



**AGENDA**  
**KENTWOOD ZONING BOARD OF APPEALS**  
**KENTWOOD CITY HALL**  
**COMMISSION CHAMBERS**  
**4900 BRETON AVENUE, SE**  
**JUNE 17, 2024, 7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance (West)
3. Roll Call
4. Declaration of Conflict of Interest
5. Approval of Minutes of May 20, 2024
6. Acknowledge visitors and those wishing to speak to non- agenda items.
7. Public Hearing

Appeal #V-24-07

Applicant: Aida and Adnan Dizdarevic

Location: 1213 Forest Hollow Court, SE

Request: The applicant wishes to replace an existing privacy fence with a new 6-foot high privacy fence in the same location. The property is a corner lot, and the fence would be located on the street side yard property line and would also encroach into the clear vision area at Hall Street and Forest Hill Avenue. Section 3.19.A.2 of the Zoning Ordinance prohibits fencing within a clear vision area and Section 3.19.B.2 limits the height of a privacy fence within 17 feet of a street side yard property line to 3 feet. The requested variances are to permit a fence within the clear vision area and for an increase in fence height of 3 feet over what is allowed by ordinance.

Appeal #V-24-08

Applicant: Merit Hill Chapel

Location: 4115 – 36<sup>th</sup> Street, SE

Request: The applicant wishes to expand the on-site outdoor storage for recreational vehicles. The new recreational vehicle storage area would be located between two existing buildings. Section 15.04.I.2 of the Kentwood Zoning Ordinance

requires that the recreational vehicle storage occur in the rear yard. The requested variance is to permit recreational vehicles to be stored in a location (between two buildings) that is not the rear yard

8. Commissioners Comments

9. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
MAY 20, 2024, 7:00 P.M.**

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

**Motion by Spalding, supported by Derusha to excuse Fant and West from the meeting.**

- Motion Carried (6-0)
- Fant and West absent -

4. Declaration of Conflict of Interest

Le stated she has a conflict of interest with Case# V-24-06 and will recuse herself.

5. Approval of the Minutes and Findings of Fact

**Motion by Derusha, supported by Elliott, to approve the minutes of April 15, 2024**

- Motion Carried (6-0) –
- Fant and West absent -

6. Acknowledge visitors and those wishing to speak to non-agenda items.
7. Public Hearing

**Appeal #V-24-03**

Applicant: Jamie Goebel & Linda Martin Trust  
Location: 3640 Breton Avenue SE

Request: The applicant wishes to expand an existing non-conforming detached accessory structure; the zoning ordinance permits only one (1) detached accessory structure, there are two (2) on the property. Section 3.24.D.5. does not allow for the expansion of the non-conforming structure. The applicant is requesting a variance to permit the expansion of the non-conforming detached accessory structure.

Jamie Goebel and Linda Martin, 3640 Breton were present. He stated they have an existing barn that was built in the 1950's. He stated the one wall is rotting and they are replacing that wall and rebuilding. He stated they decided they wanted to add an expansion to the same side; a shed roof about 10 feet off the side and enclose it the length of the barn. He stated it gives them a heated working space that they need because they don't have a basement in their home. He stated by them having 20 acres they have quite a bit of equipment they use to maintain their property. That is why they have two buildings. He stated one building carries their lawn mower, tractor utility vehicles, snow plow etc. and this building is their workshop.

Houtman questioned how the first outbuilding became non-conforming. Pung stated the zoning ordinance states if you have an attached garage, then you are allowed one detached accessory building. Pung stated at some point, the other pole barn was constructed, and they now have two. Pung stated therefore, the accessory buildings are now non-conforming.

Houtman opened the public hearing.

There was no public comment.

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

- Motion Carried (6-0) –
- Fant and West absent –

Elliott stated point 1 has been met. Elliott stated point 2 is met. Elliott stated point 3 is met.

Le, Derusha, Spalding and Houtman concurred that points 1,2 and 3 have been met. VanNoord stated point 1 is not met, point 2 is met and 3 is not met.

Elliott stated point 4 is met. The closest house is 200 feet away and during this time of the year you are unable to see your neighbors. Elliott stated point 5 has been met. Elliott stated point 6 is met.

Le, Derusha, Spalding VanNoord and Houtman concurred that points 4,5 and 6 have been met.

**Motion by Elliott supported by Spalding to approve V-24-03.**

- 1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district.**
- 2. The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**



3. **The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will not be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do not result from the actions of the applicant.**

- Motion Carried (5-1) –
- VanNoord dissenting –
- Fant and West absent -

**Appeal #V-24-05**

Applicant: Kenneth Karsten  
Location: 1431 Forest Hill Avenue SE

Request: The applicant wishes to construct a 585 square foot addition to their existing detached accessory building for a total area of 1,215 square feet. Section 3.15.D.2.a limits the size of the accessory building to 768 square feet in area. The requested variance is for a 447 square foot increase in area over the maximum permitted by ordinance.

Kenneth Karsten, 1431 Forest Hill was present. He stated they have lived at the address since 1968 and have recently sold their business and buildings; therefore, he needs additional storage for records and a vehicle. He stated they own approximately 6 acres. He displayed photos of his present home, the garage, the addition, and the property that they own. He stated he has 2 neighbors that he really can't see. He stated they wish to extend the garage.

Houtman questioned if he combines two of the lots to get over an acre would this help this situation. Pung stated no matter how much they combine, they would still require a variance. Pung stated the way the ordinance is written, your first accessory structure can be up to 768 square feet. This is the only accessory structure so technically it is the first one, it can only be 768 square feet. Pung stated once you get to over an acre you can start having the larger second accessory structure. Because they have a detached garage, the first accessory structure could be 768 and the second one can be 500 square feet. If you have an attached garage you can have 960 square feet on the second accessory building.

Derusha questioned how difficult it would be to combine lots to make it an acre. Karsten stated not really that difficult he has 3 acres on the back and 2 acres on the side. Pung stated they could do what would be called a property line shift. Karsten stated they could add an acre to the first one. Discussion ensued.

Houtman opened the public hearing.

There was no public comment.

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

- Motion Carried (6-0) –
- West and Fant absent -

Spalding stated point 1 has been met. Spalding stated point 2 has been met. Spalding stated point 3 has been met.

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

Derusha stated points 1,2 and 3 have been met.

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

Elliott stated points 1,2 and 3 have been met.

Houtman stated points 1,2 and 3 have been met.

Spalding stated point 4 has been met. Spalding stated point 5 has been met. Spalding stated point 6 has been met.

Le stated point 4 has been met, point 5 not met and point 6 is met.

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

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

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

Houtman stated point 4, 5 and 6 have been met.

**Motion by Spalding, supported by Derusha, to approve V-24-05 subject to the applicant adding the additional lot line shift acreage required for the intent of the ordinance.**

- 1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district.**
- 2. The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**

3. **The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will not be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do not result from the actions of the applicant.**

- Motion Carried (5-1) –  
- Le dissenting -  
- Fant and West absent -

**Appeal #V-24-06**

Applicant: Storage Five Kentwood LLC  
Location: 1800 & 1900 44<sup>th</sup> Street SE

Request: The applicant wishes to develop a self-storage facility on the property. An adjacent property to the south is zoned R4 High Density Residential. The building will come to within 30.7 feet of the residential property line, Section 10.03.C.4 of the Zoning Ordinance requires a building setback of 100 feet. The applicant is requesting a reduction of 69.3 feet from the required building setback. Section 19.03.C requires a 50-foot landscape buffer adjacent to residential districts, the applicant is requesting that this requirement be waived.

Le recused herself due to conflict of interest.

Chris Cantania, 1800 44<sup>th</sup> Street, Dave Cauldon with Varnum, Doug Tegious, NAI Wisinski, and Matt Kufta, Trinity Health were present. He stated they have worked with Planning and City Commission over a year with a plan to redevelop the site. He stated their use for a self-storage is a mechanism to unlock the potential of the entire site because they do not need the amount of parking that the current use Trinity Health needed.

Cantania stated the area they are talking about is the area between the existing building and the Tamarisk Apartments. He stated currently there is 30 feet between the building and property line. He stated the Planning Commission recommended to the City Commission for conditional rezoning for self-storage. He stated they had to change the zoning from C2 to I1. He stated the City Commission approved the use as well.

Cantania stated the building had been used as a call center. It has not been occupied in 3+ years. He stated the site has been marketed for years and the only interest is for self-storage. He stated the property has a lot of restrictions that don't make it ideal for any other use. One reason for the rezoning is to unlock the property for additional development.

Cantania stated self-storage doesn't need a lot of parking. What the reduced parking allows them to do is to redevelop the area and bring new buildings. As part of the conditional rezoning, they have agreed to completely remake the exterior of the existing structure to bring it up to a modern look. He stated approving the variances allows for a complete remodel of the existing building in addition to allowing for the parking lot to be sold off for the development of the out parcels. Additional out parcel that is created is behind the building because 5.78 acres was rezoned.

Cantania stated they have two support letters from the apartment complex and the church. He stated the church is interested in purchasing the rear property which will likely happen because they have grown and need more space. He stated they already have a contract on parcel 4 and lots of interest in the other parcels.

Catania stated they are asking for the two dimensional variances the building setback from the Tamarisk Apartments and landscape buffer. He stated similar variance was given once before back in 1985 when this site was a bowling alley.

Cantania stated the landscape buffer, from the limited amount of space is impossible. The plan that what was approved by Planning and City Commission has to remain open as a fire lane. They are going to pole gate it off, supply knox boxes, and allow for just fire equipment to go through if needed. He stated other than that it is going to be a non-used area to protect the apartment complex from any kind of light pollution, noise etc. in the evening. He stated there is a little area available for landscaping which he does plan to do a row of hedges. Not on the building side because that would impede fire equipment.

Houtman questioned who owns the fence. Cantania stated he believes the apartment complex owns it. Houtman questioned if they would just be landscaping their side. Cantania stated that is correct. Discussion ensued. Cantania stated they have a landscape architect with a project going on in Grand Rapids and he can have her pick out the appropriate vegetation.

Spalding questioned if it would narrow the existing drive that is back there. Cantania stated they would not narrow it. There will be enough room for fire fighting equipment. Right now, it is an unimproved no mans land and there is a little bit a grass area on the fence line. Spalding stated he was too busy watching the potholes when he was there. Cantania stated they will improve that so that if fire equipment needed to go back there it would be drivable.

Dave Cauldon stated in the staff report, staff mentioned that the Board could condition approval on the applicant working with staff to develop a plan to enhance the landscaping and screening adjacent to the residential. Cauldon stated if the ZBA thought that was appropriate that would be a fine condition to impose.

Elliott questioned the engagement they had with the apartment complex. Cantania stated people that were interested came by and basically all positive communication.

Derusha stated point 1 is met it has been sitting vacant for a long time. Derusha stated point 2 has been met it is unique. Derusha stated point 3 has been met.

Spalding, Elliott, VanNoord, Houtman concurred that points 1, and 2 have been met.

Derusha stated point 4 is met positive responses from the neighborhood. Derusha stated point 6 is met because of the uniqueness. Derusha stated point 6 is met.

Spalding, Elliott, VanNoord, Houtman concurred that points 4, 5 and 6 have been met.

**Motion by Derusha, supported by VanNoord to approve V-24-06 with the condition that the applicant work with staff on the landscaping.**

- 1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district.**
- 2. The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**
- 3. The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
- 4. The variance will not be detrimental to adjacent property and the surrounding neighborhood.**
- 5. Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.**
- 6. The exceptional conditions or circumstances do not result from the actions of the applicant.**

**- Motion Carried (5-0) –**

**- Le abstained –**

**- Fant and West absent -**

**Motion by supported by to adjourn the meeting.**

**- Motion Carried (6 -0) –**

**- Fant and West absent -**

Meeting adjourned at 7:50p.m.

Respectfully submitted,  
David Fant, Secretary

STAFF REPORT: June 11, 2024  
PREPARED FOR: Kentwood Zoning Board of Appeals  
PREPARED BY: Joe Pung  
CASE NO.: V-24-07

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#### GENERAL INFORMATION

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APPLICANT: Aida and Adnan Dizdarevic  
1213 Forest Hollow Court, SE  
Kentwood, MI 49546

STATUS OF  
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to replace an existing privacy fence with a new 6-foot high privacy fence in the same location. The property is a corner lot, and the fence would be located on the street side yard property line and would also encroach into the clear vision area at Hall Street and Forest Hill Avenue. Section 3.19.A.2 of the Zoning Ordinance prohibits fencing within a clear vision area and Section 3.19.B.2 limits the height of a privacy fence within 17 feet of a street side yard property line to 3 feet. The requested variances are to permit a fence within the clear vision area and for an increase in fence height of 3 feet over what is allowed by ordinance.

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

GENERAL LOCATION: 1213 Forest Hollow Court, SE

PARCEL SIZE: 12,780 square feet (.29 acres)

EXISTING LAND USE  
ON THE PARCEL: Single Family Residence

ADJACENT AREA  
LAND USES: N: Hall Street ROW  
S: Single Family Residence  
E: Single Family Residence  
W: Forest Hill Avenue ROW

ZONING ON ADJOINING  
PARCELS: N: Residential (Grand Rapids Township)  
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 replace an existing privacy fence with a new 6-foot high privacy fence in the same location. The property is a corner lot, and the fence would be located on the street side yard property line and would also encroach into the clear vision area at Hall Street and Forest Hill Avenue. Section 3.19.A.2 of the Zoning Ordinance prohibits fencing within a clear vision area and Section 3.19.B.2 limits the height of a privacy fence within 17 feet of a street side yard property line to 3 feet. The requested variances are to permit a fence within the clear vision area and for an increase in fence height of 3 feet over what is allowed by ordinance.
2. The objectives of height limitations for fences include, but are not limited to, maintaining an open appearance along public streets and providing for clear visibility of oncoming vehicles, bicyclists, and pedestrians.
3. The Forest Hollow site condominium development was approved by the city in 2000 (Case 15-2000). The existing home was constructed in 2002.
4. Exhibit 2 identifies the clear vision corner along with where a 6-foot high privacy fence could be located in compliance with current ordinance requirements.
5. Based on digital orthophotography from the Eagleview Pictometry, the existing fence has been in the current location since at least 2006 (see Exhibit 3). The fencing placed along the Forest Hill Avenue and Hall Street frontages was installed by the original developer of the site condominium project (fence permits were not required at the time the fence was originally installed).
6. When the fence for the site condominium development were constructed, Forest Hill Avenue only had a 2-lane cross-section in this area (see Exhibit 4). In 2011 the city initiated a project which created a 3-lane cross-section for Forest Hill Avenue in this area and also installed a nonmotorized trail on the east side of Forest Hill Avenue and south side of Hall Street (see Exhibit 5).
7. Since the ordinance was amended in 1993, the Board has heard nineteen (19) requests for variances to the maximum fence height in a street side yard. The requests were:

Case #	Address	Action
V-23-22	5994 Wind Brook Avenue	Granted (6 ft. fence 5' from lot line)
V-20-06	5125 Greenacres Drive	Denied (6 ft. fence on the property line)
V-17-12	2279 Forest Hill Avenue	Granted (6 ft. solid fence, on lot line outside of clear vision area)
V-17-03	1478 Maple Hollow Street	Granted (6 ft. solid fence 4' from lot line)
V-14-08	5819 Kiverton Ridge Drive	Denied (6 ft. solid fence 2' from lot line)
V-12-07	1527 Marwood Drive	Denied (6 ft. solid fence on the lot line)
V-10-13	861 Edsel Street	Granted (6 ft. high solid fence 7' from lot line)

V-10-12	4440 Burton Forest Court	Granted (6 ft. solid fence 10' from lot line)
V-10-07	886 Edsel Street	Granted (6 ft. solid fence at lot line)
V-08-18	2871 Daventry Court	Granted (6 ft. solid fence 5.5' from lot line)
V-06-06	732 – 52 <sup>nd</sup> Street	Granted (6ft. open fence 10' from lot line)
V-05-19	2866 Paddington Drive	Granted (6 ft. solid fence 5' from lot line)
V-05-14	2860 Daventry Court	Granted (6 ft. solid fence 5.5' from lot line)
V-05-12	2865 Bransford Drive	Granted (6 ft. solid fence 9' from lot line)
V-03-21	1527 Marwood Drive	Granted (6 ft. solid fence 9' from lot line)
V-02-16	205 Garland Court	Granted (6 ft. solid fence at lot line)
V-97-23	1025 – 48 <sup>th</sup> Street	Granted (6 ft. solid fence 3' from lot line)
V-96-23	4786 Bonnie Avenue	Granted (6 ft. open fence at lot line)
V-96-10	4580 Summer Creek Lane	Granted (6 ft. solid fence 3' from lot line)

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

8. Staff could find no record of any other variance request related to the placement of a fence within a clear vision corner.
9. 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.

(provide 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 corner lot which is not an exceptional circumstance or condition in a residential district. The fence has been in the current location for at least eighteen (18) years (see Exhibit 3) and was installed prior to the widening of Forest Hill Avenue and the construction of the nonmotorized trail.**



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

**Residential corner lots are not uncommon. There has been a fence in the current location for at least eighteen (18) years and it was installed prior to the widening of Forest Hill Avenue and the installation of the non-motorized trail which all taken together is not a common occurrence.**

- 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)

**Without a variance the applicant could not place a new fence in the same location as the existing fence (see Exhibit 2 for allowable fence location).**

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

**It is not anticipated that the variance would be detrimental to the adjacent property or the surrounding area. There has been a fence in the same location for at least eighteen (18) years. The staff is not aware of any issues or complaints about the existing fence. The existing fence does not appear to have been a significant detriment to clear vision at the intersection of Forest Hill Avenue and Hall Street.**

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

**Based on the existing circumstances and anticipated lack of detrimental impact on clear vision, or the surrounding area, it is not anticipated that granting the variance would impair the intent and purpose of the Zoning Ordinance.**

- 6) The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

(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)

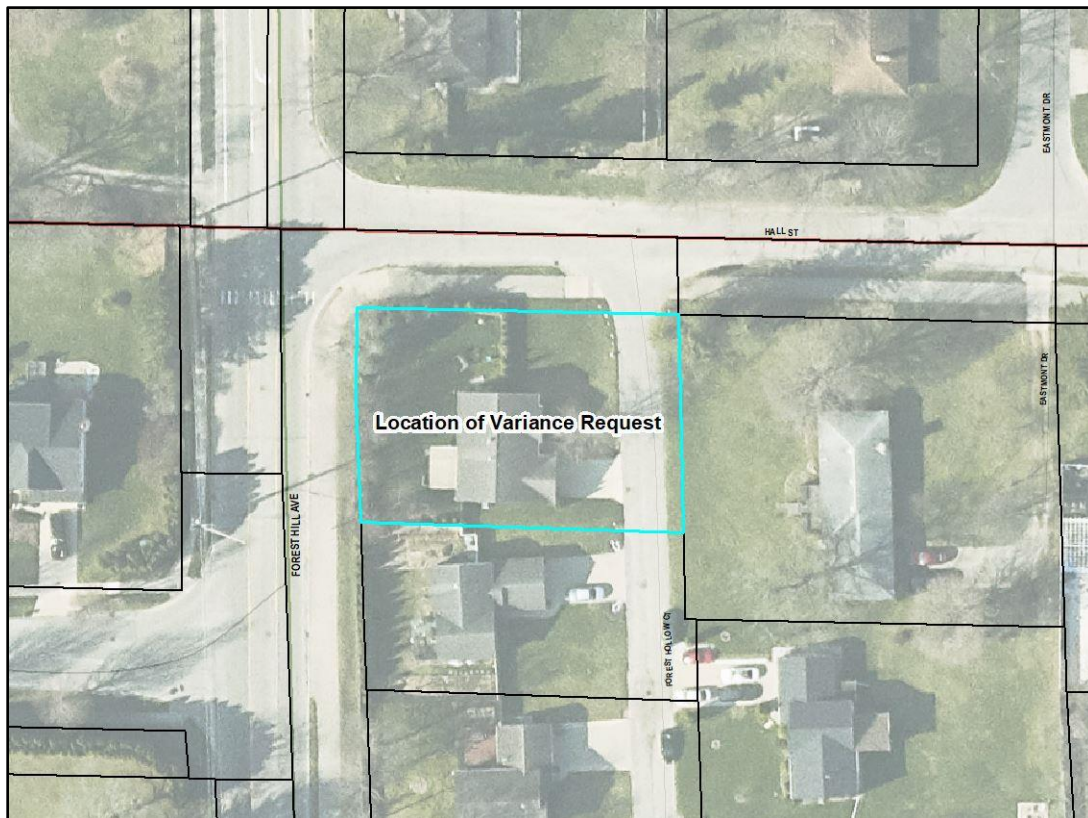
**Exceptional conditions or circumstances were not the result of any action of the applicant. The applicant did not install the existing fence.**

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

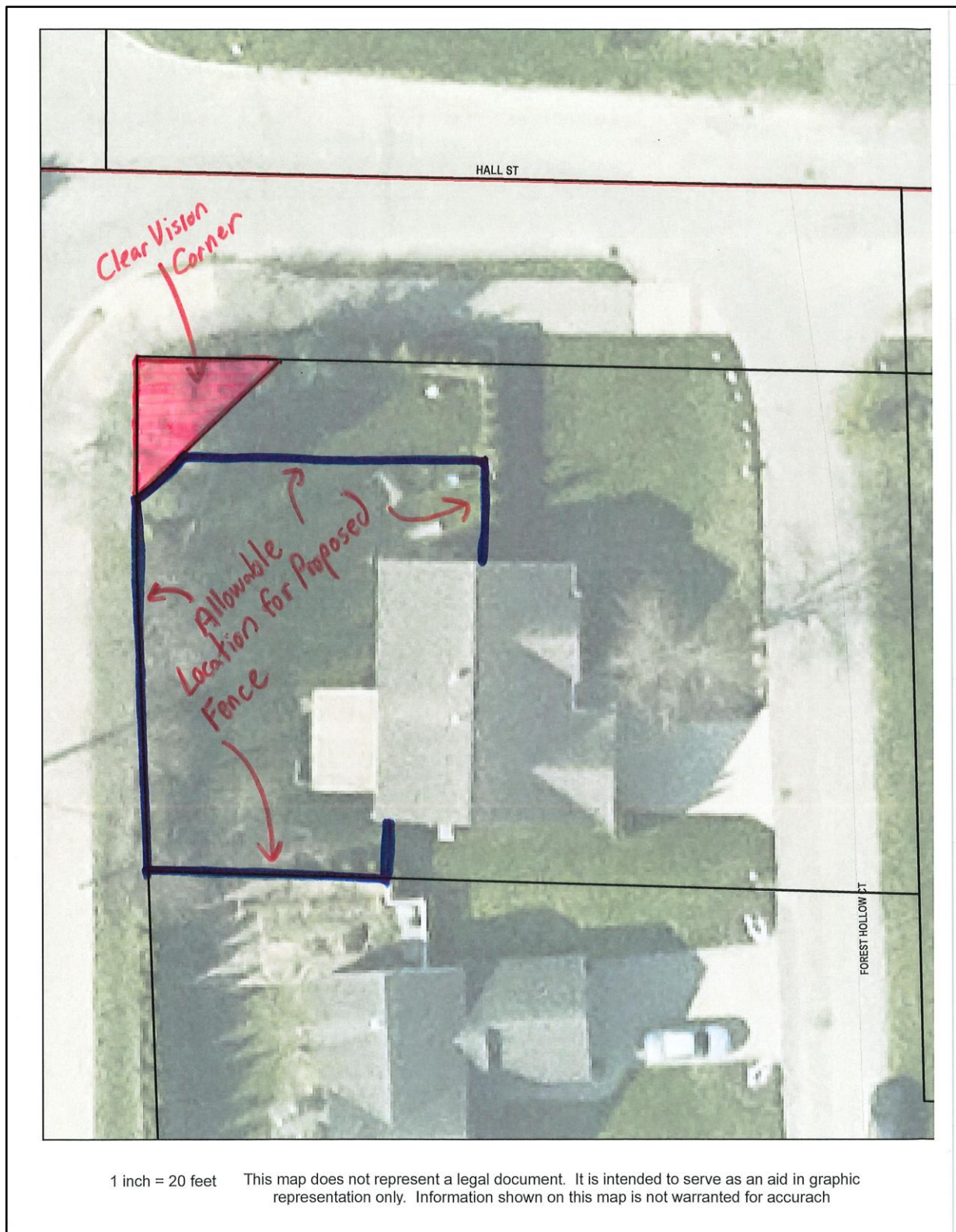
**If approved the variance should be conditioned on the new fence being located in the same location as the existing fence.**

11. 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 (2023 Aerial Photo)**

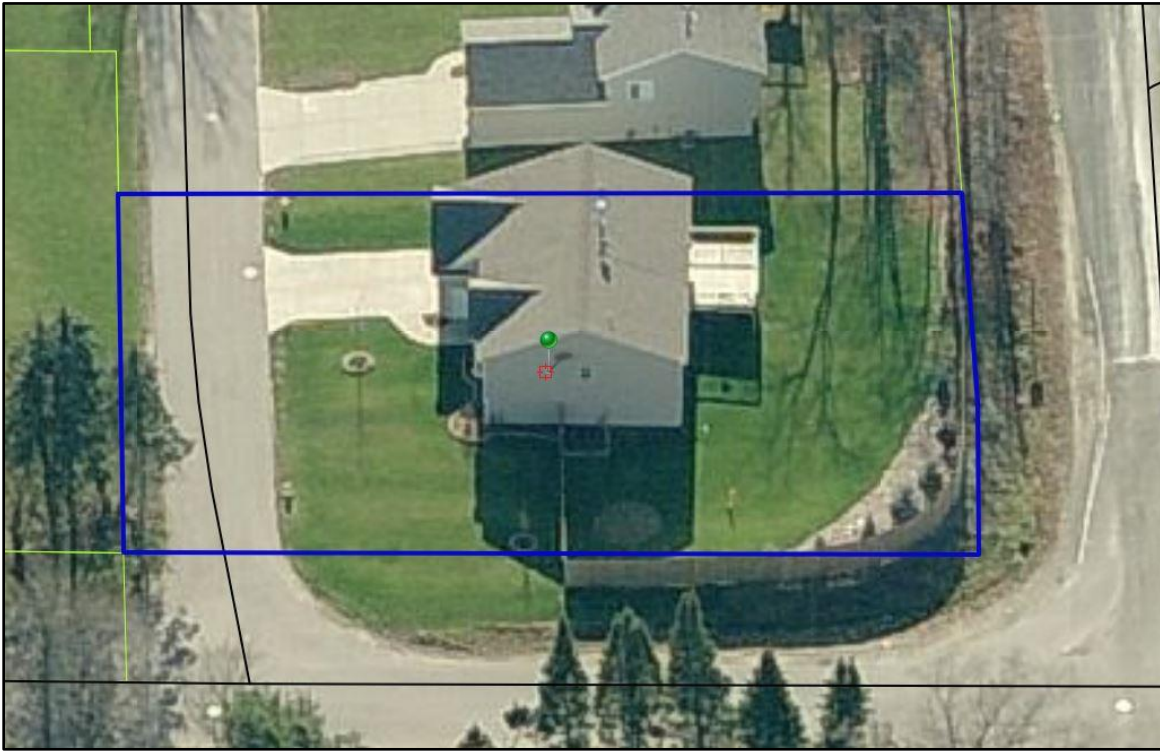


**Exhibit 2: Location of Clear Vision Corner and Allowable Fence Location**

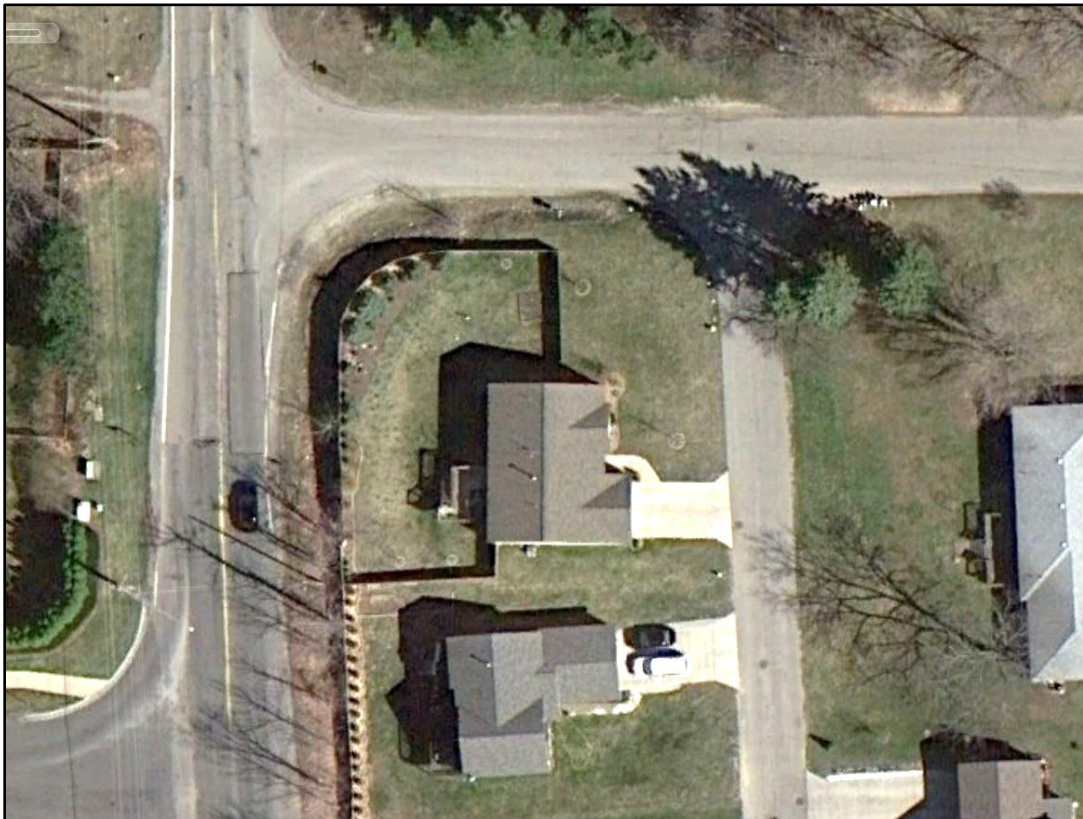




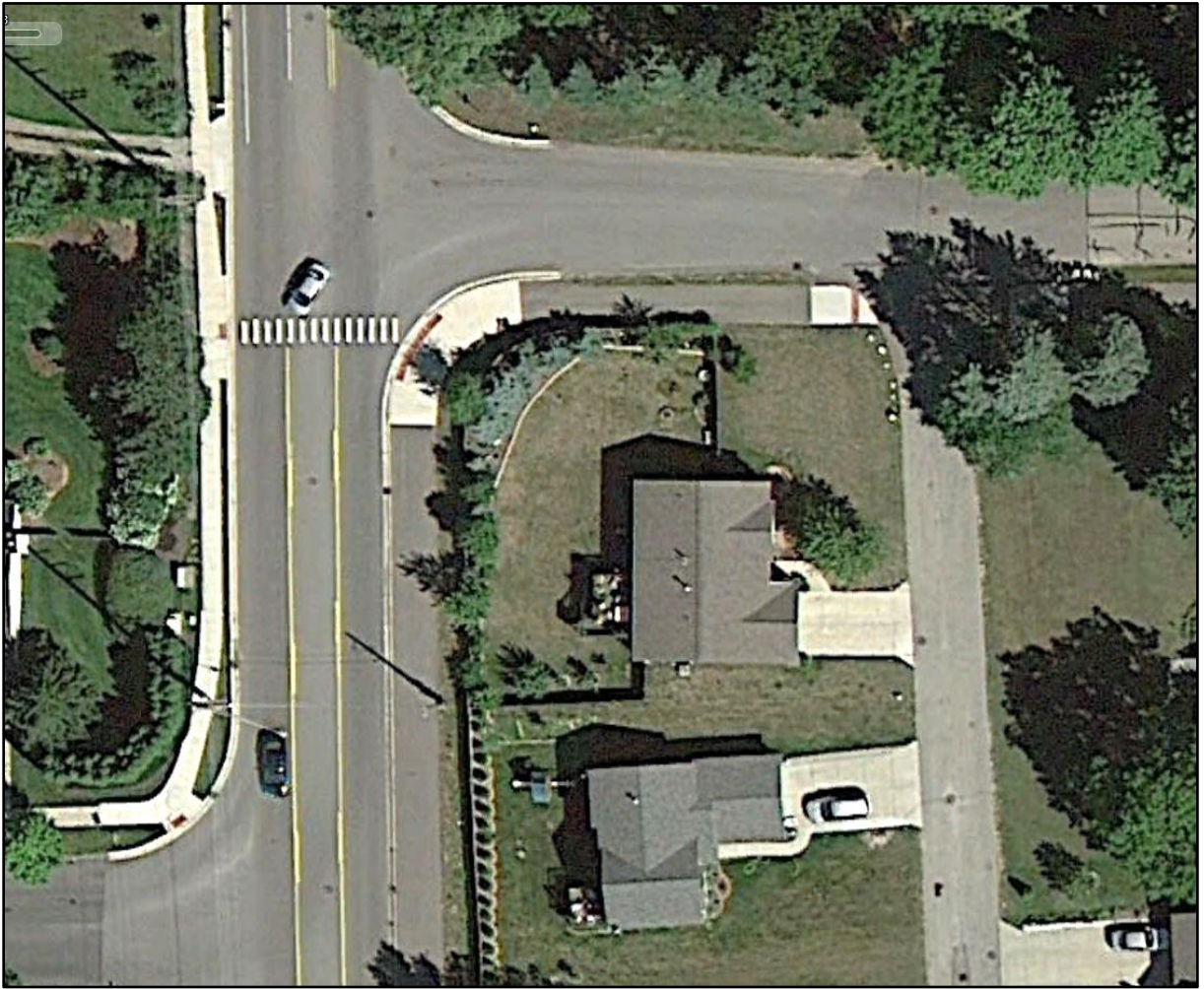
**Exhibit 3: November 2006 Pictometry Photo (view from the north)**



**Exhibit 4: 2011 Pictometry View of Forest Hill Avenue & Hall Street Intersection**



**Exhibit 5: 2013 Pictometry View of Forest Hill Avenue & Hall Street Intersection**





**Exhibit 6: April 2023 Pictometry Photo (view from the east)**



**Exhibit 7: May 2023 Pictometry Photo (view from the west)**



**Exhibit 8: May 2023 Pictometry Photo (view from the south)**



**Exhibit 9: May 2023 Pictometry Photo (view from the north)**





**Exhibit 10: June 2021 Google Street View Image of the Intersection from the South**



**Exhibit 11: June 2021 Google Street View Image of the Intersection from the North**





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

APPEAL # 4-24-057  
HEARING DATE June 17, 2024

APPLICANT: Aida and Adnan Dizdarevic PHONE # \_\_\_\_\_  
ADDRESS: 1213 Forest Hollow CT SE Grand Rapids Mi 49546 616 617 4872 (Adnan)  
616 634 2656 (Aida)

PROPERTY OWNER: Aida and Adnan Dizdarevic PHONE # \_\_\_\_\_  
ADDRESS: 1213 Forest Hollow CT SE Grand Rapids Mi 49546 616 617 4872 (Adnan)  
616 634 2656 (Aida)

LOCATION OF VARIANCE (If applicable) 1213 Forest Hollow CT SE Grand Rapids Mi 49546

ZONING DISTRICT OF PROPERTY: R1D

ZONING ORDINANCE SECTION (S) APPEALED: 3.19 B2; 3.19.A.2; - - - - -

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit): 3.06

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): In difference to similar corner properties on Forest Hills avenue, 1213 Forest Hills lot has both backyard and side yard oriented to the street. Back Yard is looking at Forest Hills Ave and Side Yard Line is oriented to the Hall Street. This significantly reduces privacy available to our property when compared to similar surrounding properties. (please see picture 1 orange marking). Orientation of the house located in 1213 Forest Hollow is different to the orientation of other houses located in this intersection.

STANDARD (2): Please see point one above. Also, similar fence condition seems to affect property of the corner lot on north side of intersection of Forest Hills and Orchard Creek. Live fence on this corner lot seems to be close to the both streets. (please see picture 2). Both lots, north of Intersection Forest Hills and Orchard Creek and our lot south of Intersection Forest Hills and Hall have their own fences installed before improvements done to Forest Hills avenue. (please see picture 3)

STANDARD (3): Please see point one and picture one about house orientation reducing privacy zone of the lot comparing Similar lots. Also, by moving fence 17 feet from the property line we would be exposed to large cost in removing existing Landscape and cut several trees. (please see picture 4). Existing landscape has large emotional value for our family since we are working on it more than decade and spend time with family in that area. (please see pictures 8 through 12) Safety consideration for our grand daughter and pet play time is essential to our family.

STANDARD (4): The fence was installed as is back in 2006 with no complaints from any of the adjacent properties. Furthermore, improvements to the Forest Hills Ave. did affect 1213 Forest Hollow lot and reduced its size for effective usage to the owners (please see picture 5 orange mark). We have no recollection that the deed signed back in January 1930 was existing at the time of the property purchase.

STANDARD (5): Fence location does not appear to affect the clear vision area (please see picture 6) based on google map measurement sketch. Fence to the Forest Hills and Hall side was installed in 2006. There were no complaints from neighbors or any other interested party before, during or after improvement of the Forest Hills and Hall intersection to our knowledge.

STANDARD (6): When the fence was installed both Intersection of Forest Hills Ave and Hall was narrower and did not had side walk space. Fence was installed with sufficient distance (minimum 17 feet) from the edge of the both Forest Hills Ave and Hall Street. Fence did not change in its size or location since original installment. (please see picture 7) For reasons explained above and especially with the hindsight to specific house orientation and space in our backyard that our family uses to spend time together, work on the flower garden that means so much to us and to maintain safe space and environment for our 18 months old

Zoning Board of Appeals  
Non-Use Variance Application  
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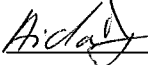

grand daughter and our dog as well as to improve and maintain orderly appearance of the intersection Forest Hills Ave and Hall Street we are asking to replace 19 years old fence with the new one and maintain its current location. In addition if allowed, this improvement will be done by certified local contractor supporting local economy and jobs in these difficult times.

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


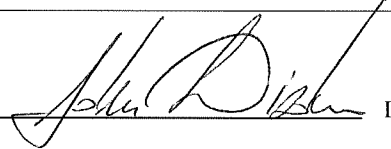
Authorization for city staff and board members to enter the property for evaluation.

Yes   X   No                     

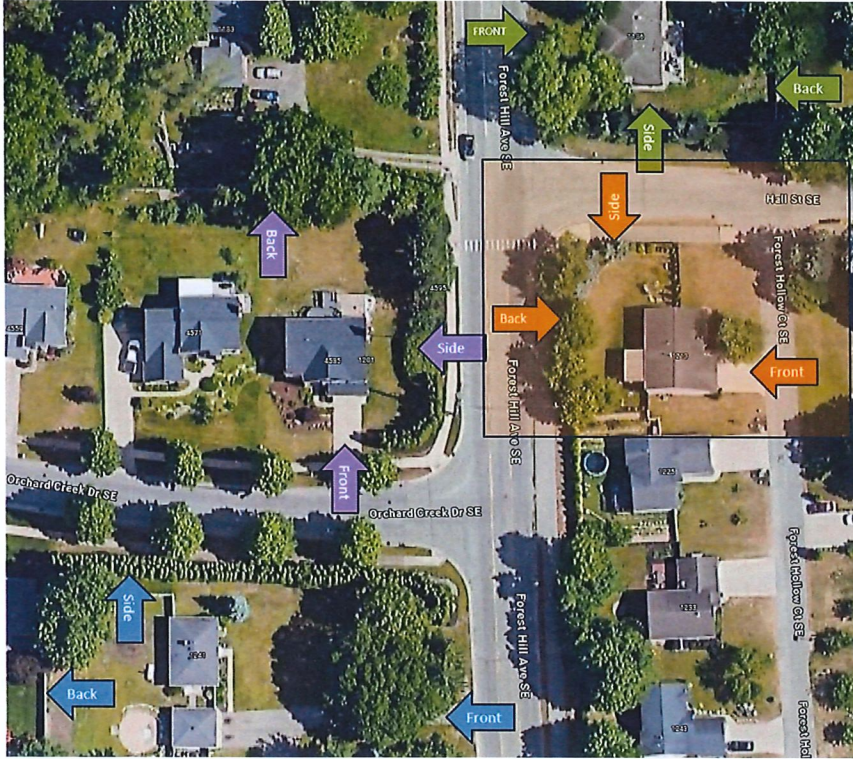
NAME OF APPLICANT: Aida and Adnan Dizdarevic  
(Please print)

SIGNATURE OF APPLICANT:   DATE: 5/21/2024

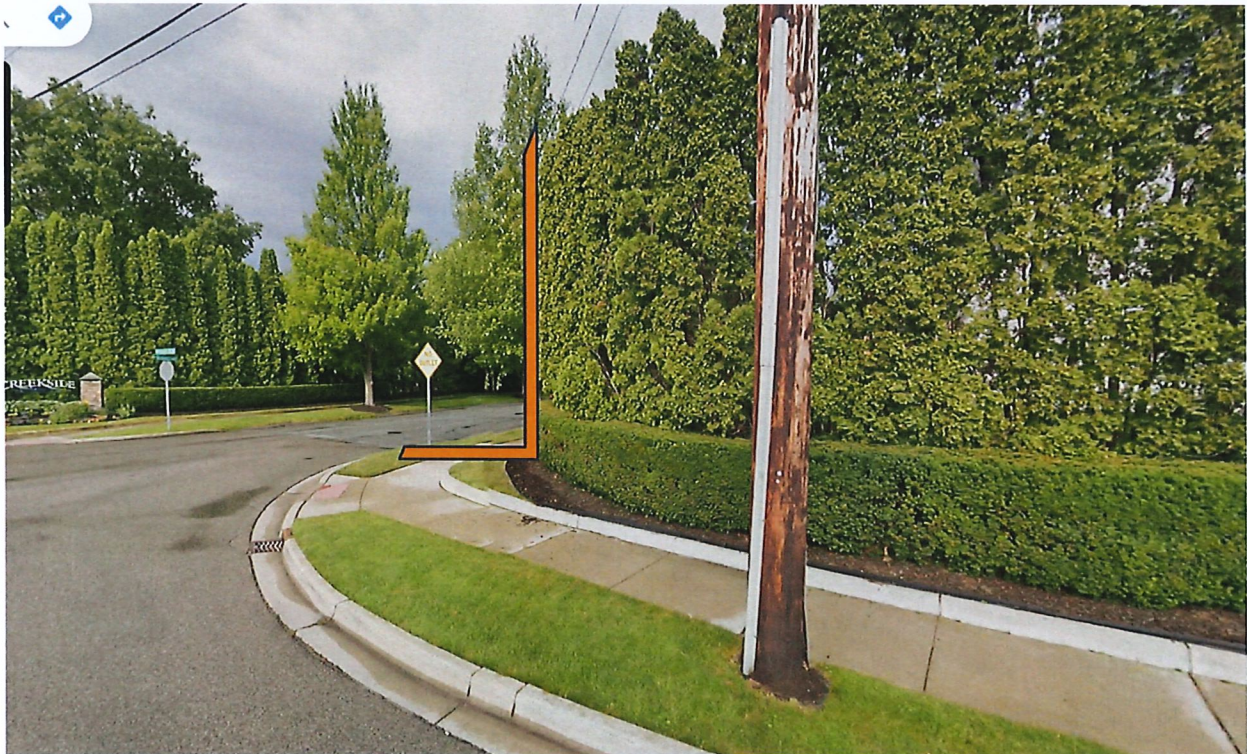
NAME OF PROPERTY OWNER: Aida and Adnan Dizdarevic  
(Please print)

SIGNATURE OF PROPERTY OWNER:   DATE: 5/21/2024

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



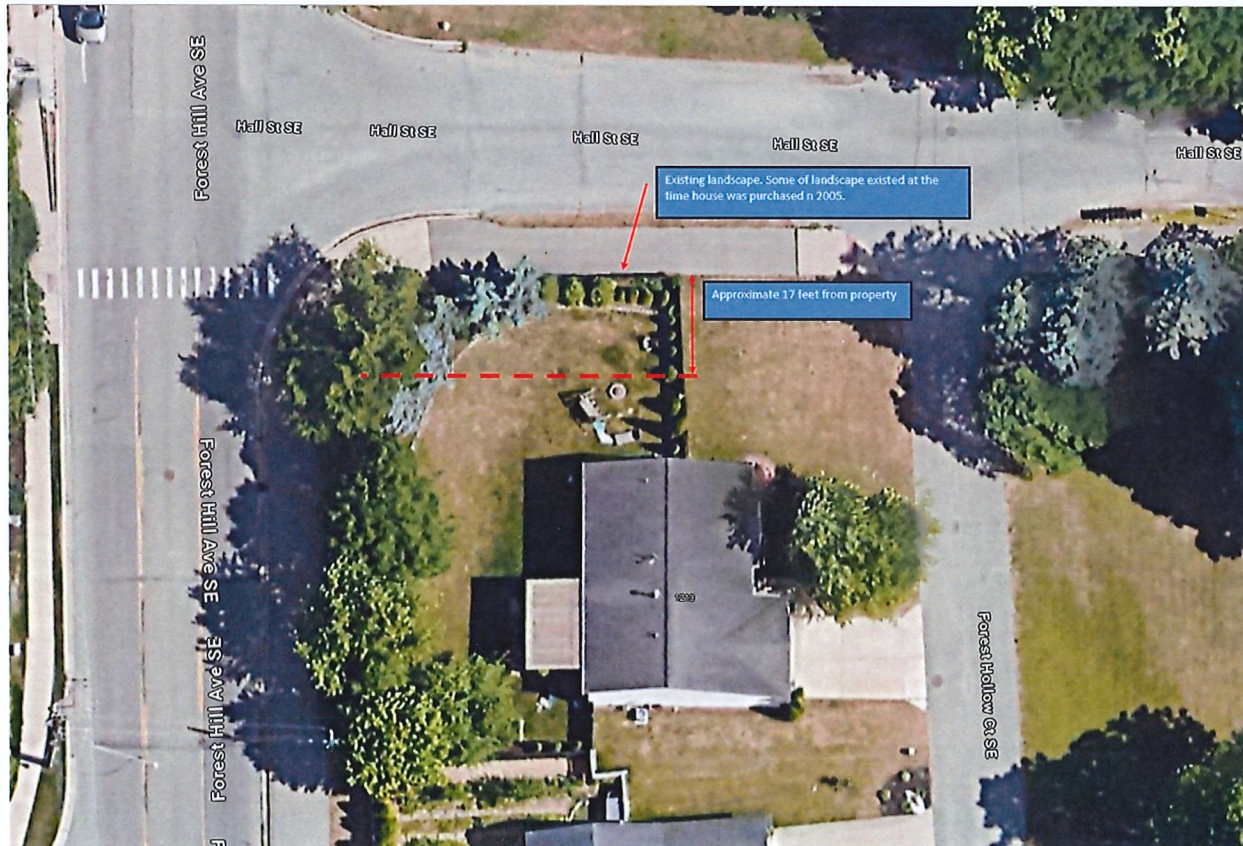
Picture two – orange marking





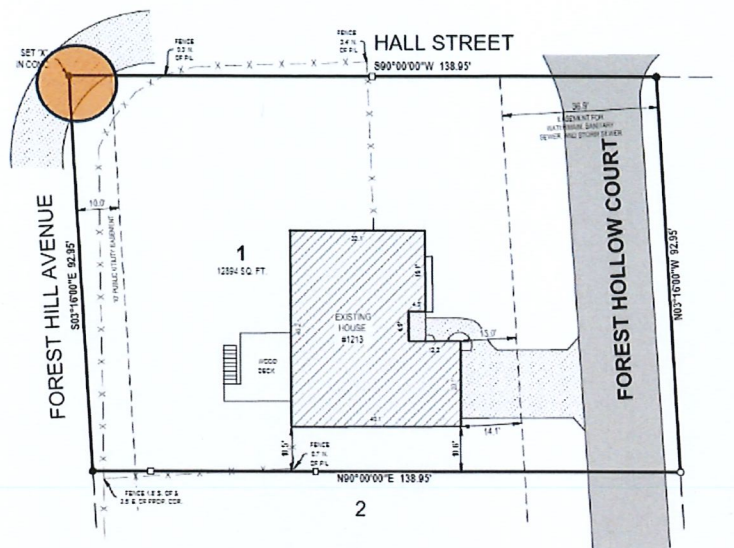


Picture 4:

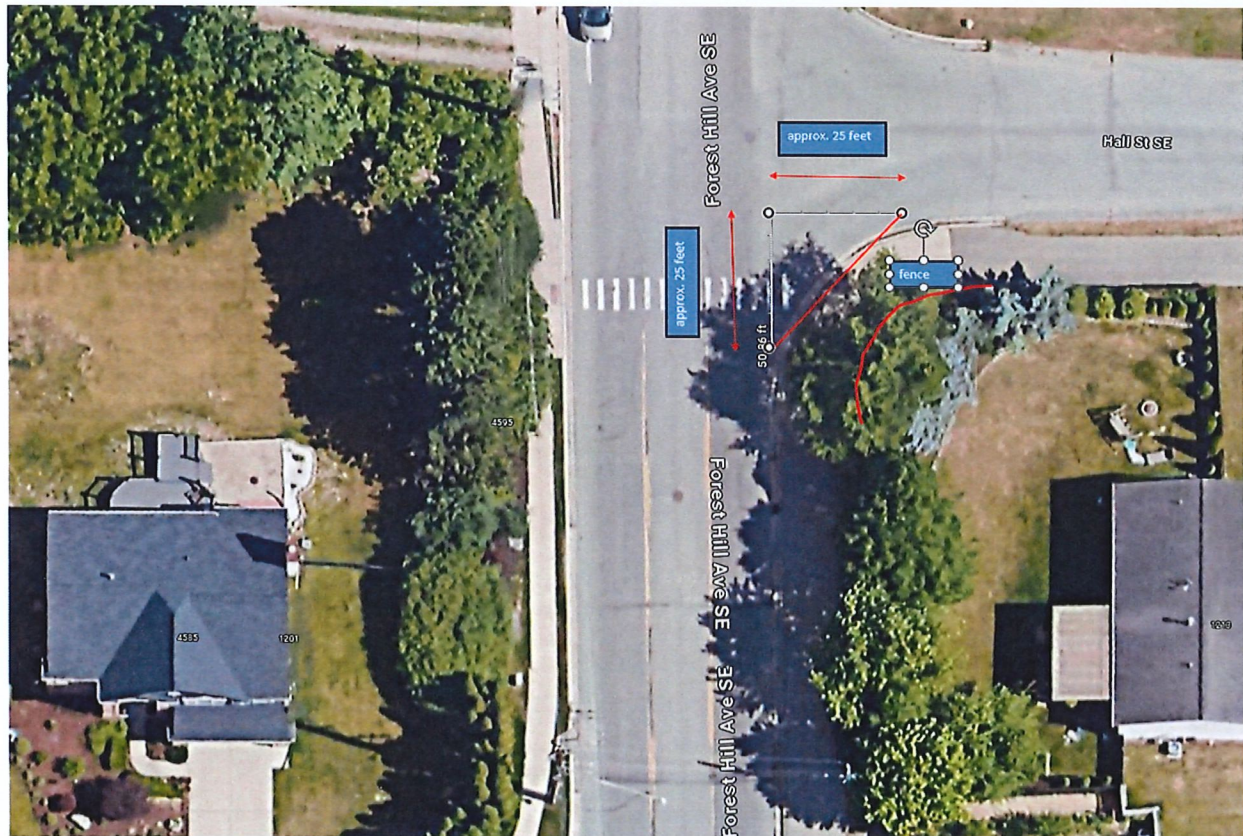




Picture 5:



Picture 6





Picture 7



Picture 8

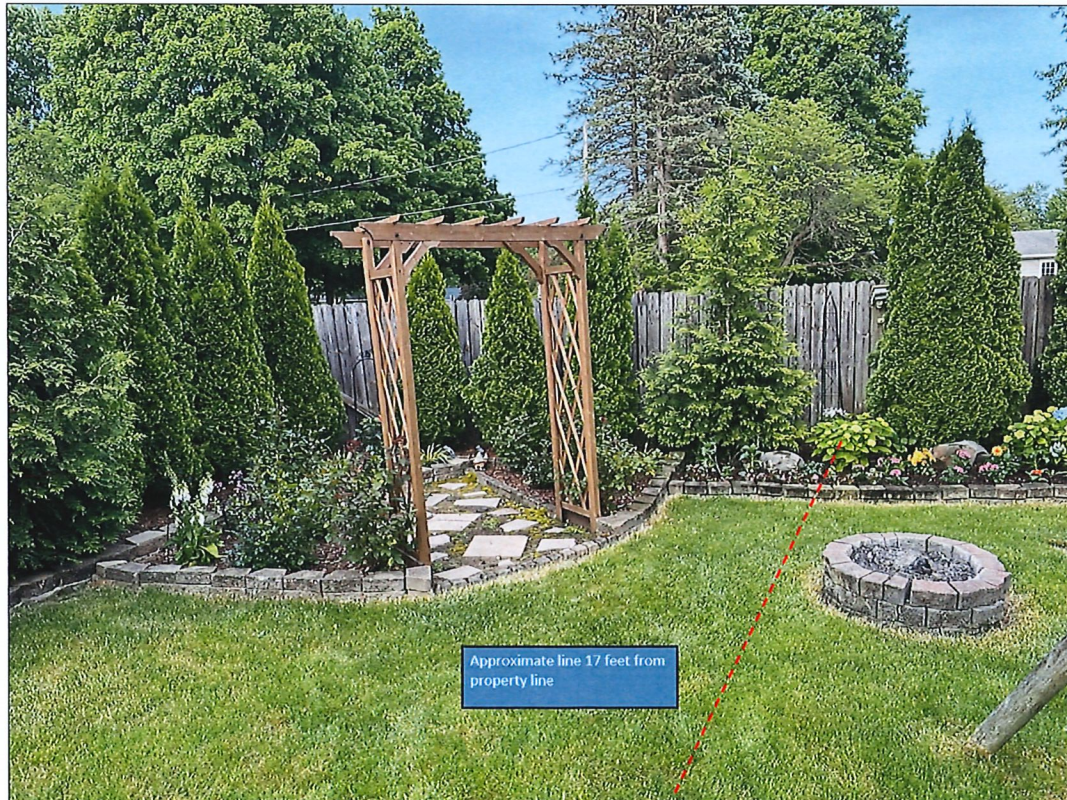




Picture 9



Picture 10





Picture 11



Picture 12





STAFF REPORT: June 10, 2024  
PREPARED FOR: Kentwood Zoning Board of Appeals  
PREPARED BY: Joe Pung  
CASE NO.: V-24-08

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#### GENERAL INFORMATION

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APPLICANT: Merit Hill Capital  
41 Flatbush Avenue, Fifth Floor  
Brooklyn, NY 11217

STATUS OF  
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to expand the on-site outdoor storage for recreational vehicles. The new recreational vehicle storage area would be located between two existing buildings. Section 15.04.I.2 of the Kentwood Zoning Ordinance requires that the recreational vehicle storage occur in the rear yard. The requested variance is to permit recreational vehicles to be stored in a location (between two buildings) that is not the rear yard.

EXISTING ZONING OF  
SUBJECT PARCEL: I1 Light Industrial

GENERAL LOCATION: 4115 – 36<sup>th</sup> Street

PARCEL SIZE: 6.62 acres

EXISTING LAND USE  
ON THE PARCEL: Self-storage Facility

ADJACENT AREA  
LAND USES: N - Consumers Energy Transmission Lines  
S - 36<sup>th</sup> Street ROW  
W - Fuel Depot  
E - Single Family Residence and Vacant Land

ZONING ON ADJOINING  
PARCELS: N - R1-C Single Family Residential  
S - I1 Light Industrial  
E - R1-C Single Family Residential  
W - I1 Light Industrial

Staff Comments:

1. The applicant wishes to expand the on-site outdoor storage for recreational vehicles. The new recreational vehicle storage area would be located between two existing buildings. Section 15.04.I.2 of the Kentwood Zoning Ordinance requires that the recreational vehicle storage occur in the rear yard. The requested variance is to permit recreational vehicles to be stored in a location (between two buildings) that is not the rear yard.
2. In 2014, the city amended the Zoning Ordinance to make provision for the outdoor storage of recreational vehicles as a special land use in industrial district. Such storage is only allowed as an accessory use to a mini storage facility and is limited to the rear yard of the property and cannot exceed 25% of the area of the lot. Prior to the 2014 amendment, there was no provision for the outdoor storage of recreational vehicles in industrial districts.
3. Construction of the self-storage facility began in 2003. Variances were granted in 2002 (Case V-02-13) to permit a reduction in both the width and amount of vegetation for the landscape buffer along the north property line and to permit a reduction in the building setback from the north property line. In 2015 (Case 1-15) the Planning Commission granted conditional approval of the special land use and site plan for the outdoor storage of recreational vehicles on the property. In 2022 a variance was granted (Case 22-05; see Zoning Board Minutes Exhibits 9 through 11) to permit the outdoor storage of recreational vehicles in the location proposed; the area was never paved as required and the variance approval has since expired. The applicant has reapplied for the variance to store recreational vehicles in other than the rear yard of the site.
4. In June of 2021, the applicant met with the Land Use and Zoning (LUZ) Subcommittee to discuss their proposal for additional recreational vehicle storage between two (2) existing buildings and for amending the Zoning Ordinance with respect to where recreational vehicles could be stored on the property. The LUZ Committee was not in support of amending the ordinance to allow for recreational vehicle storage in other than the rear yard for all self-storage facilities; based on the circumstances for this particular site, they were supportive of the owner making application to the Zoning Board of Appeals for a variance to permit recreational vehicle storage between the two (2) existing buildings as proposed.
5. The location of the additional recreational vehicle storage sits approximately ten (10) to twelve (12) feet higher than 36<sup>th</sup> Street (see Exhibits 5 through 8). Although the area does sit higher than 36<sup>th</sup> Street, any vehicles stored in that location could still be seen from 36<sup>th</sup> Street under current conditions (see Exhibits 6 through 8). In order to address the issue of screening the applicant has indicated that additional landscaping should be added; including, removing five (5) feet of pavement in order to install a new greenbelt along the south side of the site. Plantings within the greenbelt should be a species that would provide year round screening.
6. The Zoning Ordinance restricts recreational vehicle storage to no more than twenty-five (25) percent of the site. It appears that with the additional storage this requirement would not be exceeded. If approved, the recreational vehicle storage would not be able to exceed twenty-five (25) percent of the site.

7. Since the ordinance was amended in 2014, this is the only site to request a variance to locate recreational vehicle storage in other than the rear yard of a self-storage facility.
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.

(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 area where the additional recreational vehicle storage would be located sits approximately ten (10) to twelve (12) feet above 36th Street, this is fairly unique when compared to other self-storage facilities in Kentwood. The proposed storage area is located between two (2) exiting buildings which would screen the vehicles from the adjacent properties to the east and west.*

- 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.

*Other self-storage facilities in Kentwood do not have such a grade change that provides the same level of screening as this site..*

- 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)

*Without the variance the applicant could still store recreational vehicles on the property, but they would be restricted to the rear yard.*

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

*It is not anticipated that the variance would be detrimental to adjacent property owners or the surrounding neighborhood. The storage area would be screened by existing buildings, landscaping, and the change in elevation from the street.*

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

*Based on the exceptional circumstances of the property, building layout, and the applicant's indication that additional landscaping will be added to the site, the variance may 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.

*The exceptional conditions applying to the property and building were not the result of the actions of the applicant. The applicant is not the original developer of the site.*

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 it should be conditioned on the installation of landscaped screening as depicted in the site plan submitted with the variance application.

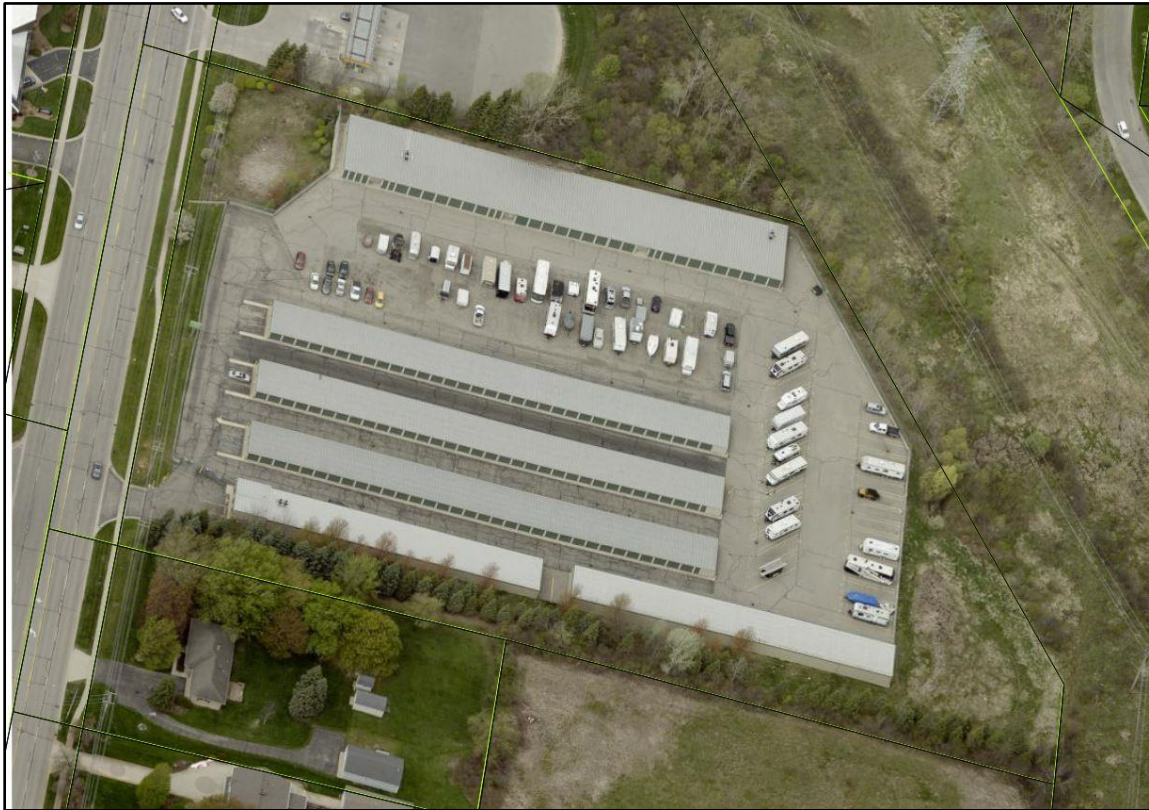
10. A majority vote by at least four members of the Zoning Board is necessary to approve the requested variance.

**Exhibit 1: Location of Variance Request**

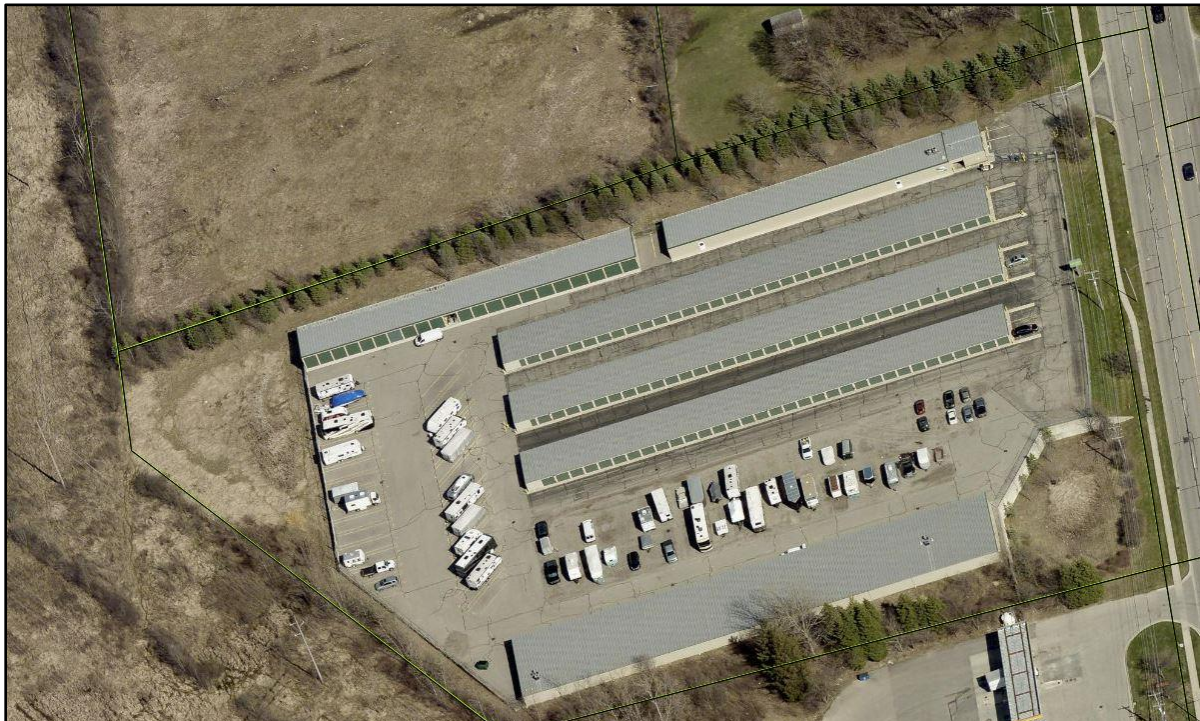




**Exhibit 2: May 2023 Pictometry Photo (View from the East)**



**Exhibit 3: April 2023 Pictometry Photo (View from the West)**

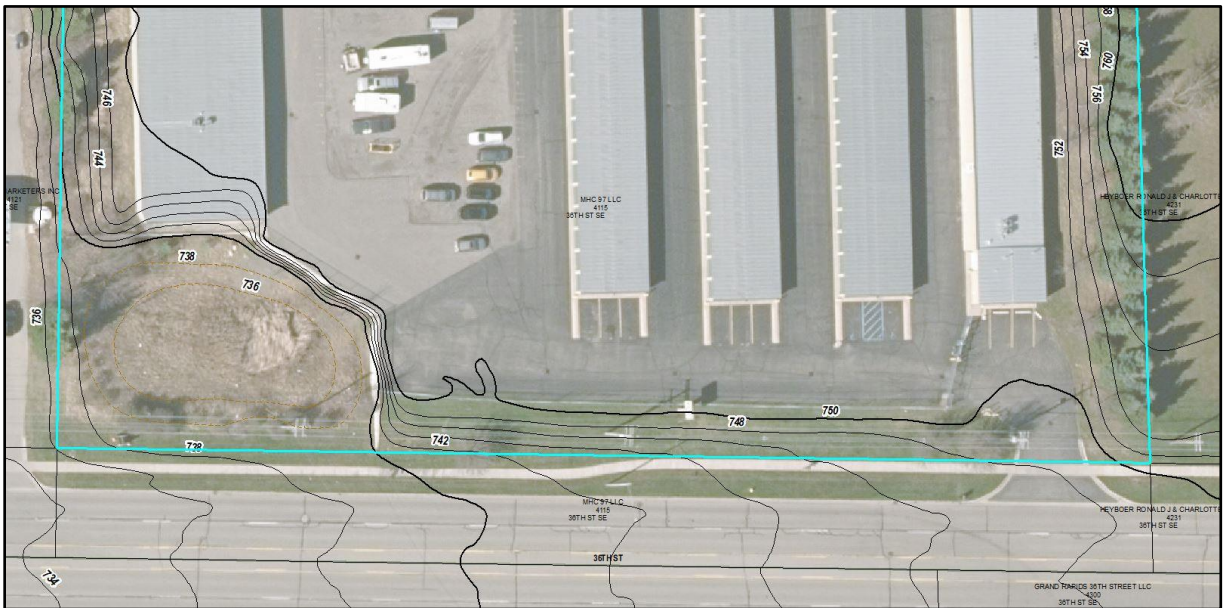




**Exhibit 4: April 2023 Pictometry Photo (View from the South)**



**Exhibit 5: Elevation Contours**



**Exhibit 6: View South Side of 36<sup>th</sup> Street**





**Exhibit 7: View from South Side of 36<sup>th</sup> Street**



**Exhibit 8: View from South Side of 36<sup>th</sup> Street**



**Exhibit 9: Zoning Board of Appeals Minutes (Page 1 of 3)**

**APPROVED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
MAY 16, 2022, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (West)
3. Roll Call  
MEMBERS PRESENT: Les Derusha, Robert Houtman, Aaron Johnson, Alan Lipner, Ricardo Rogers, Mary VanNoord and Susan West  
MEMBERS ABSENT: None  
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier and the applicants.

4. Approval of the Minutes and Findings of Fact

Derusha stated on page 7 the commissioners voted however it wasn't recorded.

**Motion by Houtman, supported by Lipner to approve the minutes of April 18, 2022 with change noted.**

- Motion Carried (7-0) -

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

There was no public comment.

6. Public Hearing

Appeal #V-22-05

Applicant: Architectural Planners Inc.  
Location: 4115 – 36<sup>th</sup> Street

Request: The applicant wishes to expand the on-site outdoor storage for recreational vehicles. The new recreational vehicle storage area would be located between two existing buildings. Section 15.04.I.2 of the Kentwood Zoning Ordinance requires that the recreational vehicle storage occur in the rear yard. The requested variance is to permit recreational vehicles to be stored in a location (between two buildings) that is not the rear yard.

Allen Hall with API Architectural Planners Inc., 5101 Williams Lake Rd in Waterford, MI and John Hardy were present. Hall stated the request is for extra RV storage space at

**Exhibit 10: Zoning Board of Appeals Minutes (Page 2 of 3)**

Approved Minutes  
Zoning Board of Appeals  
May 16, 2022  
Page 2

4115 36<sup>th</sup> Street. He stated right now there is RV parking in the back area that is approved. He stated the zoning district is I1 - Industrial and they are allowed to have RV parking as a special land use. He stated the special land use also has restrictions to it and the restriction is that it can't be more than 25% of the area for RV parking and it has to be located at the rear of the site.

Hall stated they would like to have more RV parking on the property. He stated they need a variance on the rear yard restriction. He stated the property is about 6.62 acres therefore 25% of that would be about 1.65 acres of RV parking. Hall displayed where they would like the parking and stated it would be about .94 acres. He stated that will be well below the 25% maximum. He stated all they are asking for is if they can park in between the buildings area.

Hall stated the site was slated for another building. The building was never built and right now it is currently gravel. He stated they propose to asphalt that area and there is a 6 feet high chain-link fence with barbwire for security. He stated right now there is about 3-4 feet of green area inside of the property of just grass. They plan on cutting out about 4 feet and trimming the asphalt all the way back. They plan to put some irrigation and they plan on putting 150 arborvitae plants there all the way from the angle to the very beginning where the security fence begins. Hall stated they drove the site and if you're coming down the road you could possibly see in therefore they are going to try to block with the arborvitae.

Hall stated there is a unique site feature for the site. As you are going down 36<sup>th</sup> Street you go downhill from the site. The site is level and then the road drops. There is about a 12 foot differential between the road and the parking. If you are driving and look you can't see in the site above the chain-link fence that is there right now. The arborvitae will cover that up so you won't be able to see anything in there.

Hall stated they don't want you to see the RV's and if they can screen them from being seen that will be the intent of the ordinance. He stated it is unique because they do have a site condition that is not common to everybody else. The road is actually 12 feet or plus, down by the entrance is less about 5 feet. He stated but when you get by the RV's it is 12 feet plus.

Houtman questioned if it is true that the intent of the ordinance is so that you don't see the rv's. Pung stated yes that is part of the intent. When the ordinance was amended they wanted it in the back so it would be screened from the street. They also didn't want properties to become huge parking lots for rv's that is why the 25% was put in. Pung stated it also had to be an accessory use to a self storage facility. He stated you can not have a freestanding rv storage where that is all you have on the property. Pung stated they can continue to use the property as is.

Derusha opened the public hearing.



**Exhibit 11: Zoning Board of Appeals Minutes (Page 3 of 3)**

Approved Minutes  
Zoning Board of Appeals  
May 16, 2022  
Page 3

There was no public comment.

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

- Motion Carried (6-0) -

Rogers stated point 1 was met Roger stated point 2 is met Roger stated point 3 is met.

Johnson, West, Lipner, Houtman, VanNoord and Derusha concurred points 1, 2 and 3 have been met.

Rogers stated point 4 has been met. Rogers stated point 5 has been met. Rogers stated point 6 has been met.

Johnson, West, Lipner, Houtman, VanNoord and Derusha concurred points 4, 5 and 6 have been met

**Motion by Rogers, supported by Lipner to approve V-22-05 with the note that additional 150 arborvitaes consistent with the proposed plan will be added.**

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. There is a significant grade difference between the road and the proposed RV storage.
2. The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.
3. The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.
4. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
5. Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.
6. The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

-Motion Carried (6-0) -

**Motion by Lipner, supported by Houtman to adjourn the meeting.**



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

APPEAL# V-24-08  
HEARING DATE June 17, 2024  
PHONE# \_\_\_\_\_

APPLICANT: Glen Iley

ADDRESS: 5101 Williams Lake Rd. Waterford, MI 48329  
PROPERTY OWNER: Merit Hill Capital

PHONE# 410-991-5822

ADDRESS: 41 Flatbush Ave. Fifth Floor Brooklyn, NY 11217

LOCATION OF VARIANCE (If applicable) 4115 36<sup>th</sup> St. SE (Existing parcel 41-18-13-353-003)

ZONING DISTRICT OF PROPERTY: I-1 Light Industrial District

ZONING ORDINANCE SECTION(S) APPEALED Section 15.04.1

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

Recreational vehicles (RVs) can park in this zoning classification but are considered an accessory use- all RVs need to park at the rear of the property and cannot consume more than 25% of the parking area. We wish to park RVs throughout the site and allow for more than 25% of the parking.

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): Exceptional topographic condition places the existing storage facility site on top of a grass berm that runs the length of the site down to the adjacent public road. This natural feature elevates the parking lot from the view of a normal pedestrian's line of site and with an added vegetation screen wall would block the visibility of planned parked RVs within the site.

STANDARD (2) The Light Industrial District only allows RVs to be stored as a special use with restrictions as stated in Section 15.04.1. This fact already limits the occurrence of the situation, but the site also has a distinctive site feature that could allow a variance to the restrictions and not require a new zoning provision based on its individuality.

STANDARD (3): There is no zoning district that allows RV parking throughout the site plan as a normal permissible use. A special use has been approved to allow the storage of RVs, but the restrictions hinder the full use of the site. Literal application of these restrictions deprives the full use and customer expectations of this storage facility.

Standard (4): Pedestrians driving or walking along 36<sup>th</sup> St. will not have a clear sight line to the RV parking and at the same time will enjoy the improved landscaping measures. Neighboring properties already have existing building and/or vegetation screening for the RV parking and should not be affected by the granting of a variance.

STANDARD (5) We believe that the intent of the ordinance is not to see parked RVs from the main road. There is currently a natural 12-foot berm between the main road and the property. a unique site condition exists along with the added vegetation screening, that the original intent of not seeing would be upheld.

STANDARD (6): The owner wishes a variance to maximize the offering of RV long term parking on the parking on the property. The current zoning requirements will not fully allow this activity within I-1 zoning district. Adding a vegetation wall softens the existing security fence line, provides a visual barricade from the public view of the property, meets what we believe to be the intent of the ordinance by minimizing the visibility of any RV storage, architecturally solves the issue harmoniously with the neighboring properties and strives to bring the property into compliance.


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: Glen Iley  
(Please print)

SIGNATURE OF APPLICANT:  DATE: 5/28/2024

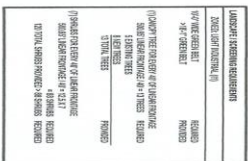
NAME OF PROPERTY OWNER: Elizabeth Raun Schlesinger  
(Please print)

SIGNATURE OF PROPERTY OWNER:  DATE: 5/28/2024

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.

[illegible]

It is important to be realistic in setting a budget. A budget that is too tight will result in a lack of funds for the program, while a budget that is too loose will result in a lack of funds for the program. A budget that is realistic will result in a program that is sustainable and effective.

