



**AGENDA**  
**KENTWOOD ZONING BOARD OF APPEALS**  
**KENTWOOD CITY HALL**  
**COMMISSION CHAMBERS**  
**4900 BRETON AVENUE, SE**  
**MARCH 18, 2024, 6:30 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. 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(1)(h) of Michigan's Open Meetings Act. **(Roll call vote)**
5. Declaration of Conflict of Interest
6. Approval of Minutes of February 19, 2024
7. Acknowledge visitors and those wishing to speak to non- agenda items (Public Comment).
8. Public Hearing

**Appeal #V-23-10 (Postponed from January 22, 2024)**

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

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

**Appeal #V-24-01 (Tabled from February 19, 2024)**

Applicant: Lynn Garreau  
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.

Appeal #V-24-04

Applicant: Reinaldo Gonzalez  
Location: 319 Montebello Street, SE

Request: The applicant wishes to construct an 840 square foot detached accessory building. Section 3.15.D.2.a limits the size of the accessory building to 768 square feet in area. The requested variance is for an increase in area of 72 square feet.

9. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD ZONING BOARD OF APPEALS  
CITY COMMISSION CHAMBERS  
FEBRUARY 19, 2024, 7:00 P.M.**

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

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

- Motion Carried (5-0) –
- Derusha, Houtman and VanNoord absent -

4. Declaration of Conflict of Interest  
  
There was no conflict of interest expressed.
5. Approval of the Minutes and Findings of Fact

**Motion by Fant, supported by West, to approve the minutes of January 17, 2024.**

- Motion Carried (5-0) –
- Derusha, Houtman and VanNoord absent -

6. Acknowledge visitors and those wishing to speak to non-agenda items.  
  
There was no public comment.
7. Public Hearing

Appeal #V-23-10 (Applicant has requested to postpone to March 18, 2024)

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

**Motion by, supported by to table V-23-10 to the March 18, 2024, meeting.**

- Motion Carried (5-0) –
- Derusha, Houtman and VanNoord absent -

Appeal #V-24-01

Applicant: Lynn Garreau  
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.

Commissioner Spalding indicated that there are only 5 commissioners present. He asked the applicant if he wished to table the request until next month when there could be 7 commissioners present. Spalding explained that he will need at least 4 commissioners to vote to approve the appeal.

Garreau stated that he wanted to move forward with the request.

Lynn Garreau, 1677 Gentian was present. He stated he has an outbuilding on his property that has been there about 20 years. He stated the reason it was placed where it is because of the creek through the backyard keeps flooding; he was able to get a variance. He stated because of the contour of the property the back keeps flooding. He stated normally he would park a trailer in the backyard that but he can't do that because of the elevation change and the creek in the backyard. He stated city ordinance states that trailers have to be on the side lot and on the front lot. He stated most people would pave the side lot along the edge of the house to access their trailer parking but he doesn't have that ability. His trailers are on the side where there is a concrete pad for them to sit on and his access to and from are where the ruts are in the yard. He stated this has actually got paved prior to getting approval. He stated this would be a second driveway on the property.

Garreau stated regarding point 1, he has a short lot; it is not a deep lot and has a creek in the backyard therefore he doesn't have use of the backyard like others might.

Garreau stated point 2 is met because the frequency of the situation of double wide lots with 100% active and seasonal flooding creek is pretty rare.



Garreau stated regarding point 3 most people can park on the side of their property and then improve that with a paved access.

Garreau stated point 4 off street parking is a premium area that doesn't have off street parking their values are less than houses with off street parking.

Garreau stated point 5 the ordinance can remain intact and similar future requests can be accessed individually as they arise.

Garreau stated point 6 is met it's a double wide lot, flooding, and a creek on the property, unusable backyard he did not create. He stated it used to be two lots and in order to get the variance to put the building where it is at, they had to combine the lots had he known this he would have put the driveway in on the second lot if he could have and then put the building up.

Garreau stated he has satisfied all of the needs of the ability to be able to put a second driveway in so that he has access to get his trailers in and out of the property. He stated technically if it is wet, he is stuck he can't get his trailers out. If he brings them out before the rain they get parked in front of his house or on the street which the ordinance states that you can't park them there.

Garreau stated he needs to be able to access the parking space. This isn't bought on by him he stated this is just where its at. He stated he is open to more suggestions if the commissioners have any.

Pung stated the ordinance reads the number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles typically one access point may be provided per lot.

Fant questioned if he wants to extend the driveway out to the street and the pad that is to the right of the building extended out where the ruts are. Garreau stated this is already poured and displayed a street view. He stated the sidewalk is already 6 inches thick, the City of Kentwood did that. They made it 6 inches knowing it was going to be a driveway at some point. Discussion ensued.

Spalding stated it appears that he is going to be using this for commercial purposes. Garreau stated no he is not. He has a camper trailer and a second trailer, and it is all residential. He stated even though he does have a business at the house it is contained to the house there is nothing there that is business. Spalding questioned what the tractor is parked in his side yard. Garreau stated he has two tractors; one was inherited and the other is a backhoe.

Spalding questioned the nature of his business. Garreau stated he owns Cardinal Remodeling and Design which is residential remodeling and light commercial remodeling and has been in business for 25+ years.

Garreau stated he thinks he has satisfied the questions that need to be answered in order to prove his case without any doubt.

Spalding opened the public hearing.

There was no public comment.

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

- Motion Carried (5-0) –
- Derusha VanNoord and Houtman absent –

West stated point 1 is not met. The property is a residential lot resulting from a combination of two lots. There are other properties in Kentwood that have combined lots. West stated point 2 is not met she doesn't think that it is unique to have combined lots. West stated point 3 has not been met.

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

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

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

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

West stated point 4 is not met depending on the use of that second driveway it could be detrimental. West stated point 5 has not been met. West stated point 6 has been met. He didn't combine the parcel.

Le stated point 1 has not been met. Point 5 has not been met and point 6 has been met.

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

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

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

**Motion by West, supported by Le, to deny V-24-01**

- 1. There are no 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 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 not deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. **The variance will be detrimental to adjacent property and the surrounding neighborhood.**
5. **Taken as a whole, the variance will impair the intent and purpose of the Zoning Ordinance.**
6. **The exceptional conditions or circumstances do result from the actions of the applicant.**

- Motion Failed (3-2) –
- West, Spalding and Le
- Elliott and Fant dissenting
- Derusha VanNoord and Houtman absent -

**Motion by Elliott, supported by Fant, to approve V-24-01**

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 Failed (2-3)
- Elliott and Fant
- West, Spalding, Le dissenting
- Derusha VanNoord and Houtman absent -

Due to the motion to approve and deny failed the variance request will postpone ation until March 18, 2024.

Appeal #V-24-02

Applicant: Calvin University  
Location: 1661 East Paris Avenue & 3770 Lake Drive

Request: The applicant wishes to install an eight (8) foot high chain link/metal mesh fence on the property. Section 3.19.B.3 restricts the height to six (6) feet. The requested variance is for a two (2) foot increase in height over the maximum allowed by ordinance.

Andrea Lubberts, with Calvin University was present. She stated they have a tree nursery and native plant greenhouse that sits adjacent to the ecosystem preserve which is a large piece of property that is addressed on East Paris. She stated the entrance is a sequence of 3 homes off Lake Drive and the middle lot has a house on it that students live in. She stated behind that house is a greenhouse with a native plant nursery where they grow native plants that are used in restoration projects around the campus and throughout the community.

Lubberts stated they are looking to extend the fenced in area. There is a lot of opportunity and need for trees that are native to Michigan for restoration projects and they need more space to grow these trees. She stated there are a lot of deer that call this place home. She stated they need to keep them out of the nursery while they are growing the trees. She stated a 6-foot fence is great, but not great enough to keep the deer out. She stated they need an 8-foot fence to keep the deer from clearing the fence and eating the trees. She stated it is south of the property line where the fence will be extended. 100 feet south of the property line and 200 feet wide.

Pung stated we received a phone call from a resident. Their concern was they walk on the property and were concerned about getting their access blocked off, but they are in the subdivision to the south of the fields. We have to notify within 300 feet; that is the reason why they received notice. They had no issues or concerns with the request.

Spalding questioned if they already have an 8-foot fence on the north end of the property. Lubberts stated yes that is correct.

Spalding opened the public hearing.

Richard Bouma, 3694 Lake Drive was present and stated he is in favor of the proposal.

Al Danks, 3760 Griggs was present. He just wanted clarification where the fence was going to be.

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

- Motion Carried (5-0) –
- Houtman, Derusha and VanNoord absent -

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

Le, Fant, West and Spalding concurred that points 1,2 and 3 have been met.

Elliott stated point 4 is met. Elliott stated point 5 is met. Elliott stated point 6 has been met.

Le, Fant, West and Spalding concurred that points 4, 5 and 6 have been met.

**Motion by Fant, supported by Le, to approve V-24-02**

- 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) –
- Derusha VanNoord and Houtman absent -

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

- Motion Carried (5 -0) –
- Derusha VanNoord and Houtman absent -

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Robert Houtman, Secretary



# Memorandum

**To:** City of Kentwood Zoning Board of Appeals  
**CC:**  
**From:** Joe Pung  
**Date:** March 13, 2024  
**Re:** Status of Case V-23-10

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At the December 18, 2023, meeting, the Zoning Board of Appeals approved a motion to direct the City Attorney to prepare a resolution for consideration and final approval by the Zoning Board to deny variance request V-23-10. Consideration and action on the request has been tabled until the March 18, 2024, meeting of the Zoning Board of Appeals at the request of the applicant.

It is the staff's understanding that the applicant intends to present conditions to the variance application involving a reduced spire height for consideration by the Zoning Board of Appeals.

The Board will be entering closed session to discuss legal opinion which is exempt from discussion or disclosure under state law as permitted under Section 8(h) of PA 267 Michigan Open Meetings Action of 1976.

If you have any questions please call me at (616) 554-0810 or email at [pungj@kentwood.us](mailto:pungj@kentwood.us).



# Memorandum

**To:** City of Kentwood Zoning Board of Appeals  
**CC:**  
**From:** Joe Pung  
**Date:** March 12, 2024  
**Re:** Status of Case V-24-01

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At the February 19, 2024, Zoning Board of Appeals meeting, two motions relating to Case V-24-01 were made (one motion to approve the request and a second to deny the request); both motions failed to get four (4) affirmative votes (motion to deny the variance was 3-2 and the motion to grant the variance was 2-3).

The City Attorney has indicated that based on the Zoning Board of Appeals by-laws (specifically section VII.A) which states that final disposition of any application shall be in the form of a resolution either granting or denying the request. As both motions failed to get four (4) affirmative votes, no final action on the request has been taken and the matter should be treated as still pending.

The recommendation from the City Attorney is to create as good a record as possible by proceeding as follows:

1. As no decision has yet occurred, place the matter on the next meeting's agenda.
2. No separate notices are required.
3. Under old business should be a motion to rescind the previous votes due to failure to meet ZBA By-law requirements.
4. Vote on motion to rescind the previous votes.
5. If adopted, a new motion to approve or deny the variance request (with appropriate findings) should be made and adopted.

Board members absent from the February 19, 2024, meeting should listen to the recording from the portion of the meeting dealing with Case V-24-01 and make a point to note that they have listened to the entirety of the public hearing and presentations regarding Case V-24-01.

The decision is to be based on the former record (no new presentations, etc.) but if a board member wishes to ask further questions of the applicant they can do so.

If you have any questions please contact me by phone at (616) 554-0810 or email [pungj@kentwood.us](mailto:pungj@kentwood.us).

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)

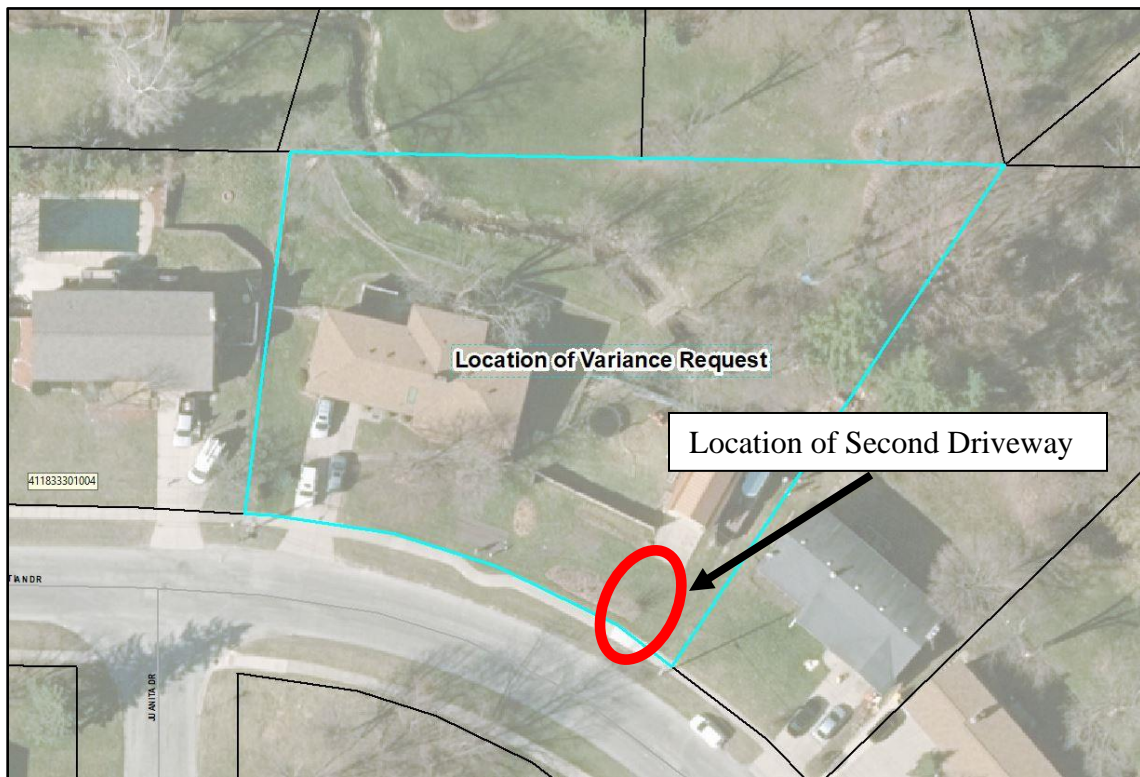
**Exceptional conditions or circumstances identified by the applicant were not the result of the actions of the applicant but also do not warrant granting a variance for an additional driveway.**

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.

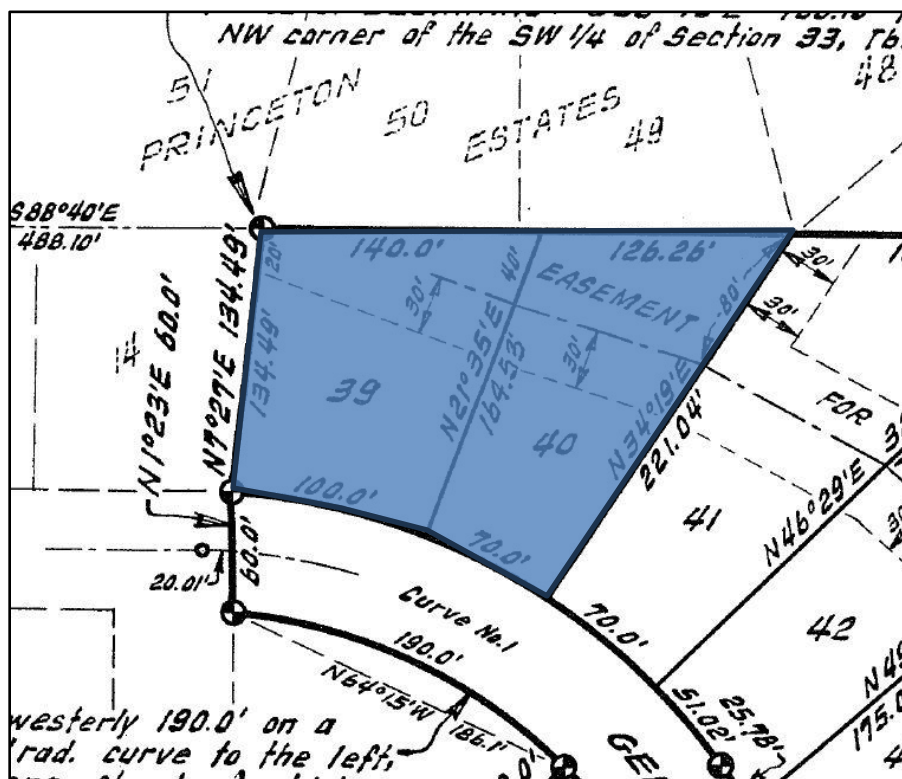
**If approved the variance should be conditioned on the second driveway not being used for any home occupation or other commercial purpose.**

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

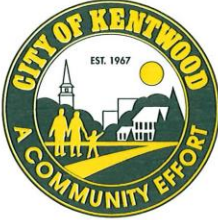
9/21/23  
Date



**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.

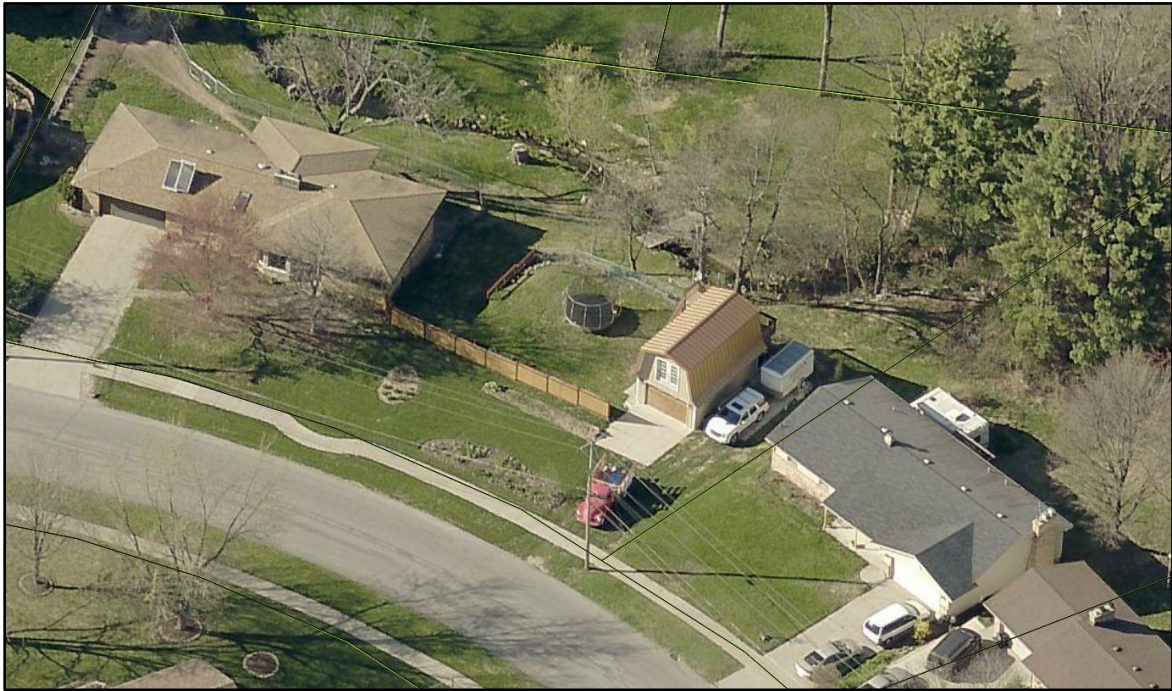
Please contact me with any questions.

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)**

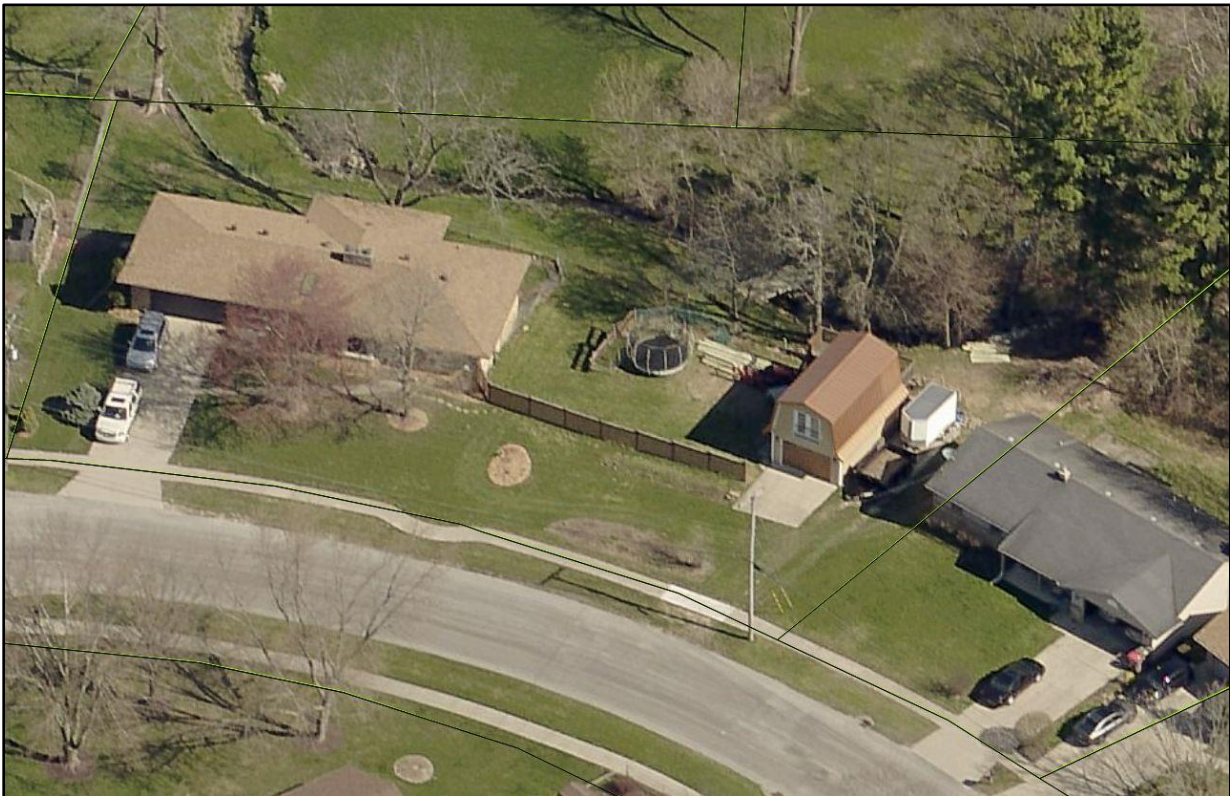




**Exhibit 9: April 2018 Pictometry Photo (view from the south)**



**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.

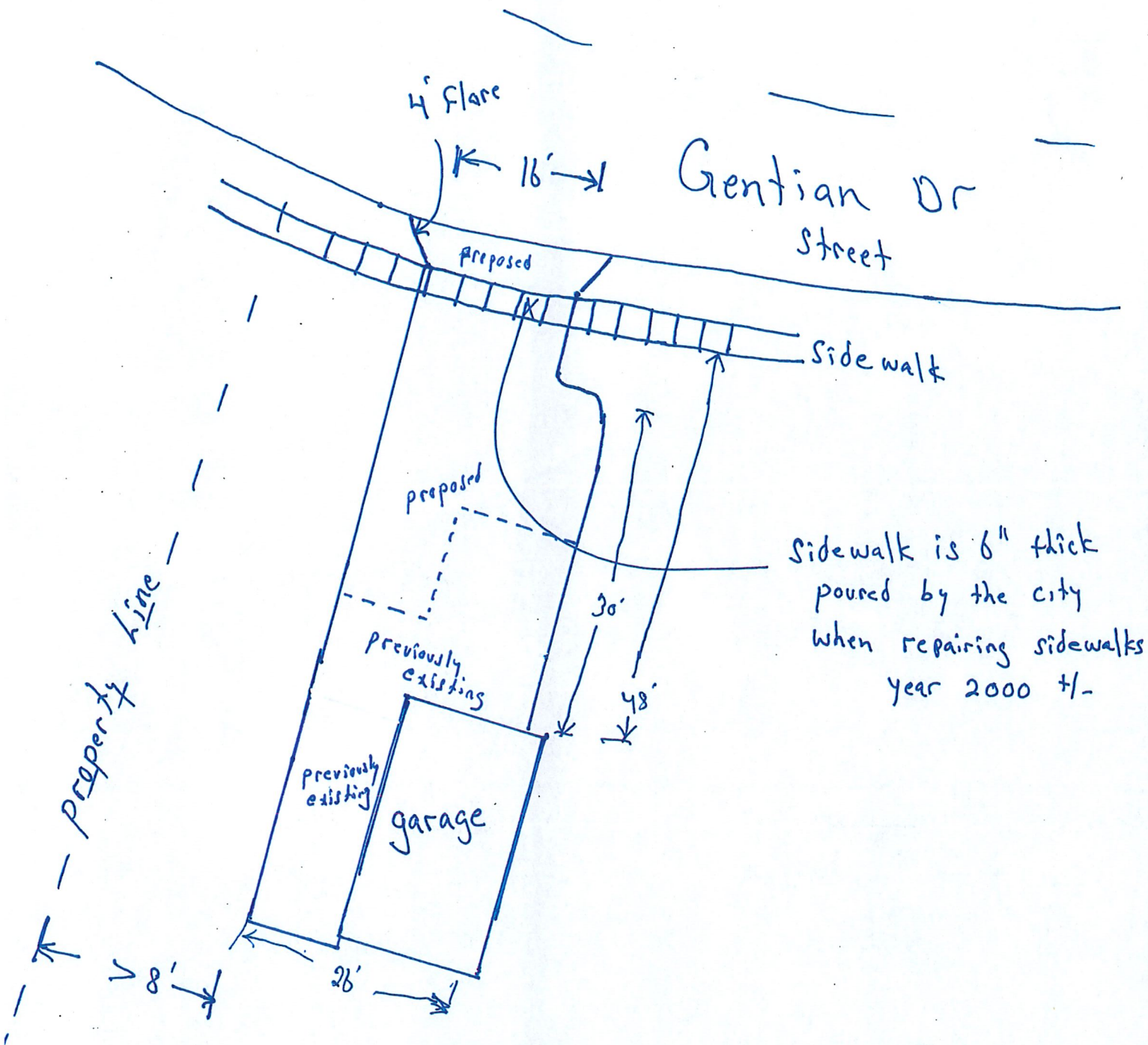
Standard #5 Intent and purpose.

- 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 ADD  
1710  
WATERBURY DR SE

BEHRENS FELICIA  
1653  
GENTIAN DR SE

JOSEPH BIL  
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 GRE  
1727  
GENTIAN DR SE



STAFF REPORT: February 27, 2024  
PREPARED FOR: Kentwood Zoning Board of Appeals  
PREPARED BY: Joe Pung  
CASE NO.: V-24-04

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#### GENERAL INFORMATION

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APPLICANT: Reinaldo Gonzalez  
319 Montebello Street, SE  
Kentwood, MI 49548

STATUS OF  
APPLICANT: Property Owner

REQUESTED ACTION: The applicant wishes to construct an 840 square foot detached accessory building. Section 3.15.D.2.a limits the size of the accessory building to 768 square feet in area. The requested variance is for an increase in area of 72 square feet.

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

GENERAL LOCATION: 319 Montebello Street

PARCEL SIZE: 10,589 square feet (.24 acres)

EXISTING LAND USE  
ON THE PARCEL: Single Family Home

ADJACENT AREA  
LAND USES: N - Single Family Home  
S - Montebello Street ROW  
E - Single Family Home  
W - Single Family Home

ZONING ON ADJOINING  
PARCELS: N - R1-D Single Family Residential  
S - R1-D Single Family Residential  
E - R1-D Single Family Residential  
W - R1-D Single Family Residential

Staff Comments:

1. The applicant wishes to construct an 840 square foot detached accessory building. Section 3.15.D.2.a limits the size of the accessory building to 768 square feet in area. The requested variance is for an increase in area of 72 square feet.
2. The existing home was constructed in 1975. There is currently no garage (attached or detached) on the property.
3. Since 1985, the Zoning Board of Appeals has heard over sixty (60) requests for variances to permit larger accessory buildings/garages. The most recent requests were:

Appeal No.	Address	Action
V-23-18	2101 Creekridge Drive	Granted (↑ 330 square feet, detached)
V-23-14	1035 – 60 <sup>th</sup> Street	Denied (↑ 267 square feet, attached)
V-23-08	1775 Forest Hill Avenue	Denied (↑ 800 square feet, attached)
V-23-05	1340 Camille Drive	Granted (↑ 86 square feet, attached)
V-21-12	4553 Burton Street	Denied (↑ 340 square feet, detached)
V-20-13	2101 Highlander Drive	Denied (↑ 100 square feet, detached)
V-20-12	380 Pine Needles Court	Denied (↑ 230 square feet, detached)
V-19-09	2101 Highlander Drive	Withdrawn (↑ 216 square feet, detached)
V-18-17	4106 Walnut Hills Drive	Granted (↑ 1,018 square feet, apt. complex maintenance. garage)
V-18-13	3582 29 <sup>th</sup> Street	Withdrawn (↑ 830 square feet, detached)
V-18-04	5475 Settlers Pass	Withdrawn (↑ 120 square feet, detached)
V-17-15	5720 Madison Avenue	Granted (↑ 134 square feet, detached)
V-15-06	5380 Eastern Avenue	Granted (↑ 1,030 square feet, detached)
V-15-01	731 – 52 <sup>nd</sup> Street	Denied (↑ 248 square feet, detached)
V-14-12	5460 Wing Avenue	Granted (↑ 196 square feet, detached)
V-11-12	5747 Blaine Avenue	Granted (↑ 326 square feet, detached)
V-09-06	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-09-03	1677 Gentian Drive	Granted (↑ 134 square feet, detached)
V-08-22	1677 Gentian Drive	Granted (↑ 70 square feet, detached)
V-08-10	4330 Burton Street	Granted (↑ 290 square feet, detached)
V-08-01	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-07-24	3608 Lake Drive	Granted (↑ 204 square feet, detached)
V-07-13	2500 – 52 <sup>nd</sup> Street	Granted (↑ 1,705 square feet, detached)
V-06-19	1161 – 60 <sup>th</sup> Street	Denied (↑ 265 square feet, attached)
V-05-21	5830 Wing Avenue	Granted (↑ 432 square feet, detached)
V-05-08	3716 Breton Avenue	Denied (↑ 710 square feet, detached)

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

4. 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 property is zoned R1-D Single Family Residential and is similar in size to other lots in the general area and same zoning district. There are no exceptional topographic or environmental conditions applying to the property. Denial of the variance would not deprive the applicant of the use of the property. Application of the zoning ordinance would not be unnecessarily burdensome; the applicant can still construct a 768 square foot detached garage.*

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

*There is nothing exceptional or extraordinary about the property compared to other properties in the area or the same zoning district that would warrant granting a variance for a larger attached accessory building.*

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

(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 can still construct a 768 square foot detached garage similar to what other single family residential properties in Kentwood would be permitted.*

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

*The variance would not be expected to be detrimental to adjacent property or the surrounding neighborhood. The building would be located in the rear yard and the footprint would have a depth only three (3) feet greater than would otherwise be permitted for a twenty-four (24) foot wide building.*

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

*Granting the variance could impair the intent and purpose of the ordinance to limit the size of accessory structures in residential districts.*

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

*There are no exceptional or extraordinary conditions or circumstances about the property that would warrant a variance for a larger detached accessory structure.*

5. 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.
6. A majority vote by at least four members of the Zoning Board is necessary to approve the requested variance.

**Exhibit 1: Location of Variance Request**



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





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

APPEAL # V-24-04  
HEARING DATE March 18, 2024  
PHONE # ~~617 644 6114~~ 617 644 9  
APPLICANT: Reinaldo Gonzalez  
ADDRESS: 319 Montebello Kentwood, MI 49548  
PROPERTY OWNER: \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF VARIANCE (If applicable) 319 Montebello

ZONING DISTRICT OF PROPERTY: R1-D

ZONING ORDINANCE SECTION (S) APPEALED: 3.15.D.2.a

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

wanting a 24 ft x 35 ft

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): having plenty of space to allow the additional 3 ft & still be able to follow all standards.

STANDARD (2): It doesn't happen often in my opinion

STANDARD (3): Yes this property does not have a garage

STANDARD (4): The request would not be detrimental to any surrounding buildings

STANDARD (5): The additional 3 ft will not impair the intent & purpose of zoning ordinance

STANDARD (6): The property doesn't have a garage but the build will not disrupt any additional properties.

