities Pinebrook Village

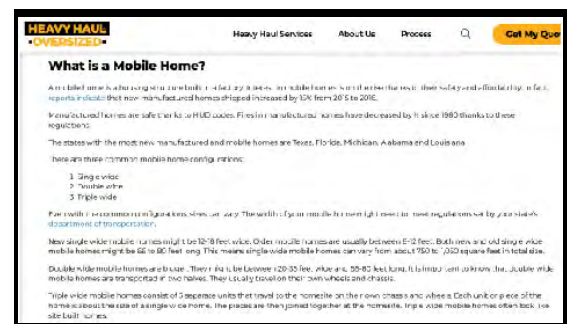
Photos illustrating sign location areas and setbacks



Existing sign and new sign placement safety concerns



The current sign is over 30 years old
it has been repaired various times
over the years (I last repaired it 12yrs ago)
it shows extreme rot in the posts and backers
and I do not believe it can be repaired again
without replacing substantial parts of it.



This shows the footprint (to scale)
of a mobile home trailer and semi truck.
It shows the room needed to safely
insert and remove homes from the
lots near the entrance. Extending the median
back to accommodate the 17ft setback
would not allow enough open area
to safely remove and insert
homes which is needed for this
type of property.



LETTER OF AUTHORIZATION TO OBTAIN SIGN PERMIT

To Whom it May Concern:

I, Heather Rector as the owner or agent
for the Sun Communities property listed as _____

Pinebrook Village 444 Bellewood St. SE Kentwood, MI 49548

do Authorize DPI Signs & Graphics or their authorized
agent, to obtain a sign permit or variance application
for the above referenced property on my behalf.

Heather Rector

5-20-23

Owner or Agent

Date

248-864-0346

hrector@suncommunities.com

Phone number

Email

Signature

STAFF REPORT: June 13, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-10

GENERAL INFORMATION

APPLICANT: Church of Jesus Christ of Latter-day Saints
50 E North Temple Street
Salt Lake City, Utah 84150

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to construct a 112-foot high spire as part of a proposed temple. Section 3.03.A of the Kentwood Zoning Ordinance limits the height of the spire to 50-feet. The requested variance is for an increase in height of 77-feet to the maximum height permitted by the Zoning Ordinance.

EXISTING ZONING OF
SUBJECT PARCEL: RPUD-1 Attached Residential

GENERAL LOCATION: 2400 Forest Hill Avenue, SE

PARCEL SIZE: 10.32 acres

EXISTING LAND USE
ON THE PARCEL: Religious Institution

ADJACENT AREA
LAND USES: N - Burton Street ROW
S - Single Family Residential (attached condominiums)
E - Single Family Residential
W - Forest Hill Avenue ROW

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

Staff Comments:

1. The applicant wishes to construct a 112-foot high spire as part of a proposed temple. Section 3.03.A of the Kentwood Zoning Ordinance limits the height of the spire to 50-feet. The requested variance is for an increase in height of 77-feet to the maximum height permitted by the Zoning Ordinance.
2. The property is zoned RPUD-1 Attached Residential, Section 12.03.C.6 of the City of Kentwood Zoning Ordinance limits the building height of the proposed temple to thirty-five (35) feet. Section 3.03.A of the Kentwood Zoning Ordinance allows structures such as chimneys, cooling towers, grain elevators, public monuments, church spires, etc. to exceed the height requirements of a zoning district by up to fifteen (15) feet, which would allow for a spire of up to fifty (50) feet in height.
3. The building permit for the existing church was approved in 1995. At the time the church was constructed, there was not a fifteen (15) limit to the height exception for structures such as chimneys, cooling towers, spires, etc. The fifteen (15) foot limitation was added with the 2002 update to the Zoning Ordinance.
4. The applicant intends to demolish the existing structure and construct a new building.
5. The property is zoned RPUD-1 Attached Residential, and the Planning Commission will have to review and approve a final site plan for the proposed development.
6. Since 1985 there have been only eight (8) requests for height variances for structures such as cooling towers, silos, church spires, etc. The requests were as follows:

Appeal No.	Address	Action
V-01-18	3333 – 28 th Street	Denied (parapet wall greater than 4 feet)
V-02-20	4069 Lake Drive	Granted (↑ of 5' to roof structure height)
V-07-16	4855 Broadmoor Avenue	Granted (↑ of 10' to extrusion tower height)
V-07-20	3700 – 32 nd Street	Granted (↑ of 10' to equipment enclosure height)
V-11-14	3425 East Paris Avenue	Granted (↑ of 15' to a max. height of 60'/height of 96 feet had been requested)
V-13-08	1213 – 52 nd Street	Granted (↑ of 35' to a max. height of 85' for steeple/cross)
V-20-02	4580 – 28 th Street	Granted (parapet wall up to 9 feet)
V-21-03	3425 East Paris Avenue	Granted (↑ of 32' to a max. height of 77' for a minaret)

Whether or not the variances were granted depended on their 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.

There are many religious institutions in Kentwood, either free standing or within multi-tenant buildings. This site is 10.32 acres in area; staff has identified only six (6) other freestanding religious institutions on properties that exceed 10 acres in area, the properties range from 11.18 acres to 23.20 acres in size.

Other than the size of the property, which would allow for a greater building setback, there are no exceptional or extraordinary circumstances or conditions applying to the property that would warrant granting a variance for a higher spire.

- 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.

In addition to this property, staff has identified only six (6) freestanding religious institutions on sites greater than ten (10) acres in size..

- 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 could still construct a spire with a height of fifty (50) feet.

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

With the increased height, the spire will be visible from a greater distance. Being visible from a greater distance will not necessarily be detrimental to the adjacent property or surrounding neighborhood.

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

Other than the size of the property for this type of use, there are no exceptional or extraordinary circumstances that would warrant a height variance for the proposed spire, so granting the variance could impair the intent and purpose of the ordinance to restrict the height such 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.

Other than size of the property, there are no exceptional or extraordinary circumstances that would warrant a height variance for the proposed spire.

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: April 2023 Pictometry Image (view from the south)



Exhibit 3: April 2023 Pictometry Image (view from the north)



Exhibit 4: April 2023 Pictometry Image (view from the west)



Exhibit 5: April 2023 Pictometry Image (view from the east)



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

APPEAL # V-23-10

HEARING DATE June 19, 2023

APPLICANT: Church of Jesus Christ of Latter-day Saints

PHONE # (630) 800-7003

ADDRESS: 2400 Forest Hill Ave SE, Grand Rapids, MI 49546

PROPERTY OWNER: Church of Jesus Christ of Latter-day Saints

PHONE # (630) 800-7003

ADDRESS: 50 E North Temple Street Salt Lake City, Utah 84150

LOCATION OF VARIANCE (If applicable) 2400 Forest Hill Ave SE, Grand Rapids, MI 49546

ZONING DISTRICT OF PROPERTY: Residential PUD with a SLU for existing Church property

ZONING ORDINANCE SECTION (S) APPEALED: Section 3.03 A. Height Requirements

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

The ordinance section says that the spire is limited to 15' above maximum roof height. This variance is to approve a spire height of 77' above the maximum 35' building height.

See graphical information package and Grand Rapids Temple Quick Facts for additional information. See Spire Justification Standards for descriptions of appeal.

JUSTIFICATION OF APPEAL: Briefly describe how your appeal meets the Standards of Section 21.04B of the Kentwood Zoning Ordinance. Each standard must be met.

STANDARD (1): See attached

STANDARD (2): See attached

STANDARD (3): See attached

STANDARD (4): See attached

STANDARD (5): See attached

STANDARD (6): See attached

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.

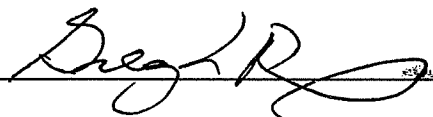
Authorization for city staff and board members to enter the property for evaluation.

Yes ☒ No ☐

NAME OF APPLICANT: The church of Jesus Christ of Latter-day Saints
(Please print)

SIGNATURE OF APPLICANT:  DATE: 5/24/23

NAME OF PROPERTY OWNER: The Church of Jesus Christ of Latter-day Saints
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 5/24/23

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

SPIRE HEIGHT JUSTIFICATION STANDARDS

Nonuse variance. Before submitting an application for a nonuse variance the applicant must meet with City staff and review the current zoning provisions to determine whether their desired goal could otherwise be achieved. A nonuse 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. 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 situations on the land, building or structure.

Temples and other similar religious institutions have their own set of religiously significant design guidelines that are unique from traditional zoning requirements in any district. This temple is typical of other Temples in that it has a significant spire. Nearly all other uses in similar zoning districts will not have this architectural element.

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.

Religious institutions vary in size and architectural design. Temples are a very specific subset of religious institutions that have their own character and requirements. The needs presented by a Temple, specifically the importance of the spire, are too unique to capture in a 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.

Other large religious use buildings in Kentwood (such as St. Mary Magdalen Catholic Church, East Paris Christian Reformed Church, and the existing Christ Community Church building on the subject parcel) have spires that exceed the 15' restriction outlined in the ordinance. Also, other religious sites enjoy the character and design that is typical to their specific faith in Kentwood. This Temple should likewise be permitted to its specific needs and character in Kentwood. The spire height and design are a traditional expression of the Church and consistent with Temples of this size and character across the country. The spire height and design as an expression of religious faith is also a right protected by the Federal statute, the Religious Land Use and Institutionalized Persons Act.

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

The adjacent properties and surrounding neighborhood will not be negatively impacted by the height of the spire. A substantial building setback and landscape buffer are proposed to protect the adjacent properties.

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

The "purpose of this ordinance is to promote and safeguard the public health, safety, prosperity and general welfare of the people of this City" (SECTION 1.02 City of Kentwood Zoning Ordinance). The

Temple spire will not endanger public health or safety and strives to promote the prosperity and welfare of the City of Kentwood.

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 need for this variance is a result of the nature and intended use of the building. Visibility and architectural significance are essential to this building's intended purpose and use. A spire is typical of Temple architecture. The defining characteristics of a Temple (and many religious institutions) include a spire and require a variance in the City of Kentwood.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

QUICK FACTS ABOUT THE PROPOSED TEMPLE

This statement supplements the application for construction of a temple of The Church of Jesus Christ of Latter-day Saints (the “Church”). It briefly explains the temple’s religious importance to Church members and answers questions about how the temple will be used and its impact on the neighborhood.

Why is the temple so important?

To the Church and its members, temples are literally houses of the Lord. They are holy places of worship where individuals make covenants with God through sacred religious ordinances (rites). Temples are places of learning, divine revelation, and communion with God. Their principal purpose is to provide the ordinances necessary for God’s children to return to live with Him. Temple ordinances lead to the greatest blessings available through the Atonement of Jesus Christ. Everything in the Church of Jesus Christ—the meetings and activities, the missionary efforts, the lessons taught, the hymns—all lead to the temple because the temple is centered on Jesus Christ. Members believe these ordinances and associated covenants are essential for salvation. The ordinances performed in the temple represent the highest form of worship to members of the Church.

Members first make covenants and receive ordinances on their own behalf and then are encouraged to return to the temple to make covenants and receive ordinances on behalf of their ancestors who died without the opportunity to do so. This is so all who desire to come unto Christ may be saved in His kingdom. Worship and service in the temple allows members to feel peace, to receive a clearer perspective on life, and to become better disciples of Jesus Christ. As the Church’s current prophet has taught:

The temple lies at the center of strengthening our faith and spiritual fortitude because the Savior and His doctrine are the very heart of the temple. Everything taught in the temple, through instruction and through the Spirit, increases our understanding of Jesus Christ. His essential ordinances bind us to Him through sacred priesthood covenants. Then, as we keep our covenants, He endows us with His healing, strengthening power. (President Russel M. Nelson, *General Conference*, Oct. 2021.)

Accordingly, members of the Church consider the temple to be the most sacred place on earth.

Why a temple in this location?

The selection of a temple site is of great religious importance to the Church and its members. Each temple location is selected by the President of the Church acting under divine inspiration. Members of the Church sustain the President of the Church as a prophet who receives direct guidance from God for the blessing and benefit of His Church and the world.

The location of temples can substantially affect the ability of Church members to freely exercise their religion. When temples are too distant or difficult to reach due to weather, geography,

costs of transportation, or other considerations, or when temples are too crowded to allow for regular worship, the Church and its members are materially burdened in the exercise of the most fundamental aspects of their religion. Considering the purpose of temples and the Church's doctrine that temple worship is essential to personal and family salvation, local Church members have a religious need for the proposed temple. The Church has proposed a plan that will reasonably accommodate the worship needs of the Church and its members.

What will the temple look like?

The temple will be a beautiful house of worship that is constructed using the highest-quality materials and rigorous building standards. The phrases "Holiness to the Lord" and "The House of the Lord" are found near the entrance of every temple and remind us that each temple is a sacred place. The size of the temple is dictated by worship needs in the geographical area served by the temple. Both the interior and exterior of the temple will be beautifully and carefully constructed and maintained. Key features of the temple include endowment rooms where sacred religious instruction is given and ordinances performed, sealing rooms where couples are married for eternity, a celestial room for quiet contemplation and communion with God, a baptism, and a steeple. Beautiful landscaping and appropriate lighting, parking, and security features will be provided.

How will the temple be used?

Temples are different than ordinary Church meetinghouses. Sunday worship services, youth gatherings, service projects, social gatherings, recreational activities, and other community events take place in meetinghouses, but *not* in temples. Temples are specially set apart for uniquely sacred services and ceremonies. Church members worship in the temple on an individual basis or in relatively small groups—there are no large-group events. They come dressed in formal attire and in an attitude of quiet reverence. In order to participate in temple ordinances, a Church member must personally prepare by faithfully living the laws and commandments of the gospel of Jesus Christ, have a current temple recommend, and be at least turning 12 that year. As explained, in the temple Church members receive religious instruction, participate in sacred ordinances, make covenants with God, receive promised blessings, pray, and commune with God.

Key to Church Terminology

Temple Recommend—a small card that is issued by the local Church leader that signifies that the card-holder is considered worthy to enter and participate in the ordinances performed in the temple.

Ordinance—a sacred, formal act or ceremony performed by the authority of the priesthood.

Endowment—an ordinance received in the temple where Church members make covenants with God, are taught about the purpose of life, the mission of Jesus Christ, and God's plan for His children.

Sealing—an ordinance received in the temple where parents and children are "sealed" (bound) to each other in eternal families.

The sealing of a couple is often referred to as "temple marriage."

Ordinances for the Deceased—ordinances performed on behalf of those who died without the opportunity to receive the ordinance in this life, including the essential ordinances of baptism, confirmation, the endowment, and sealing.

Open House and Dedication:

After construction of the temple, visitors of all ages are invited to attend a free public open house. The public open house usually lasts a few weeks. During an open house, visitors learn more about the purpose of temples and why they are so important to the Church. The open house includes a video that explains the purpose of the temple and then a walk-through tour of the temple. At the end of the tour, temple guides are available to answer questions about the temple.

After the conclusion of the open house, the temple is closed to the public and formally dedicated as the House of the Lord for performing the temple ordinances. Only Church members with a temple recommend may enter the temple after it is dedicated.

For additional information on temples, why the Church builds temples, and how temples are used, please visit <https://www.churchofjesuschrist.org/temples>.

How will the temple impact neighbors?

- **Traffic:** It is anticipated that there will be light traffic throughout the day going to and from the temple. Temple ceremonies are performed continuously during the day, typically being scheduled for every half-hour or hour. Given the schedule, there is no need for large groups to arrive at once. Entrances and exits will be located and designed so the temple affects traffic patterns minimally. In addition, the parking lot will meet all code criteria and will be sufficient to accommodate all parking needs.
- **Noise:** Temple ordinances occur entirely within the temple and create no external noise. The grounds of the temple are sacred and created for a place of quiet contemplation, prayer, and worship. Recreational events, picnics, reunions, social gatherings, and amplified sound are prohibited. No exterior music or sound is broadcast.
- **Local Use:** The temple will not become a “mega church.” The Church’s unique organization, beliefs, and approach to temple construction prioritizes use by members who live in proximity to the temple:
 - Members generally attend the temple in their temple district. A “temple district” is a geographic area that is assigned to each temple. The proposed temple is being constructed primarily to meet local religious needs and thus will be used almost exclusively by people who live within those defined boundaries. Unlike the Salt Lake City Temple, the proposed temple will not have a visitors’ center and will not be a tourist attraction.
 - In contrast with Sunday worship in Church meetinghouses, Church members are not required to attend the temple on a standardized schedule. Some members may attend weekly or monthly while others may attend only yearly. Temple worship is highly individual in nature. Regular congregational gatherings occur at weekly Sunday worship services in meetinghouses (not temples) serving local congregations.
- **Aesthetics and Design:** The design of the temple conveys important religious messages. The temple is designed to be a tribute to God and a beacon of light and hope to all who look upon it. The proposed temple is designed to accommodate worship needs. The location and design of the temple are selected, overseen and approved under divine inspiration by the First Presidency of the Church whom Church members revere as God’s prophets, seers and revelators here on earth. Both the location and design are of great religious significance. The steeple will be the temple’s most distinctive architectural feature and serves no other purpose than to send a religious message. Courts have recognized the importance of steeples in the Church’s beliefs. See *Martin v. Corp. of Presiding Bishop of The Church of Jesus Christ of Latter-day Saints*, 747 N.E.2d 131, 137 (Mass. 2001) (Speaking of The Church of Jesus Christ of Latter-day Saints, “[i]t is clearly part of [their] theology to reflect, in their buildings, the belief of an

ascension towards heaven” and “that steeples, by pointing towards heaven, serve the purpose of lifting [their] eyes and thoughts towards heaven.”) The steeple expresses a message of faith and devotion to God (literally lifting the eye heavenward) and is an age-old symbol identifying the building as a house of worship. Lights make the temple a beacon for the peace and salvation offered by Jesus Christ – The Light of the World. Temple lighting reflects this religious message and proclaims that the temple is a place of enlightenment and hope where God’s divine presence can be felt. In addition, well-maintained landscaping physically separates the temple from other structures, inviting God’s spirit to be present and promoting the sacred atmosphere of the temple.

We are a part of this community.

Members of the Church care deeply about this community. They live and work here, actively volunteering in schools and other community endeavors. The proposed temple will provide an attractive setting for local worship and will enable Church members to further contribute to the community at large.

Is RLUIPA implicated?

The need of the Church and its members to exercise their religion in the proposed temple is such that a denial of this application, improperly limiting the temple’s size or capacity to serve its religious purpose, or other unreasonable limitation on the Church’s ability to construct the temple would trigger the protections of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). *See* 42 U.S.C. § 2000cc. Congress passed RLUIPA unanimously and the courts have upheld its constitutionality.

RLUIPA does two things: First, whenever a land use decision substantially burdens the exercise of religion, including the construction of a house of worship, RLUIPA obligates the government to demonstrate that the regulation is “the least restrictive means” of furthering a “compelling” governmental interest. *Id.* § 2000cc(a). This is the strictest possible judicial standard and extremely hard for governments to satisfy.

Second, RLUIPA expressly prohibits (1) treating churches and other religious assemblies on less than “equal terms” with nonreligious assemblies, (2) discriminating on the basis of religion, or (3) imposing land use regulations that exclude or unreasonably limit religious assemblies from a jurisdiction. *Id.* § 2000cc(b). Both of these provisions codify established constitutional rules; so, any violation of RLUIPA also constitutes a violation of federal and state constitutions. *See* U.S. Const. Amend. 1.

Further, RLUIPA creates a private right of action for aggrieved churches to challenge land use actions that burden religion (42 U.S.C. §2000cc-2(a)), and it compels the local government to pay the attorneys’ fees of churches that successfully assert RLUIPA claims (*id.* §1988(b)).

Substantial Burden: Courts applying RLUIPA interpret the term “substantial burden” to mean conduct that “pressures” or “influences” the free exercise of religion. *See, e.g., Guru Nanak Sikh Soc. v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi v. Town of Surfside*, 366 F.3d 121 (11th Cir. 2004); *Adkins v. Kaspar*, 393 F.3d 559 (5th Cir. 2004).

“That the burden would not be insuperable would not make it insubstantial.” *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir 2005). Preventing or making it unreasonably difficult to build a worship site, restricting the size of a congregation, or otherwise limiting religious observance have all been held to be “substantial burdens.”

The United States Supreme Court has acknowledged that symbolic speech, including architectural elements, is a constitutionally protected right. See *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 632 (1942) and *Widmar v. Vincent*, 454 U.S. 263, 269 & n. 6 (1981). Similarly, under established case law, courts have held that a city's ordinances restricting signage for aesthetic purposes or concerns are unconstitutional and do not amount to a compelling interest. *Whitton v. City of Gladstone*, 54 F.3d 1400, 1408 (8th Cir. 1995).

Of course, RLUIPA and constitutional mandates need not come into play. As Congress noted, the best way to “avoid the preemptive force” of RLUIPA is to grant a variance, construe discretionary land use criteria in favor of the temple, or impose reasonable conditions of approval that do not substantially burden religious exercise. *Id.* § 2000cc-3(e). Here, the Church's application meets all relevant criteria and should be approved. The Church affirms a willingness to consider reasonable conditions of approval to address legitimate health, safety, and other weighty concerns. However, conditions and regulations designed to thwart, delay, or unreasonably limit construction or use of this vital house of worship—as well as those that unduly hinder the Church's religious message expressed through critical design elements like the steeple—are unacceptable and will trigger RLUIPA rights.



The Church of Jesus Christ of Latter-Day Saints
Grand Rapids Temple

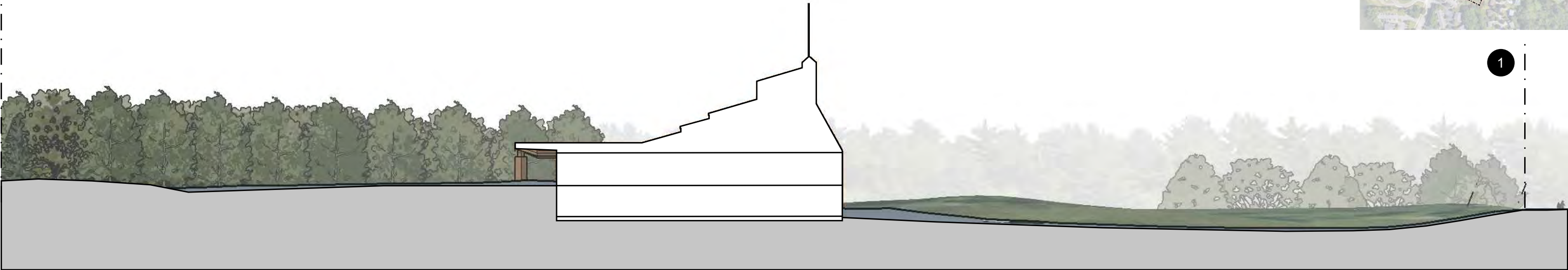
Design Submission
May 8, 2023

ZONING ANALYSIS: Building Comparison

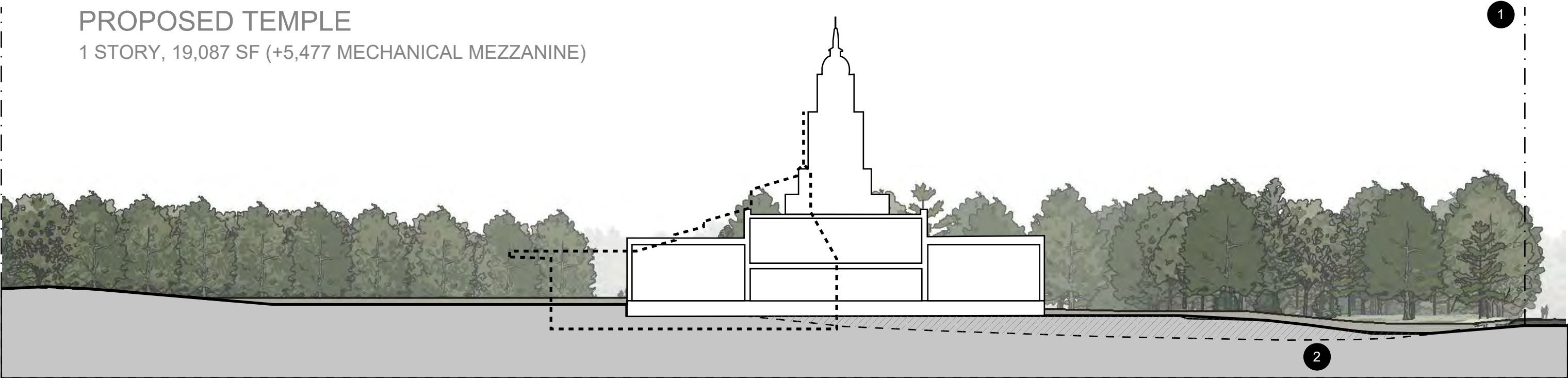
- NOTES:
- 1. Property extents
 - 2. Preliminary regrading



EXISTING CHURCH
2 STORIES, 18,750 SF



PROPOSED TEMPLE
1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)



SCALE: 1" = 40'0"

ZONING ANALYSIS: Building Height

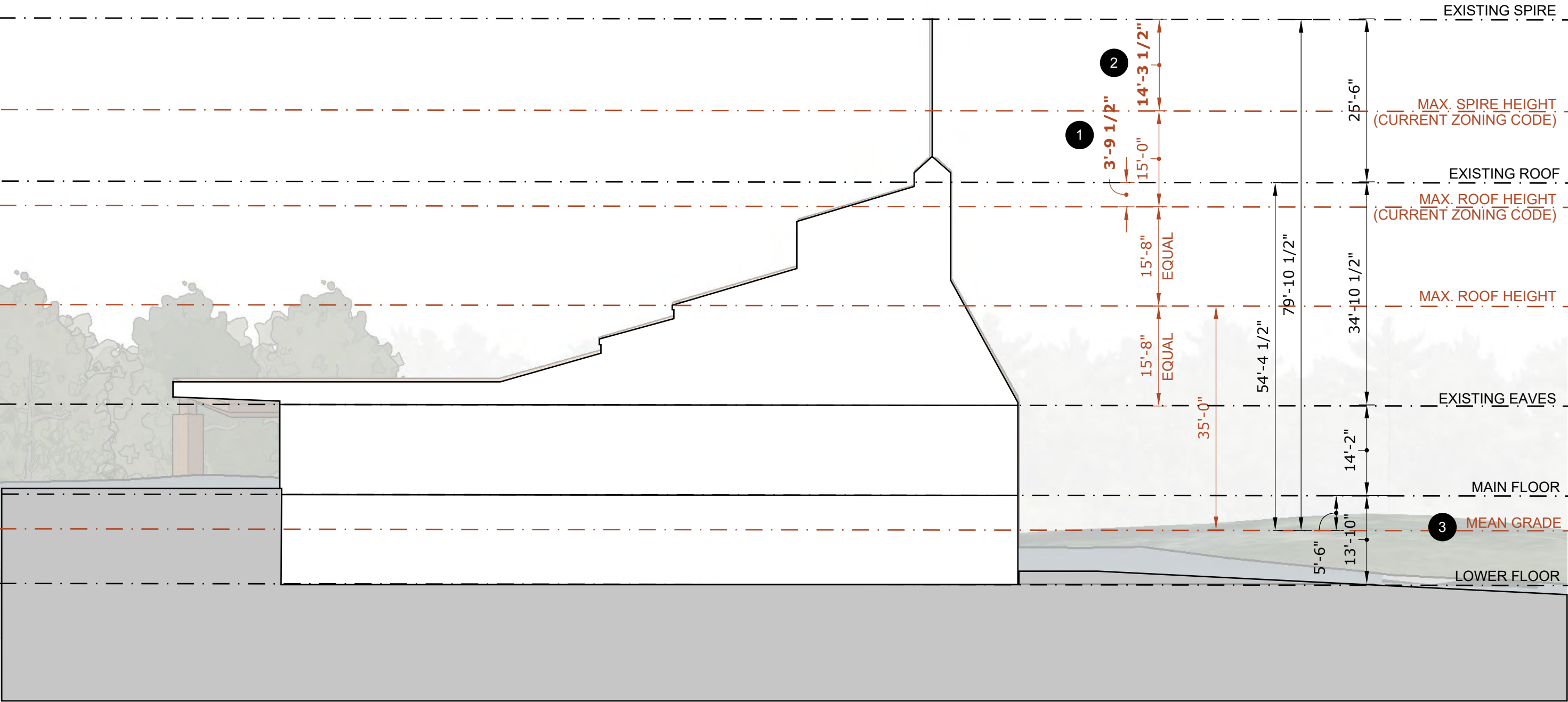
EXISTING CHURCH

2 STORIES, 18,750 SF

54' 4.5" ROOF HEIGHT; 25'6" SPIRE HEIGHT; **79' 10.5" TOTAL BUILDING HEIGHT**

NOTES:

- 1. Above allowable maximum roof height based on current zoning code.
- 2. Above allowable maximum spire height based on current zoning code.
- 3. Mean grade based on 1994 Planning Submission Documents



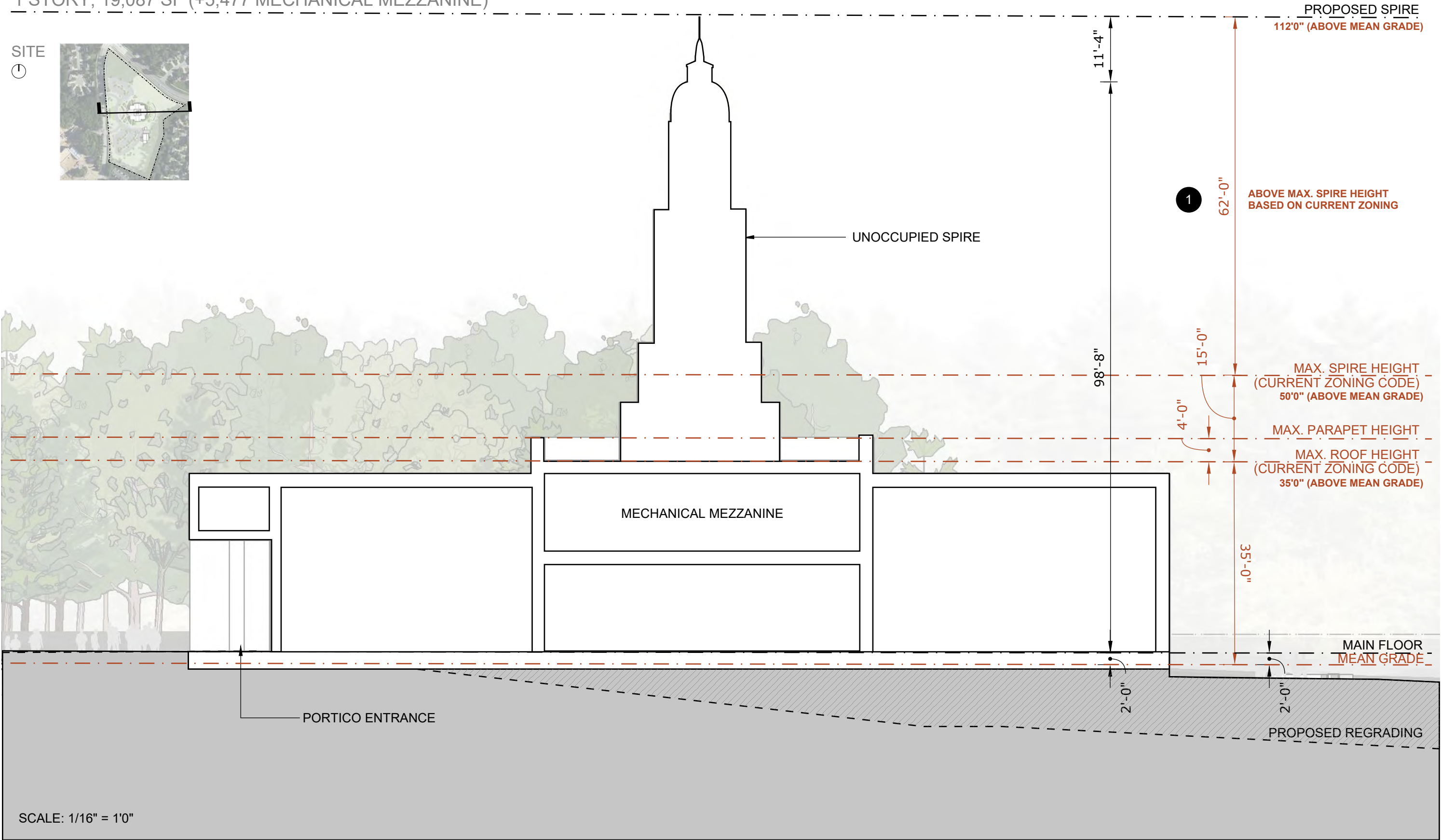
SCALE: 1/16" = 1'0"

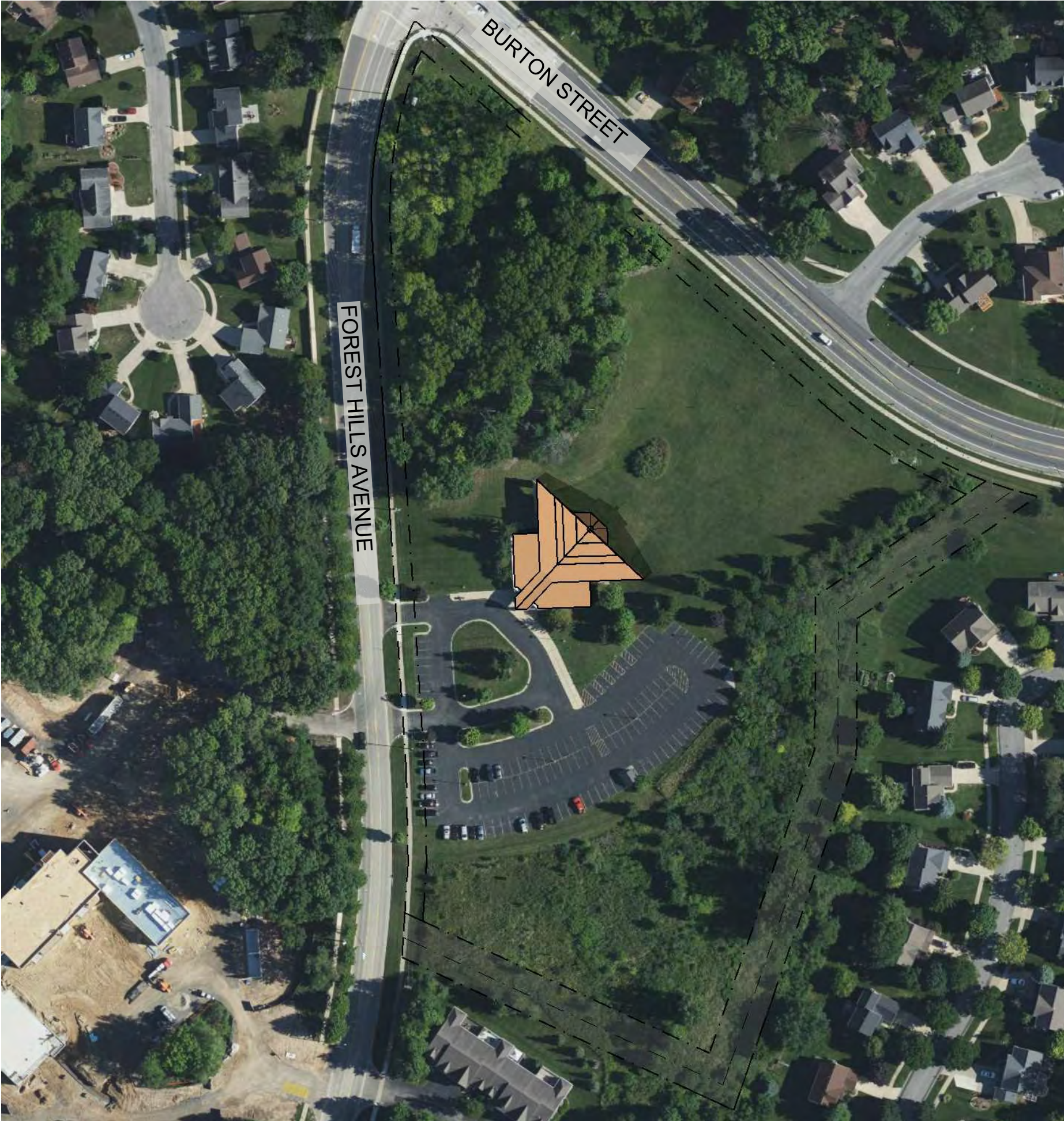
ZONING ANALYSIS: Building Height

PROPOSED TEMPLE

1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)

- NOTES:
- 1. Variance request for increased spire height.



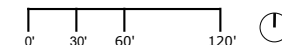


ZONING ANALYSIS: Site Plan

EXISTING CHURCH

2 STORIES, 18,750 SF

SCALE: 1" = 120'0"





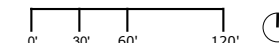
ZONING ANALYSIS: Site Plan

PROPOSED TEMPLE (Preliminary Concept)
1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)

NOTES:

1. Existing church location
2. Proposed temple location
3. Proposed maintenance building location (4,000sf)
4. Landscaping materials yard (30' x 60') with chiller and trash enclosures
5. Side yard setbacks and landscape buffer

SCALE: 1" = 120'0"



KENTWOOD PRECEDENTS: Churches and Steeples



St. Mary Magdalen Church (Kentwood)
1253 52nd St SE, Kentwood, MI 49508

53'4" main roof height; 18'2" spire; 13'6" cross.
Total building height: 85'0"



East Paris Christian Reformed Church (Kentwood)
3065 E Paris Ave SE, Kentwood, MI 49512

Top of roof estimated at 40-45'0". Spire estimated at 40-45' in height.
Total building height: 80-90'



Islamic Cultural Center Behar
3425 E Paris Ave SE East, Grand Rapids, MI 49512

Minaret tower is 77' in height.
Total building height: 77'0"

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TEMPLE PRECEDENTS



For reference, all temples shown here are Church of Jesus Christ of Latter-Day Saints Temples of similar size and design to the proposed project. Each is either completed or currently under construction.

- 1. Bentonville, AR: 114'4" total height
- 2. **Grand Junction, CO: TBD**
- 3. **Knoxville, TN: TBD**
- 4. Pittsburgh PA: 125'0" total height



STAFF REPORT: June 13, 2023
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-23-11

GENERAL INFORMATION

APPLICANT: Church of Jesus Christ of Latter-day Saints
50 E North Temple Street
Salt Lake City, Utah 84150

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to illuminate the exterior of their building with an average of 3.5 foot-candles. Section 20.06 of the Kentwood Zoning Ordinance limits the average illumination to 2.0 foot-candles. The requested variance is for an increase of 1.5 foot-candles to the maximum allowable average illumination for the exterior of the building.

EXISTING ZONING OF
SUBJECT PARCEL: RPUD-1 Attached Residential

GENERAL LOCATION: 2400 Forest Hill Avenue, SE

PARCEL SIZE: 10.32 acres

EXISTING LAND USE
ON THE PARCEL: Religious Institution

ADJACENT AREA
LAND USES: N - Burton Street ROW
S - Single Family Residential (attached condominiums)
E - Single Family Residential
W - Forest Hill Avenue ROW

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

Staff Comments:

1. The applicant wishes to illuminate the exterior of their building with an average of 3.5 foot-candles. Section 20.06 of the Kentwood Zoning Ordinance limits the average illumination to 2.0 foot-candles. The requested variance is for an increase of 1.5 foot-candles to the maximum allowable average illumination for the exterior of the building.
2. The intent and purpose of Kentwood's lighting regulations is to protect the health, safety, and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists balances against the often detrimental effects associated with the use of outdoor lighting.

The City's current lighting regulations were adopted in March of 2002 (Case 40-01). Prior to being incorporated into the Zoning Ordinance, the lighting requirements were guidelines which were adopted by the City in 2000..

3. The building permit for the existing church was approved in 1995.
4. The applicant intends to demolish the existing structure and construct a new building.
5. The property is zoned RPUD-1 Attached Residential, and the Planning Commission will have to review and approve a final site plan for the proposed development.
6. Since the lighting ordinance was adopted in 2002, the Zoning Board has heard only one request relating to levels of illumination. The request was Case V-14-06 and was for increased exterior lighting levels for display areas, a parking lot, and a security gate for a car dealership. The variance was denied.
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.

There are many religious institutions in Kentwood, either free standing or within multi-tenant buildings. This site is 10.32 acres in area; staff has identified only six (6) other freestanding religious institutions on properties that exceed 10 acres in area, the properties range from 11.18 acres to 23.20 acres in size.

Other than the size of the property, which would allow for a greater building setback, there are no exceptional or extraordinary circumstances or conditions applying to the property that would warrant granting a variance for increased illumination of the building exterior.

- 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.

In addition to this property, staff has identified only six (6) freestanding religious institutions on sites greater than ten (10) acres in size.

- 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 could illuminate the exterior of the building with an average of 2 foot-candles.

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

There is the potential that increased illumination of the building exterior could be detrimental to adjacent property and the surrounding area. Detrimental effects may be able to be minimized with increased landscaping and restrictions on the hours during which the exterior of the building is illuminated.

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

Other than the size of the property for this type of use, there are no exceptional or extraordinary circumstances that would warrant a variance for increased illumination of the building exterior and as such granting the variance could impair the intent and purpose of the ordinance to limit the level of illumination for building exteriors.

- 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.

Other than size of the property, there are no exceptional or extraordinary circumstances that would warrant a variance for increased illumination of the building exterior.

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

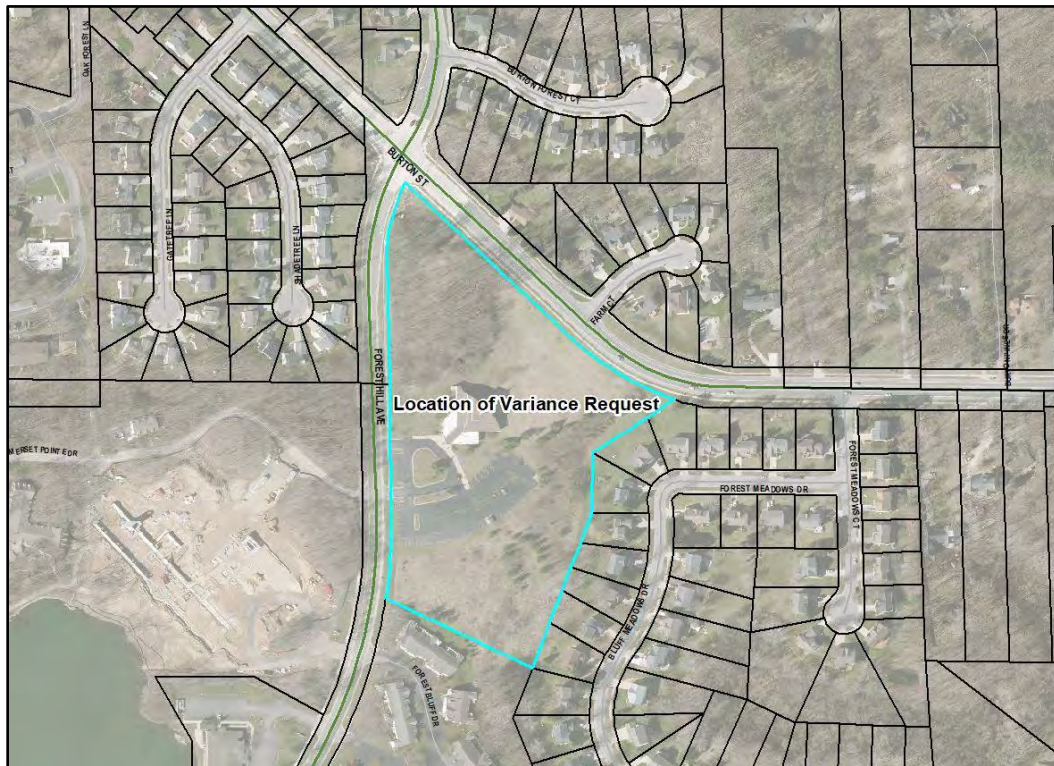


Exhibit 2: April 2023 Pictometry Image (view from the south)



Exhibit 3: April 2023 Pictometry Image (view from the north)



Exhibit 4: April 2023 Pictometry Image (view from the west)



Exhibit 5: April 2023 Pictometry Image (view from the east)



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

APPEAL # V-23-11

HEARING DATE June 19, 2023

APPLICANT: Church of Jesus Christ of Latter-day Saints

PHONE # (630) 800-7003

ADDRESS: 2400 Forest Hill Ave SE, Grand Rapids, MI 49546

PROPERTY OWNER: Church of Jesus Christ of Latter-day Saints

PHONE # (630) 800-7003

ADDRESS: 50 E North Temple Street Salt Lake City, Utah 84150

LOCATION OF VARIANCE (If applicable) 2400 Forest Hill Ave SE, Grand Rapids, MI 49546

ZONING DISTRICT OF PROPERTY: Residential PUD with a SLU for existing Church property

ZONING ORDINANCE SECTION (S) APPEALED: Section 20.06 Lighting

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

The ordinance sets lighting levels from 2 to 5 foot candles depending on building surface and the surrounding conditions. Due to our site and building material the ordinance limits the project to an average of 2 foot candles.

For appropriate lighting of architectural features, we request an average of 3.5 footcandles.

See graphical information package and Grand Rapids Temple Quick Facts for additional information. See Lighting Justification Standards for descriptions of appeal.

JUSTIFICATION OF APPEAL: Briefly describe how your appeal meets the Standards of Section 21.04B of the Kentwood Zoning Ordinance. Each standard must be met.

STANDARD (1): See attached

STANDARD (2): See attached

STANDARD (3): See attached

STANDARD (4): See attached

STANDARD (5): See attached

STANDARD (6): See attached

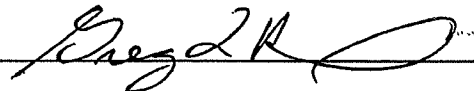
Zoning Board of Appeals
Non-Use Variance Application
Page 2

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: The Church of Jesus Christ of Latter-day Saints
(Please print)

SIGNATURE OF APPLICANT:  DATE: 5/24/23

NAME OF PROPERTY OWNER: The Church of Jesus Christ of Latter-day Saints
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 5/24/23

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

LIGHTING JUSTIFICATION STANDARDS

Nonuse variance. Before submitting an application for a nonuse variance the applicant must meet with City staff and review the current zoning provisions to determine whether their desired goal could otherwise be achieved. A nonuse 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. 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 situations on the land, building or structure.

The Temple will be set far from the existing property lines and lighting will be necessary to illuminate the building well. Temples traditionally are illuminated as they are highly decorated and have many architectural features, which are significant to the religion.

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.

Few buildings in this zoning district require façade lighting. Moreover, the unique nature of this religious facility, with its ornate architectural facade, negates the need for 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.

Several other religious institutions in Kentwood have illuminated façades. All the residential users in this zoning district have the required and expected level of lighting for their uses. A Temple needs a higher level of lighting (anticipated to be 3.5 fc average) than is permitted in this district, based on expected locations of luminaires related to building.

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

The lighting will be designed for the aesthetic of the building and security of guests while also taking into consideration the surrounding properties. Most luminaires will be mounted near the base of the building with significant screening provided by landscaping. Adequate spacing and layout will help promote the beauty of the building and protect the surroundings. Site lighting will also incorporate integral lighting controls, which will provide a flexible lighting system and balance light levels across the site.

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

The variance required is a marginal increase to the permitted level of lighting. Due to the buildings distance from the surrounding structures and the site screening, this variance will not impair the intent of this 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 need for this variance is a result of the nature and intended use of the building and is acceptable due to the care being put into building location, design of lighting and control systems, and site planning. Temples have a higher level of architectural finish than residential construction and therefore require a different level of lighting.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

QUICK FACTS ABOUT THE PROPOSED TEMPLE

This statement supplements the application for construction of a temple of The Church of Jesus Christ of Latter-day Saints (the “Church”). It briefly explains the temple’s religious importance to Church members and answers questions about how the temple will be used and its impact on the neighborhood.

Why is the temple so important?

To the Church and its members, temples are literally houses of the Lord. They are holy places of worship where individuals make covenants with God through sacred religious ordinances (rites). Temples are places of learning, divine revelation, and communion with God. Their principal purpose is to provide the ordinances necessary for God’s children to return to live with Him. Temple ordinances lead to the greatest blessings available through the Atonement of Jesus Christ. Everything in the Church of Jesus Christ—the meetings and activities, the missionary efforts, the lessons taught, the hymns—all lead to the temple because the temple is centered on Jesus Christ. Members believe these ordinances and associated covenants are essential for salvation. The ordinances performed in the temple represent the highest form of worship to members of the Church.

Members first make covenants and receive ordinances on their own behalf and then are encouraged to return to the temple to make covenants and receive ordinances on behalf of their ancestors who died without the opportunity to do so. This is so all who desire to come unto Christ may be saved in His kingdom. Worship and service in the temple allows members to feel peace, to receive a clearer perspective on life, and to become better disciples of Jesus Christ. As the Church’s current prophet has taught:

The temple lies at the center of strengthening our faith and spiritual fortitude because the Savior and His doctrine are the very heart of the temple. Everything taught in the temple, through instruction and through the Spirit, increases our understanding of Jesus Christ. His essential ordinances bind us to Him through sacred priesthood covenants. Then, as we keep our covenants, He endows us with His healing, strengthening power. (President Russel M. Nelson, *General Conference*, Oct. 2021.)

Accordingly, members of the Church consider the temple to be the most sacred place on earth.

Why a temple in this location?

The selection of a temple site is of great religious importance to the Church and its members. Each temple location is selected by the President of the Church acting under divine inspiration. Members of the Church sustain the President of the Church as a prophet who receives direct guidance from God for the blessing and benefit of His Church and the world.

The location of temples can substantially affect the ability of Church members to freely exercise their religion. When temples are too distant or difficult to reach due to weather, geography,

costs of transportation, or other considerations, or when temples are too crowded to allow for regular worship, the Church and its members are materially burdened in the exercise of the most fundamental aspects of their religion. Considering the purpose of temples and the Church's doctrine that temple worship is essential to personal and family salvation, local Church members have a religious need for the proposed temple. The Church has proposed a plan that will reasonably accommodate the worship needs of the Church and its members.

What will the temple look like?

The temple will be a beautiful house of worship that is constructed using the highest-quality materials and rigorous building standards. The phrases "Holiness to the Lord" and "The House of the Lord" are found near the entrance of every temple and remind us that each temple is a sacred place. The size of the temple is dictated by worship needs in the geographical area served by the temple. Both the interior and exterior of the temple will be beautifully and carefully constructed and maintained. Key features of the temple include endowment rooms where sacred religious instruction is given and ordinances performed, sealing rooms where couples are married for eternity, a celestial room for quiet contemplation and communion with God, a baptistry, and a steeple. Beautiful landscaping and appropriate lighting, parking, and security features will be provided.

How will the temple be used?

Temples are different than ordinary Church meetinghouses. Sunday worship services, youth gatherings, service projects, social gatherings, recreational activities, and other community events take place in meetinghouses, but *not* in temples. Temples are specially set apart for uniquely sacred services and ceremonies. Church members worship in the temple on an individual basis or in relatively small groups—there are no large-group events. They come dressed in formal attire and in an attitude of quiet reverence. In order to participate in temple ordinances, a Church member must personally prepare by faithfully living the laws and commandments of the gospel of Jesus Christ, have a current temple recommend, and be at least turning 12 that year. As explained, in the temple Church members receive religious instruction, participate in sacred ordinances, make covenants with God, receive promised blessings, pray, and commune with God.

Key to Church Terminology

Temple Recommend—a small card that is issued by the local Church leader that signifies that the card-holder is considered worthy to enter and participate in the ordinances performed in the temple.

Ordinance—a sacred, formal act or ceremony performed by the authority of the priesthood.

Endowment—an ordinance received in the temple where Church members make covenants with God, are taught about the purpose of life, the mission of Jesus Christ, and God's plan for His children.

Sealing—an ordinance received in the temple where parents and children are "sealed" (bound) to each other in eternal families.

The sealing of a couple is often referred to as "temple marriage."

Ordinances for the Deceased—ordinances performed on behalf of those who died without the opportunity to receive the ordinance in this life, including the essential ordinances of baptism, confirmation, the endowment, and sealing.

Open House and Dedication:

After construction of the temple, visitors of all ages are invited to attend a free public open house. The public open house usually lasts a few weeks. During an open house, visitors learn more about the purpose of temples and why they are so important to the Church. The open house includes a video that explains the purpose of the temple and then a walk-through tour of the temple. At the end of the tour, temple guides are available to answer questions about the temple.

After the conclusion of the open house, the temple is closed to the public and formally dedicated as the House of the Lord for performing the temple ordinances. Only Church members with a temple recommend may enter the temple after it is dedicated.

For additional information on temples, why the Church builds temples, and how temples are used, please visit <https://www.churchofjesuschrist.org/temples>.

How will the temple impact neighbors?

- **Traffic:** It is anticipated that there will be light traffic throughout the day going to and from the temple. Temple ceremonies are performed continuously during the day, typically being scheduled for every half-hour or hour. Given the schedule, there is no need for large groups to arrive at once. Entrances and exits will be located and designed so the temple affects traffic patterns minimally. In addition, the parking lot will meet all code criteria and will be sufficient to accommodate all parking needs.
- **Noise:** Temple ordinances occur entirely within the temple and create no external noise. The grounds of the temple are sacred and created for a place of quiet contemplation, prayer, and worship. Recreational events, picnics, reunions, social gatherings, and amplified sound are prohibited. No exterior music or sound is broadcast.
- **Local Use:** The temple will not become a “mega church.” The Church’s unique organization, beliefs, and approach to temple construction prioritizes use by members who live in proximity to the temple:
 - Members generally attend the temple in their temple district. A “temple district” is a geographic area that is assigned to each temple. The proposed temple is being constructed primarily to meet local religious needs and thus will be used almost exclusively by people who live within those defined boundaries. Unlike the Salt Lake City Temple, the proposed temple will not have a visitors’ center and will not be a tourist attraction.
 - In contrast with Sunday worship in Church meetinghouses, Church members are not required to attend the temple on a standardized schedule. Some members may attend weekly or monthly while others may attend only yearly. Temple worship is highly individual in nature. Regular congregational gatherings occur at weekly Sunday worship services in meetinghouses (not temples) serving local congregations.
- **Aesthetics and Design:** The design of the temple conveys important religious messages. The temple is designed to be a tribute to God and a beacon of light and hope to all who look upon it. The proposed temple is designed to accommodate worship needs. The location and design of the temple are selected, overseen and approved under divine inspiration by the First Presidency of the Church whom Church members revere as God’s prophets, seers and revelators here on earth. Both the location and design are of great religious significance. The steeple will be the temple’s most distinctive architectural feature and serves no other purpose than to send a religious message. Courts have recognized the importance of steeples in the Church’s beliefs. See *Martin v. Corp. of Presiding Bishop of The Church of Jesus Christ of Latter-day Saints*, 747 N.E.2d 131, 137 (Mass. 2001) (Speaking of The Church of Jesus Christ of Latter-day Saints, “[i]t is clearly part of [their] theology to reflect, in their buildings, the belief of an

ascension towards heaven” and “that steeples, by pointing towards heaven, serve the purpose of lifting [their] eyes and thoughts towards heaven.”) The steeple expresses a message of faith and devotion to God (literally lifting the eye heavenward) and is an age-old symbol identifying the building as a house of worship. Lights make the temple a beacon for the peace and salvation offered by Jesus Christ – The Light of the World. Temple lighting reflects this religious message and proclaims that the temple is a place of enlightenment and hope where God’s divine presence can be felt. In addition, well-maintained landscaping physically separates the temple from other structures, inviting God’s spirit to be present and promoting the sacred atmosphere of the temple.

We are a part of this community.

Members of the Church care deeply about this community. They live and work here, actively volunteering in schools and other community endeavors. The proposed temple will provide an attractive setting for local worship and will enable Church members to further contribute to the community at large.

Is RLUIPA implicated?

The need of the Church and its members to exercise their religion in the proposed temple is such that a denial of this application, improperly limiting the temple’s size or capacity to serve its religious purpose, or other unreasonable limitation on the Church’s ability to construct the temple would trigger the protections of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). *See* 42 U.S.C. § 2000cc. Congress passed RLUIPA unanimously and the courts have upheld its constitutionality.

RLUIPA does two things: First, whenever a land use decision substantially burdens the exercise of religion, including the construction of a house of worship, RLUIPA obligates the government to demonstrate that the regulation is “the least restrictive means” of furthering a “compelling” governmental interest. *Id.* § 2000cc(a). This is the strictest possible judicial standard and extremely hard for governments to satisfy.

Second, RLUIPA expressly prohibits (1) treating churches and other religious assemblies on less than “equal terms” with nonreligious assemblies, (2) discriminating on the basis of religion, or (3) imposing land use regulations that exclude or unreasonably limit religious assemblies from a jurisdiction. *Id.* § 2000cc(b). Both of these provisions codify established constitutional rules; so, any violation of RLUIPA also constitutes a violation of federal and state constitutions. *See* U.S. Const. Amend. 1.

Further, RLUIPA creates a private right of action for aggrieved churches to challenge land use actions that burden religion (42 U.S.C. §2000cc-2(a)), and it compels the local government to pay the attorneys’ fees of churches that successfully assert RLUIPA claims (*id.* §1988(b)).

Substantial Burden: Courts applying RLUIPA interpret the term “substantial burden” to mean conduct that “pressures” or “influences” the free exercise of religion. *See, e.g., Guru Nanak Sikh Soc. v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi v. Town of Surfside*, 366 F.3d 121 (11th Cir. 2004); *Adkins v. Kaspar*, 393 F.3d 559 (5th Cir. 2004).

“That the burden would not be insuperable would not make it insubstantial.” *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir 2005). Preventing or making it unreasonably difficult to build a worship site, restricting the size of a congregation, or otherwise limiting religious observance have all been held to be “substantial burdens.”

The United States Supreme Court has acknowledged that symbolic speech, including architectural elements, is a constitutionally protected right. See *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 632 (1942) and *Widmar v. Vincent*, 454 U.S. 263, 269 & n. 6 (1981). Similarly, under established case law, courts have held that a city's ordinances restricting signage for aesthetic purposes or concerns are unconstitutional and do not amount to a compelling interest. *Whitton v. City of Gladstone*, 54 F.3d 1400, 1408 (8th Cir. 1995).

Of course, RLUIPA and constitutional mandates need not come into play. As Congress noted, the best way to “avoid the preemptive force” of RLUIPA is to grant a variance, construe discretionary land use criteria in favor of the temple, or impose reasonable conditions of approval that do not substantially burden religious exercise. *Id.* § 2000cc-3(e). Here, the Church's application meets all relevant criteria and should be approved. The Church affirms a willingness to consider reasonable conditions of approval to address legitimate health, safety, and other weighty concerns. However, conditions and regulations designed to thwart, delay, or unreasonably limit construction or use of this vital house of worship—as well as those that unduly hinder the Church's religious message expressed through critical design elements like the steeple—are unacceptable and will trigger RLUIPA rights.



The Church of Jesus Christ of Latter-Day Saints
Grand Rapids Temple

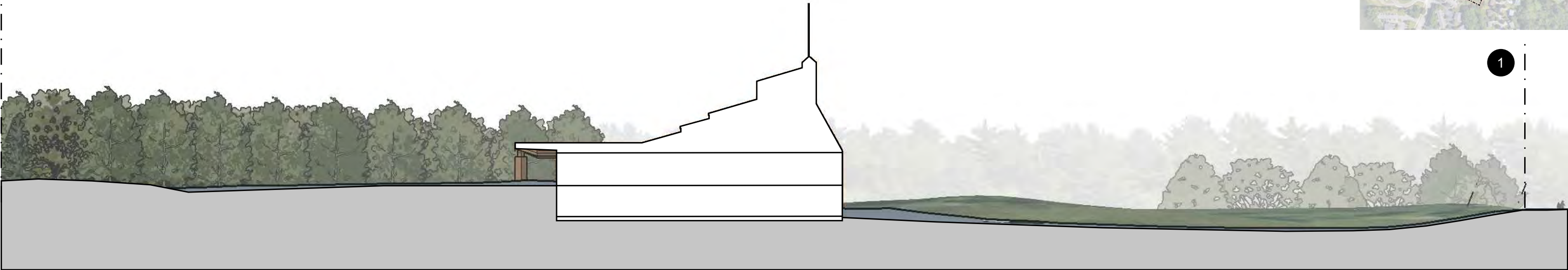
Design Submission
May 8, 2023

ZONING ANALYSIS: Building Comparison

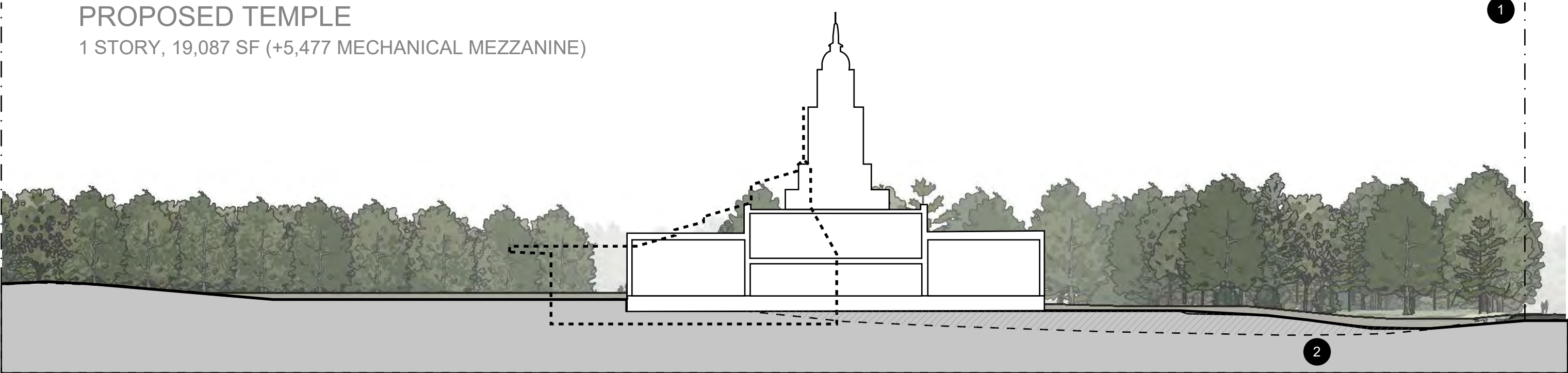
- NOTES:
- 1. Property extents
 - 2. Preliminary regrading



EXISTING CHURCH
2 STORIES, 18,750 SF



PROPOSED TEMPLE
1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)



SCALE: 1" = 40'0"

ZONING ANALYSIS: Building Height

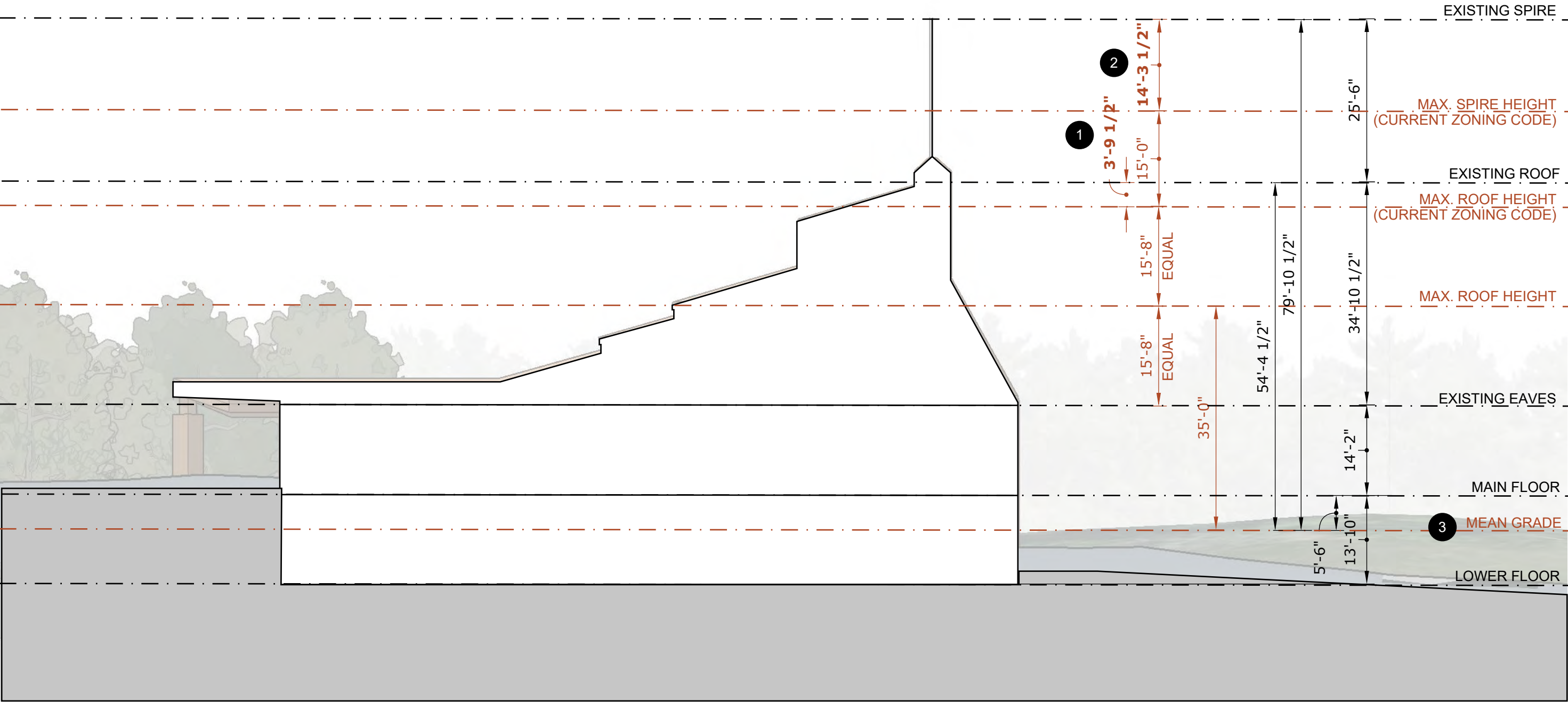
EXISTING CHURCH

2 STORIES, 18,750 SF

54' 4.5" ROOF HEIGHT; 25'6" SPIRE HEIGHT; **79' 10.5" TOTAL BUILDING HEIGHT**

NOTES:

- 1. Above allowable maximum roof height based on current zoning code.
- 2. Above allowable maximum spire height based on current zoning code.
- 3. Mean grade based on 1994 Planning Submission Documents



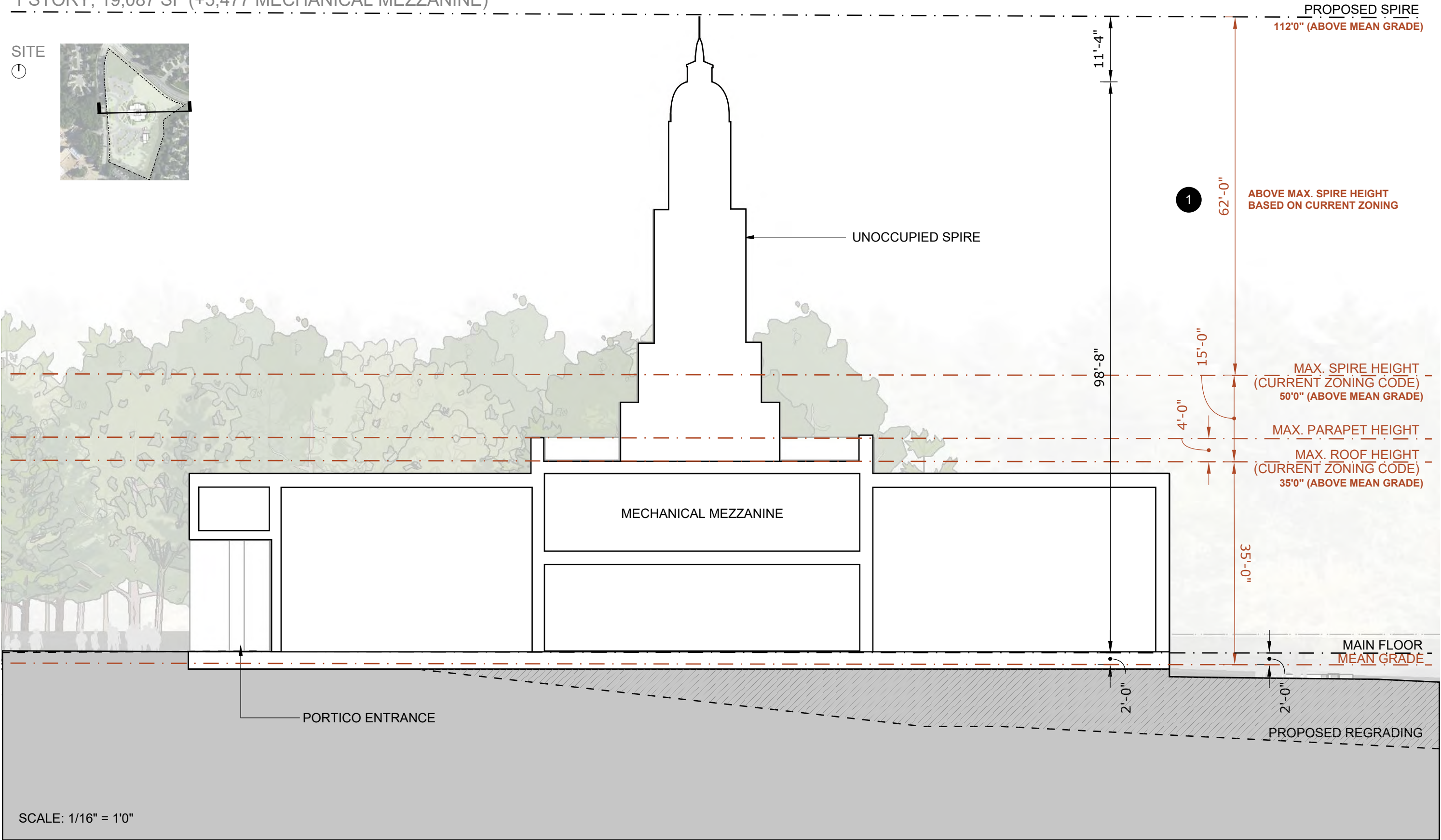
SCALE: 1/16" = 1'0"

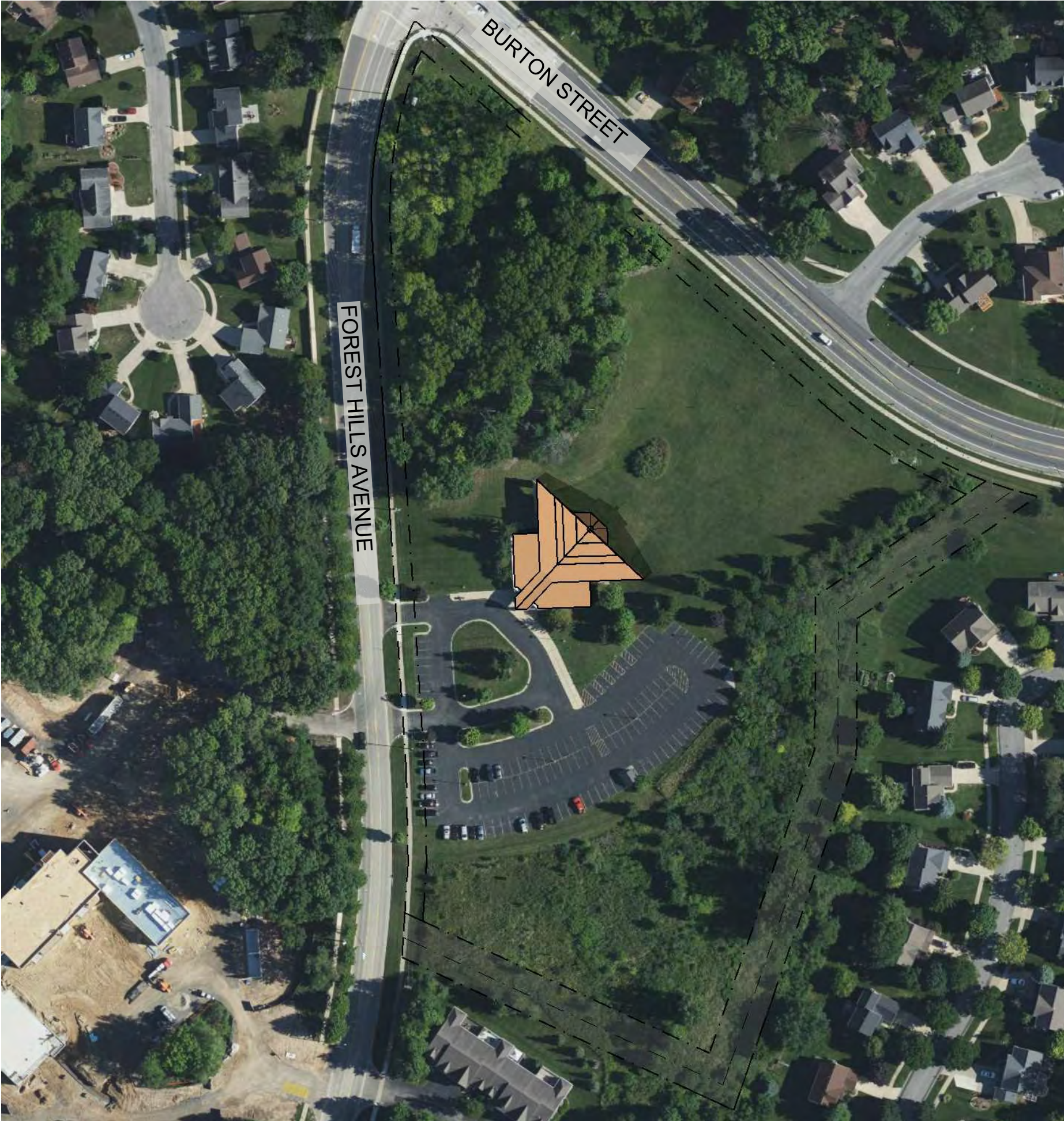
ZONING ANALYSIS: Building Height

PROPOSED TEMPLE

1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)

- NOTES:
- 1. Variance request for increased spire height.



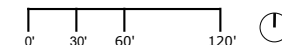


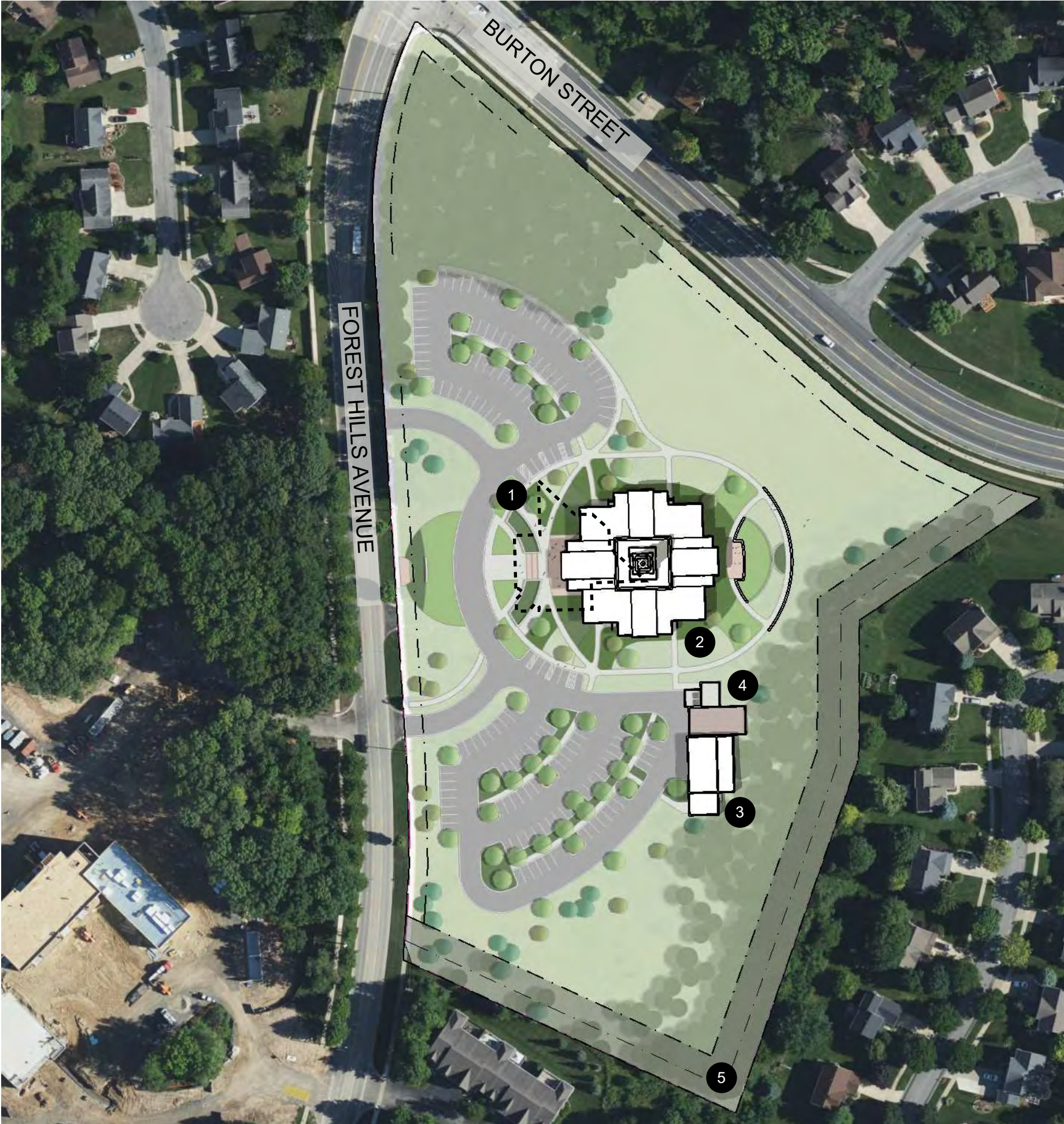
ZONING ANALYSIS: Site Plan

EXISTING CHURCH

2 STORIES, 18,750 SF

SCALE: 1" = 120'0"





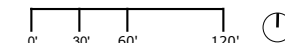
ZONING ANALYSIS: Site Plan

PROPOSED TEMPLE (Preliminary Concept)
1 STORY, 19,087 SF (+5,477 MECHANICAL MEZZANINE)

NOTES:

1. Existing church location
2. Proposed temple location
3. Proposed maintenance building location (4,000sf)
4. Landscaping materials yard (30' x 60') with chiller and trash enclosures
5. Side yard setbacks and landscape buffer

SCALE: 1" = 120'0"



KENTWOOD PRECEDENTS: Churches and Steeples



St. Mary Magdalen Church (Kentwood)
1253 52nd St SE, Kentwood, MI 49508

53'4" main roof height; 18'2" spire; 13'6" cross.
Total building height: 85'0"



East Paris Christian Reformed Church (Kentwood)
3065 E Paris Ave SE, Kentwood, MI 49512

Top of roof estimated at 40-45'0". Spire estimated at 40-45' in height.
Total building height: 80-90'



Islamic Cultural Center Behar
3425 E Paris Ave SE East, Grand Rapids, MI 49512

Minaret tower is 77' in height.
Total building height: 77'0"

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TEMPLE PRECEDENTS



For reference, all temples shown here are Church of Jesus Christ of Latter-Day Saints Temples of similar size and design to the proposed project. Each is either completed or currently under construction.

- 1. Bentonville, AR: 114'4" total height
- 2. **Grand Junction, CO: TBD**
- 3. **Knoxville, TN: TBD**
- 4. Pittsburgh PA: 125'0" total height

