



**AGENDA**  
**KENTWOOD ZONING BOARD OF APPEALS**  
**KENTWOOD CITY HALL**  
**COMMISSION CHAMBERS**  
**4900 BRETON AVENUE, SE**  
**JANUARY 17, 2024, 6:30 P.M.**

1. Call to Order
2. Pledge of Allegiance (VanNoord)
3. Roll Call
4. 6:30p.m. Closed Session  
Motion to enter closed session to discuss a written legal opinion which is exempt from discussion or disclosure under state law as permitted under Section 8(h) of PA 267 Michigan Open Meetings Act of 1976. (roll call vote)
5. Motion to Reconvene from Closed Session
6. Declaration of Conflict of Interest
7. Approval of Minutes of December 18, 2023
8. Acknowledge visitors and those wishing to speak to non- agenda items.
9. Old Business

**Consideration to table action on Resolution to deny request V-23-10.**

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 62-feet to the maximum height permitted by the Zoning Ordinance

10. Public Hearing

Appeal #V-24-01

Applicant: Lynn Garreau

Agenda - Zoning Board of Appeals

January 17, 2024

Page 2

Location: 1677 Gentian Drive

Request: The applicant wishes to install a second driveway off of Gentian Drive for the property. Section 17.11.B of the Kentwood Zoning Ordinance limits the number of driveways to one (1). The requested variance is to permit a second driveway for the property.

11. Commissioners Comments

12. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
DECEMBER 18, 2023, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance
3. Roll Call  
MEMBERS PRESENT: Les Derusha, Joshua Elliott, Amanda Le, Alan Lipner, Robert Spalding, David Fant, Mary VanNoord and Susan West  
MEMBERS ABSENT: Robert Houtman (with notification)  
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, the applicants, and about 50 citizens.

**Motion by, supported by to excuse Houtman from the meeting.**

- Motion Carried (7-0) –
- Houtman absent
- 

4. Joshua Elliott was sworn in as a member of the Zoning Board of Appeals
5. Closed Session

**Motion by supported by to adjourn for a closed session meeting.**

- Motion Carried (7-0) –
- Houtman absent -

6. Reconvened from closed session

**Motion by Spalding, supported by West, to reconvene from closed session meeting at 7pm.**

- Motion Carried (7-0) –
- Houtman absent -

7. Declaration of Conflict of Interest

There was no conflict of interest expressed.

8. Approval of the Minutes and Findings of Fact

Pung stated on page 2 where it states the applicant has requested, it should read an email was received from the applicant requesting to table to December 18, 2023.

**Motion by West, supported by Spalding, to approve the minutes of November 20, 2023 with change noted.**

- Motion Carried (7-0) –
- Houtman absent -

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

There was no public comment.

10. Public Hearing

**Appeal #V-23-10 The applicant has requested tabling to August 21, 2023 to September 18, 2023 to October 16, 2023, to November 20, 2023 and now to the December 18, 2023 meeting**

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 62-feet to the maximum height permitted by the Zoning Ordinance.

Dan Holt, Project Manager for the Jesus Christ of Latter Day Saints, David Caldon from Varnum LLP and Ned Baxter from Progressive AE the architect were present.

Holt stated the temple to their members is the house of the Lord and the most sacred place for worship. He stated this is where they make convenance and participating ordinances that help them grow closer to their heavenly father and their savior Jesus Christ. He stated they take great importance in the design of their Temples with the intention of creating the physical manifestation of the beliefs they hold. He stated one of the beliefs is the presence of light and a beacon to the world to manifest the beliefs that they have to other people and to share in the love of Christ that they have in their hearts. He stated the second is to be able to manifest the beauty of God's creations through the building of the Temples that they have. He stated the designs that they have are unique to each project that they take great pains in following the guidance and direction of the Prophet of their church that they hold to be a representative and spokesman for the Lord in their beliefs and the direction that He has given them to design this building.

David Caldon with Varnum was present. He stated they are counsel for the Church of Jesus Christ of Latter Day Saints. He stated they sent a letter outlining the reason that it is their opinion that this variance should be granted. He stated the church qualifies for a variance under the City standards and the relevant case law including the Pegasus Wind case that was cited in his letter. Second, because the constitutional and statutory

protection cited in his letter specifically the free exercise clause, the free speech clause and RLUIPA which provides that a variance in this case is appropriate. He stated they do understand and are sympathetic to the city's concerns about setting a precedent. He stated precedence is not a standard in the zoning ordinance. He stated they are clear that the City does not want to set a precedent that 112-foot height is appropriate in all circumstances. He stated they do not believe that the effect of granting a variance in this case will do that at all. They have put together a presentation to explain and help the board differentiate why for a variety of reasons that this application is unlikely to be duplicated by other applicants on other properties. Caldon stated there are a variety of practical reasons why the 112-foot height is appropriate for this property, for this structure, and for this applicant that would not be applicable to other properties, other structures, and other applicants. He stated they believe the ZBA can grant this variance without establishing any sort of precedent. He stated the other topic their presentation will cover is why the 112-foot height correct.

Ned Baxter, senior architect with Progressive AE was present. He displayed several images of the project. He displayed elevations viewed from Forest Hill and from Burton. He stated he does want to point out that the top 2 feet or so are quite narrow and even the spire itself the highest tier in stone is approximately 11 feet wide and the second story down with the second window is about 15 feet wide. This is not a massive structure it is quite narrow along its entire height. He stated the rest of the building up to 35 feet and 37 feet is completely compliant with the zoning. He stated it is worth noting that this is quite a large site and at the height of the spire at 112 feet there is a distance of approximately 2.5 times that's more than 250 feet from the center of the spire to the perimeter of the property. He stated they are centering the church in the middle of the property doing everything they can to be respectful to the community and the adjacent buildings.

Baxter stated this type of Temple is a similar form of the Temples that are constructed or currently under construction all are about similar size to theirs and all over 100 feet in height. Some of the Temples as high as 125 feet tall, but, generally the size and massing of these buildings is quite similar across the country. All the Temples in smaller cities similar to the metro Grand Rapids region. He stated this Temple and others are inspired by natural proportions and a system of proportions that is common to classical architecture through hundreds of thousands of years. He stated they have a measuring block to look at the Temple and the proportions of the Temple to ensure that the spire is harmonious to the size of the building as a whole. There is a series of ratios that they come back to and every element of the project to test their design. It is not an arbitrary height being selected by the architect or by the church, but it is part of a larger proportional system. He stated this shape ties to the churches feeling that this building is inspired by their belief in God and the natural world that is his creation. Discussion ensued.

Baxter displayed the church and pointed out the triangles drawn across the golden ratio. He stated it accurately describes the height of the building relative to its width. The height of their Temple is related to the width and that is the relationship that they brought

to this building where the height of their Temple is related to width of the front mass of the architecture. He stated they are finding a ratio in every piece of the temple. He stated this is why the spire is 112 feet tall.

Baxter displayed more images describing what the impact is on the site and the community. They displayed photos starting at the intersection of Forest Hills and Burton, stating that the Temple is not visible. He stated moving down Burton past Farnhouse Ct you start to see the architecture of the Temple represented on the hill. He stated as you continue to move down Burton the existing landscape starts to obscure the project. He stated as you move around into the neighborhood the spire is visible above the trees but as you move into the neighborhood the spire becomes less prominent until it starts to fade away entirely behind the existing tree foliage. Holt stated they are trying to show the two areas where the vision of the Temple would be most apparent. He stated there are very few locations where the Temple is visible to the neighbors. Holt stated one of the core design tenants of the building they build is not just the building itself, but the site and the land around it. He stated typically they have averaged about 250 mature trees they plant on the site as well as perennials and shrubs to screen neighbors for privacy as well as the beauty of the site. Discussion ensued.

Caldon stated this application is unique for a variety of reasons. There is a large parcel in relation to the size of the structure. There are very large setbacks. There is a very small profile all the way up and that profile drops in size in mass as it gets taller. Discussion ensued regarding the need for the goals of the Temple which demand a specific size and massing of the building and the height they are proposing at 112 feet. He stated it meets the standards in the zoning ordinance.

Caldon stated with respect to the standards. He stated they met the practical difficulty points 1 and 3. Regarding point 1, do these conditions occur enough to warrant amending the ordinance. He stated no this is a very unique applicant, property and structure. There would be no need to amend the ordinance.

Caldon stated the fourth standard will it be detrimental to the adjacent property owners. He stated it is met. In the staff report it states that it will not be detrimental to surrounding properties. They do agree with that. A lot of the owners around the churches Temples really enjoy the view that is presented by them and find them to be beautiful.

Caldon stated point 5 is clearly met. This standard is whether the spirit of the ordinance is met and it comes from the statute upon which the ordinance is based. Discussion ensued.

Caldon stated point 6 is also met. He stated the church has done nothing to create the need for the variance other than purchasing the property. Purchasing the property is not a self-created hardship. Building the steeple is not a hardship. Discussion ensued.

Caldon stated they believe that all of the standards in the ordinance are met and granting this variance will not create a precedent.

Holt read a statement by the prophet in 2021.

Fant questioned what determines the height of the building that they are going to build. Holt stated they have a Temple department that manages operations of their Temples.

Elliott questioned if the temples that are being built or are being built in residential areas. Holt stated yes, most of their buildings that they build are in residential neighborhoods.

Derusha opened the public hearing.

Brian Bartles, 11436 Taylor Street, West Olive MI was present. He stated having a Temple locally would mean a lot for the members of their church. This will be a beautiful building that is going to add to the character of West Michigan, they have been praying and fasting for this Temple to be built as is.

Kara Krieg, a resident of Kentwood stated she will be the second closet member to the Temple 1.1 miles in the Blue Meadows East Development. She stated they drive to Detroit to go to the Temple. She stated they would love something so beautiful and so wonderful so close to them, this means the world to them.

Austin Krieg, 4617 Bluegrass was present. He stated he would like them to accept the current plans as they have been proposed.

Carolyn Raue, 2560 32<sup>nd</sup> Street was present. She stated she drives to Detroit to go to the Temple. She stated any place a Temple is built improves the neighborhood around it and not a detriment. She stated the Temple is a representative of their faith.

Helene Hemmi, 2490 Bluff Meadows Drive was present She stated she is approximately 1/4 of a mile from where the proposed Temple will be built. She stated she has no problems with the Temple being built. She stated the issue she has is the spire and the height.

Craig Rayment, 2535 Woodcreek court was present. He stated he is the HOA President and an ordained minister. He stated he is glad the church is coming in and that the members of their church are going to have a closer place to worship. He stated he is not a fan of the height of the spire. He stated he hopes the variance doesn't go through.

Julie Dunakin, 2497 Bluff Meadows Drive was present. She stated they have lived in Kentwood 28 years. She stated she is also glad a church is coming in. She was hoping the spire wouldn't be so tall, the height doesn't have to be that tall. She stated she would like to see something that blends in with the neighborhood.

Judy Jensen, 4553 Burton was present. She stated she is the closest to the Temple. She stated they believe the Temple is the place where heaven meets the earth and that is the motivation for the spire. She hopes that the variance is granted as presented.

Marc Daneman, 2557 Forest Bluff Drive was present. He stated he submitted a letter. He stated that he wants to remind the Zoning Board the need to find practical difficulties. He stated they have approved structures in the 85-90 foot range and he thinks that would be more appropriate. He stated they do want to see the Temple there no problem with that, but he thinks it needs to be slightly smaller it doesn't need to be a 112 feet.

Commissioner Spalding stated it is not the structure that is in question, it is the height of the spire.

Commissioner Derusha explained that if a decision was made tonight and it was denied the applicant can't come back and ask for the same variance again for a year. He stated the ZBA can provide an accommodation of 85 feet range (and he is just throwing a number out there) without a lot of difficulty. Derusha stated going more than that might be more of a challenge.

Caldon questioned what the basis is making a statement that an 85 foot spire would be acceptable but not a spire that is 112 feet. He stated he is trying to understand what is the reason. Derusha stated the reason the number was picked is because that is the number they gave to the catholic church in Kentwood on 52<sup>nd</sup> Street. Caldton questioned in giving them that number did they come in and explain that they had a number of churches that has a specific design and that those churches are designed to express a particular religious message. Caldton stated the 112-foot height that is requested is not looking at what some other religion has done. He stated this is not the basis for this request and the specific basis of this request is the religious message that the church is sending through the architecture. Discussion ensued. Caldton stated the government cannot change the message that the religion is trying to send. Caldton stated precedent is not a standard in the City's zoning ordinance.

Fant stated at the very first meeting they mentioned that the prophet is the person who dictates the size, however, in the last 7 month has anyone gone back to them and asked if there was any compromise that would be available. Holt stated they absolutely have. They were asked to try to design additional sizes and spaces of the same building requiring the same square footage and it was determined that a significant reduction to even below 100 feet was not feasible in terms of the design. He stated it will end up not looking appropriate, but does it mean they can't reduce it by a few feet absolutely not, but it would change the exterior of the building. Holt stated right now the essential size of the building is 100 feet and they can't get much lower than that. He stated he thinks part of the concern was lighting of the spire and they pulled that variance request.



Fant questioned what would be a good height for them for the spire. Holt stated 104 feet would be the smallest they can go. Discussion ensued.

Caldon questioned if changing the spire to 104 feet would change the commissioners' minds. He stated they have certain boundaries within which they have to work by virtue of church approvals and maintaining the right size building to service the membership. Derusha stated the issue 112 feet when the ordinance states 50 feet. We have provided expectations for an additional 35 feet in the past and that was a bit of a stretch. Baxter stated that he appreciates what has happened in the past, however, this is a different applicant, different considerations from their perspective. He stated it would be helpful to know if it that would change their mind they would certainly propose the 104 feet. Derusha stated it will be a real hard for the ZBA to do more than 85 feet.

**Motion by West, supported by Spalding to close the public hearing.**

- Motion Carried (7-0) -

West stated point 1 has not been met. There isn't anything exceptional and extraordinary that applies to this property she doesn't think it is burdensome and there is no environmental conditional or other extraordinary situation on the land building or structure. West stated point 2 has been met because it does not occur often enough. West stated point 3 has not been met because she doesn't think the applicant would be deprived of any property rights because they can still build.

Spalding, Le, concurred.

VanNoord stated points 1, 2 and 3 have not been met.

Fant stated point 1 not met, 2 met, 3 has been met.

Elliot stated points 1, 2 and 3 have been met

Derusha stated point 1 is met, point 2 is not met and point 3 has been met.

West stated point 4 has not been met. With the increased height it is going to be visible from a greater distance and in the neighborhood it will be detrimental. West stated point 5 has not been met there are no exceptional or extraordinary circumstances that would warrant a height variance for the proposed spire it could impair the intent and purpose of the ordinance. West stated point 6 has not been met. Other than the size of this property there are no exceptional and extraordinary circumstances. These actions did not result from the applicant.

Spalding concurred.

Le, Fant, Derusha stated points 4 not met, 5 not met, and 6 has been met.

VanNoord stated points 4, 5 and 6 have not been met.

Elliott stated points 4, 5 and 6 have been met.

Motion by West supported by Spalding, to direct the City Attorney to prepare a resolution based upon submittal and discussions constituting the entire record before the Zoning Board of Appeals, which resolution denies the variance as requested, and which resolution is to be presented for consideration and final approval by the Zoning Board of Appeals at its next regularly scheduled meeting.

- Motion Carried (5-2)
- Yays (West, Derusha, Le, Spalding, VanNoord)
- Nays (Fant, Elliott)

11. Election of a Vice Chair

Spalding was temporarily elected as Vice-Chair

**Motion by Spalding, supported by West, to adjourn the meeting.**

- Motion Carried (7 -0) –

The meeting adjourned at 8:30p.m.

Respectfully submitted,

Robert Houtman, Secretary

# VARNUM

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January 11, 2024

**VIA EMAIL & U.S. MAIL**

[schweitzert@kentwood.us](mailto:schweitzert@kentwood.us)  
Mr. Terry Schweitzer  
Community Development Director  
City of Kentwood  
P.O. Box 8848  
Kentwood, Michigan 49518

**Re: Request for Postponement of Action on Variance Application for 2400 Forest Hill Avenue SE**

Dear Mr. Schweitzer:

We represent The Church of Jesus Christ of Latter-day Saints (the "Church") relative to its application for a steeple height variance for the Church's proposed new temple to be located at 2400 Forest Hill Avenue, SE, Grand Rapids, Michigan 49546 (the "Application").

As you know, the Church and its counsel have been engaged in discussions with City Staff and the City Attorney's office regarding the Application. Accordingly, I am writing to you today to request that the Zoning Board of Appeals ("ZBA") table its proposed action on the Application until the ZBA's February meeting to allow the Church and the City additional time to continue discussions regarding the Application.

Very truly yours,

**VARNUM**



David T. Caldon

DTC/tmb

cc: Jeff Sluggett, Bloom Sluggett, PC  
Greg Rasmussen, The Church of Jesus Christ of Latter-day Saints  
Daniel Holt, The Church of Jesus Christ of Latter-day Saints  
David Case, Jacobs  
Loyal Hulme, Kirton McConkie

22284975.1

STAFF REPORT: January 10, 2024  
PREPARED FOR: Kentwood Zoning Board of Appeals  
PREPARED BY: Joe Pung  
CASE NO.: V-24-01

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#### GENERAL INFORMATION

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APPLICANT: Lynn Garreau  
1677 Gentian Drive, SE  
Kentwood, MI 49508

STATUS OF  
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to install a second driveway off of Gentian Drive for the property. Section 17.11.B of the Kentwood Zoning Ordinance limits the number of driveways to one (1). The requested variance is to permit a second driveway for the property.

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

GENERAL LOCATION: 1677 Gentian Drive, SE

PARCEL SIZE: 35,039 square feet (.8 acres)

EXISTING LAND USE  
ON THE PARCEL: Single Family Residence

ADJACENT AREA  
LAND USES: N: Single Family Homes  
S: Gentian Drive ROW  
E: Single Family Home  
W: Single Family Home

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 install a second driveway off of Gentian Drive for the property. Section 17.11.B of the Kentwood Zoning Ordinance limits the number of driveways to one (1). The requested variance is to permit a second driveway for the property.
2. Section 17.11.B of the Kentwood Zoning Ordinance reads as follows:

**B. Number.** The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles. Typically, one (1) access point may be provided per lot.

*Last year the applicant appealed the Zoning Administrator's determination that one (1) driveway is sufficient to provide reasonable access to the property (Case V-23-19). The Zoning Board of Appeals upheld the Zoning Administrator's determination, and the applicant has subsequently filed a variance request to have a second driveway.*

3. The existing home and 624 square foot attached garage were constructed in 1961. The existing 384 square foot detached accessory structure was constructed in 2009 (Case V-09-03).
4. Lots 39 & 40 of Pine Bluff Homesite No. 1 (see Exhibit 2) were combined in May of 1978 to create the current configuration of 1677 Gentian Drive.
5. The following variances have been granted for this property:

Case V-08-22: Variances to permit a detached accessory structure in the side yard and for an increase in area of seventy (70) square feet.

Case V-09-03 Variance for an increase in area of one hundred thirty-four (134) square feet for a detached accessory structure.

The minutes from the 2008 and 2009 Zoning Board of Appeals meetings for Case V-08-22 and Case V-09-03 reflect that the applicant stated that the intended use of the detached accessory structure was for the storage of a lawn mower, snow blower, and a 1950 Chevy truck. Based on the intended and allowable use of the detached accessory structure, the installation of a second driveway to serve the structure would not be warranted.

6. The existing driveway and attached garage appear to be able to provide parking for upwards of six (6) passenger vehicles, which should be sufficient for a typical single family home. There is a provision in the Zoning Ordinance which makes allowance for the expansion of residential driveways which could provide parking for an additional two (2) vehicles.
7. The Kentwood Zoning Ordinance makes allowance for the limited expansion, with Zoning Administrator approval, of residential driveways. The applicant was notified in an email (see Exhibit 3) from the Kentwood Engineering Department on April 20, 2023, that approval from the Kentwood Planning & Zoning Department would be required to install a second driveway to serve the detached accessory structure. The property owner applied for Zoning Administrator approval for a second driveway and concrete approach; the

request was denied on September 21, 2023 (see Exhibit 4). An inspection by the Kentwood Engineering Department on October 3, 2023, verified that a driveway from sidewalk to the detached accessory structure had been installed (see Exhibit 5) without city approval. The applicant was notified in a letter dated October 4, 2023 (see Exhibit 6) that the installation of the driveway was in violation of the Kentwood Zoning Ordinance and would have to be removed.

8. In 2010 the applicant received approval to operate a home occupation business with the restrictions that the home would only be used for office functions, there could be only one truck parked outdoors, and a small trailer could be stored in the garage. In a residential area the Zoning Ordinance allows as an accessory use the open off street parking of one commercial vehicle operated by the occupant of the lot; such vehicles (which does not include equipment such as trailers) are restricted to a gross vehicle weight of no more than ten thousand (10,000) pounds.

The requirements/restrictions for a home based occupation business are as follows:

- a. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating an intent to comply with the requirements of this Section and the specific measures by which compliance will be maintained.
  - b. No person other than members of the immediate family residing on the premises shall be engaged in the home occupation.
  - c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the floor area of the dwelling shall be used in the conduct of the home occupation.
  - d. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
  - e. The home occupation shall be operated in its entirety within the main building.
  - f. There shall be no sale of products or services except as are produced on the premises by the home occupation.
  - g. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in the Residential District in which it is located, and any need for parking generated by the conduct of the home occupation shall be met off the street on the property's driveway.
  - h. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single family dwelling, or outside the dwelling unit if conducted in other than a single family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
9. At the December 18, 2023, hearing for Case V-23-19, the applicant stated that the existing detached accessory structure and proposed driveway would not be used for a home based business.

In the applicant's initial discussion with the Engineering Department about an additional driveway, they indicated that it was needed for commercial use on the property. In addition, based on aerial photos (see Exhibits 7 through 11), on multiple occasions trailers and other equipment have been parked/stored adjacent to the detached accessory structure..

10. The Zoning Board of Appeals has heard four (4) variance requests related to the number of driveways serving a property; three (3) of the requests were for commercially zoned properties and one (1) request was for a residentially zoned property. The single residential request was:

Case #	Address	Action
V-04-15	4511 Shiloh Way Drive	Denied ( request for two driveways)

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

11. 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:

**In light of advice received by the City Attorney's office based on prevailing law, interpretive guidance to each variance standard is provided in parenthesis.**

- 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.

(provided that this standard may be met, notwithstanding the Zoning Ordinance language, when a literal application of the Zoning Ordinance would result in practical difficulties to the applicant. Practical difficulties may be found when either: 1) a denial of the variance deprives an owner of the use of the property, 2) literal application of the Zoning Ordinance would be unnecessarily burdensome, or 3) granting the variance would do substantial justice to the applicant. Practical difficulties need not be inherent to the land)

**The property is a residential lot resulting from the combination of two (2) platted lots (see Exhibit 2). There are other residential properties in Kentwood that are the result of the combination of platted lots, so the situation is not unique.**

**There is an open drain and drainage easement (see Exhibit 12) that encumbers**

**the northern portion of the property. Residential properties with drainage easements are common. The extent to which the drainage easement encumbers the property may be exceptional and restrict where a detached accessory structure could be placed on the property, but it would not necessarily warrant the need for a second driveway.**

- 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.

**A residential property resulting from the combination of platted lots is not unique. Residential properties containing drainage easements are not unique; the extent of the encumbrance may be exceptional but not necessarily as it relates to number of driveways needed to serve the property.**

- 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.

**(provided that this standard may be met, notwithstanding the Zoning Ordinance, when practical difficulties are established pursuant to standard number 1)**

**The applicant identified locations of other properties having two (2) driveways; all but one (1) of the properties are unplatted lots and all but two of the homes were constructed prior to 1970. Failure to receive a variance would not deprive the applicant of property rights commonly enjoyed by other properties in the same zone district. The property will continue to have reasonable access.**

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

**Depending on the use of the second driveway it could be detrimental to adjacent property and the surrounding neighborhood from increased traffic, etc.**

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

**Based on the existing circumstances the variance could impair the intent and purpose of the Zoning Ordinance as it relates to limiting the number of driveways serving residential properties.**

- 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.

**(provided that this standard may be met, notwithstanding the Zoning Ordinance,**



when the practical difficulty does not arise from the actions of the applicant. The actions of the applicant do not involve purchasing the property with knowledge of the Zoning Ordinance restrictions)

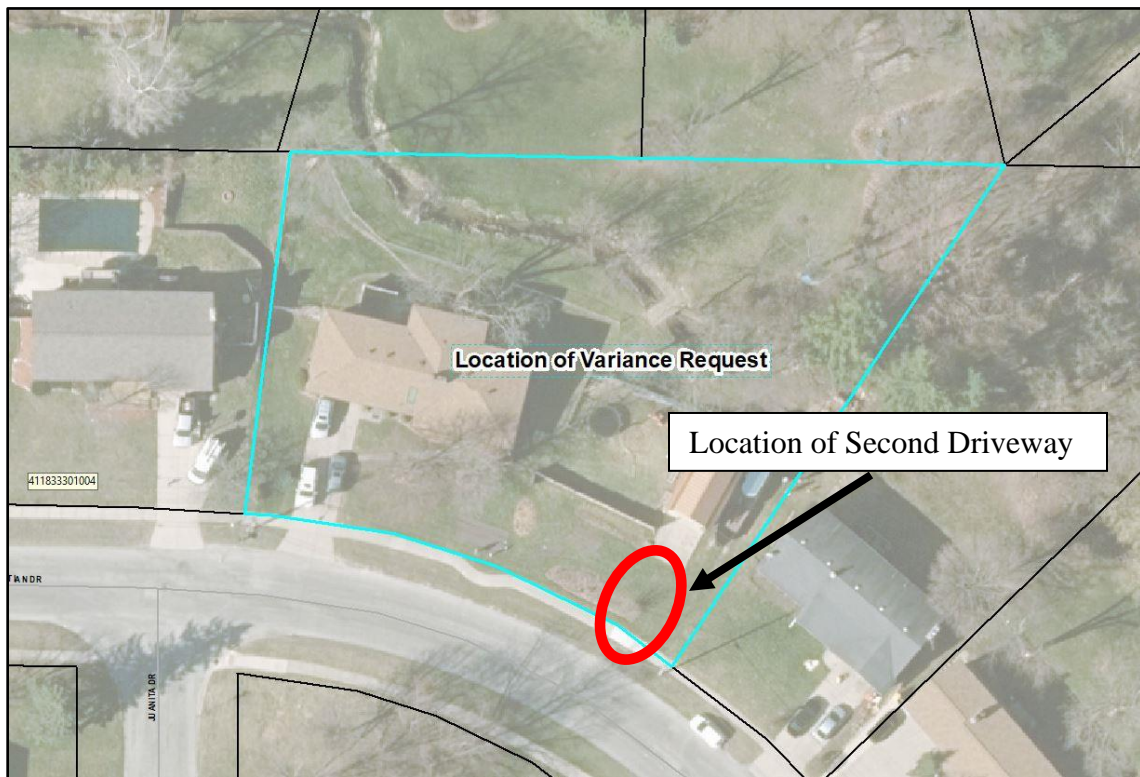
**Exceptional conditions or circumstances identified by the applicant were not the result of the actions of the applicant but also do not warrant granting a variance for an additional driveway.**

12. 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.

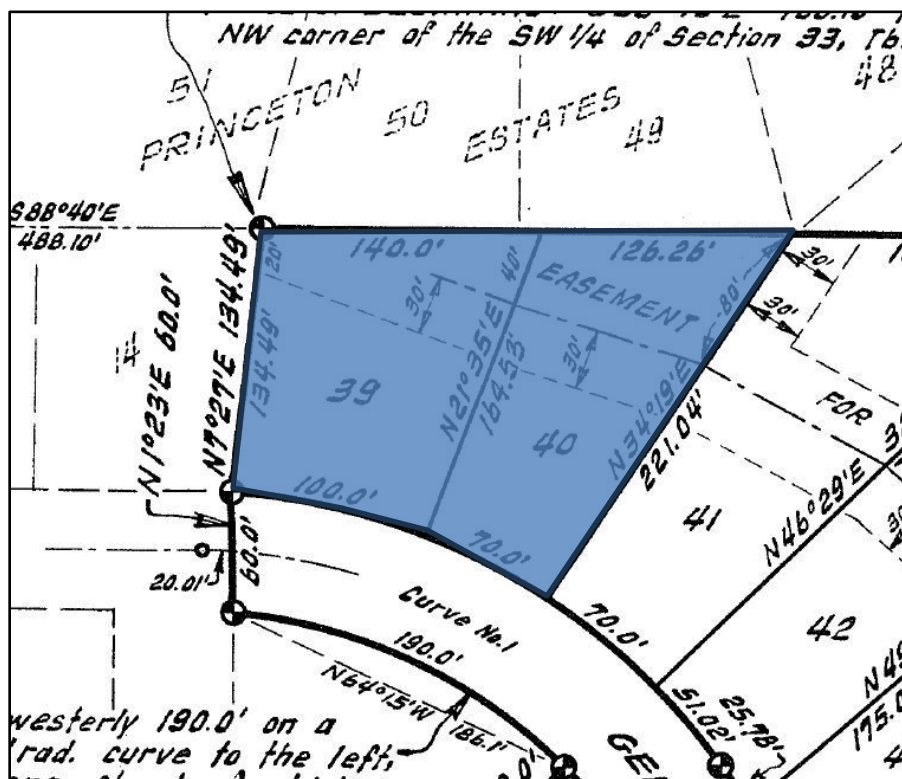
**If approved the variance should be conditioned on the second driveway not being used for any home occupation or other commercial purpose.**

13. 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 (2020 Aerial Photo)**



**Exhibit 2: Platted Lots Combined to Create Current Parcels**



### Exhibit 3: Engineering Department Email

**Pung, Joe**

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**From:** Beke, Jim  
**Sent:** Wednesday, September 20, 2023 9:14 AM  
**To:** tom.stellema@aol.com  
**Cc:** Schweitzer, Terry; Pung, Joe; Hargrave, Renee; Urena, David  
**Subject:** FW: 1677 Gentian Dr - 2nd Driveway  
**Attachments:** Drive Permit Application Package.pdf

Tom,  
I will be out in & out of the field this morning but wanted to make you aware of a previous discussion I had with Lynn Garreau back in April concerning the second driveway to the barn on the east side of the property.  
Before Engineering can issue a driveway permit for its construction, the property owners will either need a variance from Planning & Zoning for the second driveway if it is currently being used commercially, and it will be required to concrete versus HMA. If you have any questions feel free to call me, but following up with an email may be best as I cannot guarantee I will be in the office to answer your call.  
Jim

*James M Beke*  
*Kentwood Engineering Dept.*  
*4900 Breton Ave SE*  
*Kentwood, MI 49508*  
*Phone: (616) 554-0737*  
*Fax: (616) 698-7118*  
[bekej@ci.kentwood.mi.us](mailto:bekej@ci.kentwood.mi.us) 

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**From:** Beke, Jim  
**Sent:** Thursday, April 20, 2023 2:50 PM  
**To:** lynngarreau@gmail.com  
**Cc:** ePlanning <eplanning@kentwood.us>  
**Subject:** 1677 Gentian Dr - 2nd Driveway

Lynn,  
As requested, here is the City of Kentwood's driveway application packet for the proposed 2<sup>nd</sup> driveway at 1677 Gentian Dr.  
As we discussed, the drive entrance would need to either be concrete or asphalt, and the sidewalk through the driveway would need to be removed and replaced at 6" thick.  
In order to place a second driveway to serve the pole barn on the east side of your property, you would need approval from the Kentwood Planning & Zoning Dept (616) 554-0707.  
Upon receipt of their authorization and the attached bond and a certificate of insurance naming the City as additionally insured for work performed within the public ROW, Engineering can issue permits to Cardinal Remodeling throughout calendar year 2023.  
Please note, that if the authorization for the second driveway is granted as a use of a commercial property (currently zoned residential by our Assessor), then you would be required to construct your driveway in concrete, as asphalt is only permitted for residential units.  
If I can be of any additional assistance do not hesitate to contact me at one of the numbers below.  
Jim

*James M Beke*  
*Kentwood Engineering Dept.*

**Exhibit 4: Zoning Administrator Review Application**

**ZONING ADMINISTRATOR REVIEW  
KENTWOOD PLANNING DEPARTMENT**

**A. Check appropriate request**

ASSESSORYBLDG/ SHED ☐

DRIVEWAY ☒

OTHER (DESCRIBE) ☒

Concrete approach between sidewalk and Street.

**B. Description of Property**

1677Gentian Dr SE  
1. Address \_\_\_\_\_

33-301-040  
2. Permanent Parcel Number 41-18-\_\_\_\_\_

**B. Owner**

Garreau, Lynn  
Owner \_\_\_\_\_

Same  
Address \_\_\_\_\_

616-827-1200  
Phone \_\_\_\_\_

Lgarreau@sbcglobal.net  
Email \_\_\_\_\_

(\*Please provide email for correspondence\*)

Signature Lynn Garreau

**D. Authorization for city staff to enter the property for evaluation.**

YES ☒

NO ☐

Approved ☐

Denied ☒

Conditions Can appeal interpretation to  
Zoning Board of Appeals

[Signature]  
Staff Signature

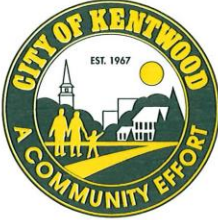
9/21/23  
Date



**Exhibit 5: Picture of Driveway (October 3, 2023)**



**Exhibit 6: Zoning Violation Letter**



October 4, 2023

Lynn Garreau  
1677 Gention Drive, SE  
Kentwood, MI 49508

RE: Illegal Installation of Second Driveway and Additional Parking Lane

Mr. Garreau:

On September 21, 2023, you met with city planning staff seeking administrative authorization to install a second driveway for your property at 1677 Gention Drive, SE. Based upon I report I received yesterday from the Kentwood Engineering Department; it appears you went ahead and installed a concrete driveway from the public sidewalk up to your accessory structure on the eastern portion of your property even though your request for authorization was denied.

Section 17.11B of the Kentwood Zoning Ordinance specifies that the number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles and typically one (1) access point may be provided per lot. In addition, Section 5.03.D.2a of the Zoning Ordinance specifies that the off-street parking facilities required for single family dwellings shall be located on the same lot as the building they are intended to serve. Parking is limited to the garage and driveway only. One (1) additional parking lane may be allowed with Zoning Administrator approval.

You have until October 19, 2023, to remove the new concrete driveway. Failure to comply with these requirements may result in the issuance of a Municipal Civil Infraction Notice of Violation and associated fines. Payment of the fine would not relieve you of the responsibility to remove the new driveway.

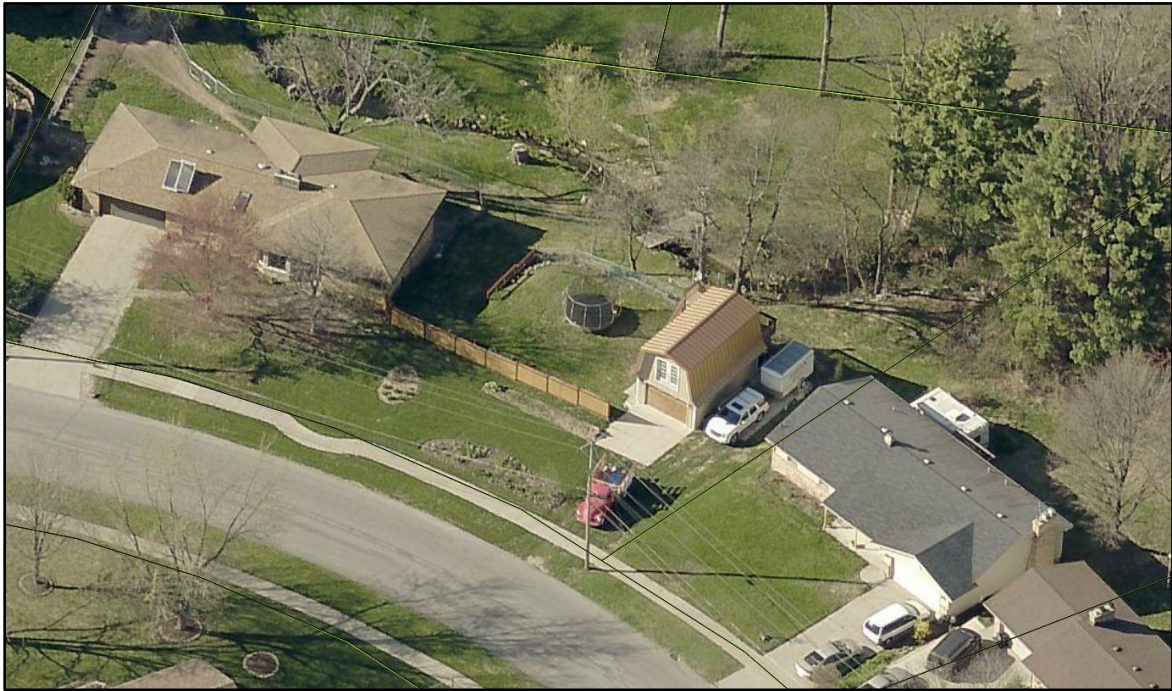
Please contact me with any questions.

Sincerely,

Terry Schweitzer  
Community Development Director  
Phone: (616) 554-0710  
[schweizert@kentwood.us](mailto:schweizert@kentwood.us)



**Exhibit 7: May 2014 Pictometry Photo (view from the south)**



**Exhibit 8: April 2017 Pictometry Photo (view from the south)**

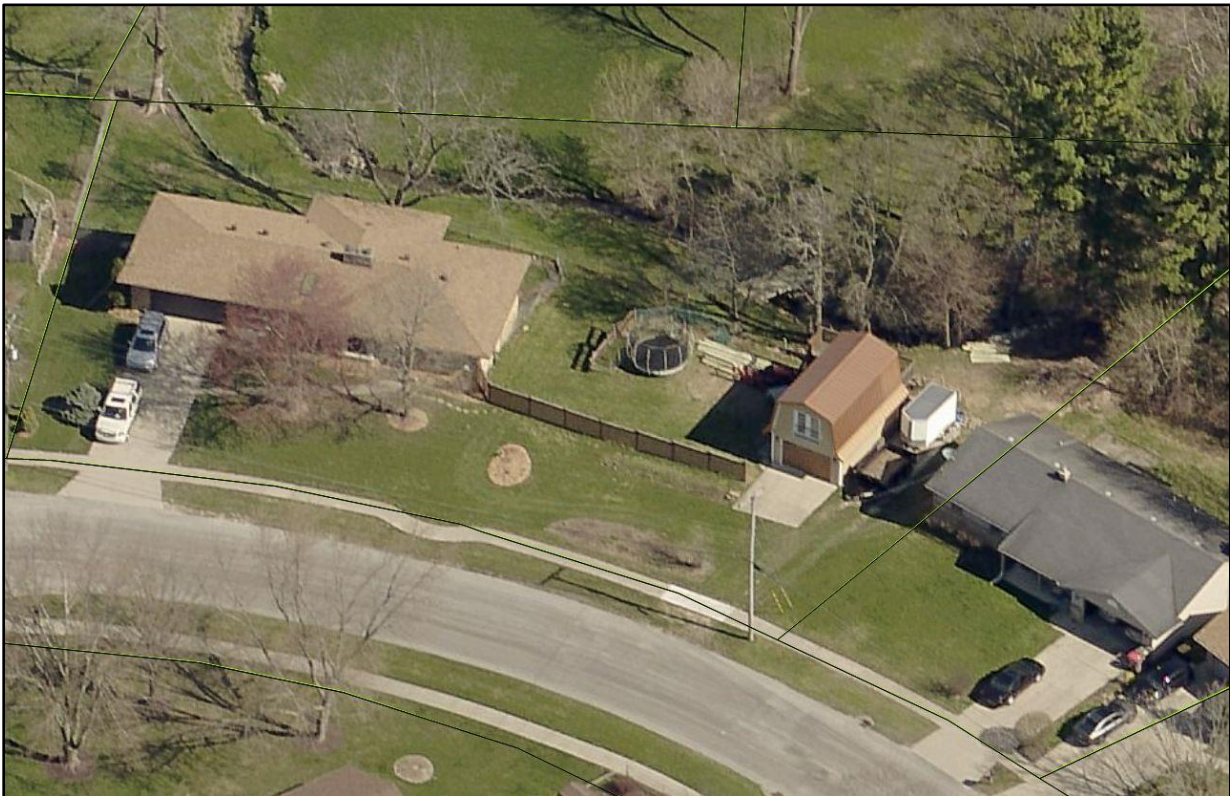




**Exhibit 9: April 2018 Pictometry Photo (view from the south)**



**Exhibit 10: April 2020 Pictometry Photo (view from the south)**





**Exhibit 11: April 2023 Pictometry Photo (view from the south)**



**Exhibit 12: Drain and Drainage Easement**





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

APPEAL # V-24-01  
HEARING DATE January 17, 2024 (Wednesday)  
PHONE # (616) 827-1200  
APPLICANT: Garreau, Lynn  
ADDRESS: 1677 Gentian Dr SE  
PROPERTY OWNER: Garreau, Lynn PHONE # (616) 827-1200  
ADDRESS: 1677 Gentian Dr SE  
LOCATION OF VARIANCE (If applicable) Same  
ZONING DISTRICT OF PROPERTY: R1-C  
ZONING ORDINANCE SECTION (S) APPEALED: 17.11.B

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

Installation of additional driveway

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): Please see attached page.

STANDARD (2):

STANDARD (3):

STANDARD (4):

STANDARD (5):

STANDARD (6):



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 LM No \_\_\_\_\_

NAME OF APPLICANT: Lynn Garreau  
(Please print)

SIGNATURE OF APPLICANT: Lynn Garreau DATE: 12/5/23

NAME OF PROPERTY OWNER: Lynn Garreau  
(Please print)

SIGNATURE OF PROPERTY OWNER: Lynn Garreau DATE: 12/5/23

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.

Lynn Garreau  
1677 Gentian DR SE

Standard #1 Exceptional conditions not applying to others:

- A. Pine creek drain runs East to West on the property making the back yard unsuitable for use do to regular flooding.
- B. The property is wider than deep. Two lots were combined into one. It's a double wide lot.

Standard #2 Frequency of the situation:

- A. Double wide lots with a 100% active and seasonally flooding creek running through the property are presumably rare.

Standard #3 Rights enjoyed by others:

- A. Double driveways are common in Kentwood. There are three on Wing ave and nine more on 52<sup>nd</sup> very close to the Kentwood city center.  
A neighboring property within 100 feet of 1677 Gentian enjoys a second driveway.

Standard #4 Surrounding property value:

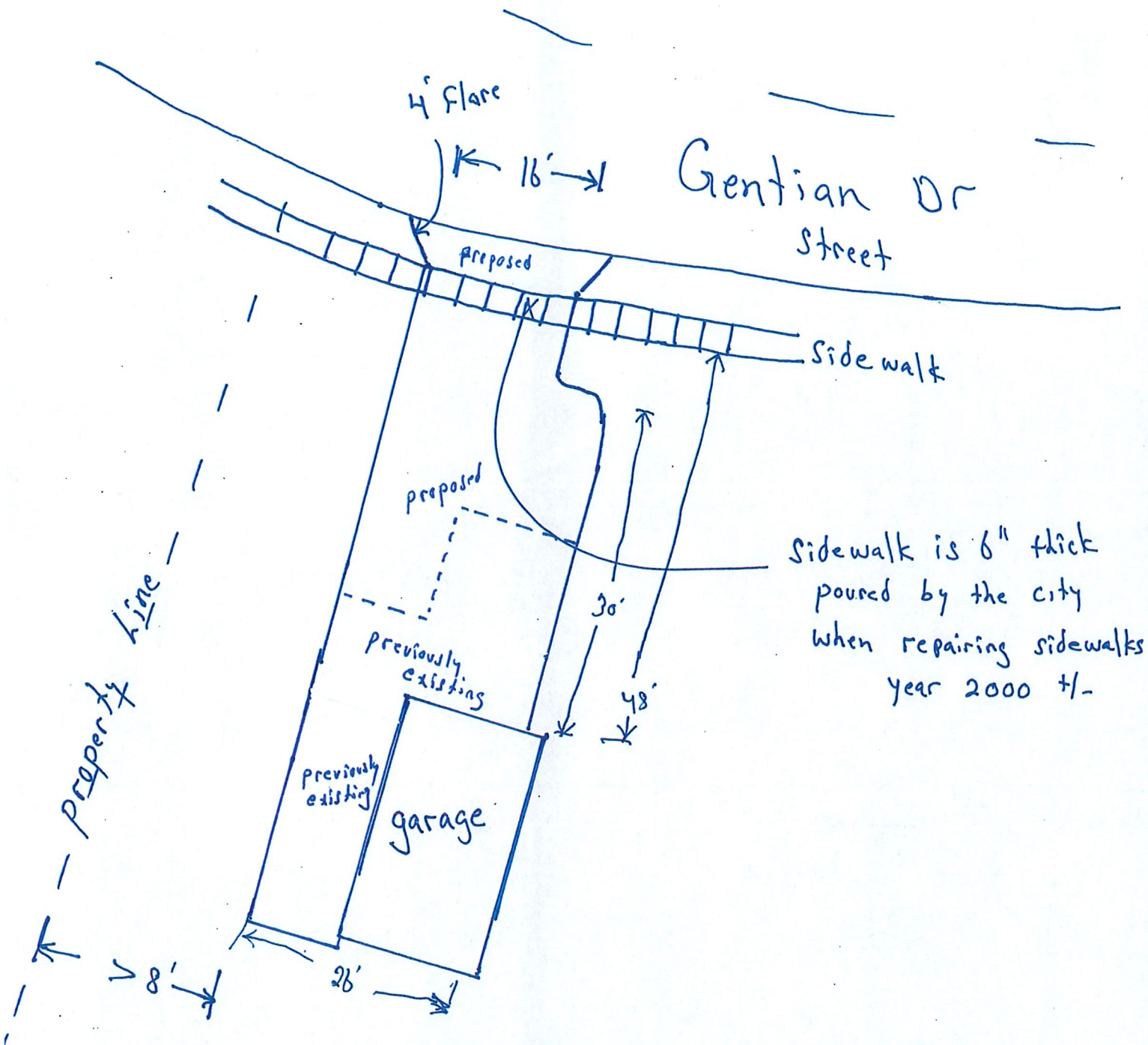
- A. Adequate off street parking is one of the most beneficial reasons for increased property values of neighborhoods. Having off street parking is a tremendous asset. Reports state that properties with their own parking facilities fetch up to Thirteen percent more than similar homes without.

Standard #5 Intent and purpose.

- A. The ordinance can remain intact and similar future requests can be assessed individually as they arise.

Standard #6 Exceptional conditions

- A. Simply stated, the conditions described above (double wide lot, flooding creek on property, unusable back yard) were not created by the applicant.



owners and  
Property location

Lynn & Diane Garreau  
1677 Gentian Dr SE  
Kentwood, MI 49508





COOPER MOLLY  
1882  
WATERBURY DR SE

NELSON JAMES H  
1684  
WATERBURY DR SE

HARRIS KRYSTA  
1700  
WATERBURY DR SE

COLLINS ADRIAN  
1710  
WATERBURY DR SE

BEHRENS FELICIA  
1653  
GENTIAN DR SE

JOSEPH BILLY  
1798  
WILMONTA DR SE

GEN

COOK TYLER  
1705  
GENTIAN DR SE

VIGH JULIUS & ZITA TRUST  
1717  
GENTIAN DR SE

MILLER STEPHEN  
5642  
QUANITA DR SE

JOHNSON REGINALD L TRUST  
1720  
GENTIAN DR SE

MARSH GREGORY  
1727  
GENTIAN DR SE