



AGENDA
KENTWOOD ZONING BOARD OF APPEALS
KENTWOOD CITY HALL
COMMISSION CHAMBERS
4900 BRETON AVENUE, SE
MAY 20, 2024, 7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Derusha)
3. Roll Call
4. Declaration of Conflict of Interest
5. Approval of Minutes of April 15, 2024
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.

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.

Appeal #V-24-06

Applicant: Storage Five Kentwood LLC

Location: 1800 & 1900 44th 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.

8. Commissioners Comments

9. Adjournment

**PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD ZONING BOARD OF APPEALS
CITY COMMISSION CHAMBERS
APRIL 15, 2024, 7:00 P.M.**

1. Chair Derusha called the meeting to order.
2. Pledge of Allegiance (Houtman)
3. Roll Call
MEMBERS PRESENT: Les Derusha, Robert Houtman, Robert Spalding, David Fant, Mary VanNoord and Susan West
MEMBERS ABSENT: None
OTHERS PRESENT: Planner Joe Pung, Planning Assistant Monique Collier, and one citizen.

4. Declaration of Conflict of Interest

There was no conflict of interest expressed.

5. Approval of the Minutes of March 18, 2024.

Derusha noted that he was not present and did not Chair the meeting.

Houtman stated on page 6 there was no commissioner listed who supported the motion. The support was made by Commissioner West.

Motion by Houtman, supported by Spalding, to approve the minutes of March 18, 2024, with changes noted.

- Motion Carried (7-0) –

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

There was no public comment.

7. Public Hearing

There was no public hearing.

8. Election of Officers

Derusha stated since he is not at the meetings generally 3 months out of the year and would like to step down as Chair and let someone else assume the position.

Houtman stated he would accept the position as Chair, but he is gone a couple months out of the year. He stated that he may not be gone this year because his condo in Florida is up for sale and depending on what happens with that will determine if he will be able to be at the meetings full time.

Spalding stated he would accept the position as Vice-Chair

Fant stated he would accept the position as Secretary.

Motion by VanNoord, supported by West, to accept Robert Houtman as Chair, Spalding as Vice-Chair and Fant as Secretary.

- Motion Carried (7-0) –

Chair – Robert Houtman
Vice Chair – Robert Spalding
Secretary – David Fant

9. Commissioners Comment

Spalding thanked the commissioners for their time and efforts that they put into the Church of Latter Day Saints. He thinks the church is going to be a good addition to the community.

Houtman stated since the Board has granted variances in just about every occasion that a church, temple, cathedral etc. has come to the ZBA; he suggested that we evaluate the ordinances and potentially let the Planning Commission determine the height of a steeple, tower, cathedral etc. and let it be part of the total building plan rather than come to the ZBA for a variance. Pung stated churches as a special land use the building height in the past was determined as part of the special land use and site plan review through the Planning Commission. Pung stated this is something staff will be discussing. Houtman stated he thinks this would be prudent and it is going to save everyone a lot of money and work.

10. Adjournment

Motion by Derusha, supported by Spalding, to adjourn the meeting.

- Motion Carried (7-0) –

Meeting adjourned at 7:25p.m.

Respectfully submitted,

Robert Houtman, Secretary

STAFF REPORT: May 9, 2024
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-24-03

GENERAL INFORMATION

APPLICANT: Jamie Goebel & Linda Martin Trust
3640 Breton Avenue, SE
Kentwood, MI 49512

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: 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.

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

GENERAL LOCATION: 3640 Breton Avenue

PARCEL SIZE: 20.44 acres

EXISTING LAND USE
ON THE PARCEL: Single Family Home

ADJACENT AREA
LAND USES: N - Single Family Homes & Open Space
S - City Park
E - Vacant Land (Future Residential Development)
W - Breton Avenue ROW

ZONING ON ADJOINING
PARCELS: N - R1-B & R1-D Single Family Residential & RPUD-2 Detached Residential PUD
S - R1-C Single Family Residential
E - RPUD-1 Attached Residential PUD

W - Residential (City of Grand Rapids)

Staff Comments:

1. 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.
2. The existing home was constructed in 1957. The barn (712 square feet in area) which the applicant wishes to expand was constructed in 1959. The second detached accessory structure (1,064 square feet in area/variance for its size was granted – Case #9-76) was constructed in 1976.
3. Based on the finished living area of the home (>3,000 square feet) and the size of the property (20.44 acres) the following accessory buildings would be permitted under the zoning ordinance:
 - Attached garage up to 3,000 square feet in area.
 - Detached accessory structure up to 1,100 square feet in area.
4. With the proposed 384 square foot addition, the total area of the barn would be 1,096 square feet which is than the maximum 1,100 square feet allowed by ordinance for a detached accessory building on this property.
5. Section 3.24.D.5 only makes allowance for the expansion structures which are non-conforming solely because of height, area, parking or loading provisions. The existing barn is non-conforming due to the number of accessory structures on the property.
6. Since 1985, the Zoning Board of Appeals has heard eight (8) requests for variances to expand non-conforming buildings. The requests were:

Appeal No.	Address	Action
V-85-37	5022 Division Avenue	Granted
V-86-18	3146 Broadmoor Avenue	Granted
V-86-30	122 – 44 th Street	Granted
V-86-31	4822 Division Avenue	Granted
V-87-12	3075 – 28 th Street	Granted
V-90-03	4581 Patterson Avenue	Denied
V-92-10	3150 Broadmoor Avenue	Granted
V-97-07	4050 Broadmoor Avenue	Granted

Of the eight (8) requests, all were for industrial or commercial properties.

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

7. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant demonstrates through competent material and substantial evidence on the record that ALL of the following exist:

- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include by way of example:
 - a) Exceptional narrowness, shallowness, or shape of the property on the effective date of this ordinance; or
 - b) Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.

(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-C Single Family Residential and is over twenty (20) acres in area. Up to half the site appears to be impacted by wetlands and/or floodplain. Large properties over twenty (20) acres in size which are heavily impacted by wetlands and floodplain and contain a single family home are not common in the city. The existing detached accessory structures were constructed prior to the current ordinance limiting the number of detached accessory structures.

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

The situation of the property and the history/circumstances of the existing accessory structures does not occur often.

- 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 conduct repairs and maintenance on the building required to keep it in a sound condition similar to other owners of non-conforming buildings.

- 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 is located in the rear yard and is setback over two hundred (200) feet from the nearest adjacent home. The building is screened from the street and adjacent homes by significant vegetation.

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

The applicant can conduct repairs and maintenance on the building required to keep it in a sound condition; therefore, the expansion of the building would not be anticipated to extend the probable duration of the non-conforming structure. Based on the expansion not making the structure more non-conforming nor extending the probable duration of the non-conforming structure, it is not anticipated that 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.

The conditions and circumstances regarding the property were not the result of the applicant.

8. The Board may, in addition to the specific conditions of approval called for in the Zoning Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of the Ordinance and the protection of the public interest or as otherwise permitted by law.
9. A majority vote by at least four members of the Zoning Board is necessary to approve the request.

Exhibit 1: Location of Request

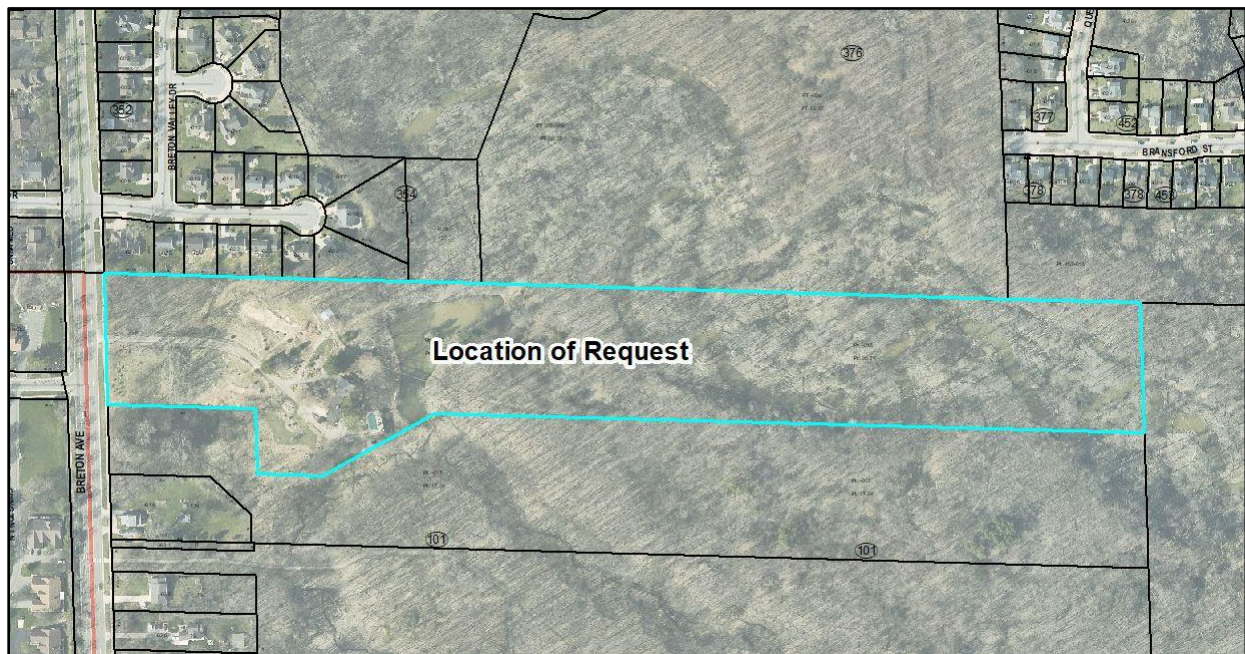


Exhibit 2: Location of Structure to be Expanded



Exhibit 3: April 2023 Pictometry Photo (view from the south)



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

APPEAL # 1-24-03

HEARING DATE May 20, 2024

PHONE # 616-262-2465 & 616-262-2467

APPLICANT: Jamie Goebel & Linda Martin Trust

ADDRESS: 3640 Breton Rd SE

PROPERTY OWNER: Linda Martin & Jamie Goebel PHONE # 616-262-2465 (L) & 616-262-2467(J)

ADDRESS: 3640 Breton Rd SE

LOCATION OF VARIANCE (If applicable) 3640 Breton Rd SE

ZONING DISTRICT OF PROPERTY: R1-C

ZONING ORDINANCE SECTION (S) APPEALED: 21.04B

NATURE OF APPEAL: The Zoning Ordinance (requires/allows/does not permit)
Ordinance doesn't allow expansion of existing, 1962 barn beyond 1,100 sq. ft. Barn is rotting and must be repaired before it becomes a safety hazard.

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): Ours is a RURAL lot of 20 acres that abuts a SUBURBAN neighborhood. It requires significant equipment to maintain, & with no basement, we need the expanded, heated, indoor work space this barn would provide.

STANDARD (2): Our property is the only rural lot and the only large parcel in the area that would require such a variance.

STANDARD (3): To maintain woodlands, wetlands, pond, and island on our property requires equipment & supplies that would be housed in expanded barn.

STANDARD (4): The closest neighboring house is more than 200 ft. from subject barn. No neighbor can see the barn when trees are leafed out.

STANDARD (5): Our property is unique & our variance request will not impact the Zoning Ordinance overall.

STANDARD (6): The existing barn predates the development of the adjacent suburban neighborhood and is barely visible to only 2 neighbors & then only in the winter.

lterenholtm9@me.com

jsgoebs@mac.com

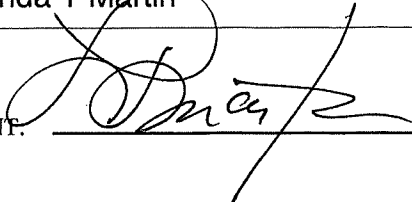
Zoning Board of Appeals
Non-Use Variance Application
Page 2

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

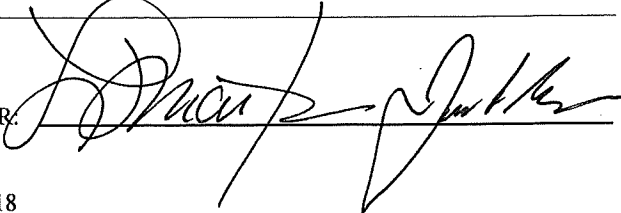
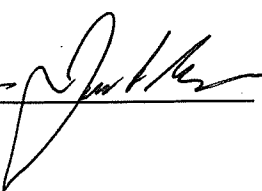
Authorization for city staff and board members to enter the property for evaluation.

Yes ☐ No ☒

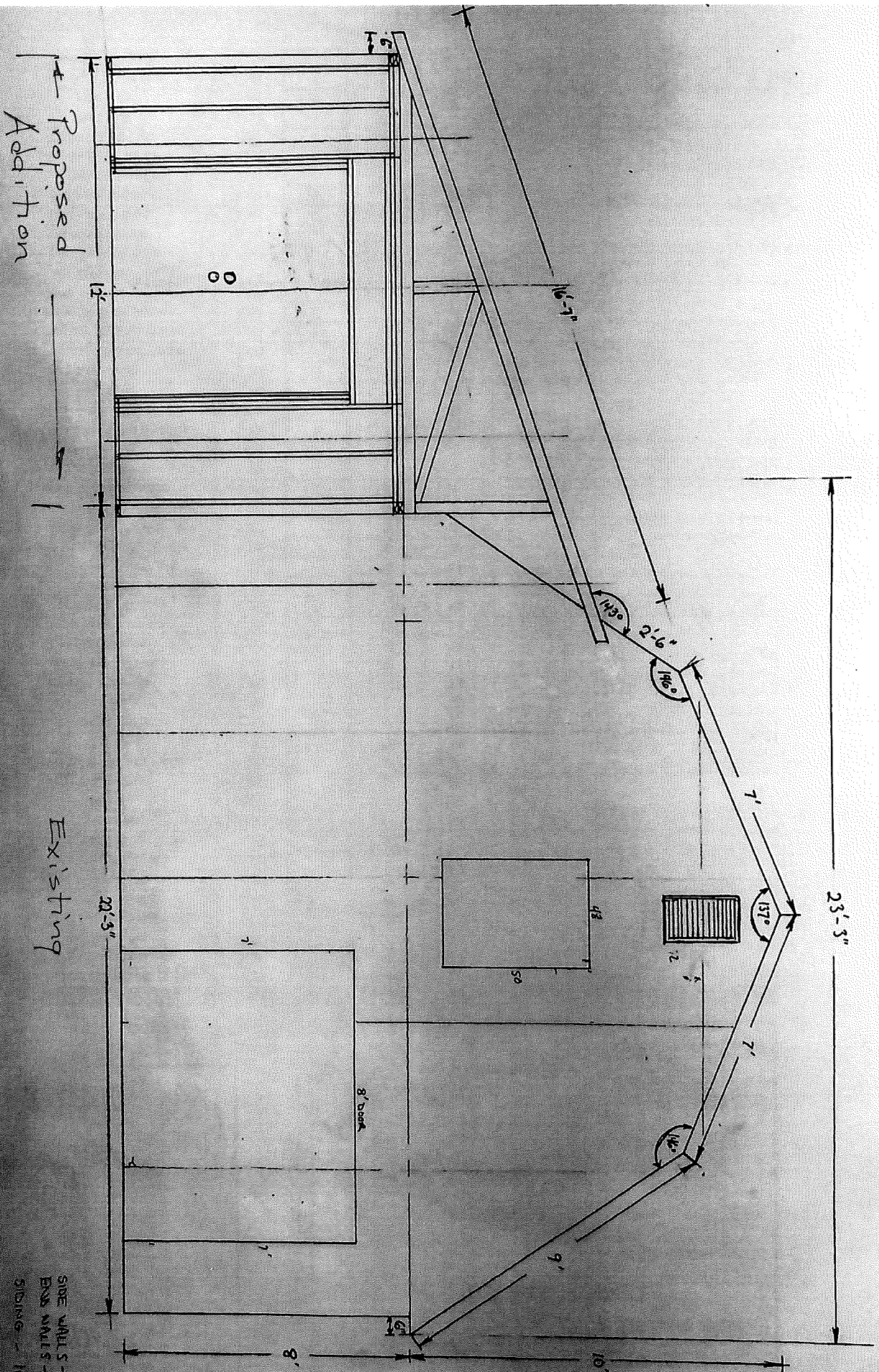
NAME OF APPLICANT: Linda T Martin
(Please print)

SIGNATURE OF APPLICANT:  DATE: 4-23-24

NAME OF PROPERTY OWNER: Jamie Goebel & Linda Martin Trust
(Please print)

SIGNATURE OF PROPERTY OWNER:   DATE: 4-23-24

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





STAFF REPORT: May 14, 2024
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-24-05

GENERAL INFORMATION

APPLICANT: Kenneth Karsten
1431 Forest Hill Avenue, SE
Kentwood, MI 49546

STATUS OF
APPLICANT: Property Owner

REQUESTED ACTION: 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.

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

GENERAL LOCATION: 1431 Forest Hill Avenue

PARCEL SIZE: .99 acres

EXISTING LAND USE
ON THE PARCEL: Single Family Home

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

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 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.
2. The existing home was constructed in 1950. Staff could find no record as to when the existing detached garage was constructed.
3. In addition to the subject property (1431 Forest Hill Avenue), the applicant owns adjacent properties to the west (1433 Forest Hill Avenue - 3.09 acres) and to the southwest (1495 Forest Hill Avenue - 2.20 acres). Both adjacent properties are vacant. See Exhibit 3.

In 1979 the three properties (1431, 1433, and 1495 Forest Hill Avenue) owned by the applicant were a single parcel. In 1991 the parcel was split into three (3) separate parcels as they exist today. The combined area of the three (3) parcels is approximately 6.2 acres.

4. The existing detached garage is currently the only accessory building on the property. The property is .99 acres in area. For properties less than one (1) acre in area, Section 3.15.D.2.a of the Zoning Ordinance allows for a primary accessory building of up to 768 square feet in area and a detached accessory building of up to 150 square feet in area when both buildings are detached (250 sq. feet when primary is attached). For a property between one (1) acre and five (5) acres, the Zoning Ordinance would allow a primary accessory building of up to 768 square feet in area and a detached accessory building of up to 500 square feet in area when both are detached (960 sq. feet if primary is attached). For properties in excess of five (5) acres, the Zoning Ordinance would allow a primary accessory building of up to 768 square feet in area and a detached accessory building of up to 750 square feet in area when both are detached (1,100 sq. feet when the primary is attached).

If the property were greater than one (1) acre in area, the applicant would be allowed two (2) detached accessory buildings with a combined area of up to 1,268 square feet (768 sq. feet and 500 sq. feet respectively).

5. 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-24-04	319 Montebello Street	Granted (↑ 72 square feet, detached)
V-23-18	2101 Creekridge Drive	Granted (↑ 330 square feet, detached)
V-23-14	1035 – 60 th 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 th Street	Withdrawn (↑ 830 square feet, detached)
V-18-04	5475 Settlers Pass	Withdrawn (↑ 120 square feet, detached)
V-17-15	5720 Madison Avenue	Granted (↑ 134 square feet, detached)
V-15-06	5380 Eastern Avenue	Granted (↑ 1,030 square feet, detached)
V-15-01	731 – 52 nd Street	Denied (↑ 248 square feet, detached)
V-14-12	5460 Wing Avenue	Granted (↑ 196 square feet, detached)
V-11-12	5747 Blaine Avenue	Granted (↑ 326 square feet, detached)
V-09-06	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-09-03	1677 Gentian Drive	Granted (↑ 134 square feet, detached)
V-08-22	1677 Gentian Drive	Granted (↑ 70 square feet, detached)
V-08-10	4330 Burton Street	Granted (↑ 290 square feet, detached)
V-08-01	3130 Lindenwood Drive	Granted (↑ 160 square feet, detached)
V-07-24	3608 Lake Drive	Granted (↑ 204 square feet, detached)
V-07-13	2500 – 52 nd Street	Granted (↑ 1,705 square feet, detached)
V-06-19	1161 – 60 th Street	Denied (↑ 265 square feet, attached)
V-05-21	5830 Wing Avenue	Granted (↑ 432 square feet, detached)
V-05-08	3716 Breton Avenue	Denied (↑ 710 square feet, detached)

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

6. 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-C Single Family Residential. The size and shape are not exceptional; the parcel is smaller than adjacent parcels. The splitting of larger residential properties into smaller parcels is not unusual. Having three adjacent residential parcels under common ownership by an individual does occur but is not a common occurrence. 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.

Other than the history of the property and three (3) adjacent properties being under common ownership, 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 detached accessory building. If the property were increased in size to at least one (1) acre in area, the applicant would be allowed two (2) detached accessory buildings with a combined area of up to 1,268 square feet (768 sq. feet and 500 sq. feet respectively).

- 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 is located in the rear yard and the existing vegetation on the property provides screening for adjacent properties.

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

With conditions, such as requiring the increase in lot area to at least one (1) and limiting the property to only one detached accessory building, granting the variance would not necessarily 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 applicant did not create any exceptional or extraordinary conditions or circumstances that may apply to the property.

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

If the Board determines that a variance should be granted, the Board should condition the variance on the expansion of the property to at least one (1) acre in area and prohibit the construction of a second accessory building.

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

Exhibit 1: Location of Variance Request



Exhibit 2: Location of Detached Accessory Building



Exhibit 3: Adjacent Properties Owned by the Applicant

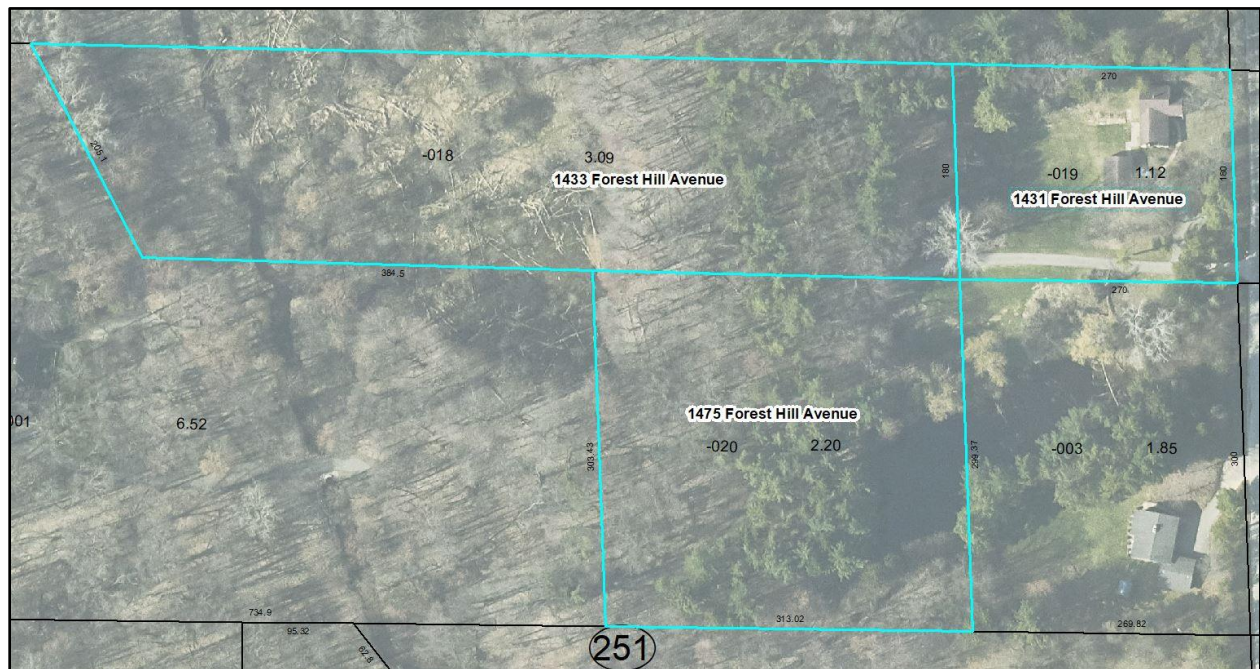


Exhibit 4: May 2023 Pictometry Photo (view from the south)



Exhibit 5: May 2023 Pictometry Photo (view from the west)

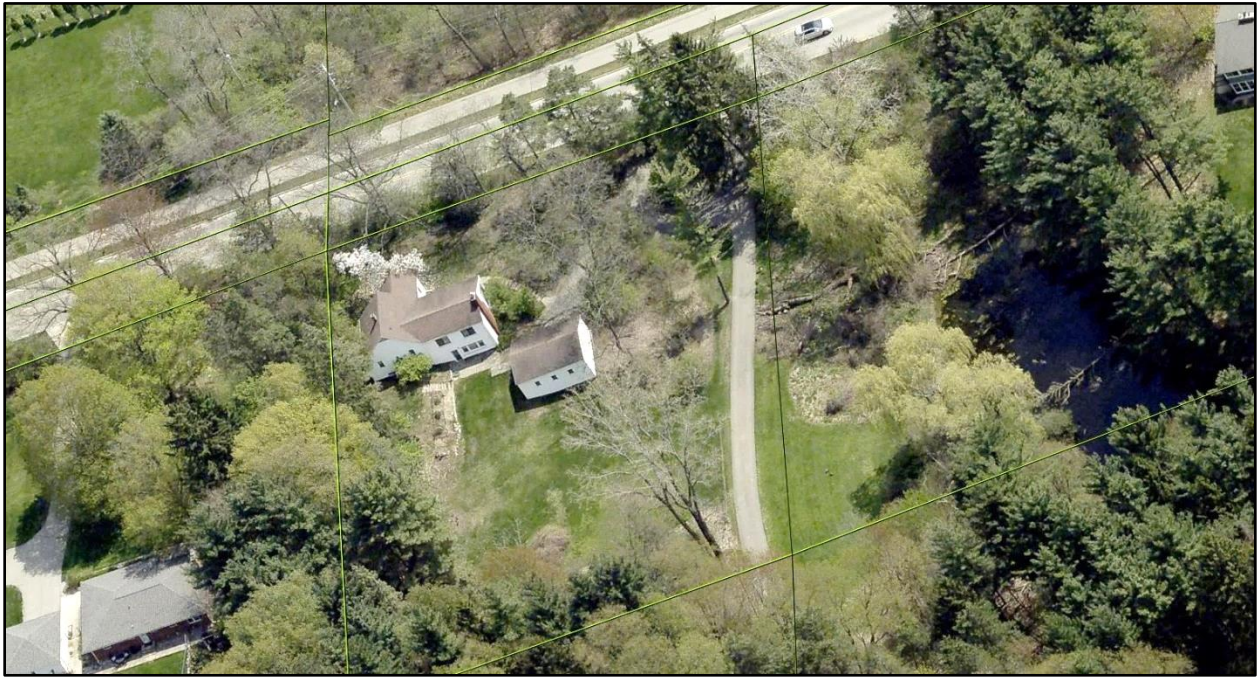


Exhibit 6: April 2023 Pictometry Photo (view from the east)





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

KEN@FUNSERVICESGR.COM

APPEAL # V-24-05
HEARING DATE 5-20-2024
PHONE # 616-240-5259
APPLICANT: KENNETH L. KARSTEN
ADDRESS: 1431 FOREST HILL S.E., KENTWOOD, MI. 49546
PROPERTY OWNER: KARSTEN, KENNETH L. & SHARON I. TRUST PHONE # 616-240-5259
ADDRESS: 1431 FOREST HILL S.E., KENTWOOD, MI. 49546
LOCATION OF VARIANCE (If applicable) PARCEL # 41-18-01-251-019
ZONING DISTRICT OF PROPERTY: R1C
ZONING ORDINANCE SECTION (S) APPEALED: 21.04 B

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

LARGER GARAGE THAN PARCEL ALLOWS

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): ABOUT 1978 THE THREE PARCELS LISTED IN # 2 (ABOUT 6 ACRES TOTAL) WITH THE OWNER WERE COMBINED BY KENTWOOD TO FORM ONE PARCEL. YEARS LATER KENTWOOD DECIDED TO GO BACK TO THREE PARCELS. SAME OWNER THROUGHOUT CHANGES.

STANDARD (2): ONLY PERTAINS TO KARSTEN PARCELS
1431 - # 41-18-01-251-019 1432 - # 41-18-01-251-018
1475 - # 41-18-01-251-020

STANDARD (3): NEIGHBORING PROPERTY (1501 FOREST HILL S.E.) HAS A LARGE ATTACHED GARAGE.

STANDARD (4): NEIGHBORS (3) TO IMMEDIATE NORTH, SOUTH & WEST NOT OBJECTING

STANDARD (5): DOES NOT CAUSE PROBLEMS - EXAMPLE: UNSIGHTLY OR INABILITY TO DEVELOPE ONE OF THE OTHER PARCELS

STANDARD (6): THE SIX (6) ON WHICH THE THREE PARCELS EXIST HOPEFULLY SATISFIES THIS REQUEST. IF NECESSARY, WE CAN ADD TO THE 1431 PARCEL FROM THE 1433 PARCEL.

Zoning Board of Appeals
Non-Use Variance Application
Page 2

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

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

Yes ☒ No ☐

NAME OF APPLICANT: KENNETH L. KARSTEN
(Please print)

SIGNATURE OF APPLICANT:  DATE: 4/24/24

NAME OF PROPERTY OWNER: KARSTEN, KENNETH L. & SHARON J. TRUST
(Please print)

SIGNATURE OF PROPERTY OWNER:  Sharon J. Karsten DATE: 4/24/24

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

Filing Fee \$ 130.00

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.

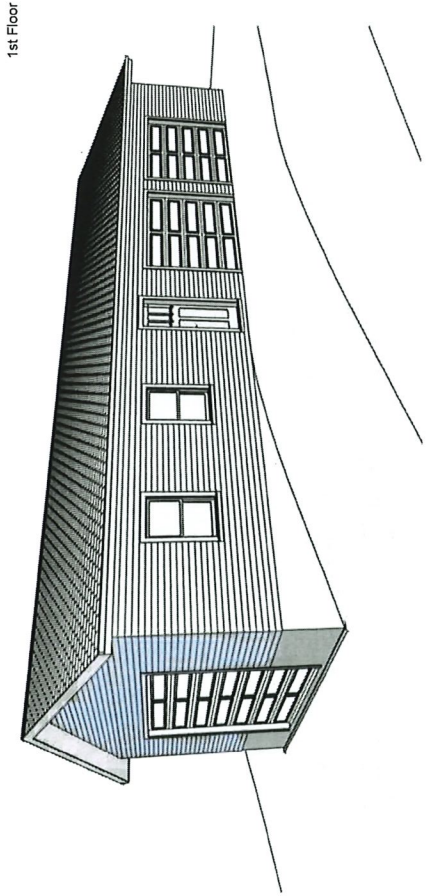
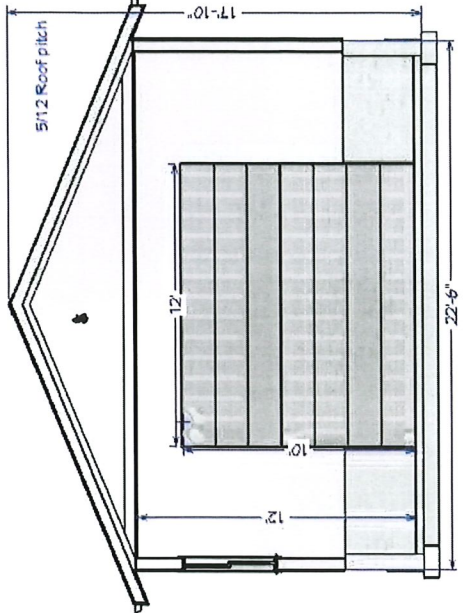
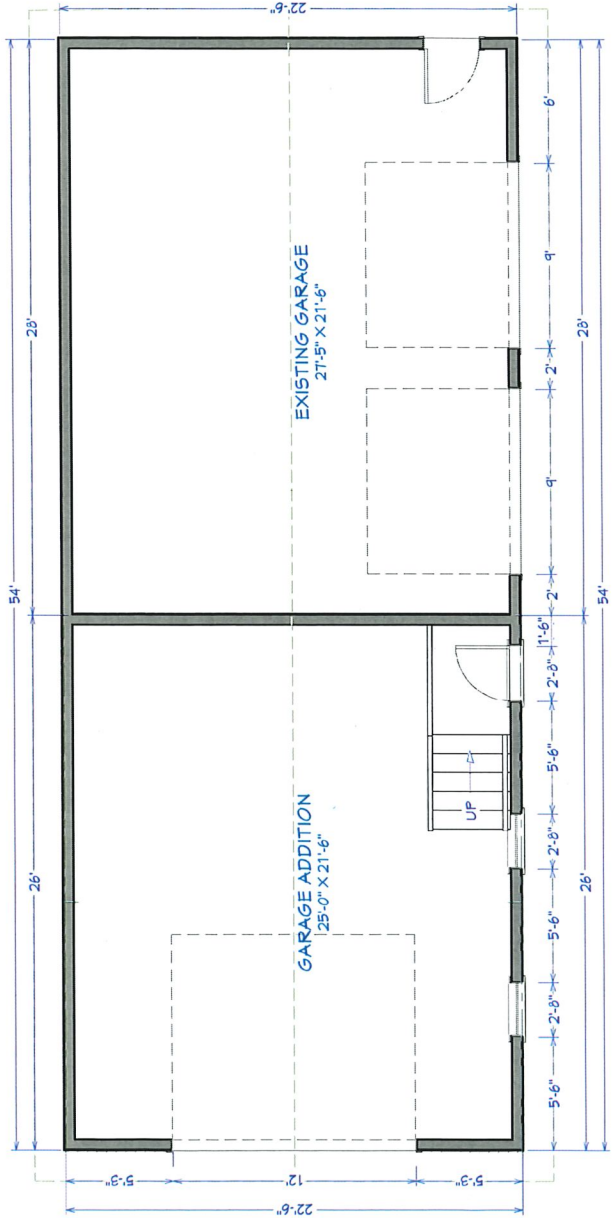
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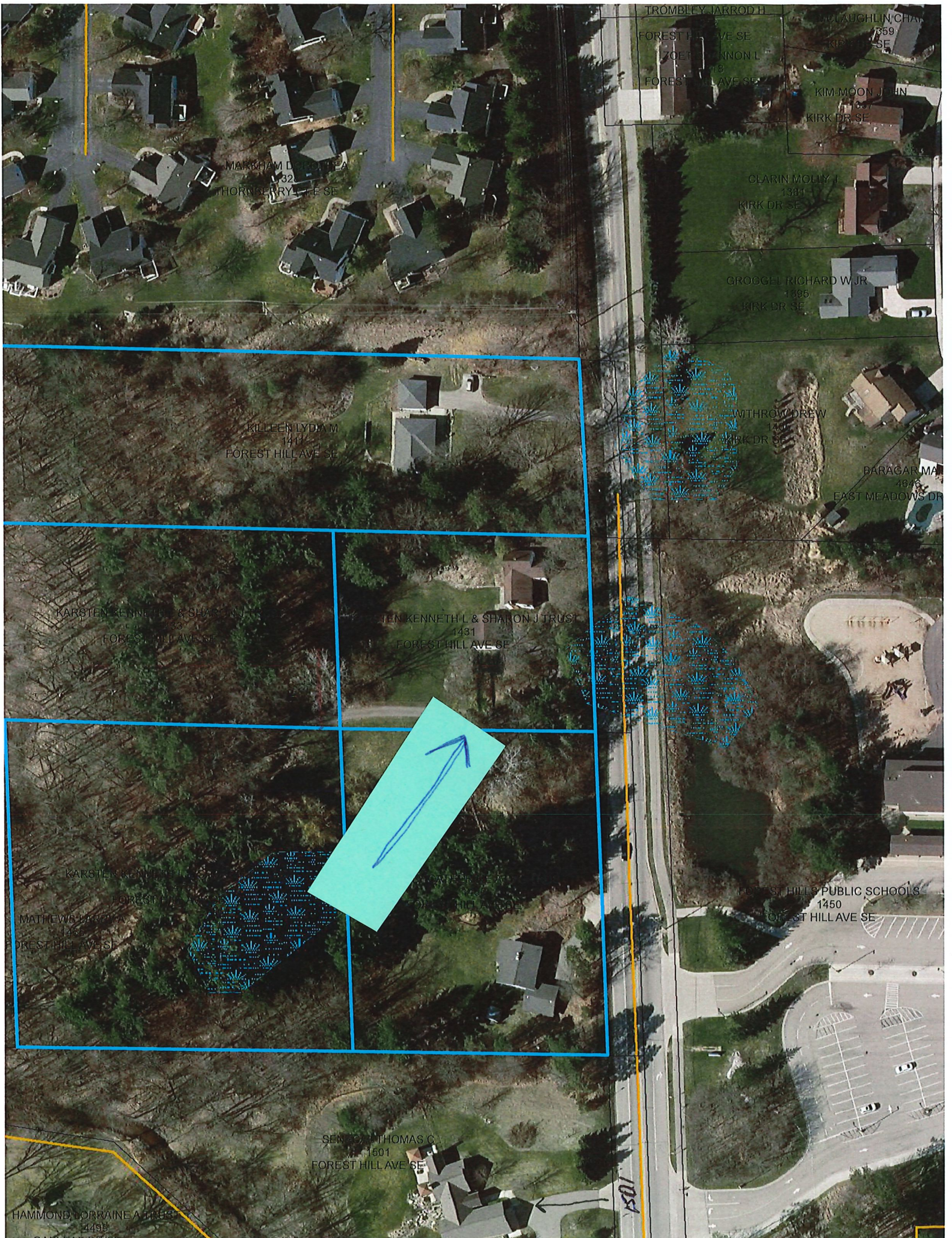
SHEET TITLE:

PROJECT DESCRIPTION:
Garage Addition
1431 Forest Hill S.E.
Grand Rapids, MI 49546

DRAWINGS PROVIDED BY:
BYL Builders LLC

DATE:	4/22/24
SCALE:	1/4" = 1'
SHEET:	A-1





STAFF REPORT: May 14, 2024
PREPARED FOR: Kentwood Zoning Board of Appeals
PREPARED BY: Joe Pung
CASE NO.: V-24-06

GENERAL INFORMATION

APPLICANT: Storage Five Kentwood
Attn: Chris Catania
PO Box 1942
Seabrook, TX 77586

STATUS OF
APPLICANT: Purchase Option

REQUESTED ACTION: 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.

EXISTING ZONING OF
SUBJECT PARCEL: I1 Light Industrial & C2 Community Commercial

GENERAL LOCATION: 1800 & 1900 – 44th Street

PARCEL SIZE: 13.30 acres

EXISTING LAND USE
ON THE PARCEL: Vacant Building (Proposed Self-Storage Facility)

ADJACENT AREA
LAND USES: N - 44th Street ROW
S - Multi-Family Residential, Commercial, & Church
E - Commercial
W - Commercial

ZONING ON ADJOINING

PARCELS:

- N - NOS Neighborhood Office Service & LDR Low Density Residential (City of Grand Rapids)
- S - C2 Community Commercial, R3 Medium Density Residential & R4 High Density Residential
- E - C2 Community Commercial
- W - C2 Community Commercial

Staff Comments:

1. 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.
2. The existing building was constructed in 1974. The property was used as a grocery store, bowling alley, and shopping mall before being converted into a call center.
3. The city approved the conditional rezoning (Planning Commission Case 1-24) of approximately 5.87 acres of the overall 13.30 acre site from C2 Community Commercial to I1 Light Industrial in April of this year to allow for the building to be used as a self-storage facility (see Exhibit 2). A condition of the approval was receipt of variances for the reduction in the building setback and buffer zone requirements.
4. There is an existing fire lane between the building and the adjacent residential property to the south. Per the Fire Marshall, the width of the fire lane cannot be any less than what it currently is. Outside of the fire lane, there is a narrow greenspace along the south property line which may be able to be enhanced with plantings and fencing (see Exhibit 3).
5. Since 1985, the Zoning Board of Appeals has heard fifteen (15) requests for building setback variances based on the use of adjacent property. The requests were as follows:

	Address	Action
V-23-01	3277, 3311, & 3343 Woodland Drive	Granted (↓ of 13 feet/car wash adj. to residential)
V-21-10	4384 Kalamazoo Avenue	Granted (↓ of 26.7 feet/fuel station adj. to residential)
V-15-13	3663 Broadmoor Avenue	Granted (↓ of 10 feet/industrial adj. to residential)
V-08-07	3300 – 36 th Street	Granted (↓ of 6 feet/accessory bldg. for institutional use adj. to residential)
V-05-20	815 – 52 nd Street	Granted (↓ of 45 feet/gas station adj. to residential)
V-05-16	815 – 52 nd Street	Withdrawn (↓ of 12.42 feet/gas station adj. to

		residential)
V-02-13	4115 – 36 th Street	Denied (↓ 50 feet/industrial adj. to residential – east property line) Granted (↓ 80 feet/industrial adj. to residential – north property line)
V-02-11	3351 – 36 th Street	Granted (↓ 30 feet/industrial adj. to residential) Conditioned on office use of the property
V-00-18	3530 – 36 th Street	Granted (↓ 13 feet/industrial adj. to residential)
V-94-24	4345 Air Lane Drive	Denied (↓ 60 feet/industrial adj. to residential)
V-88-32	1569 – 52 nd Street	Denied (↓ 15 feet/drive-in restaurant adj. to residential)
V-87-44	3640 – 44 th Street	Granted (↓ 20 feet/industrial adj. to residential)
V-85-73	851 – 52 nd Street	Denied (↓ 10 feet/commercial adj. to residential)
V-85-30	1800 - 44 th Street	Granted (↓ 70 feet/commercial adj. to residential)
V-85-17	41 – 44 th Street	Granted (↓ 85 feet/industrial adj. to residential)

One of the variances approved (V-85-30) was for the subject property, the variance was for a reduction of seventy (70) feet to the required one hundred (100) foot building setback adjacent to a residential district/use.

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

6. Section 19.03.C of the Zoning Ordinance requires a 6-foot high vertical screen or 4-foot berm along with 1 canopy tree, 3 evergreen trees and 3 shrubs for every forty (40) linear feet along the south property line. The applicant is requesting this requirement be waived.

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

Appeal	Address	Action
V-23-01	3277, 3311, & 3343 Woodland Drive	Granted (↓ width of buffer by 10')
V-19-07	3185 Woodland Drive	Granted (↓ width of buffer by 5.7')
V-18-16	4316 Sparks Drive	Withdrawn (↓ width of buffer by 19')
V-18-10	3170 – 28 th Street	Withdrawn (↓ width of buffer by 4.7')
V-18-05	3560 – 36 th Street	Granted (↓ width of buffer by 30')
V-15-08	3415 East Paris Avenue	Granted (↓ width of buffer by 13')
V-15-04	3375 East Paris Avenue	Granted (↓ width of buffer by 20')
V-12-11	3015 – 28 th Street	Granted (↓ width of buffer by 8')
V-08-19	5189 Eastern Avenue	Granted (↓ width by 15.5' & 16.1')
V-08-11	3570 – 28 th Street	Granted (↓ width by 15' & 20')
V-07-17	4842 Division Avenue	Withdrawn (↓ width by 17')
V-07-02	5091 Broadmoor Avenue	Granted (↓ width by 5' and 10')

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

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

7. Since 2002 there have been seventeen (17) requests heard by the Board for relief from the amount of landscape required by the Zoning Ordinance. The requests were as follows:

Case #	Address	Action
V-15-08	3415 East Paris Avenue	Granted (waive required landscaping)
V-15-04	3375 East Paris Avenue	Granted (waive required 4 trees and 18 shrubs in side yard landscape buffer)
V-12-11	3015 – 28 th Street	Granted (waive required 4 trees and 25 shrubs in front yard greenbelt)
V-10-06	3701 Patterson Ave	Granted (waive front yard landscaping requirement)
V-08-12	4101 – 28 th Street	Granted (↓ by 27 trees and 29 shrubs)
V-08-11	3570 – 28 th Street	Withdrawn ((↓ by 31)
V-07-17	4842 Division Ave	Withdrawn (waived required landscaping adjacent to residential)
V-07-02	5091 Broadmoor Ave	Granted (waived required landscaping along rear & side lot lines)
V-06-01	3609 – 32 nd Street	Granted (↓ by 22 canopy trees and 22 evergreen trees and 104 shrubs)
V-05-27	815 – 52 nd Street	Granted (↓ by 12 trees and 34 shrubs)
V-05-26	2210 East Paris Ave	Granted (↓ 11 trees and 48 shrubs)
V-05-20	815 – 52 nd Street	Withdrawn (↓ 12 trees and 34 shrubs)
V-05-16	815 – 52 nd Street	Withdrawn (↓ by 12 trees and 34 shrubs)
V-04-12	133 – 44 th Street	Granted (↓ by 5 canopy trees and 5 evergreen trees)
V-03-24	4170 Embassy Drive	Granted (↓ by 26 trees and 46 shrubs)
V-02-13	4115 – 36 th Street	Denied (waive landscaping along east prop. line)
V-02-13	4115 – 36 th Street	Granted (waive landscaping along north prop. line)

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

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 property was rezoned from C2 Community Commercial to I1 Light Industrial with a large existing building on the site. The existing building had received a seventy (70) foot building setback variance in 1985 to permit a bowling alley adjacent to a residential use/district.

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

The conditional rezoning of a property from C2 Community Commercial to I1 Light Industrial with an existing structure on the site adjacent to a residential use/district is unique.

- 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 cannot use the property as it is currently zoned.

- 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 is existing, and the conditions of the rezoning

are intended to reduce or alleviate any potential adverse impacts on adjacent properties and the surrounding area. The addition of landscaping or screening may also help reduce any adverse impacts.

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

Based on the unique circumstances for this site, 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.

The applicant did not create the exceptional circumstances of the property.

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 Board determines that variances are warranted, the Board can condition the approval on the applicant working with staff to develop a plan to enhance the landscaping and screening adjacent to the residential district.

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

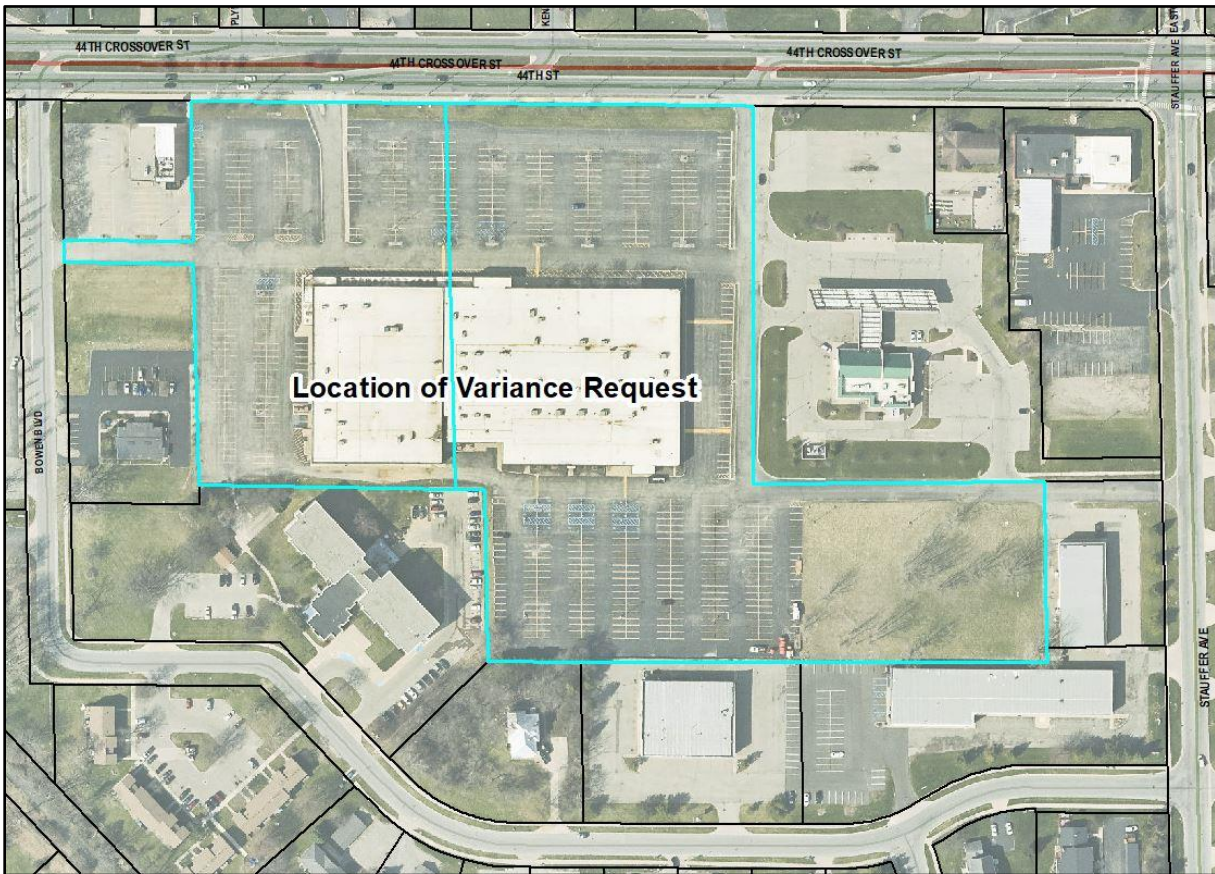
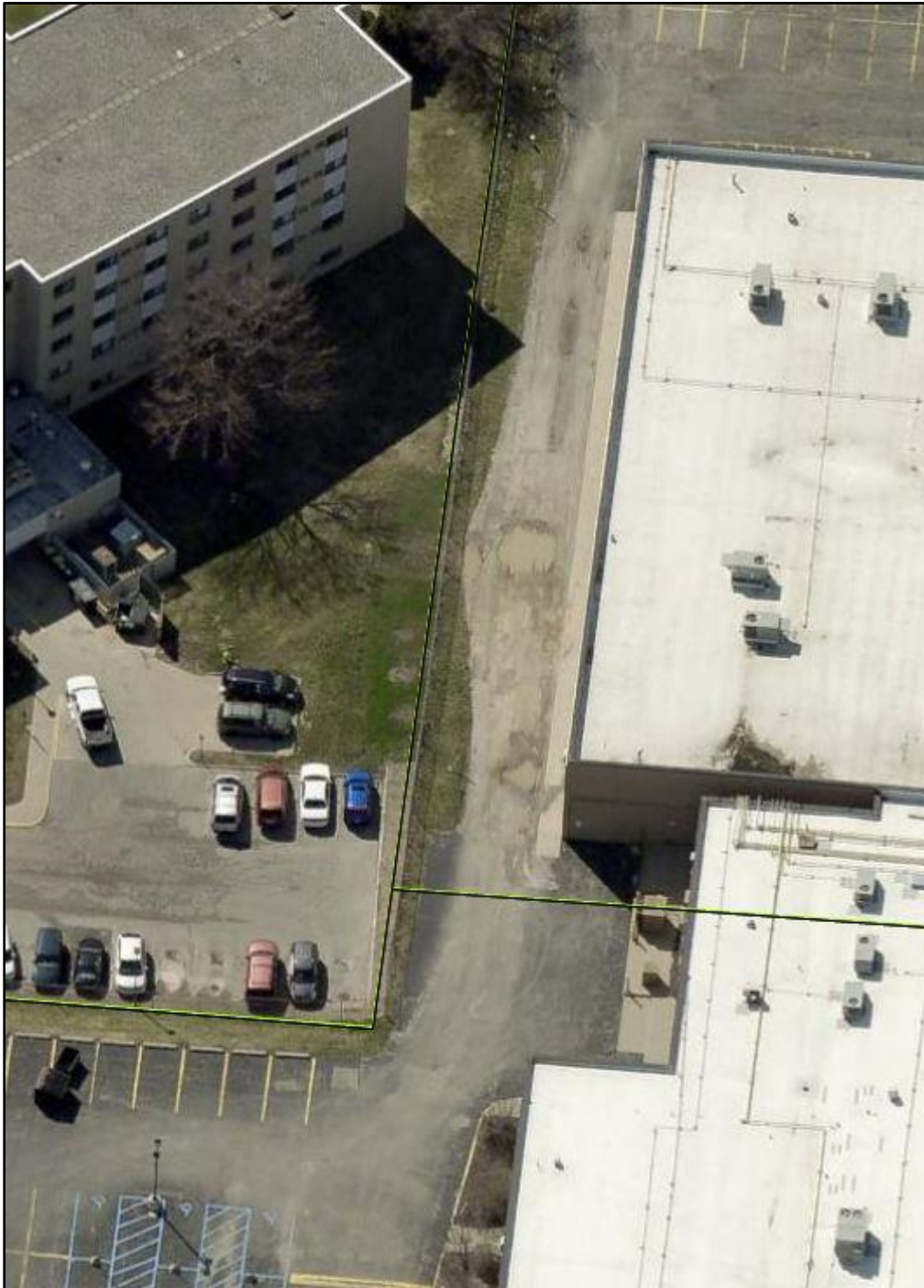


Exhibit 2: Area Rezoned to I1 Light Industrial



Exhibit 3: Existing Fire Lane



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

APPEAL # V-2406

HEARING DATE _____

APPLICANT: Storage Five Kentwood LLC (Attn. Chris Catania)

PHONE # 713-545-0883

ADDRESS: 1800-1900 44th Street SE Kentwood, Michigan 49508

PROPERTY OWNER: Trinity Health Michigan (Attn. Matthew Kufta)

PHONE # 586-484-5651

ADDRESS: 2055 Victor Parkway, Livonia, Michigan 48152

LOCATION OF VARIANCE (If applicable) 1800-1900 44th Street SE Kentwood, Michigan 49508

ZONING DISTRICT OF PROPERTY: I-1 Light Industrial

ZONING ORDINANCE SECTION (S) APPEALED: Section 10.03.C.4 & Chapter 19 landscaping requirements

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

Storage Five seeks a non-use variance for a 19.3-foot setback from the common property line of Tamarisk Apartments (under Section 10.03.C.4) and a non-use variance from the 50-foot-wide landscape buffer requirement in Chapter 19 of the Zoning Ordinance.

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 letter.

STANDARD (2): Please see attached letter.

STANDARD (3): Please see attached letter.

STANDARD (4): Please see attached letter.

STANDARD (5): Please see attached letter.

STANDARD (6): Please see attached letter.

Zoning Board of Appeals
Non-Use Variance Application
Page 2

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

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

Yes ☒ No ☐

NAME OF APPLICANT: Storage Five Kentwood LLC
(Please print)

SIGNATURE OF APPLICANT: [Signature] DATE: 04/18/2024

NAME OF PROPERTY OWNER: Trinity Health Michigan
(Please print)

SIGNATURE OF PROPERTY OWNER: [Signature] DATE: 04/19/2024

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



Bridgewater Place | Post Office Box 352
Grand Rapids, Michigan 49501-0352
Telephone 616 / 336-6000 | Fax 616 / 336-7000 | www.varnumlaw.com

David T. Caldon

Direct: 616 / 336-6232
dtcaldon@varnumlaw.com

April 24, 2024

VIA EMAIL AND U.S. MAIL TO:

PungJ@kentwood.us

Zoning Board of Appeals
City of Kentwood
c/o Joe Pung, Senior Planner
City Hall
4900 Breton Avenue, SE
Kentwood, Michigan 49508

Re: Storage Five Kentwood LLC Non-Use Variance Application.

Dear Zoning Board of Appeals:

We represent Storage Five Kentwood LLC ("Storage Five") regarding its proposed adaptive reuse and commercial development of the real property located at 1800-1900 44th Street SE, Kentwood, Michigan 49508 (the "Property").

As you may be aware, based on the Planning Commission's unanimous recommendation, the City Commission recently approved (overwhelmingly) a conditional rezoning — from C-2 Commercial to I-1 Light Industrial — for a 5.87-acre portion of the Property (the "Rezoned Area") so that Storage Five can reuse the existing building located on the Rezoned Area as a self-storage facility and contemporaneously develop the majority of the 700+ space parking lot as commercial outlots. This approval was conditioned upon Storage Five obtaining non-use (dimensional) variances for: (1) the existing building's setback on the Property, and (2) the landscaping requirements in Chapter 19 of the City's Zoning Ordinance ("ZO"). Accordingly, on behalf of Storage Five we are now submitting the attached Non-Use Variance Application (the "Application"). The background for the Application, and some of the reasons why the Planning Commission and City Commission supported the proposed rezoning, are outlined below.

Section 10.03.C.4 of the ZO requires that a building in an industrial zone cannot be located closer than 50 feet to a residential district boundary, assuming the area between the building and the boundary is an unlighted landscaped buffer used for no other purpose other than a required emergency door. As a result, Storage Five seeks a non-use variance for a 19.3-foot setback from the common property line of the Tamarisk Apartments (located southwest of the existing building), as well as a variance from the 50-foot-wide landscape buffer zone requirement in Chapter 19 of the ZO (collectively, the "Variances"). Please find attached to this letter an updated rendering of

the site plan associated with the self-storage facility depicting the location of the requested Variances. See 50' buffer depiction and crosshatched area of existing building on **Exhibit A**.

Without the Variances, Storage Five will not be able to use the existing building as a self-storage facility — the entire reason the City Commission changed the Rezoned Area to the I-1 Industrial Zone. As a result, and because the Application meets all of the relevant standards in Section 21.04(B) of the ZO for the grant of the Variances, Storage Five respectfully requests that the Zoning Board of Appeals approve the proposed Variances.

A more detailed analysis of each factor in Section 21.04(B) of the ZO, and how it is met, follows below.

1. **There Are Practical Difficulties in Complying with the Zoning Standards (Section 21.04.B.1).**

Under Michigan law, a practical difficulty exists "if denial [of a variance] deprives an owner of the use of the property, compliance would be unnecessarily burdensome, or granting a variance would do substantial justice to the owner." *Norman Corp v City Of E Tawas*, 263 Mich App 194, 203; 687 NW2d 861 (2004) (citing *Nat'l Boatland, Inc v Farmington Hills Zoning Bd. of Appeals*, 146 Mich App 380, 387–388; 380 NW2d 472 (1985)). The ZO requires "exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district." ZO Section 21.04.B.1 (emphasis added).

In this case, there is a practicable difficulty making a viable economic use of the Property without the Variances. The Rezoned Area has been conditionally rezoned from Commercial C-2 to I-1 Light Industrial to allow such a use. The rezoning occurred largely because, prior to the rezoning, the Property sat vacant with zero commercial interest for several years. The City's Staff Report for the conditional rezoning ("Rezone Report") acknowledged: "The building has been largely vacant for three years; there has been little or no interest in leasing the building." Rezone Report, Page 2; **Exhibit B**. Moreover, Trinity Health (the prior occupant of the existing building on the Property) wrote a letter to the Planning Commission explaining: "Trinity has had the Property listed for sale for a commercial use for several years. Despite Trinity's efforts, no commercial use offers have ever been received and the inescapable conclusion is that the Property cannot be sold for commercial uses." As a result, the City's Planning Commission and City Commission overwhelmingly approved a rezoning for the Property to allow a viable economic use.

However, the existing building — now conditionally zoned industrial — is located on a portion of the Property adjacent to the Tamarisk Apartments to the south, which is a residential use. This triggers the industrial setbacks in Section 10.03.C.4 and the landscape buffering requirements in Chapter 19 of the ZO. The ZO states that exceptional or extraordinary circumstances/conditions include: "other extraordinary situation[s] on the land." ZO 21.04.B.1.b.

The existing building is large, deep and has low ceilings throughout. It also has few windows. These are exceptional features and circumstances which make the building unsuitable

for commercial uses and during its history numerous commercial uses of the building have been tried and failed. Because the southwest corner of the existing building — which has been there since 1957 — is 34 feet from the Tamarisk Apartment's common property line, Storage Five would not be able to use the southwest corner of the building to comply with the now permitted industrial (self-storage) use under the ZO without the Variances.

Furthermore, the ZBA must compare the Property other I-1 properties to analyze the exceptional and extraordinary circumstances/conditions of the Rezoned Area. Presumably, most all other I-1 industrial properties are able to utilize the entirety of the buildings located thereon and are not restricted by a setback triggered by a rezoning of a pre-existing building. Because of these additional exceptional conditions, Section 21.04.B.1 is met.

2. **The Condition on the Property is Not So Recurrent a Nature to Make it Practical to Create a General Regulation for Such Condition (Section 21.04.B.2).**

The Property is unique because of the physical characteristics of the building (outlined above), and the fact that the Property recently received a conditional rezoning from Commercial C-2 to I-1 Light Industrial. Under the prior zoning, the existing building did not need to meet the setback and landscape requirements of Section 10.03.C.4 and Chapter 19 of the ZO. Given this unique circumstance is specific to this Property, there is no need for the City to adopt a general regulation that addresses the Property's condition. Section 21.04.B.2 is met.

3. **The Variances are Necessary to Preserve a Substantial Property Right Possessed by Other Properties in the Vicinity (Section 21.04.B.3).**

The Rezone Report acknowledges that "[t]he building has been largely vacant for three years; there has been little or no interest in leasing the building." Rezone Report, Page 2; Ex B. Moreover, Trinity Health (the prior occupant of the call center on the Property) wrote a letter to the Planning Commission explaining: "Trinity has had the Property listed for sale for a commercial use for several years. Despite Trinity's efforts, no commercial use offers have ever been received and the inescapable conclusion is that the Property cannot be sold for commercial uses." Moreover, as referenced above, the City Commission conditioned the rezoning for the Property upon Storage Five obtaining the Variances. So, without the proposed Variances, Storage Five cannot use the existing building for the approved self-storage use (and/or cannot use the entire building for the approved self-storage use).

Therefore, other properties enjoy a substantial property right that the subject Property does not have — the right to make an economic use of the Property and to make use of the entire building on the Property. Section 21.04.B.3 is met.

4. **The Variances Are Not Detrimental to Adjacent Property and the Surrounding Neighborhood (Section 21.04.B.4).**

The ZO requires that the variance not be "detrimental" to adjacent property and the surrounding neighborhood. Note, this standard does not require that a variance have zero impact on surrounding properties. Instead, the impact must be so great that it becomes "detrimental." As an initial matter, the City Planning Commission and City Commission have already found — by granting the conditional rezoning — that the proposed self-storage facility was compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values. ZO Section 13.03.C.4.

Storage Five's requested Variances would not be detrimental to adjacent property or the surrounding neighborhood. In fact, the opposite is true. The Variances will allow Storage Five to use the existing building for self-storage, a use that is much less impactful than the previous call center use. Here are a few of the reasons why:

- The self-storage use is a use that requires much less traffic than a call center, which utilized 700 parking spaces and entailed high traffic counts and significant noise.
- The call center use was a 24/7 use. By contrast, the self-storage use hours are generally limited by the rezoning conditions to 6:00 a.m. - 10:00 p.m. daily (extended hours access rights can be allowed for municipal and governmental entities or other entities with special needs).
- All building lighting in the area that directly abuts the Tamarisk Apartments to the rear of the proposed storage building will utilize downward facing wall packs and the lowest luminescence necessary to satisfy safety and security, as required by City Code and approved by City Staff.
- No traffic will be permitted to utilize the area behind the property between the existing building and the Tamarisk Apartments. Instead, that area is required to be limited to fire department access and buffering uses, as shown on **Exhibit A**.
- The building is required to be improved with a new façade, which shall utilize a neutral color palette substantially similar to the attached **Exhibit C**.

The City's Planning Commission found in its Findings of Fact for the conditional rezoning that the self-storage facility: "will have minimal impact on the surrounding property," "will not negatively impact adjacent properties," and "does not generate much traffic." PC Rezone Findings of Fact at ¶¶ 3,7; **Exhibit D**. In addition, the City Staff's March 14, 2024 Memo to the City Commission related to the conditional rezoning acknowledges that Storage Five "reports that the area residents and businesses have been 100% positive and supportive . . . Most of the residents said they would use the [self-storage] facility." 3/14/24 Memo at Section 1; **Exhibit E**. Therefore,

providing Storage Five a 19.3-foot setback variance (and a variance from landscaping requirements) would not be detrimental to surrounding properties, because it would reduce the noise and traffic associated with commercial use, and even provide an amenity for adjacent apartment residents.

If any doubt remained in this regard, the surrounding properties have written letters of support that further emphasize that the self-storage facility and the requested Variances would not be detrimental, including a letter from the Manager of the Tamarisk Apartments (the property most likely impacted by the Variances). See Support Letters, **Exhibit F**. These letters show the Variances will actually benefit the surrounding properties.

The Variances are not detrimental to the surrounding properties or neighborhood. Section 21.04.B.4 is met.

5. **The Variances Will Not Impair the Intent and Purpose of the ZO (Section 21.04.B.5).**

The requested Variances will not impair the intent and purpose of the ZO. As stated above, by virtue of the conditional rezoning, the City Planning Commission and City Commission already found that the proposed self-storage facility is compatible with uses in the zoning district and surrounding uses. ZO Section 13.03.C. The intent and purpose of the Section 10.03.C.4 setbacks and the landscaping requirements of Chapter 19 (the zoning requirements at issue) are to ensure that industrial properties have low impacts on neighboring residential parcels. The Variances in this case will not be contrary to the ZO's intent. As explained above, Variances will not have an adverse impact on the adjacent residential parcel and the surrounding neighbors support the self-storage facility and the associated Variances. In fact, the Manager of the Tamarisk Apartments has written a letter of support. See Ex F.

Moreover, the proposed self-storage facility (which requires these Variances) will have a far less impact on the neighboring residential properties than the previous uses on the Property. As stated above, traffic will be minimal and the parking requirements far less than when it was a call center. As a result, the intent and purpose of the ZO will not be impaired by the Variances. See also Ex D at ¶¶ 3,7 (PC Rezone Findings of Fact found that the self-storage facility: "will have minimal impact on the surrounding property," "will not negatively impact adjacent properties," and "does not generate much traffic."). Section 21.04.B.5 is met.

Finally, the Variances will facilitate the self-storage use of the Rezoned Area, thereby facilitating the development of the balance of the property (particularly along 44th Street) with commercial outlots that will facilitate the vibrant commercial development of the Property consistent with the intent and purpose of the ZO that such portion of the Property be used commercially. Certainly, this use is far more beneficial than the current unattractive (and commercially unproductive) parking field which fronts on 44th Street.

6. **The Exceptional Conditions or Circumstances Are Not a Self-Created Hardship (Section 21.04.B.6).**

As explained above, the practical difficulties that plague the Property were not caused by Storage Five. Specifically, the obsolescence of the building and its location on the Property were not caused by Storage Five, nor was the fact that a call center use is no longer a viable economic use. Moreover, an applicant's awareness of exceptional conditions or circumstances at the time property is purchased is not a self-created hardship. *City of Detroit v City of Detroit Bd of Zoning Appeals*, 326 Mich App 248; 926 NW2d 311, 317 (2018).

Storage Five has not physically altered the Property in a manner to cause the current practical difficulties. Instead, as mentioned in the Rezone Report: "The building has been largely vacant for three years; there has been little or no interest in leasing the building." Rezone Report, Page 2; Ex B. As a result, the practical difficulties — most notably, the lack of a viable economic use for the Property, the obsolescence of the building and its location on the Property — existed well before Storage Five contracted to purchase the Property or sought its rezoning. Section 21.04.B.6 is met.

For the reasons set forth above, all of the variance standards in the ZO are met, and Storage Five respectfully requests that the ZBA approve its Application and grant the Variances that it needs to make a commercially viable use of the Property. Storage Five looks forward to meeting with the ZBA to present the Application and to answer any further questions that the ZBA may have.

Very truly yours,

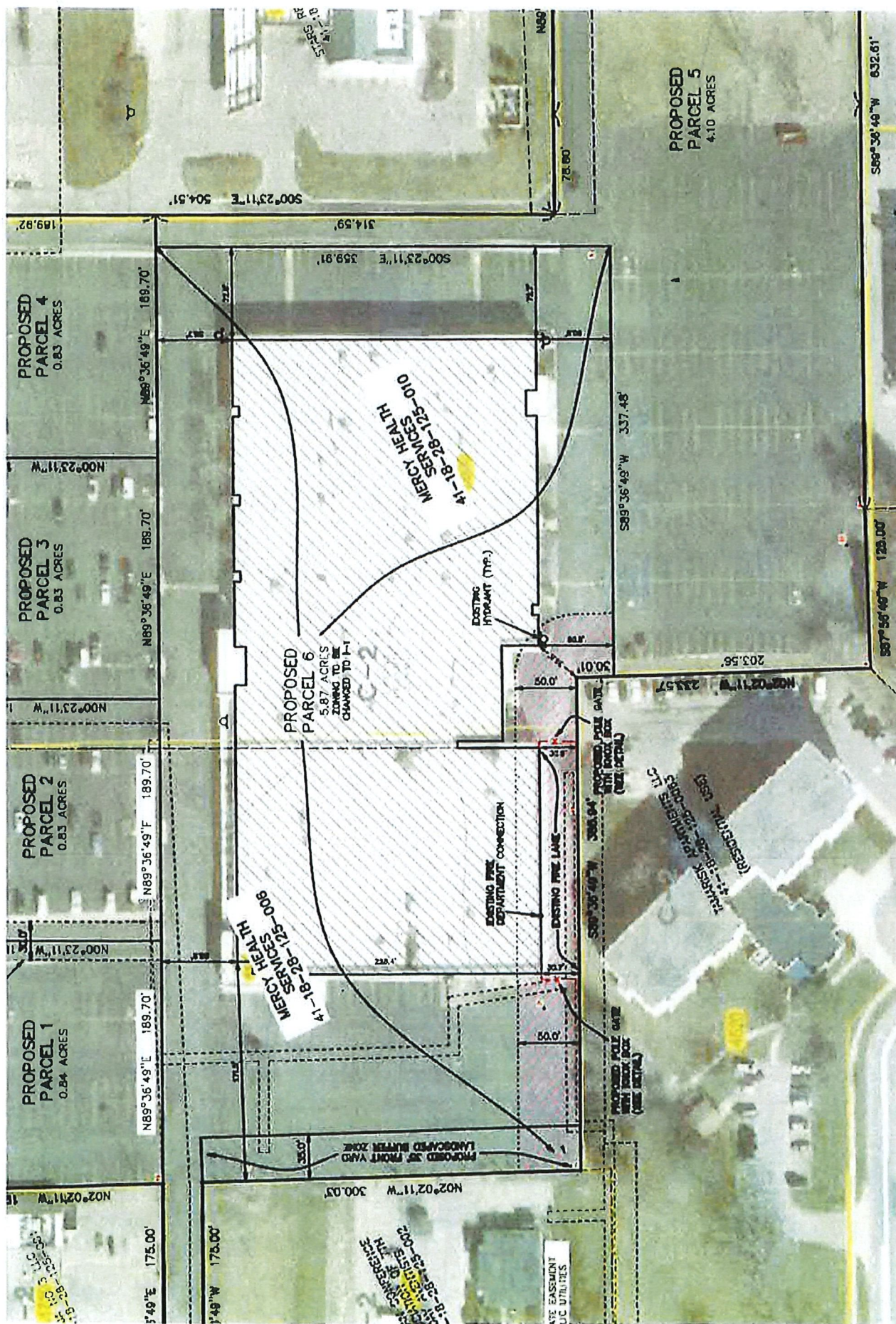
VARNUM



David T. Caldon

cc: Lisa Golder, Economic Development Planner, City of Kentwood
Chris Catania, Storage Five Kentwood, LLC

EXHIBIT A





DQSTING FIRE LANE LOOKING WEST

EXHIBIT B

STAFF REPORT: November 29, 2023

PREPARED FOR: Kentwood Planning Commission

PREPARED BY: Lisa Golder

CASE NO.: 01-24 Storage Five Kentwood LLC - Conditional Rezoning

GENERAL INFORMATION

APPLICANT: Chris Catania
Storage Five Development
PO Box 1942
Seabrook, TX 77586

STATUS OF
APPLICANT: Option holder

REQUESTED ACTION: Conditional Rezoning of 5.87 acres of land from C-2 to I-1 Light Industrial

EXISTING ZONING OF
SUBJECT PARCEL: C-2 Commercial

GENERAL LOCATION: 1800-1900 44th Street SE

PARCEL SIZE: 5.87 Acres

EXISTING LAND USE
ON THE PARCEL: Vacant office space/call center

ADJACENT AREA
LAND USES:

N: 44th Street ROW
S: Residential—Tamarisk Apartments, multifamily
E: Commercial (gas station, daycare)
W: Restaurant, office

ZONING ON ADJOINING
PARCELS:

N-NOS Neighborhood Office Service and LDR Low Density
Residential--City of Grand Rapids
S: C-2 Commercial, R-3 Medium Density Residential, R-4 High
Density Residential
E: C-2 Commercial
W: C-2 Commercial

Compatibility with Master Plan:

The Kentwood 2020 Master Plan recommends Commercial use of this site. The applicant requested the amendment of the Master Plan to allow for Industrial use for a 8.2 acre area to be designated for industrial use. The City Commission declined to set a hearing date for the Master Plan amendment; therefore the Master Plan designation remains Commercial.

Zoning and Land Use History:

The site has been zoned for commercial use since at least 1976. The property has been used as a grocery store, bowling alley, and mall before being used as a call center. Earlier in 2023, the applicant submitted an application for an amendment to the Master Plan that would have allowed 8.2 acres of the property to be designated for industrial use. The City Commission declined to set a hearing date for the Master Plan amendment; therefore, the Master Plan designation will remain Commercial.

Project Overview:

In November of 2022, the applicant appeared before the Land Use and Zoning (LUZ) and later, to the Master Plan Subcommittees seeking feedback on the potential for rezoning of 8.2 acres of the overall 13.3-acre property from Commercial to Industrial. The building located on the property is 116,057 square feet in area and has been most recently used as a medical call center. The applicant would like to use the building for climate controlled self-storage, requiring industrial zoning.

The applicant has indicated that the call center was refurbished prior to the pandemic and then was never fully re-occupied since due to the popularity of work from home. The building has been largely vacant for three years; there has been little or no interest in leasing the building.

Despite the fact that the Master Plan will not be amended to the Industrial designation, the applicant has submitted an application for Conditional Zoning that would allow rezoning of 5.87 acres to I-1 Light Industrial, and voluntarily restricting uses to self-storage and associated parking. The applicant has also voluntarily requested the additional conditions be applied to the parcel proposed for the conditional rezoning:

- Th only industrial use permitted within the portion of the site to be rezoned to the I-1 district shall be the self-storage use, and that use shall only be permitted within the existing building footprint. The other portions of the site rezoned to the I-1 district shall be used for ingress, egress, parking and utilities to support the self-storage use.
- All storage unit doors must be fully enclosed within the building.
- No additional buildings or structures shall be permitted within the rezoned portion of the site.
- No additional stories (height) may be added, such that the height of the building shall not exceed 24'.
- The developer will improve the existing self-storage building with a new façade substantially similar to the renderings attached hereto.

Staff Analysis:

1. The applicant is requesting Conditional Rezoning to allow the existing 116,057 square foot building to be used as a self-storage facility. Self-storage facilities are considered industrial warehouses in the City of Kentwood, and therefore a use permitted by right in the I-1 and I-2 zones.
3. The overall property is 13.30 acres in area; only 5.87 acres of the overall 13.30-acre property would be conditionally rezoned to I-1 Light Industrial. The applicant intends to divide a 3.32-acre commercial parcel along the 44th Street frontage into four new commercial outlots. A fifth of the 4.10 acre out lot is proposed on the southeast corner of the site, also intended to remain zoned C-2 Commercial. Since the subject parcel is a platted lot, additional approvals for the land divisions would be required.
4. If the property is rezoned for industrial use, 77 parking spaces would be required to be retained, or deferred parking provided. The applicant shall provide information on the parking intended for the proposed use.
5. In accordance with Section 10.3 C 4 of the Zoning Ordinance, no industrial building or storage can be located closer than 100 feet to a residential district or boundary. A building may be permitted as close as 50 feet if that area between the building and the boundary is an unlighted landscape buffer used for no other purpose. Further, no entrance other than a required emergency door shall enter upon the area. In addition, an industrial rear yard adjoining a residential district must comply with Chapter 19 setback and screening provisions. Chapter 19 requires a 50' minimum width buffer zone, with a 6-foot vertical screen and specific required planting materials within the screening area.

The southwest corner of the existing Trinity Health call center is 34 feet from the common property line for Tamarisk Apartments. Therefore, in order to rezone the property for industrial use, the applicant will have to receive Zoning Board variances to resolve these issues, or otherwise find some way to comply with the zoning regulations.

6. According to the Institute of Traffic Engineers report Trip Generation, 11th Edition, a self-storage facility of 116,000 square feet can generate 168 trips per day. The use can generate 10.41 trips in the AM peak hour, and 17.4 trips in the PM peak hour.
7. The City Engineer will determine how storm water management will be accommodated on the site. This may affect the developable area of the proposed industrial area or the outlots.
8. The Planning and City Commissions should review the following in considering the merits of the rezoning:

- a. Consistency of the proposed rezoning with the goals, policies, and future land use map of the Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area should be considered.

The Master Plan recommends commercial use for the site. The proposed rezoning is inconsistent with the Master Plan.

- b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

The site's physical, geological, hydrological and other features are compatible with the proposed rezoning.

- c. The applicant's ability to develop the property with at least one (1) of the uses permitted under the current zoning.

Under the current zoning, the site could still be used for any number of commercial or office uses. The existing 116,000 square foot building may be difficult to re-use as a call center.

- d. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The applicant has restricted the potential uses to self-storage only. Self-storage does not generate a large amount of traffic. However, while self-storage does not create traffic or noise for the adjacent residential area, it also does not provide any vitality or benefit. Information on exterior lighting, fencing, and hours of operation have not been provided.

- e. Whether the city's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health safety and welfare" of the City.

The city's infrastructure is adequate to serve the site.

- f. Where a rezoning is reasonable given the above the guidelines, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

The potential for amending the C-2 district to allow for self-storage has been discussed. However, it is unlikely that the concerns regarding self-storage at this site would be eliminated by amending the ordinance in this way. In

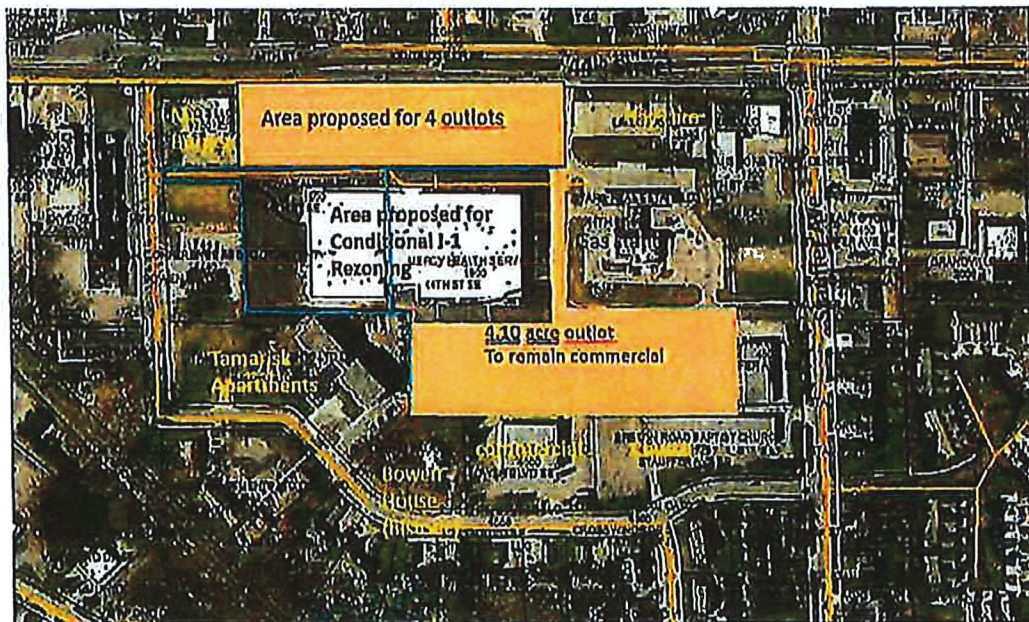
addition, allowing self-storage in other zones may create more redevelopment of commercial buildings in the city.

Attributes:

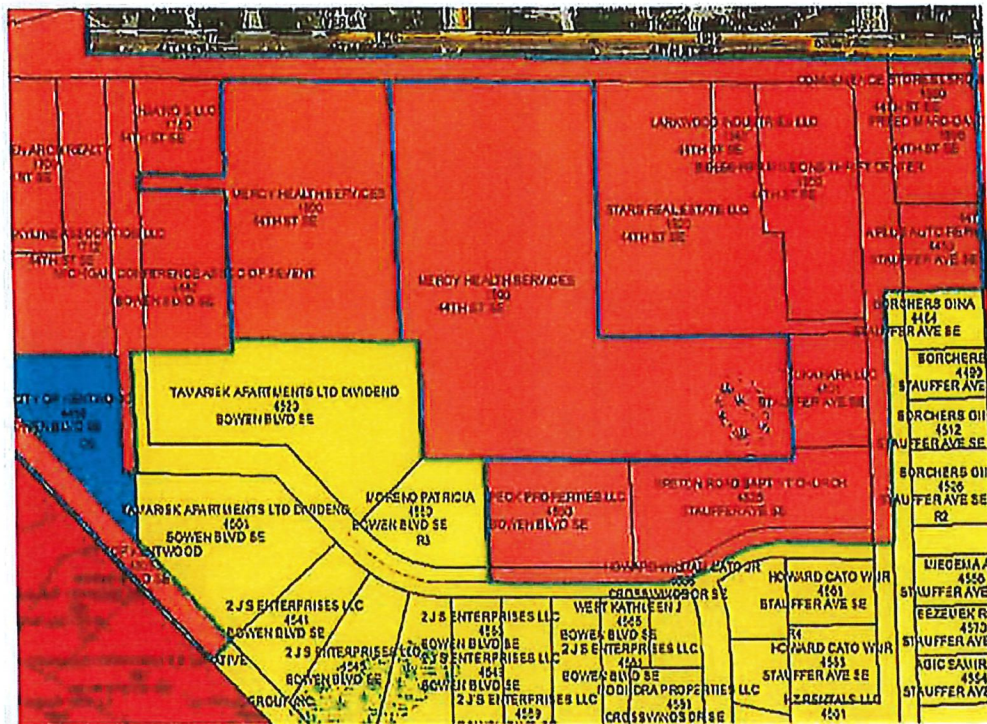
- Re-use of a large vacant building
- Additional commercial uses on frontage will minimize vacant parking lots.

Issues:

- Impact of self-storage facility on neighborhood
- Need clarity on parking for the use.
- Lighting, hours of operation, fencing not discussed.
- Variances required for proximity to residential.
- Self-storage adds no vitality to area; only benefit to those who need storage, otherwise limited benefit to businesses or residents.



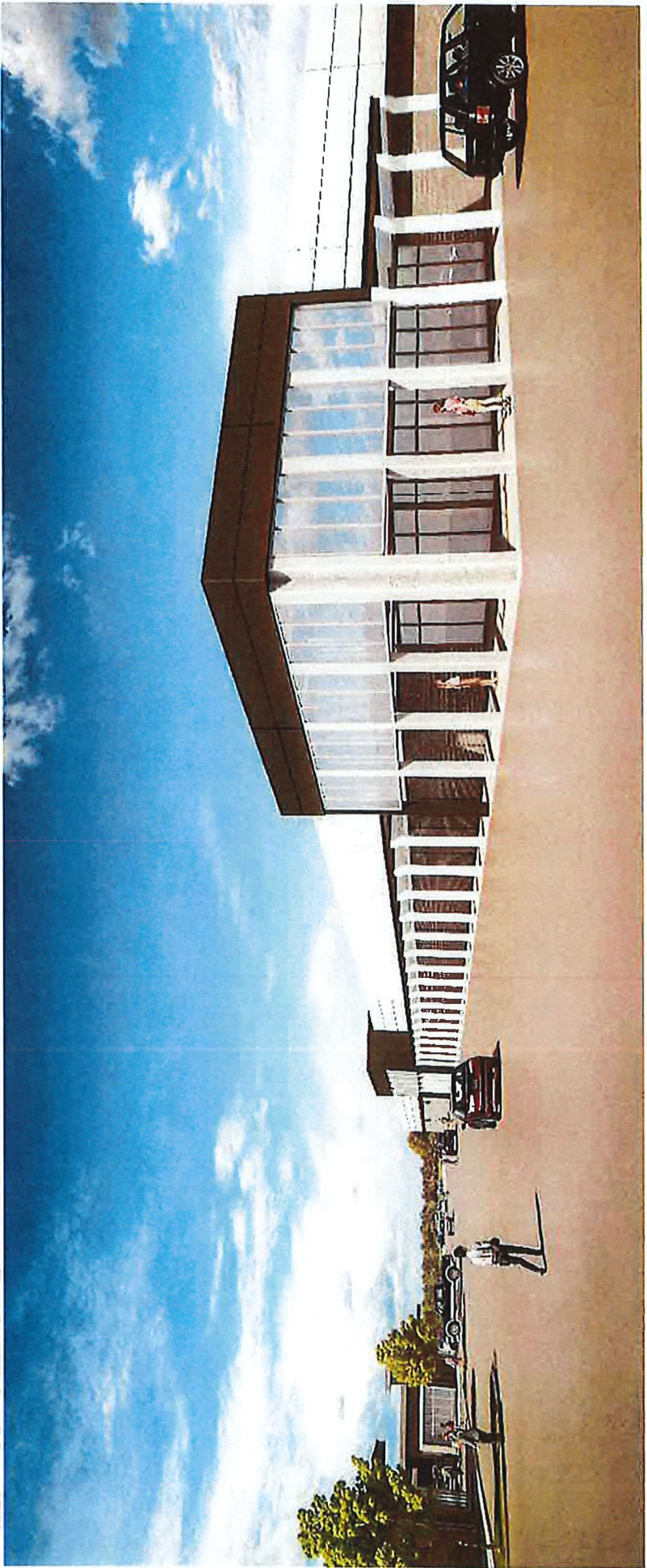
1800-1900 44th Street SE



Zoning: 1800-1900 44th Street and vicinity
 Property is currently zoned C-2 Commercial

EXHIBIT C







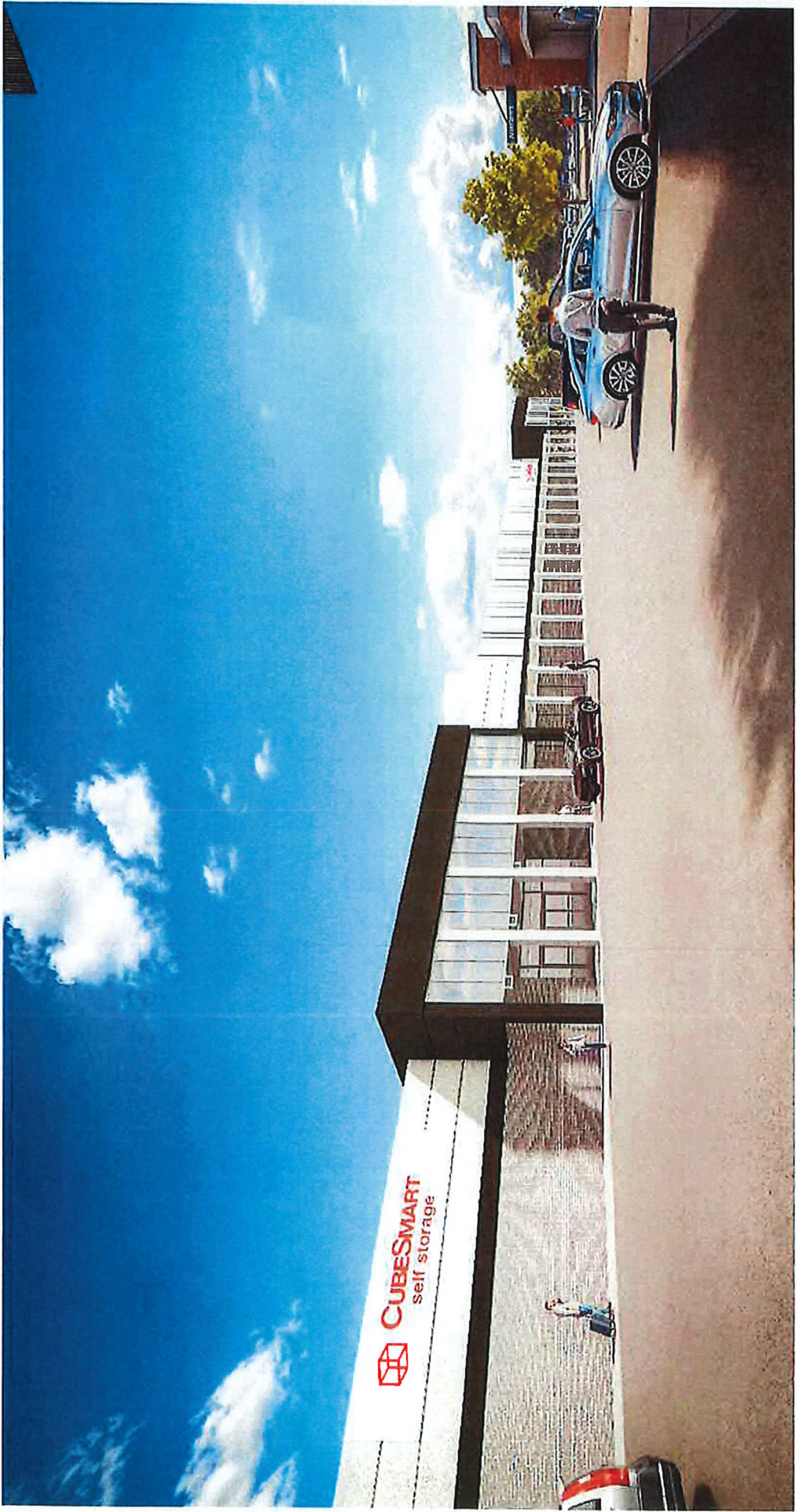




EXHIBIT D



**CITY OF KENTWOOD
PLANNING COMMISSION
APPROVED
FINDINGS OF FACT
FEBRUARY 13, 2024**

Golder 1/17/24

PROJECT: Storage 5 Conditional Rezoning

APPLICATION: 1-24

REQUEST: Conditional Zoning of 5.87 acres of land from C-2 Commercial to I-1 Light Industrial

LOCATION: 1800-1900 44th Street SE

HEARING DATE: January 23, 2024

MOTION: **Motion by Poyner, supported by Quinn, to recommend to the City Commission approval of the request to conditionally rezone 5.87 acres of land from C-2 Commercial to I-1 Light Industrial with restrictions as submitted in the Applicant's statement dated November 20, 2023 as well as the applicant's letter dated January 16, 2023. Approval is conditioned upon basis points 1- 8 as described in Golder's memo dated January 17, 2024.**

- Motion Carried (5-0) –
- Benoit, Kape, Holtrop and Porter absent -

BASIS:

1. In 2004 the State of Michigan passed Public Act 579, allowing for the conditional rezoning of property. In a conditional rezoning, a landowner voluntarily offers to restrict use of a property as a condition of rezoning.
2. The applicant has requested the rezoning of 5.87 acres of land located at 1800-1900 44th Street from C-2 Commercial to I-1 Industrial, subject to the self-imposed restrictions detailed within the applicant's narrative dated November 20, 2023 and letter dated January 16, 2024. The statement

- includes the applicant's intent to restrict the use of the existing 116,057 square foot building to self-storage, with no building additions or expansions. The applicant also committed to improve the façade of the building and restrict other portions of the 5.87 acre site to ingress, egress, parking and utilities.
3. The Master Plan recommends commercial use for this site. The self-storage use is allowed only in an industrial zone. While many types of industrial uses are inappropriate for the site, the proposed conditional rezoning request only allows for self-storage use. Self-storage will have minimal impact on the surrounding property.
 4. Self-storage facilities do not require a large amount of parking. The overall property includes over 700 parking spaces. Therefore, the out lots to the north and to the south of the existing building could be developed for commercial purposes.
 5. The applicant has ensured that ingress and egress to the remaining commercial property on the site will be retained.
 6. Section 10.C 4 of the Zoning Ordinance requires industrial buildings to be set back 100 feet from an adjacent residential district or boundary. Chapter 19 of the Zoning Ordinance requires a 50' wide buffer zone with a 6-foot high vertical screen and specific planting materials within the screened area. Applicant has acknowledged the requirement for a variance related to the setback between the proposed self-storage and the residential uses to the south. The approval of the variances will have a bearing on the applicant's ability to use the property for self-storage.
 7. The proposed self-storage use will not negatively impact adjacent properties. Self-storage does not generate much traffic and the building will be staffed at all times. The applicants have stated that no fencing will be established around the property. Lighting must conform to city standards to ensure that it will not impact adjacent properties.
 8. Discussion at the work session and public hearing.

EXHIBIT E



March 14, 2024

MEMO TO: Kentwood City Commission
FROM: Lisa Golder, Economic Development Planner
RE: Storage 5 proposed Conditional Rezoning

At the public hearing for the Storage 5 Conditional Rezoning request, the City Commission requested additional information regarding the proposed storage facility, as well as the opportunity to tour the existing vacant Trinity Health building. The following addresses the questions raised both at the Commission meeting and after the tour of the facility:

1. Ensure that all property owners are/were properly notified regarding the proposed self-storage facility:

Mr. Catania, representative for the Storage 5 proposal sent a letter/notification to all properties within 300 feet of the proposed rezoning. The letter includes Mr. Catania's personal cell phone number, email, and an invitation to the recipients to meet with him at the site on March 11, 2024.

Mr. Catania reports that the area residents and businesses have been 100% positive and supportive. There were questions raised about the type of storage that was being proposed. However, after learning that all storage would be climate-controlled storage, there were no further questions. Most of the respondents said they would use the facility. The applicant reports that respondents would like to see the outlots developed into restaurants and/or a coffee shop. Mr. Catania indicated that the Tamarisk apartment management supported the idea of a self-storage facility and expressed their belief that a good number of tenants would use the facility. With respect to the outlots, the Tamarisk management mentioned the need for a high-end laundry facility in the area.

2. Provide indication of estimated taxes generated from the existing office/call center use versus the proposed Storage 5 self-storage facility:

The Kentwood City Assessor Andy Johnson has estimated that tax revenues would not be significantly different under either use. Mr. Johnson will be available at the March 19 City Commission meeting to answer questions on this matter.

Local Demand Analysis for self-storage:

Mr. Catania provided information on the local demand for climate controlled self-storage by providing data on the current supply of climate controlled self-storage per capita at 1, 2, 3, 4, and 5-miles distance from the proposed Storage 5 facility. The applicant states that at five miles

from the facility, there is only 2.5 square feet of climate controlled self-storage per capita. Further, he states that the national average is considered to be 8-9 square feet per capita.

However, according to the *2023 Self Storage Almanac*, the US has an average of 6.10 square feet of self-storage per capita, and Michigan has an average of 4.99 square feet of storage per capita. The City of Kentwood has a total of 9 self-storage facilities totaling 495,971 square feet, or 9.1 square feet per capita, exceeding both the state and national averages.

3. **Signage:** A question was raised regarding signage on the building. The applicant has provided some images of signage on the attached email dated March 4, 2024.
4. **Building appearance:** The applicant's legal counsel has submitted additional self-imposed restrictions for the conditional rezoning request (see attached letter dated March 13, 2024). The letter clarifies the applicant's commitment to improvements to the façade of the building, the lighting for the portion of the proposed storage building that abuts the residential uses to the south, street access to the proposed outlots along 44th Street and hours of operation of the proposed self-storage building. Additional renderings depict the proposed façade treatment and signage.

EXHIBIT F



California Commercial Investment Companies

4530 E. Thousand Oaks Blvd. Suite 100
Westlake Village, CA 91362
Phone (805) 495-8400 | Fax (805) 495-5471

April 17, 2024

Zoning Board of Appeals
City of Kentwood
4900 Breton Ave SE
Kentwood, Michigan 49508

Re: Variance Application by Storage Five Kentwood LLC

Dear Zoning Board of Appeals:

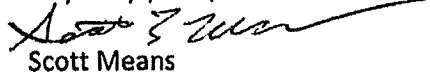
I am the regional manager of the Tamarisk Apartments located at 4520 Bowen Boulevard SE Kentwood, Michigan 49508, which is directly south of Trinity Health's property located at 1800-1900 44th Street, Kentwood, Michigan 49508. I am writing to you today in support of the variances requested by Storage Five Kentwood, LLC that would allow Storage Five's proposed use of the existing building as a self-storage facility.

I support use of the existing building as a self-storage facility because the proposed use is less intensive in terms of noise and traffic than the prior call-center use, and other potential commercial uses, has limited hours of operation, and preserves the area between the existing building and Tamarisk Apartments for buffering purposes with minimal lighting and no traffic (only Fire Department emergency access). As a result, the proposed variances to allow the self-storage use will reduce the significant impacts that could, and likely would, be associated with other uses of the property.

Additionally, I think that many of the tenants living in Tamarisk Apartments are enthusiastic about the self-storage facility and are likely to use it. It is possible that Tamarisk Apartments also will also use the self-storage facility to store its records. To date, I personally have not received negative feedback from any of Tamarisk's tenants — nor am I aware of any concerns expressed by tenants — related to the self-storage facility.

Because the building has sat vacant for years, I am looking forward to it being put to a good use that can serve the area and its residents. This will avoid the potential for further deterioration of the property, and the City approvals require improvement of the building's façade, which will improve the appearance of the property and benefit the neighborhood. Accordingly, I encourage the Zoning Board of Appeals to grant Storage Five's proposed non-use variances.

Very truly yours,



Scott Means

Regional Property Manager

(517) 484-0295

Scott.means@ccinvest.com

April 23, 2024



GR.CHURCH

Zoning Board of Appeals
City of Kentwood
4900 Breton Ave SE
Kentwood, Michigan 49508

Re: Storage Five Kentwood LLC Variance Application

Dear Zoning Board of Appeals:

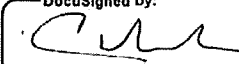
I am the pastor of GR.Church located at 4525 Stauffer Ave S.E., Grand Rapids, Michigan 49508, and I am writing to you today on its behalf. The Church is located southeasterly of Trinity Health's property at 1800-1900 44th Street, Kentwood, Michigan 49508.

I understand that Storage Five Kentwood, LLC, has proposed to acquire the Trinity Health property for use as a self-storage facility. I support the ZBA's grant of the variances that Storage Five seeks to ensure that the self-storage facility becomes a reality. This is a productive and compatible use for the long-vacant Trinity Health property, and the Church would certainly consider using the self-storage facility for its storage needs.

Apart from general support for the project, the Church is interested in potentially acquiring additional parking space. For instance, the Church could potentially utilize the parking lot south of the existing building on the property. The Church may also be interested in acquiring the vacant lot directly north of the Church (and southeast of the existing building) for additional parking or other uses. The proposed self-storage use would unlock the potential for these uses of the property as well, and so for these additional reasons I support Storage Five's request for the variances.

Very truly yours,

GR.Church

DocuSigned by:

EEE8DCB61AE5498...

Pastor Cody