



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS - REGULAR MEETING**

**OSHTEMO TOWNSHIP HALL  
7275 WEST MAIN STREET**

**TUESDAY, JANUARY 27, 2026  
3:00 P.M.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Elect Officers: Chair, Vice Chair
4. Approval of Agenda
5. Public Comment on Non-Agenda Items
6. Approval of Minutes: October 28, 2025
7. **Frontage Variance: Meyer C Weiner (5313 West Main Street, 3905-13-405-028)**  
Zoning Board of Appeals to consider request for a variance from the minimum frontage requirement to allow a land division resulting in a parcel upon which First National Bank sits to be without frontage in the C: Local Business District.
8. Other Updates and Business
9. Adjournment

*(Meeting will be available for viewing through <https://www.publicmedianet.org/gavel-to-gavel/oshtemo-township>)*

**Policy for Public Comment**  
**Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.-1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees			Township Department Information		
<b>Supervisor</b> Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>	<b>Assessor:</b> Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b>Clerk</b> Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>	<b>Fire Chief:</b> Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>
<b>Treasurer</b> Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>	<b>Ordinance Enforcement:</b> Alan Miller	216-5230	<a href="mailto:amiller@oshtemo.org">amiller@oshtemo.org</a>
<b>Trustees</b> Neil Sikora	760-6769	<a href="mailto:nsikora@oshtemo.org">nsikora@oshtemo.org</a>	<b>Parks Director:</b> Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>	Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>	<b>Planning Director:</b> Jodi Stefforia	375-4260	<a href="mailto:jstefforia@oshtemo.org">jstefforia@oshtemo.org</a>
Michael Chapman	375-4260	<a href="mailto:mchapman@oshtemo.org">mchapman@oshtemo.org</a>	<b>Public Works Director:</b> Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD OCTOBER 28, 2025**

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**AGENDA**

**FRONTAGE VARIANCE: WEATHERS (3815 AND 3841 NORTH 3RD STREET, 3905-05-330-050, 05-330-060)**

Zoning Board of Appeals to consider request for a variance from the minimum frontage requirement to allow the redescription of two parcels where one of the resulting parcels will have 119 feet of frontage where 200 feet is required in the RR, Rural Residential District.

**FRONTAGE VARIANCE: HUSTED (9600 BLOCK WEST L AVENUE, 3905-29-130-020)**

Zoning Board of Appeals to consider request for a variance from the minimum frontage requirement to allow a parcel with only 60 feet of frontage to be buildable where 200 feet is required in the RR, Rural Residential District.

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, October 28, 2025, beginning at 3:00 p.m.

Members Present:                   Dusty Farmer  
  Fred Gould  
  Harry Jachym, Vice Chair  
  Ron Ver Planck

Members Absent:                   Rick Everett  
  Al Smith  
  Louis Williams, Chair

Also present were Jodi Stefforia, Planning Director; Colten Hutson, Zoning Administrator; Jim Porter, Township Attorney; and approximately eight interested persons.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Vice Chair Jachym called the meeting to order at 3:00 p.m. and provided procedural clarification on the voting process due to a reduced number of Board attendees.

Those in attendance joined in reciting the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Vice Chair Jachym called for approval of the agenda. Staff indicated there were no changes to the agenda.

Ms. Farmer made a motion to approve the agenda as presented. Mr. Gould supported the motion. The motion passed unanimously.

#### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Vice Chair Jachym invited the public to comment on non-agenda items. No one came forward.

#### **APPROVAL OF THE MINUTES OF SEPTEMBER 23, 2025**

Vice Chair Jachym asked for additions, deletions, or corrections to the Minutes of the meeting held on September 23, 2025.

Ms. Farmer made a motion to approve the minutes of the meeting held on September 23, 2025, as presented. Mr. Gould supported the motion. The motion passed unanimously.

#### **FRONTAGE VARIANCE: WEATHERS (3815 AND 3841 NORTH 3RD STREET, 3905-05-330-050, 05-330-060)**

Mr. Hutson presented his staff report dated October 21, 2025, which is incorporated herein, requesting a frontage variance to allow for a land redescription of two properties resulting in a parcel that does not meet the minimum road frontage requirements.

Eric Weathers is requesting a variance to allow for the land redescription of two properties resulting in a parcel that does not satisfy the minimum road frontage requirements for parcels zoned RR: Rural Residential. The resulting parcel would have 119 feet of road frontage, where Section 50.10 of the Zoning Ordinance requires a minimum of 200 feet.

The Michigan courts have applied the following principles for a nonuse variance, which collectively amount to demonstrating a practical difficulty. The Zoning Board of Appeals should consider the following standards in considering the variance request.

Mr. Hutson reviewed the criteria against the request. The applicant has provided a narrative for the variance request, which was included in the agenda packet.

*Standard:* Unique Physical Circumstances  
Are there unique physical limitations or conditions which prevent compliance?

*Comment:* Although the applicant has indicated there are no physical limitations in play such as grading concerns, there is a clear delineation of a border encompassing natural features.

Consider the surrounding properties on North 3rd Street. There are several unplatteed parcels in proximity to the two properties in question that have less frontage than the 119 feet being requested by the applicant. Frontage of nearby

properties includes approximately 165 feet, 132 feet, 110 feet, and several with 82.5 feet.

*Standard:* Conformance Unnecessarily Burdensome  
 Is conformance unnecessarily burdensome?  
 Are reasonable options for compliance available?  
 Does reasonable use of the property exist with denial of the variance?

*Comment:* Reasonable options for compliance are available by continuing to operate the property in its present state. Use is presently being made of the property and denial of the variance would not prevent continuing the use.

A land redescription of the subject parcels as proposed will not be permitted unless a variance from the frontage requirements in Section 50.10 of the Zoning Ordinance is granted.

It is possible to redescribe 3841 North 3rd Street so that the existing frontage of 165 feet north of 3815 North 3rd Street remains unchanged. Rather than reducing the frontage to 119 feet per the applicant's request, the existing 165 feet of frontage could be retained, reducing the amount of relief necessary if a variance were granted. It would still eliminate the non-contiguous frontage while also not decreasing the frontage any further.

*Standard:* Minimum Necessary for Substantial Justice  
 Applied to both applicant as well as to other property owners in district.  
 Review past decisions of the Zoning Board of Appeals for consistency (precedence).

*Comment:* Substantial justice could be provided by granting the requested variance to allow the redescription to occur resulting in parcel frontage larger than those found on at least six other properties in the vicinity and same zoning district.

In researching past Zoning Board of Appeals decisions regarding the request for relief from the road frontage requirements, two similar requests were found. Such details can be found in the agenda packet.

*Standard:* Self-Created Hardship  
 Are the conditions or circumstances which resulted in the variance request created by actions of the applicant or a previous owner?

*Comment:* The proposed redescription of the two parcels is proposed by the applicant. The applicant could retain 165 feet along the northern portion of 3841 North 3rd Street and seek to acquire an additional 35 feet from the unimproved parcel to the north containing approximately 390 feet of road frontage. This potential alternative would then provide the required minimum road frontage of 200 feet. The adjacent owner may or may not be interested in selling the frontage.

Although the road frontage would no longer satisfy the minimum requirements of the Zoning Ordinance, it could be argued that the applicant is bringing 3841 North 3rd Street closer to compliance by proposing to eliminate the nonconforming, non-contiguous frontage component the parcel currently presents.

*Standard:* Public Safety and Welfare

Will the variance request negatively impact the health, safety, and welfare of others?

*Comment:* It is not expected that the variance request would negatively impact the health, safety, or welfare of others.

Mr. Hutson concluded his presentation by reviewing the options before the Zoning Board of Appeals as it considers the variance request.

Vice Chair Jachym inquired if the Board had any questions for staff at this time, there were none.

Vice Chair Jachym invited the applicant up to the podium to speak.

Eric Weathers, owner of property at 3815 and 3841 North 3<sup>rd</sup> Street, addressed the Board. He shared that he and his wife purchased the property in 2001. The two parcels have been used as one, and the existing survey lines do not follow the natural tree lines that define the yard. He requested that the property lines be adjusted to align with the natural boundaries, noting that the 3815 parcel contains a home, barn, and pole barn garage, while the 3841 parcel includes a new home built by his son. The adjustment would provide 119 feet of frontage for 3841, consistent with or larger than several nearby lots. Mr. Weathers stated there are no plans for additional home construction.

Board Member discussion ensued. Vice Chair Jachym confirmed the existing structures, frontage, and access for each parcel

Ms. Stefforia clarified that any future development would require a new street and approvals from the Planning Commission and Township Board.

Mr. Gould asked about driveway access; Mr. Weathers confirmed it exists along the 119-foot frontage.

Mr. Porter explained the parcels are nonconforming under current ordinance standards, which require 200 feet of contiguous frontage, and noted an alternative variance option had been presented.

Vice Chair Jachym opened the public comment period.

One person addressed the Board, providing some historical information about the property and questioned why a property line adjustment was being considered before the ten-year period

following a 2017 land division and raised concerns about a building permit issued near an underground waterway.

Mr. Porter explained that state law allows lot line adjustments that do not constitute a land division, so the request does not violate Township or state regulations. He also confirmed that the parcel met legal frontage and buildability requirements under previous ordinance standards.

Vice Chair Jachym confirmed that either variance option under review would meet state requirements for a buildable lot. Ms. Stefforia asked the applicant when was the parcel with an address of 3815 South 8<sup>th</sup> Street created. Eric Weathers conveyed that it was created in 1997 and was not part of the 2017 division.

Vice Chair Jachym closed public comment.

Ms. Farmer made a motion to approve the variance from Section 50.10 of the Zoning Ordinance to allow a parcel with 119 feet of frontage to be buildable for the reasons indicated in the staff report and discussion allowing the land redescription to take place as requested. Mr. Gould supported the motion.

Vice Chair Jachym called for a roll call vote:

Mr. Gould – Yes  
Mr. Ver Planck – Yes  
Ms. Farmer – Yes  
Vice Chair Jachym - Yes

The motion passed unanimously.

#### **FRONTAGE VARIANCE: HUSTED (9600 BLOCK WEST L AVENUE, 3905-29-130-020)**

Mr. Hutson presented his staff report dated October 21, 2025, which is incorporated herein, requesting a variance from frontage requirements of Section 50.10 of the Zoning Ordinance to allow a nonconforming parcel to become buildable. The parcel is zoned rural residential and is located on West L Avenue (9600 Block), Parcel Number 3905-29-130-020.

Scott Husted is requesting a variance to allow a nonconforming parcel with inadequate frontage to be rendered buildable to construct a residence. The subject parcel currently has 60 feet of road frontage, where Section 50.10 of the Zoning Ordinance requires a minimum of 200 feet for unplatting residential parcels. Any splits prior to the 1965 Ordinance provision requiring 200 feet of frontage are considered to be grandfathered. Since a split occurred sometime after the frontage Ordinance provision was adopted, the parcel is currently deemed unbuildable. Township staff could not determine the year of the land division other than it occurred after 1965. The property is located in the southwest quadrant of the Township, between South 2nd Street and South 4th Street on West L Avenue.

The Michigan courts have applied the following principles for a nonuse variance, which collectively amount to demonstrating a practical difficulty. The Zoning Board of Appeals should consider the following standards in considering the variance request.

Mr. Hutson reviewed the standards of approval of a nonuse variance against the request. The applicant has provided a narrative for the variance request, which was included in the agenda packet.

*Standard:* Unique Physical Circumstances  
Are there unique physical limitations or conditions which prevent compliance?

*Comment:* Staff are not aware of any unique physical limitations or conditions preventing compliance. Consider the surrounding properties on West L Avenue. There are several unplatteed parcels within one quarter of a mile from the property in question that have less than the 200-foot minimum required frontage. Frontage of nearby parcels include approximately 32 feet, 104 feet, 150 feet, and 169 feet, all improved with single-family homes. It could be argued that the current frontage of 60 feet is harmonious with the existing character of the area.

*Standard:* Conformance Unnecessarily Burdensome  
Is conformance unnecessarily burdensome?  
Are reasonable options for compliance available?  
Does reasonable use of the property exist with denial of the variance?

*Comment:* Reasonable options for compliance are available by continuing to operate the property in its present state for agriculture without a dwelling. Use is presently being made of the property and denial of the variance would not prevent continuing the current use. It may be possible to bring the property into conformance with respect to road frontage without a variance. The applicant could explore acquiring additional frontage from an adjacent parcel.

*Standard:* Minimum Necessary for Substantial Justice  
Applied to both applicant as well as to other property owners in district.  
Review past decisions of the Zoning Board of Appeals for consistency (precedence).

*Comment:* Substantial justice could be provided by granting the variance given that the existing frontage width is similar to at least four other properties in proximity to the subject parcel and located within the same zoning district.

In researching past Zoning Board of Appeals decisions regarding the request for relief from the road frontage requirements, two similar requests were found. Such details can be found in the agenda packet.

*Standard:* Self-Created Hardship

Are the conditions or circumstances which resulted in the variance request created by actions of the applicant or a previous owner?

*Comment:* The division of the property into the current configuration was at the discretion of the property owner at the time and therefore could be argued to be self-created.

*Standard:* Public Safety and Welfare  
Will the variance request negatively impact the health, safety, and welfare of others?

*Comment:* It is not expected that the variance request would negatively impact the health, safety, or welfare of others.

Mr. Hutson concluded his presentation by reviewing the options before the Zoning Board of Appeals as it considers the variance request.

Vice Chair Jachym invited the applicant up to the podium to speak.

Scott Husted, owner of Husted Farms, stated that he has owned the property since 1982. The previous owner, who lived in the adjacent home to the west, created the existing split before selling the parcel to him. He noted that there are homes located approximately 40 feet to the west and 50 feet to the east of his property line, leaving no additional frontage available. He explained that the parcel is approximately 14 acres and that, as he nears retirement, he would like to make the property suitable for continued agricultural use by allowing a future owner to build a single home. He believes the request is consistent with the Township's preference for larger rural parcels in the western portion of the Township.

Board member questions and discussion ensued. Vice Chair Jachym asked if the property is currently being farmed. Mr. Husted confirmed that it is, noting approximately eight acres of apples and five acres of open ground used for seasonal crops such as corn or pumpkins, though it was left fallow this year.

Vice Chair Jachym confirmed that the property has 60 feet of frontage and asked whether that width would be sufficient for a future road if the land were ever subdivided. Ms. Stefforia responded that the Township's transportation ordinance allows a 50-foot-wide street, but any future division or road construction would require approval from the Planning Commission and Township Board.

Ms. Stefforia asked if the applicant had considered acquiring additional frontage from a neighboring parcel to the northwest and other possible options. Mr. Husted explained that the adjacent property owner would not be interested in selling frontage. No other options were feasible.

Vice Chair Jachym opened the floor for public comment.

One neighbor came forward to speak, sharing they had no objection to this variance request.

Vice Chair Jachym closed public comment.

Vice Chair Jachym made a motion to grant the variance, stating that the need for the request was not self-created, as the property's configuration existed when it was purchased and noted that the variance would not negatively impact public safety, that the land's unique layout presents a practical difficulty, and that requiring the owner to acquire additional property to meet ordinance standards would be an undue burden. Mr. Gould supported the motion.

Vice Chair Jachym called for a roll call vote:

Mr. Gould – Yes  
Mr. Ver Planck – Yes  
Ms. Farmer – Yes  
Vice Chair Jachym - Yes

The motion passed unanimously.

#### **OTHER UPDATES AND BUSINESS**

Ms. Stefforia stated there was no other business.

#### **ADJOURNMENT**

There being no further business, Vice Chair Jachym made a motion to adjourn the meeting. Mr. Gould seconded the motion. The motion passed unanimously.

The meeting was adjourned at 3:37 p.m.

Minutes Prepared: October 31, 2025

Minutes Approved:



January 21, 2026

**Mtg Date:** January 27, 2026

**To:** Oshtemo Township Zoning Board of Appeals

**From:** Leeanna Harris, Zoning Administrator

**Applicant:** Jenny Gately, Meyer C Weiner Co.

**Owner:** Golf Ridge I, LLC

**Property:** 5313 West Main Street, Parcel Number 3905-13-405-028

**Zoning:** C: Local Business District

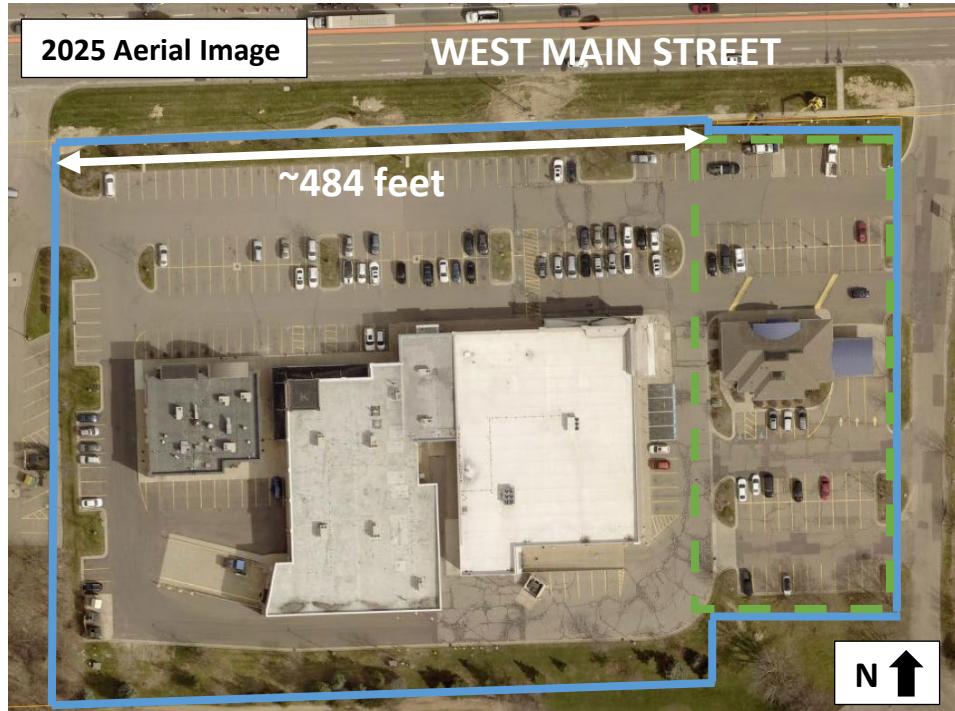
**Request:** A variance from frontage requirements to allow a land division which results in a parcel without frontage where the ordinance requires 200 feet of frontage.

**Section(s):** Section 50.10 – Schedule of Area, Frontage, and/or Width Requirements  
Article 18 – C: Local Business District

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**Overview:**

Jenny Gately, with the Meyer C Weiner Company, is requesting a variance to allow a land division which results in a parcel without frontage. It was indicated that the reason for the land division is to create a separate tax parcel for that portion of the property occupied by First National Bank and parking, which is subject to the minimum dimensional criteria of the Zoning Ordinance. Specifically, the 200-foot frontage requirement for any unplatted parcel in this zoning district.



The parent parcel is outlined in blue in the aerial image, with the proposed resultant parcel outlined with green dashes. The parent parcel currently has approximately 484 feet of road frontage on the south side of West Main Street between Maple Hill Drive and South Drake Road.

Department Review:

The Michigan courts have applied the following principles for a nonuse variance, which collectively amount to demonstrating a practical difficulty. The Zoning Board of Appeals should consider the following standards in considering the variance request.

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

*Standards of Approval of a Nonuse Variance (practical difficulty)*

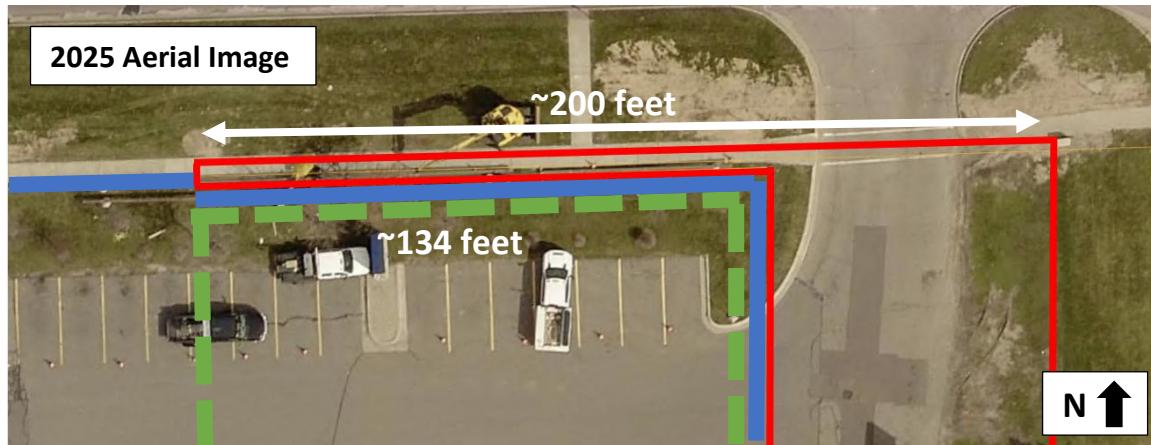
Staff's review against these criteria is provided below. As a reminder, the variance request is to allow a land division which results in a parcel without frontage where the ordinance requires 200 feet of frontage. The applicant has provided a narrative for the variance request, which is attached to this report.

**Standard:** Unique Physical Circumstances

*Are there unique physical limitations or conditions which prevent compliance?*

**Comment:** The Zoning Board of Appeals may consider the placement of the existing service drive and buildings to be factors limiting compliance.

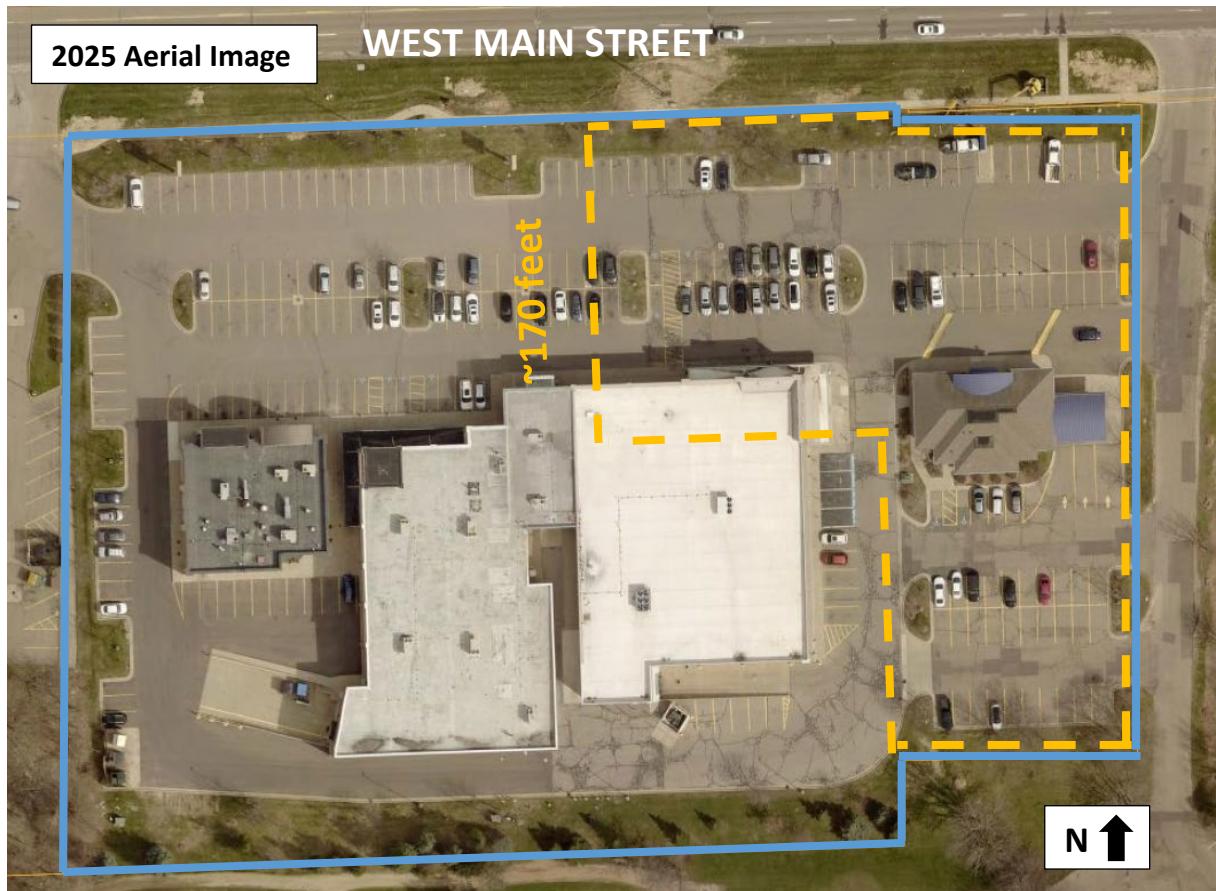
Also consider the configuration of the adjacent parcel to the east. The former Elks parcel, outlined in red below, has a two-foot by 200-foot strip of frontage along West Main Street that spans 134 feet across the front of the subject parent parcel. The land division which ultimately led this configuration was completed around 2009 and would prevent the applicant from establishing a parcel with the required frontage directly in front of the bank building and along West Main Street. The applicant spoke about this in the narrative. Records indicate that this land division met the letter but not spirit of the ordinance at the time because the ordinance did not indicate the depth to which the frontage must be maintained. The ordinance was amended shortly thereafter to stipulate that all parcels must have the required road frontage until at least the required building setback line.



Standard: Conformance Unnecessarily Burdensome

*Is conformance unnecessarily burdensome?  
Are reasonable options for compliance available?  
Does reasonable use of the property exist with denial of the variance?*

Comment: Consider the required front setback from West Main Street. If frontage on the parent parcel was used to reach the 200 feet requirement to the required depth of 170 feet, it would impose on the adjacent Aldi building and could be considered unnecessarily burdensome. See below for the configuration reflecting these requirements.



Reasonable options for compliance are available by continuing to operate the property in its present state without the division from the parent parcel. Use is presently being made of the property and denial of the variance would not prevent continuing the current use.

Options appear limited for the applicant to explore dividing the parcel compliant with the Zoning Ordinance without creating a condominium or plat of the entire property.

It is reasonable for the property owner to want to create a separate tax parcel for the First National Bank given that access and parking will continue to be shared. No physical changes to the property will result if the variance is granted.

Standard: Minimum Necessary for Substantial Justice  
*Applied to both applicant as well as to other property owners in district.*  
*Review past decisions of the Zoning Board of Appeals for consistency (precedence).*

Comment: In researching past Zoning Board of Appeals decisions, no similar requests were found for unplattd parcels in a commercial district. This decision would be precedent setting.

There is at least one unplattd parcel (parcel #3905-13-430-013) within one quarter mile from the property in question that has zero feet of frontage on a public roadway; however, no records could be found as to how the parcel came to be configured this way. The parcel contains the ATMs for the adjacent National City Bank building.

Standard: Self-Created Hardship  
*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant or a previous owner?*

Comment: This request is the result of the applicant's interest in the First National Bank area to be a separate tax parcel; therefore, it could be argued that the hardship is self-created. The land division involving the subject parent parcel and the adjacent former Elks parcel could also be considered as a self-created hardship.

Standard: Public Safety and Welfare  
*Will the variance request negatively impact the health, safety, and welfare of others?*

Comment: The purpose of the dimensional requirements as outlined in Section 50.10 of the Zoning Ordinance is to "...secure the more orderly development of property in unplattd areas through the encouragement and regulation of open spaces between buildings and lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development."

These requirements have value in that they serve to limit the number of driveways and control access along public streets. However, in this present case, it can be argued that the spirit of the ordinance would be observed by allowing the requested variance in that no additional driveways are being requested and that shared access, and parking will be placed in easements in perpetuity.

The draft 2045 Oshtemo Comprehensive Plan included a special study of underutilized commercial areas. With implementation of the plan commencing later this year, it is fully expected that new requirements will be established for existing commercial areas allowing for situations such as proposed presently for First National Bank provided that access and parking remain shared elements.

Possible Actions:

Zoning Board of Appeals may take the following possible actions on the variance request:

- Motion to approve as requested (conditions may be attached).
- Motion to deny.

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented for the Zoning Board of Appeals consideration:

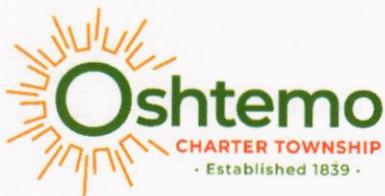
- Support of variance approval
  - Unique physical circumstances or limitations may exist.
  - It is not expected that granting the variance would negatively impact the health, safety, and welfare of the public and the spirit of the ordinance will be observed.
  - The need for a variance might not be considered a self-created hardship.
  - Compliance to the Zoning Ordinance is unnecessarily burdensome.
- Support of variance denial
  - The minimum necessary for substantial justice might not be satisfied.
  - There are options for compliance through creating a condominium or plat.
  - The need for a variance might be considered a self-created hardship.

Possible motions for the Zoning Board of Appeals to consider include:

1. The Zoning Board of Appeals approves the variance from Section 50.10 of the Zoning Ordinance, as requested, allowing a land division dividing a parcel without frontage where the ordinance requires 200 feet of frontage, with the following conditions be added:
  - a. Reciprocal easements for shared access and parking in perpetuity shall be recorded with the Kalamazoo County Register of Deeds Office.
  - b. No direct access for the First National Bank parcel to West Main Street shall be allowed.
  - c. Proof of letter (a.), as well as an updated and finalized survey including the signature and seal of the certified land surveyor, shall be provided to the Township with the application for the land division.
  - d. The resultant boundary lines will meet the required setbacks from all property lines.
2. The Zoning Board of Appeals denies the requested variance from Section 50.10 of the Zoning Ordinance.

Attachments: Application and Narrative





Planning Department  
7275 W. Main Street  
Kalamazoo, MI 49009  
Phone: 269.216.5223  
planning@oshtemo.org

## PLANNING & ZONING APPLICATION

### 1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

### 2. Applicant Information

Name: <b>Jenny Gately</b>		
Mailing Address: <b>700 Mall Drive</b>	City, State: <b>Portage</b>	Zip Code: <b>49024</b>
Email: <b>jgately@mcweiner.com</b>	Phone: <b>269-323-2441</b>	

### 3. Property Owner Information

Name: <b>Golf Ridge I, LLC</b>		
Mailing Address: <b>700 Mall Drive</b>	City, State: <b>Portage</b>	Zip Code: <b>49024</b>
Email: <b>jgately@mcweiner.com</b>	Phone: <b>269-323-2441</b>	

### 4. Project Information

Project Name: <b>Golf Ridge</b>		
Project Address: <b>5313 W. Main Street</b>	Parcel Number: <b>3905-13-405-028</b>	
Email: <b>jgately@mcweiner.com</b>		

Property Legal Description (use attachments if necessary):

### See Attached

Current Zoning: <b>C local business district</b>	Current Use: <b>shopping center</b>	Area of Property: <b>1.082 acres</b>
Type of Request (check all that apply):		
<input type="checkbox"/> Site Plan Review (type, if applicable): <input type="checkbox"/> Rezoning <input type="checkbox"/> Text Interpretation <input type="checkbox"/> Pre-Application <input checked="" type="checkbox"/> Zoning Variance <input type="checkbox"/> Accessory Building/Dwelling Unit <input type="checkbox"/> Administrative <input type="checkbox"/> Special Exception Use <input type="checkbox"/> Other: _____ <input type="checkbox"/> Plat/Site Condo <input type="checkbox"/> Clear Cutting		

Statement of Intent: Briefly describe your request (use attachments, if necessary).

See Attached Letter

## 5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

- Environmental Permits Checklist
- Hazardous Substance Reporting Form
- Site Plan, if applicable
- Access predetermination form RCKC or MDOT, if applicable

## 6. Signatures

**Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:**

Joshua T. Weiner

700 Mall Drive, Portage, MI 49024

Names(s)

Address(es)

Names(s)

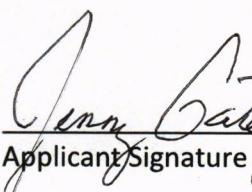
Address(es)

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge, true and accurate.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

  
Applicant Signature

12/16/2025  
Date

  
Property Owner Signature

12/16/2025  
Date

Legal description for Parcel ID #05-13-405-028

SEC 13-2-12 COMM NE COR LOT 1 ELKS PLAT #1 TH N 88DEG-06'-14" E ALG SLY ROW LI M-43  
185 FT TO POB TH CONT N 88DEG-06'-14" E ALG SD ROW 483.66 FT TH S 0DEG-16'-44" W 2 FT  
TH N 88DEG-06'-14" E 133.95 FT TH S 0DEG-16'-44" W 351.85 FT TH S 88DEG-06'-14 W 133.95  
FT TH S 0DEG-16'-44" W 46.15 FT TH S 88DEG-06'-14 W 483.8 FT TH N 0DEG-16'-44" E 400 FT  
TO BEG



December 16, 2025

Oshtemo Township  
Planning Department  
7275 W. Main Street  
Kalamazoo MI 49009

Re: Variance Request for Separate Tax Parcel for 5313 West Main Street

Dear Planning Department:

I am writing this letter to supplement Golf Ridge I, LLC's request for a variance to allow for the creation of a separate tax parcel for what would be a landlocked parcel with zero feet of frontage on a public roadway, where the Ordinance currently requires 200 feet of frontage for land located at 5313 W. Main Street.

To provide some history and context, Golf Ridge I, LLC owns 5313 West Main Street pursuant to a Quit Claim Deed recorded on March 31, 2010 at Page 2010-008793, which is legally described and shown on the attached Certified Survey Map as Parent Parcel "A" (the "FNB Parcel"). However, the FNB Parcel is part of a larger Tax Parcel No. 3905-13-405-028, owned by Golf Ridge, L.L.C. (the "Golf Ridge Parcel"). Both Golf Ridge I, LLC and Golf Ridge, L.L.C. are under our common ownership.

In addition, First National Bank has a lease dated April 13, 2010, with Golf Ridge I, LLC for the FNB Parcel. Pursuant to the Lease, First National Bank has an option to purchase the FNB Parcel, and it is First National Bank's desire to do so. In order to move forward with the sale, a variance is required to assign a separate Tax Parcel Number to the FNB Parcel.

Moreover, when the FNB Parcel was purchased by Golf Ridge, L.L.C. from Kalamazoo Lodge No. 50 Benevolent and Protective Order of Elks pursuant to a Warranty Deed recorded on March 31, 2010 at Page 2010-008790, the Elks retained a 2 ft by 200 ft strip of frontage along West Main Street in order to maintain their frontage requirement, which was allowed by an Ordinance at the

December 16, 2025  
Planning Department  
Page Two

time. This all but eliminated the frontage for the FNB Parcel and the FNB Parcel instead relied on frontage from the Golf Ridge Parcel. Unfortunately, the Ordinance has since been amended, and we are not allowed to duplicate the process by transferring a 2 ft by 200 ft strip of frontage from Golf Ridge to Golf Ridge I in order to satisfy the frontage requirement for the FNB Parcel.

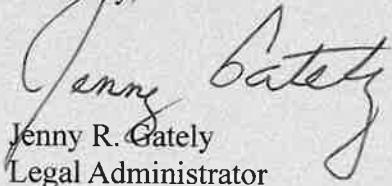
In light of the foregoing, it is our hope that our variance request could be scheduled for the January Zoning Board of Appeals meeting. Included with our request is the following:

1. Survey showing boundaries for Parent Parcel "A" (FNB Parcel) and Parent Parcel "B" (remaining Golf Ridge, L.L.C. Parcel)
2. Legal description for Parent Parcel A
3. Legal description for Parent Parcel B
4. Planning & Zoning Application
5. Zoning Board of Appeals – Variance Request Review Form
6. Check in the amount of \$1,000

Finally, as part of the process, Golf Ridge and Golf Ridge I will enter into reciprocal easement agreement for shared access and parking arrangements.

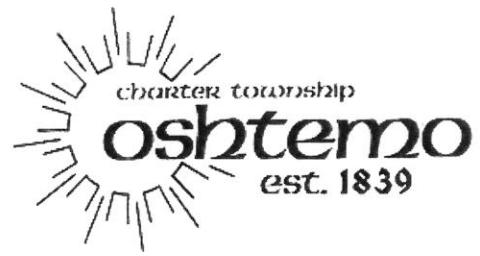
If you have any questions or need additional information than what has been provided, please let me know at your earliest convenience.

Sincerely,



Jenny R. Gately  
Legal Administrator

Encls.



## **ZONING BOARD OF APPEALS - VARIANCE REQUEST REVIEW FORM**

**The Board is required by law to consider the following, and only the following, criteria when deciding on an application for a nonuse variance. When making a motion on a variance, each of the following criteria must be clearly addressed in order to document how the Board's decision was made. Please fill in the lines below and verbally state how these criteria are, or are not, met.**

Case: \_\_\_\_\_

Date: \_\_\_\_\_

Criteria 1: Conformance Unnecessarily Burdensome

*Are reasonable options for compliance available? Please note that economic hardship cannot be considered.*

Yes: \_\_\_\_\_

**No:** \_\_\_\_\_

Criteria 2: Substantial Justice

*Is the decision consistent with past decisions of the ZBA (precedence)?*

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Criteria 3: Unique Physical Circumstances

*Are there unique physical limitations or conditions which prevent compliance?*

**Yes:** \_\_\_\_\_

No: \_\_\_\_\_

Criteria 4: Self-Created Hardship

*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Yes: \_\_\_\_\_

**No:** \_\_\_\_\_

Criteria 5: Public Safety and Welfare

*If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?*

**Yes:** \_\_\_\_\_

No: \_\_\_\_\_

Based on the review of the criteria listed above the Zoning Board of Appeals rules to Approve / Deny the variance request.