



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
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www.oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS - REGULAR MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**TUESDAY, OCTOBER 28, 2025
3:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: September 23, 2025
6. **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.
7. **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.
8. Other Updates and Business
9. Adjournment

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/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), 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, 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 and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees

Supervisor

Cheri Bell 216-5220 cbell@oshtemo.org

Clerk

Dusty Farmer 216-5224 dfarmer@oshtemo.org

Treasurer

Clare Buszka 216-5260 cbuszka@oshtemo.org

Trustees

Neil Sikora 760-6769 nsikora@oshtemo.org

Kristin Cole 375-4260 kcole@oshtemo.org

Zak Ford 271-5513 zford@oshtemo.org

Michael Chapman 375-4260 mchapman@oshtemo.org

Township Department Information

Assessor:

Kristine Biddle 216-5225 assessor@oshtemo.org

Fire Chief:

Greg McComb 375-0487 gmccomb@oshtemo.org

Ordinance Enforcement:

Alan Miller 216-5230 amiller@oshtemo.org

Parks Director:

Vanessa Street 216-5233 vstreet@oshtemo.org

Rental Info 216-5224 oshtemo@oshtemo.org

Planning Director:

Jodi Stefforia 216-5232 jstefforia@oshtemo.org

Public Works Director:

Anna Horner 216-5228 ahorner@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD SEPTEMBER 23, 2025**

AGENDA

SITE PLAN REVIEW: MIEDEMA (5991 VENTURE PARK DRIVE, 3905-25-153-160)

Zoning Board of Appeals to conduct site plan review of a proposed 4,129 square foot building addition at 5991 Venture Park Drive in the C, Local Business District.

AREA VARIANCE: BROWN (5418 WEST G AVENUE, 3905-01-230-030)

Zoning Board of Appeals to consider request for a parcel area variance to allow a land redescription where the resulting parcel will not satisfy the minimum area requirement in the RR, Rural Residential District.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, September 23, 2025, beginning at 3:00 p.m.

MEMBERS PRESENT: Rick Everett, Alternate
 Dusty Farmer
 Fred Gould
 Harry Jachym, Vice Chair
 Ron Ver Planck, Alternate
 Al Smith
 Louis Williams, Chair

MEMBERS ABSENT: None

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 3:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair Williams called for approval of the agenda.

Mr. Jachym **made a motion** to approve the agenda as presented. Ms. Farmer **seconded the motion**. The motion passed **unanimously**.

PUBLIC COMMENT ON NON-AGENDA ITEMS

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

APPROVAL OF THE MINUTES OF AUGUST 26, 2025

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on August 26, 2025.

Mr. Jachym **made a motion** to approve the minutes of the meeting held on August 26, 2025, as presented. Ms. Farmer **seconded the motion**. The **motion passed** unanimously.

Site Plan Review: Miedema (5991 Venture Park Drive, 3905-25-153-160)

Mr. Hutson presented his staff report dated September 18, 2025, and is incorporated herein, requesting site plan approval to construct a 4,129 square foot addition onto the existing 2,180 square foot building located at 5991 Venture Park Drive.

Project Summary

AR Engineering, on behalf of Neal and Amy Miedema, is requesting site plan approval to construct a 4,129 square foot addition onto the existing 2,180 square foot building located at 5991 Venture Park Drive. The proposed expansion would create additional office space to serve the financial planning office currently on site. The applicant is also proposing to construct a new 1,080 square foot detached garage for storage purposes.

ANALYSIS: When reviewing this site plan review request, the general site plan review criteria outlined in Section 64 will need to be considered. Below is an analysis of the proposal against said code section. Overall, most of the requirements of Section 64 have been met.

Section 64: Site Plan Review

General Zoning

5991 Venture Park Drive is zoned C: Local Business District and is located within the southeast quadrant of the Township. The subject property abuts office buildings to the north and west, a Toyota dealership to the east, and a residential condominium development to the south. All uses above are also zoned C: Local Business District with the exception of the residential condominium development which is zoned R-4: Residence District.

The proposed office use is a permitted use by right within the C: Local Business District. With the proposed improvements, the percentage of land covered by buildings will increase to 10.6%. Sixty-five percent (65%) of the site will remain as open space.

Access and Circulation

Access: Site access to the property is not changing.

Parking: The applicant is proposing to add 14 more standard stalls, offering a total of 30 parking spaces.

Non-motorized: On June 24, 2025, the Zoning Board of Appeals granted a variance from the Township's sidewalk requirements. A condition of variance approval was that the property owner consent to entering into a sidewalk Special Assessment District (SAD) agreement, which permits sidewalk construction to be deferred until the Township finds it appropriate to create a SAD to implement the public improvements.

Building Design

Design: The 2,180 square foot 17-foot-tall building was constructed in 1994. The proposed 4,129 square foot addition will be located on the south and east ends of the existing building. The exterior material proposed for the office addition is a combination of brick and vinyl. The 1,080 square foot detached garage will include overhead doors and vinyl siding.

Landscape: A landscaping plan sealed by a Landscape Architect has been included as a part of this site plan submission. Due to a residential development abutting the subject property to the south, a 30 foot-wide landscape buffer is proposed.

Engineering: The Township Engineer has reviewed the proposed site improvements and overall is satisfied with the design. There are a couple elements that will need to be revised in terms of utilities and stormwater calculations, which has been determined to be all relatively minor and can be subject to administrative review and approval.

Fire Department: The Fire Marshal has reviewed the site plan and is satisfied with the layout of the proposed site improvements.

RECOMMENDATION:

Planning Department staff recommends approval of the proposed Site Plan for the construction of a 4,129 square foot office building addition and 1,080 square foot detached storage garage at 5991 Venture Park Drive with the following conditions:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) A revised site plan addressing any outstanding concerns from the Oshtemo Planning Department shall be submitted to the Township for administrative site plan review and approval prior to building permit issuance.

3) Finalization of design for stormwater management, utilities, or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.

Chair Williams invited the applicant's engineer up to the podium to speak.

Mr. Andrew Rossell with AR Engineering, representing the Miedemas, expressed support for the project and appreciation for staff collaboration. He noted that there are a few remaining issues to be resolve and asked the ZBA to allow staff to approve those administratively.

Chair Williams opened the floor for public comment.

No one came forward. Mr. Williams closed public comment.

DISCUSSION

Mr. Jachym asked for clarification on the minor issues that still need to be addressed. Mr. Hutson shared that the minor outstanding items are related to lighting, landscaping, tree credits, and engineering had a couple concerns about utilities and stormwater. Mr. Hutson expressed confidence that can be addressed through continued coordination with staff.

Ms. Farmer **made a motion** to approve the site plan request for the construction of a 4,129 square foot office building addition and 1,080 square foot detached storage garage at 5991 Venture Park Drive with the three staff recommendations outlined above. Mr. Jachym **seconded the motion**. The **motion passed**unanimously.

Area Variance: Brown (5418 West G Avenue, 3905-01-230-030)

Ms. Harris presented her staff report, which is incorporated herein, requesting an area variance to allow for the redescription of an unplatted parcel located at 5418 W G Avenue.

Project Summary

Fenner Brown, on behalf of Penola Presley S Living Trust, is requesting a variance to allow the redescription of a property resulting in a parcel that does not satisfy the minimum area requirement. The resulting parcel would be approximately 0.8 acres in size, including the right-of-way, where Section 50.10 of the Zoning Ordinance requires 1.5 acres.

The parcel currently has 166 feet of frontage, which is not expected to change, and is approximately 1.2 acres, including the right-of-way. The properties, including the parcel that the redescription would be executed with (5442 W G Avenue), are both currently used for single-family residences. The subject property is grandfathered and the dwelling was constructed in 1965.

STANDARDS OF REVIEW - STAFF ANALYSIS

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.

STANDARDS OF APPROVAL OF A NONUSE VARIANCE (PRACTICAL DIFFICULTY):

Staff's review against these criteria is provided below. The request is to allow a land redescription of a property resulting in a parcel approximately 0.8 acres in size, including the right-of-way, that does not satisfy the minimum area requirement of 1.5 acres. The applicant has provided a narrative for the variance request, which was attached to the staff report.

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

Comment: The applicant indicated in their narrative that significant grade changes exist on the west half of the property and the neighboring property to the west, which makes maintenance difficult, and usefulness of the property limited. Consider the surrounding properties on W G Avenue.

There are several unplatted parcels nearby with a smaller area than what is being requested by the applicant. The configuration of the property and those abutting it might be considered a unique physical circumstance.

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

Comment: A redescription of the subject parcel as proposed will not be permitted unless a variance from the area requirement in Section 50.10 of the Zoning Ordinance is granted.

It may be possible to redescribe the subject property in conformance with the area requirements in the ordinance if they were able to also acquire land from the applicant's neighboring property (5442 W G Avenue).

Reasonable use of the property remains without the parcel redescription taking place. If the variance request is denied, the use on the property, a private one-family dwelling, may continue.

The description is discretionary; however, the applicant indicated in the narrative that the parcel's unique shape makes for unusable space not easily maintained with excessive weed and tree overgrowth.

Standard: Substantial Justice

Applied to both applicant as well as to other property owners in district. Review past decisions of the Zoning Board of Appeals (ZBA) for consistency (precedence).

Comment: Substantial justice would be provided by granting the requested variance to allow the redescription of the parcel to occur resulting in a parcel area larger than those found on at least four other properties in the vicinity and same zoning district.

No requests were found during staff's review of records involving an area variance where the applicants were requesting a land redescription of a nonconforming unplatted parcel.

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

Comment: The proposed parcel redescription is at the discretion of the property owners. The applicant wrote in the narrative that the request is not dependent on either neighbor, and that the property is in its original configuration. The parcel configuration is grandfathered and has been confirmed by the Township Assessor.

*Standard: Public Safety and Welfare
Will the spirit of the Ordinance be observed and the public health, safety, and welfare secured and substantial justice done if the variance is granted?*

Comment: The purpose of the dimensional requirements as outlined in Section 50.10.D of the Zoning Ordinance is to "...secure the more orderly development of property in unplatted 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."

The applicant noted that there are no safety considerations and that allowing the variance is in the best interest of both parties. It is not expected that the variance request would negatively impact the health, safety, or welfare of others.

Possible Actions:

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

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (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:

- Support of variance approval:
 - The minimum necessary for substantial justice is satisfied.
 - It is not expected granting the variance would negatively impact the health, safety, and welfare of the public and the spirit of the Ordinance will be observed.
 - Unique physical circumstances or limitations exist.
 - It can be argued that conformance with code requirements is unnecessarily burdensome.
- Support of variance denial:
 - Conformance with code requirements is not unnecessarily burdensome.
 - The need for a variance could 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, as requested, allowing the land redescription to take place, with the condition that:
 - a. All requirements in the Township's land redescription process are satisfied.
2. The Zoning Board of Appeals denies the variance request from Section 50.10.
3. The Zoning Board of Appeals approves alternate variance relief from Section 50.10.

Ms. Stefforia and Ms. Harris clarified that this is a redescription request of the property which would not create a new parcel through the division process.

Mr. Smith disclosed that the parcel is located behind his own, but confirmed that there is no conflict of interest.

Ms. Penola Presley, the owner of the property outlined in green on the site plan, addressed the board. She clarified that she does not have any formal agreement to sell her property, nor has she initiated any sale. She noted that the adjacent property owners, the Brown family, have expressed interest in acquiring a small triangular portion of her land that lies directly in front of their home.

Ms. Presley stated that her only concern is the potential construction of a roadway through that area, which she believes could negatively impact property values on either side. Aside from that concern, she has no objections to the proposal. She also acknowledged that the Brown family's intent appears to be to "square off" their existing five-acre property, which currently surrounds her parcel, and that her small triangular section sits in the middle of their access route.

Mr. Jachym **made a motion** to approve the requested variance allowing for a redescription of an unplatted parcel located at 5418 W G Avenue, finding that it satisfies the criteria for approval under the zoning ordinance. Specifically, the variance represents substantial justice for both the property owner and neighboring property owners, the hardship is not self-created, as the lot configuration existed at the time of purchase, and the proposed variance is not anticipated to create any adverse impact on public safety, health, or welfare. Ms. Farmer **seconded the motion**. The **motion passed** unanimously.

OTHER UPDATES AND BUSINESS

Ms. Stefforia reminded the Board that there is a joint session with all Township Boards starting at 5:30 p.m.

ADJOURNMENT

There being no further business, Ms. Farmer **made a motion** to adjourn the meeting at 3:25 p.m. Mr. Jachym **seconded the motion**. The **motion passed** unanimously.

Minutes Prepared: September 26, 2025

Minutes Approved:



October 21, 2025

Mtg Date: October 28, 2025

To: Oshtemo Township Zoning Board of Appeals

From: Colten Hutson, Zoning Administrator

Applicant: Eric Weathers

Owner: Eric and Maria Weathers

Property: 3841 & 3815 North 3rd Street, Parcel Numbers 3905-05-330-060 & -077

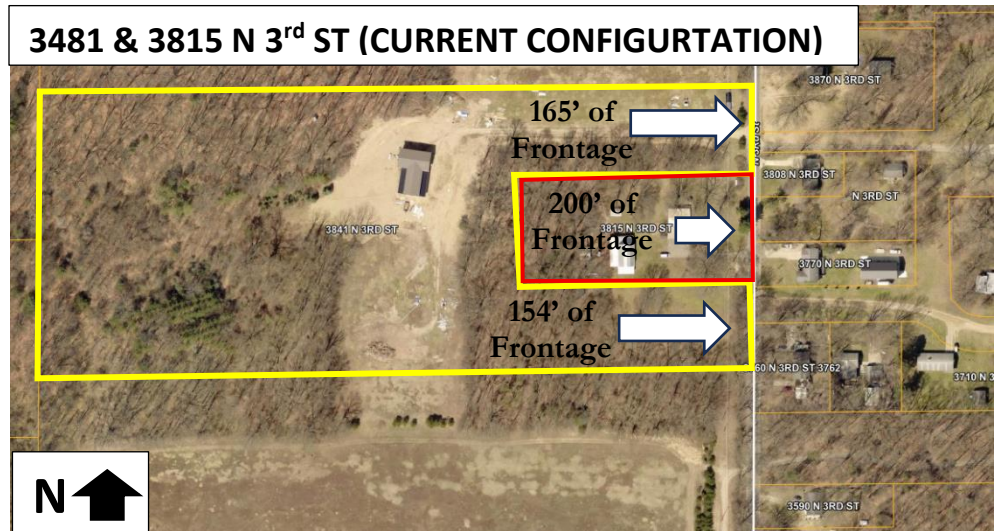
Zoning: RR: Rural Residential District

Request: A variance from frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a land redescription of two properties resulting in a parcel that does not meet the minimum road frontage requirements.

Section(s): Section 50.10 – Schedule of Area, Frontage, and/or Width Requirements
Section 5 – Rural Residential District

Overview:

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 200 feet. The two properties in their current configuration



are outlined in red and yellow in the aerial map above. The properties are located in the northwest quadrant of the Township, between West G Avenue and West H Avenue on North 3rd Street.

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.

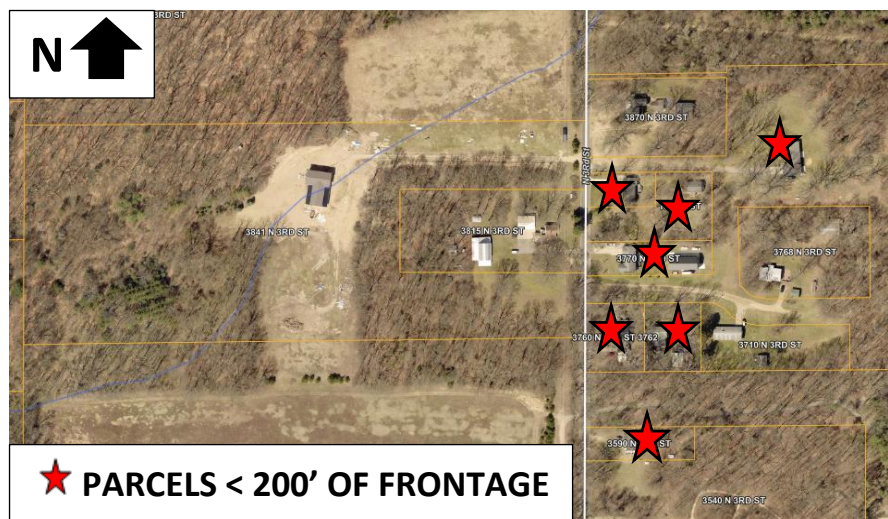
Standards of Approval of a Nonuse Variance (practical difficulty)

Staff's review against these criteria is provided below. The request is to allow a land redescription of two properties resulting in a parcel with 119 feet of frontage, which does not satisfy the minimum frontage requirement of 200 feet. 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: 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.



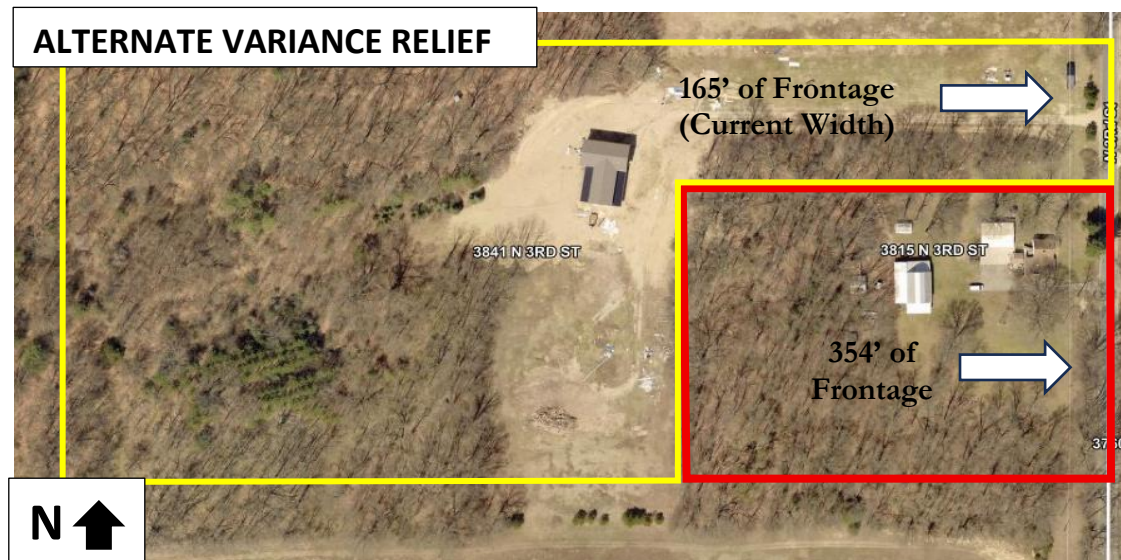
Consider the surrounding properties on North 3rd Street. There are several unplatted parcels in proximity to the two properties in question that have less frontage than the 119 feet being requested by the applicant. Frontage of nearby properties includes approximately 165 feet, 132 feet, 110 feet, and several with 82.5 feet. See applicant's comments on this factor.

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. A visual illustrating this alternate relief is provided below.



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. These details can be found below, and the corresponding meeting minutes can be found attached to this report.

10241, 10209, & 10185 West Main Street, Parcel Numbers 3905-18-430-011, -021, -030, 06/26/2012: The applicant sought a boundary line adjustment resulting in two parcels, one of which having 165 feet of frontage, 35 feet less than the minimum frontage requirement of 200 feet. The Zoning Board of Appeals granted the variance request, citing that it would bring the property more into compliance with the Ordinance and that since the parcel would remain at 165 feet, the applicant was not increasing the degree of deviation from the Ordinance.

8506 & 8546 West ML Avenue, Parcel Numbers 3905-28-180-018, -016, & -019, 10/02/2000: The applicant sought to reconfigure three parcels resulting in seven parcels in total; one of which would have road frontage of 100 feet and become non-conforming. The Zoning Board of Appeals denied the variance on the basis that conformance was not unnecessarily burdensome in that the applicant had other methods of compliance with Ordinance requirements, that substantial justice would not be served by granting the variance given past cases, that the hardship was self-created in that the proposed division was at the option of the applicant, and that there were no physical limitations preventing compliance with the Ordinance.

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 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: 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 unplatted 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."

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

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 approve with an alternate variance relief (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:

- Support of variance approval
 - Unique physical circumstances or limitations may exist.
 - It can be argued that conformance with code requirements is unnecessarily burdensome.
 - 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 as no new parcels are being created.
 - The minimum necessary for substantial justice may be satisfied.
- Support of variance denial
 - It can be argued that compliance to the Zoning Ordinance is not unnecessarily burdensome.
 - The need for a variance could be considered a self-created hardship.
 - The minimum necessary for substantial justice may not be satisfied.

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

1. The Zoning Board of Appeals approves the variance from Section 50.10, as requested, allowing the land redescription to take place, with the condition that:
 - a. All requirements in the Township's land redescription process are satisfied.
2. The Zoning Board of Appeals denies the variance request from Section 50.10.
3. The Zoning Board of Appeals approves alternate variance relief from Section 50.10.

Attachments: Application, Narrative, Sketch of Proposed Redescription, Visuals of Property, and Minutes for Substantial Justice



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS

3815 and 3841 N 3rd Street Variance Request

PLANNING & ZONING APPLICATION

Applicant Name: _____

Company: _____

Address: _____

E-mail: _____

Telephone: _____ Fax: _____

Interest in Property: _____

OWNER*:

Name: Eric / Maria Weathers

Address: 3815 N 3rd Street

Kalamazoo, MI 49009

E-mail: EBWeathers@gmail.com

Phone & Fax: 973-665-4816

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- ☐ Pre-Application Review
- ☐ Site Plan Review – I088
- ☐ Administrative Site Plan Review – I086
- ☐ Special Exception Use – I085
- ☒ Zoning Variance – I092
- ☐ Site Condominium – I084

- ☐ Accessory Building Review – I083
- ☐ Rezoning – I091
- ☐ Subdivision Plat Review – I089
- ☐ Interpretation – I082
- ☐ Other: _____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): We are requesting a variance to

allow the re-description of two properties that would result in a parcel that does not satisfy the current minimum road frontage requirements.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attachment for descriptions of both properties

PARCEL NUMBER: 3905- 05-330-077 and 3905-05-330-060

ADDRESS OF PROPERTY: 3815 and 3841 N 3rd Street

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING: RR **SIZE OF PROPERTY:** 2 acres and 13.86 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING
A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

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. 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.

Owner's Signature (*If different from Applicant)

Date



September 1, 2025

Applicant's Signature

Date

Copies to:
Planning – 1
Applicant – 1
Clerk – 1
Deputy Clerk – 1
Attorney – 1
Assessor – 1
Planning Secretary – Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

\\Oshtemo-SBS\\Users\\Linda\\LINDA\\Planning\\FORMS

Rev. 9/14/22

LEGAL DESCRIPTIONS

3815 N 3rd Street (ID #3905-05-330-077)

SEC 5-2-12 BEG ON N & S 1/4 LI 1553FT N OF S 1/4 LI TH N ALG ST 1/4 LI 200FT TH W AT RT ANG 435.6FT TH S PAR SD 1/4 LI 200FT TH E 435.5FT TO BEG* **12-94 1994 SPLIT FROM 05-330-070

3841 N 3rd Street (ID #3905-05-330-060)

SEC 5-2-12 BEG ON N & S 1/4 LI 1398.63 FT N OF S 1/4 POST TH CONT N 154.87 FT TH W 435.60 FT TH N 200 FT TH E 435.60 TO SD 1/4 LI TH N 165.54 FT TH TH S 89DEG-24'-11" W PAR E & W 1/4 LI 1321.22 FT TO W 1/8 LI TH S 00DEG-04'-45" E THEREON 526.07 FT TH N 89DEG-09'-27" E PAR S LI 1320.56 FT TO BEG** SPLIT/COMBINED ON 12/17/2017 FROM 05-05-330-072;

Date: September 2025

To: Oshtemo Zoning Board

From: Eric and Maria Weathers
3815 and 3841 North 3rd Street

We, the owners of parcels ID #3905-05-330-077 (3815 N 3rd Street) and ID #3905-05-330-060 (3841 N 3rd Street), do hereby request a zoning variance that would affect both parcels. The two parcels had been one property since at least 1946, which was subsequently divided into the two current parcels in 1994.

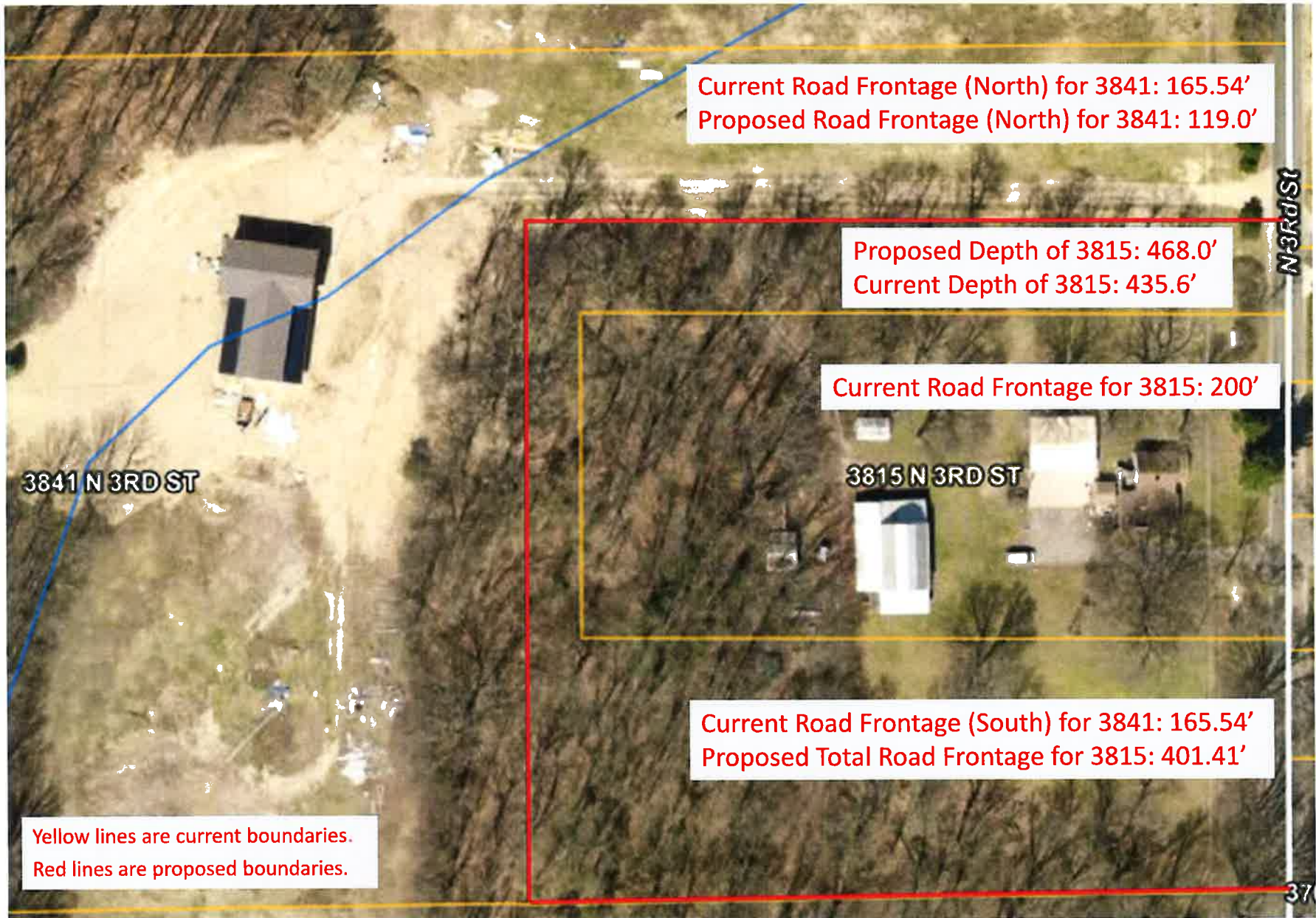
The natural features of the land, most notably the lawns and thick tree lines, define each parcel in very obvious ways. However, there is a great discrepancy between the observable property lines and the surveyed property lines. The purpose of this requested variance is to alter the legal property boundaries to match the perceived property lines.

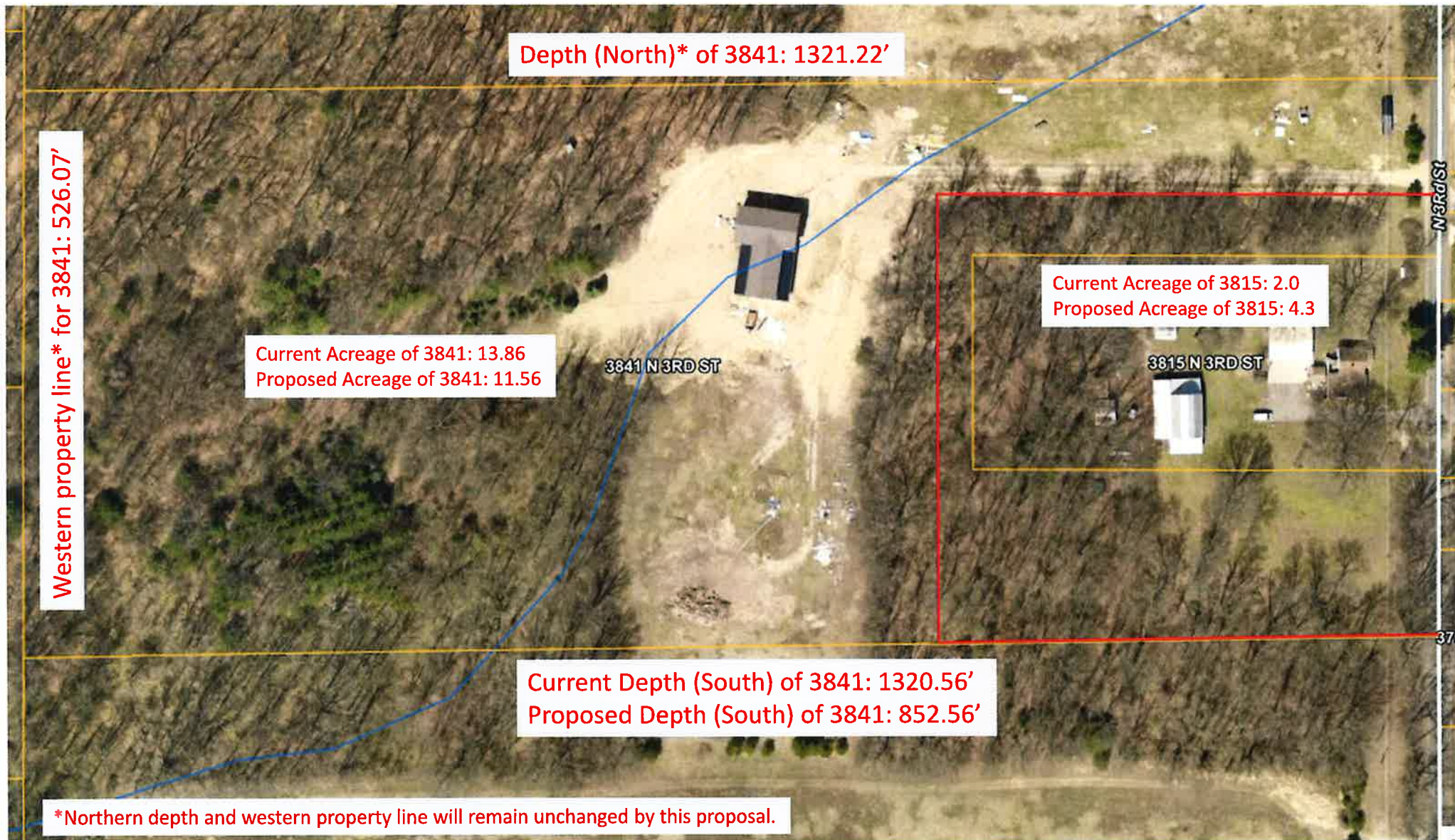
Most of the functional yard of 3815 is within the boundaries of 3841 but, due to the significant buffer of the tree lines, those sections of the 3841 parcel do not feel like part of that property and are not usable or easily reachable from that property.

We bought the combined properties as one unit in 2021 and continue to assume that there was sound reasoning for the larger parcel to be divided into the current configuration 31 years ago, however, the present property lines no longer serve the needs of either parcel. Therefore, the issue we are attempting to resolve is not the result of a self-created hardship.

By altering the property lines in a manner that would benefit both parcels, the road frontage for 3841 would be reduced to 119 feet. However, this is still more frontage than several other nearby properties on North 3rd Street, including one with 90 feet of road frontage, another with 80 feet of road frontage, and three lots across the street with 82.5 feet of road frontage.

There are no unique physical limitations or conditions that would prevent compliance and, if the variance is granted, the spirit of the ordinance will be observed, and public safety and welfare would be secured.







Property lines
(South) for 3841

Property line
(South) for 3815



Property line
(South) for 3815

Property line (South) for 3841



Property line
(North) for 3841

Property line
(North) for 3815

OSHTEMO CHARTER TOWNSHIP

ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD OCTOBER 2, 2000

Agenda

EXFIL - JAMES KINDLE - SITE PLAN REVIEW - 4110 SOUTH 9TH STREET - (PARCEL NO. 3905-35-330-050)

HATFIELD - FRONTAGE VARIANCE - 8506 AND 8546 WEST "ML" AVENUE - (PARCEL NOS. 3905-28-180-018, 016 AND 019)

OCEAN VIEW PLAZA - VARIANCE AND SITE PLAN REVIEW - NORTHEAST CORNER OF SOUTH 9TH STREET AND ATLANTIC AVENUE - (PARCEL NOS. 3905-35-212-040, 030, AND 020)

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, October 2, 2000, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township.

MEMBERS PRESENT: Thomas Brodasky, Chairperson
Millard Loy
David Bushouse
Sharon Kuntzman
Ted Corakis (after 3:05 p.m.)

MEMBER ABSENT: None

Also present were Jodi Stefforia, Planning Director, Mary Lynn Bugge, Township Planner, and Patricia R. Mason, Township Attorney, and 9 other interested persons.

CALL TO ORDER

The meeting was called to order at 3:00 p.m.

MINUTES

The Board considered the minutes of the meeting of September 11, 2000. Ms. Kuntzman moved to approve the minutes as submitted, and Mr. Loy seconded the motion. The motion carried unanimously.

EXFIL - JAMES KINDLE - SITE PLAN REVIEW - 4110 SOUTH 9TH STREET - (PARCEL NO. 3905-35-330-050)

The Board considered the application of James Kindle of Exfil for site plan review of a proposed addition of a 20,000 square foot warehouse building at the facility at 4110 South 9th Street. The subject property is located in the "I-R" Industrial District Restricted, and "R-3" Residence (rear 250 feet), and it is Parcel No. 3905-35-330-050. The Report of the Planning and Zoning Department is incorporated herein by reference.

Mr Corakis entered the meeting.

Ms. Stefforia noted that the applicant was not proposing any new access point. She felt that the Board should discuss the proposed parking arrangement with the applicant including the number of employees expected at the site and the use of the building. She advised the applicant to be careful about the placement of the north end of the building since setback is measured from the leading edge of the building. No new landscaping was required since the property abuts industrial zoning on all sides.

The applicant was present and stated that he was available for questions.

In response to questions from the Chairperson, the applicant stated that the front building at the site would be used for office space. The new square footage would be used for warehousing. One business occupied both the office and warehouse portions of the site. Therefore, the warehouse was an accessory to the use of the "front" building.

The Chairperson had questions with regard to lighting at the site, and the applicant indicated that additional lighting would be comprised of seven wallpacks on the exterior of the proposed building. Wall signage would be utilized.

Mr. Corakis had questions with regard to the number of employees, and the applicant stated that there were 25 employees of the business, six of whom worked off-site most of the day. The applicant was proposing 25 parking spaces, including five spaces at the new warehouse building. The business operated with one shift.

After further discussion, Ms. Stefforia stated that she would be comfortable with allowing the parking as proposed so long as Township Staff had the option of requiring more spaces in the future if parking became a problem.

No public comment was offered, and the public hearing was closed.

Mr. Loy moved to approve the site plan as proposed with the following conditions, limitations and notations:

- (1) That the site would be served by the existing drive off South 9th Street.

- (2) That parking as proposed by the applicant was satisfactory; however, in the event that the Township Staff determined that parking was insufficient at the site as approved, the Township had a discretion to require the applicant to establish additional parking spaces.
- (3) That the applicant was reminded that the setback was measured from the leading edge of the building.
- (4) That no outdoor storage was proposed or approved.
- (5) That all lighting must comply with the requirements of Section 78.700 of the Zoning Ordinance.
- (6) That a sign permit in compliance with Section 76.000 of the Zoning Ordinance shall be applied for and granted by the Township prior to the placement of any sign.
- (7) That the approval is subject to the review and approval and conditions imposed by the Township First Department.
- (8) That approval is subject to the Township's Engineer review and acceptance that the site engineering is adequate.
- (9) That it was noted that an Environmental Permit Checklists and Hazardous Substance Reporting Form had been completed and were submitted to the Township.

Ms. Kuntzman seconded the motion, and the motion carried unanimously.

HATFIELD - FRONTAGE VARIANCE - 8506 AND 8546 WEST "ML" AVENUE - (PARCEL NOS. 3905-28-180-018, 016 AND 019)

The Board considered the application for variance from the provisions of Section 66.201 to allow the reconfiguration and division of existing parcels, one with less than 200 feet of frontage on a public street. The subject property is located at 8506 and 8546 West ML Avenue and is Parcel Nos. 3905-28-180-018, 016 and 019. The Report of the Planning and Zoning Department is incorporated herein by reference. Since the applicant was not present, the Board members agreed that the item should be considered at the end of the meeting.

OCEAN VIEW PLAZA - VARIANCE AND SITE PLAN REVIEW - NORTHEAST CORNER OF SOUTH 9TH STREET AND ATLANTIC AVENUE - (PARCEL NOS. 3905-35-212-040, 030, AND 020)

Guidelines so as to allow for two drives at the property. The applicant, and owner, who was present, indicated agreement with the conditions imposed in the motion.

There was discussion of the possible signage at the site, and it was noted that, if the applicant desired to seek a freestanding sign, an application for a variance would be required.

Upon a vote on the motion, the motion carried unanimously.

HATFIELD - (Continued)

Although the applicant was still not present, the Board decided to consider the proposed variance request. Ms. Bugge stated that the applicant was seeking to reconfigure three existing parcels. In 1994, a larger parcel was split into the three subject parcels comprised of Parcel 28-180-018, designated as Parcel A, which consisted of 70 acres and had 866 feet of frontage on ML Avenue. This property is vacant. Parcel 28-180-016, designated as Parcel B, consisted of 10 acres and is landlocked. This property has a residence and an agricultural building. Parcel 28-180-019, designated as Parcel C, consisted of four acres with 350 feet of frontage on ML Avenue and has a residence and agricultural building. Two of the properties are owned by the applicant's father, and the other by his brother. The applicant was seeking to reconfigure the parcels so that there would be seven parcels, six of which would comply with the frontage requirements of the Ordinance. One parcel would consist of ten acres with 100 feet of frontage on West ML Avenue and be non-conforming. This was the parcel for which a variance was requested.

Ms. Bugge stated that there was sufficient frontage on West ML Avenue to reconfigure the proposed Parcel B in conformance with the required 200 feet of frontage. The remaining 700 feet of frontage could be split into three conforming parcels or subdivided by platting or condominium act into four or more lots. Thus, the applicant could divide the land area into six divisions without platting or site condominium development in conformance with Ordinance provisions.

It was noted that there were a number of prior applications similar to the instant case which had been denied by the Zoning Board of Appeals based on the other options available to the applicants.

Mr. Loy stated that he did not feel that the Board should grant the variance in that it would establish an undesirable precedent. The Chairperson agreed.

The Chairperson asked for public comment, and Char Schramm noted that she and her husband own adjacent property. Although she had no objection to the application, she agreed that the applicant had other alternative methods of complying with the Ordinance.

There was no other public comment, and the public hearing was closed.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD JUNE 26, 2012

Agenda

LOT FRONTAGE VARIANCE (ARNDT) – APPLICATION FOR VARIANCE FROM THE MINIMUM FRONTAGE REQUIREMENTS OF SECTION 66.201 TO ALLOW A BOUNDARY LINE ADJUSTMENT TO OCCUR RESULTING IN A LOT FRONTAGE OF ONE PARCEL OF 165 FEET, 35 FEET LESS THAN THE 200 FOOT MINIMUM. SUBJECT PROPERTIES ARE 10185/10209/10241 WEST MAIN STREET (PARCEL NOS. 3905-18-430-011/-021/-030

SITE PLAN AMENDMENT (MAPLE HILL PAVILION) – APPLICATION TO AMEND AN EXISTING SITE PLAN TO DEVELOP AN APPROXIMATELY 23,000 SQUARE FOOT ADDITION WITHIN A PREVIOUSLY DEMOLISHED SPACE IN AN EXISTING COMMERCIAL CENTER IN THE C – LOCAL BUSINESS DISTRICT PROVIDING SPACE FOR UP TO FIVE POTENTIAL TENANTS. SUBJECT PROPERTY IS 5050 WEST MAIN STREET (MAPLE HILL PAVILION – PARCEL NO. 3905-13-288-022).

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, June 26, 2012, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Robert Anderson
James Sterenberg, Second Alternate
L. Michael Smith
Grace Borgfjord
Neil Sikora, First Alternate

MEMBERS ABSENT: Roger Taylor, Chairman
Cheri Bell

Also present were Greg Milliken, Planning Director, James W. Porter, Township Attorney, and two other interested persons.

Call to Order/Pledge of Allegiance

The Chairperson and Vice Chair not being present, Mr. Anderson was asked to chair the meeting. He called the meeting to order at 3:00 p.m.

The next item on the Agenda was the Pledge of Allegiance. Mr. Anderson asked those present to stand and recite the Pledge with him.

Public Comment on Non-Agenda Items

Mr. Anderson asked if there was any public comment on non-agenda items. There being none, he asked that the Board proceed with the next Agenda item.

Minutes

Mr. Anderson said the next item up for consideration was approval of the minutes of May 22, 2012. He asked if there were any corrections, deletions, or amendments. There being none he called for a motion. Grace Borgfjord made a motion to approve the minutes as submitted. The motion was seconded by James Sterenberg. Mr. Anderson called for a vote on the motion, and the motion passed unanimously.

LOT FRONTAGE VARIANCE (ARNDT) – APPLICATION FOR VARIANCE FROM THE MINIMUM FRONTAGE REQUIREMENTS OF SECTION 66.201 TO ALLOW A BOUNDARY LINE ADJUSTMENT TO OCCUR RESULTING IN A LOT FRONTAGE OF ONE PARCEL OF 165 FEET, 35 FEET LESS THAN THE 200 FOOT MINIMUM. SUBJECT PROPERTIES ARE 10185/10209/10241 WEST MAIN STREET (PARCEL NOS. 3905-18-430-011/-021/-030)

Mr. Anderson indicated that the next item on the agenda was consideration of a variance request from the minimum frontage requirements of Section 66.201 to allow a boundary line adjustment to occur resulting in a lot frontage of one parcel of 165 feet, 35 feet less than the 200 foot minimum. The subject properties were 10185, 10209, 10241 West Main Street (Parcel Nos. 3905-18-430-011/-021/-030). Mr. Anderson called for a report from the Planning Department. Mr. Milliken submitted his report to the Zoning Board of Appeals dated June 26, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained that there were three parcels abutting West Main Street, and the applicant was looking for a boundary adjustment which would result in two parcels; one with 234 feet of frontage, and 1.4 acres in size meeting both depth and width requirements. He said the other parcel would continue having frontage of 165 feet, but combine the remaining acreage from the other two parcels to create a parcel that was 10.75 acres in size. He said this parcel would then meet the depth-to-width ratio, but the remaining frontage would still be below current Ordinance requirements. He said that is what the applicant was asking for a variance from; i.e., the 200-foot frontage requirement. Mr. Milliken then proceeded to take the Board through a review of the Standards of Approval for a non-use variance; i.e., practical difficulty.

Mr. Milliken explained why an exact division of the property could not take place; because to do so would cut one of the accessory buildings in half. Mr. Milliken concluded his presentation by noting that it was more desirable to rearrange the boundary configuration which would result in reducing three non-conforming parcels to only one, and the remaining parcel would not have any increased frontage non-conformance. The street frontage for that one parcel would remain at 165 feet.

Mr. Anderson opened the meeting to questions of the Planning Director. He began by asking if the FAA or Michigan Aeronautics Commission would allow construction along the southern portion of the subject properties. Mr. Milliken said that the Michigan Aeronautics Commission had placed height limitations on buildings within the airport approach zone.

Mr. Sterenberg asked why the one-acre parcel had been split off the parcel furthest to the east. The applicant indicated that that had been done thirty years ago in order to allow a widow to build a house without all the excess acreage.

Mr. Sterenberg inquired about the reconfiguration proposed in 2008. Mr. Milliken said that the purpose was to reconfigure the lots similar to what was being proposed currently to increase their marketability.

Mr. Anderson asked if there were any further questions of the Planning Director. Hearing none, he asked to hear from the applicant.

Ms. Jean Arndt introduced herself to the Board. Mr. Anderson asked if she could explain the reasons behind this request. Ms. Arndt explained how she and her husband had purchased the three properties over a period of years, and had planned to develop them, but then the real estate market crashed. She said they currently had two rentals, and that she and her husband had recently moved into one, and wanted to sell the other. She explained that their broker said that the second rental would be much more marketable if it was located on a smaller piece of property because banks were reluctant to loan money on homes with larger real estate holdings.

Mr. Anderson asked if she understood the restrictions on building on the property. Ms. Arndt said that she was very much aware of the no-build zone, and what could or could not be done on the property.

Mr. Anderson asked if there were any further questions of Ms. Arndt. There being none, he asked if there was any public comment. There being no public comment, Mr. Anderson asked the Board to begin its deliberations.

Mr. Smith asked if any of the neighbors had received notice; and, if they had, whether they had raised any concerns. Mr. Milliken explained that notice had gone to everybody within 300 feet of the subject property. He said two neighbors came in and inquired about the proposal. Once it was explained to them that there were building

limitations on the property within the approach zone to the airport, they seemed satisfied with the proposal.

Mr. Anderson said that he thought that the proposal would bring the properties more into compliance with the Ordinance than if they were left in their current configuration. Mr. Sterenberg said that the one property would remain at 165 feet, and, therefore, they were not increasing any degree of deviation from the Ordinance. Mr. Smith said he thought it was a reasonable request. Mr. Sikora said he agreed with Mr. Smith. Mr. Sterenberg noted that the proposed configuration was certainly better than the way the property is currently laid out. Mr. Sikora asked what happened to the previous request. Mr. Milliken said that after a year if there is no action taken on a previous variance request, it simply lapses. Mr. Anderson asked for comment from Ms. Borgfjord. She made a motion to approve the variance as requested, in that, it would bring the property more into compliance with the Ordinance by taking the three non-conforming parcels and reducing them to one non-conforming parcel. Mr. Smith seconded the motion. Mr. Anderson called for a vote on the motion. The motion passed unanimously.

SITE PLAN AMENDMENT (MAPLE HILL PAVILION) – APPLICATION TO AMEND AN EXISTING SITE PLAN TO DEVELOP AN APPROXIMATELY 23,000 SQUARE FOOT ADDITION WITHIN A PREVIOUSLY DEMOLISHED SPACE IN AN EXISTING COMMERCIAL CENTER IN THE C – LOCAL BUSINESS DISTRICT PROVIDING SPACE FOR UP TO FIVE POTENTIAL TENANTS. SUBJECT PROPERTY IS 5050 WEST MAIN STREET (MAPLE HILL PAVILION – PARCEL NO. 3905-13-288-022).

Mr. Anderson indicated that the next item on the Agenda was an amendment to an existing site plan to develop an approximate 23,000 square foot addition within a previously demolished space in the existing commercial center known as Maple Hill Pavilion. He said the property was located at 5050 West Main Street, Parcel No. 3905-13-288-022. Mr. Anderson asked to hear from the Planning Director, Greg Milliken. Mr. Milliken presented his report dated June 26, 2012, regarding the Maple Hill Mall Pavilion, and his report is incorporated herein by reference.

Mr. Milliken explained that at the time the Commercial Center was developed in 2004, the power center was shown as a complete structure; however, given to lapse of time, he thought it would be best if the site plan was reviewed once again by the Zoning Board of Appeals. Mr. Milliken then proceeded to take the Board through a review of the Standards for Approval of the site plan pursuant to Section 82.800 of the Zoning Ordinance, as more fully set forth in his report.

Mr. Anderson asked if there were any questions of Planning Director. Hearing none, he asked to hear from the applicant.

Judson Kline introduced himself on behalf of Herschman Architects. He said that his firm had developed the original plan, and they were now proposing to complete the



October 21, 2025

Mtg Date: October 28, 2025

To: Oshtemo Township Zoning Board of Appeals

From: Colten Hutson, Zoning Administrator

Applicant: Scott Husted

Owner: Scott and Mary Husted

Property: West L Avenue (9600 Block), Parcel Number 3905-29-130-020

Zoning: RR: Rural Residential District

Request: A variance from frontage requirements to allow a nonconforming parcel to become buildable.

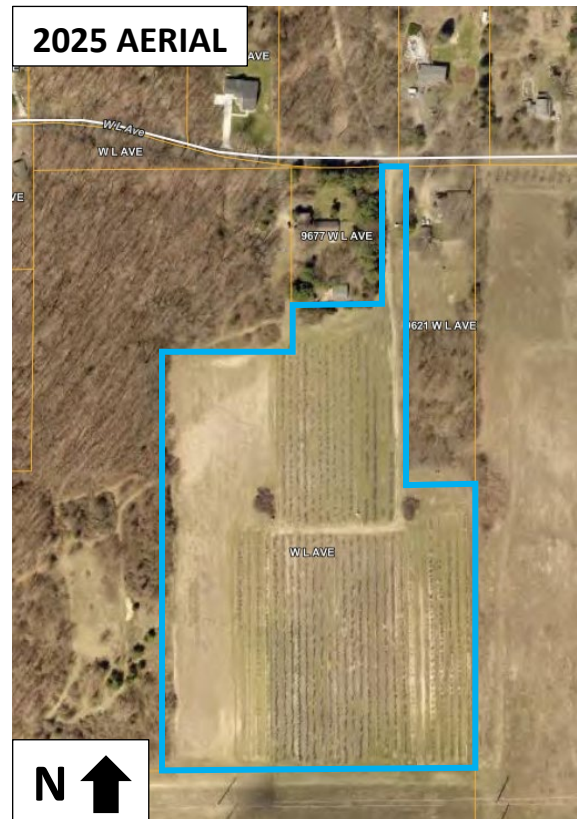
Section(s): Section 50.10 – Schedule of Area, Frontage, and/or Width Requirements
Section 5 – Rural Residential District

Overview:

Scott Husted is requesting a variance to allow a nonconforming parcel with inadequate frontage to be rendered buildable to construct a single-family 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 unplatted 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 subject property is outlined in blue in the aerial image. The property is located in the southwest quadrant of the Township, between South 2nd Street and South 4th Street on West L Avenue.

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. The variance request is to allow a parcel to be rendered buildable with 60 feet of frontage, which does not satisfy the minimum frontage requirement of 200 feet. 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: Staff is not aware of any unique physical limitations or conditions preventing compliance.

Consider the surrounding properties on West L Avenue. There are several unplatted 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. These details can be found below, and the corresponding meeting minutes can be found attached to this report.

9577 South 4th Street, Parcel Number 3905-32-130-030, 05/22/2007: The applicant sought a variance from the 200-foot frontage requirement to make a nonconforming parcel buildable. Given that a split occurred after the 1965 Ordinance provision was adopted, the parcel was declared unbuildable given that it only had 66 feet of frontage at the time of the variance request. The Zoning Board of Appeals denied the variance request, citing that there were no unique physical circumstances and that the request was a self-created hardship.

1600 Block of North 9th Street, Parcel Number 3905-11-355-041, 04/08/2002: The applicant sought a variance from the 200-foot frontage requirement to make a nonconforming parcel buildable at the end of Steeplechase Court. In Board discussion, the Township Attorney noted that the application was distinguishable from others that would be received in that the subject property was the only location which could connect the adjacent plat to the interior lands and ultimately North 9th Street. The Zoning Board of Appeals approved the variance conditioned upon the conveyance or dedication of a public 66-foot-wide right-of-way was provided east 100 feet from the west property line along its north boundary towards North 9th Street. Variance approval was granted on the basis that the variance met the spirit and intent of the Ordinance as well as it would provide a crucial connection to North 9th Street in the future.

- 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.
- 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 unplatted 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."
- It is not expected that the variance request would negatively impact the health, safety, or welfare of others.

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 approve with an alternate variance relief (conditions may be attached).
- Motion to deny.

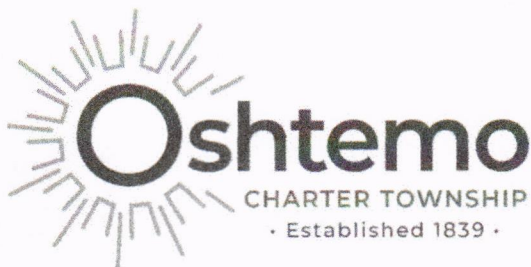
The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- 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 minimum necessary for substantial justice may be satisfied.
- Support of variance denial
 - Compliance to the Zoning Ordinance is not unnecessarily burdensome.
 - The need for a variance is a self-created hardship.
 - It can be argued that no unique physical circumstances or limitations exist.
 - The minimum necessary for substantial justice may not be satisfied.

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 the property to become buildable to accommodate a single-family residence.
2. The Zoning Board of Appeals denies the variance request from Section 50.10 of the Zoning Ordinance.

Attachments: Application, Narrative, and Minutes for Substantial Justice



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

3905-29-130-020

PROJECT NAME & ADDRESS

Husted's Farm Parcel

PLANNING & ZONING APPLICATION

Applicant Name: Scott and Mary Husted

Company: _____

Address: 10494 West L Avenue

Kalamazoo, MI.49009

E-mail: hustedscott1957@gmail.com

Telephone: 2695014684 Fax: _____

Interest in Property: owner

OWNER*:

Name: same

Address: _____

E-mail: _____

Phone & Fax: _____

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- ☐ Pre-Application Review
- ☐ Site Plan Review – I088
- ☐ Administrative Site Plan Review – I086
- ☐ Special Exception Use – I085
- ☐ Zoning Variance – I092
- ☐ Site Condominium – I084

- ☐ Accessory Building Review – I083
- ☐ Rezoning – I091
- ☐ Subdivision Plat Review – I089
- ☐ Interpretation – I082

☒ Other: Variance on FF requirement

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): I have a 14.5 acre parcel I would

Like a variance on the ff requirements . The parcel only has 60 ft. ever since I purchased it. Houes are built on both sides within 70'

feet so gaining the correct ff. is impossible. I have someone would like to keep farming but need to be able to build a house. on

Property

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached copy of Tax Bill

PARCEL NUMBER: 3905-

ADDRESS OF PROPERTY: none currently

PRESENT USE OF THE PROPERTY: farming, orchard

PRESENT ZONING: rr Ag or RR **SIZE OF PROPERTY:** 14.5 acres+or-

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING
A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

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. 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.

Owner's Signature (*If different from Applicant)

Date

Scott Huot

9-8-2025

Applicant's Signature

Date

Copies to:
Planning - 1
Applicant - 1
Clerk - 1
Deputy Clerk - 1
Attorney - 1
Assessor - 1
Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

9/11/2025

To: Colten Hutson

From: Scott & Mary Husted

Subject: Land parcel variance request Property # 05-19-384-051

We would like to request a variance to the front footage requirement on our 14-acre parcel referenced above located on West L. Avenue.

We bought the orchard parcel in 1982 when a neighboring farmer was retiring. We were farming at the time and there has been an orchard on it ever since. We grow 31 varieties of apples on this precious piece of land.

The parcel was split by the previous owner and left with only 60 feet of frontage. Our home is 1 mile west of the parcel, so we never needed to build on the piece of property.

We cannot get more frontage because there is a home within 70 feet east and another within 70 feet west of our existing frontage. 200 feet cannot be obtained now in 2025. We are looking to retire and sell this parcel to a next generation farmer who currently works for us, but he would like to build a house on the property to make the possibility of farming it a reality.

The land parcel currently has a 60-foot-wide driveway accessing the property from L. Avenue.

We believe that having this 14-acre property with one home on it fits the land use plan for large parcels of land in the western third of the township providing the least density for the long term.

We thank you for your consideration,

Scott and Mary Husted

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF MEETING HELD APRIL 8, 2002

Agenda

PATTISON - FRONTAGE AND DEPTH-TO-WIDTH VARIANCES - 1600 BLOCK OF 9TH STREET (AT THE END OF STEEPLECHASE COURT) - (PARCEL NO. 3905-11-355-041)

HARDINGS - WALL SIGN DEVIATION - 5161 WEST MAIN STREET- (PARCEL NO. 3905-13-430-036)

EICHELBERG - SITE PLAN REVIEW - HOUSE CONVERSION TO OFFICE USE - 2800 SOUTH 11TH STREET - (PARCEL NO. 3905-25-335-040)

HANSEN (SPURR DENTAL OFFICE) - SUPPLEMENTAL SETBACK VARIANCE - 1624 SOUTH DRAKE ROAD - (PARCEL NO. 3905-25-230-074)

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, April 8, 2002, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Stanley Rakowski, Acting Chairperson
Dave Bushouse
Jill Jensen
Grace Borgfjord

MEMBER ABSENT: Millard Loy

Also present were Jodi Stefforia, Planning Director, Mary Lynn Bugge, Township Planner, Patricia R. Mason, Township Attorney, and 8 other interested persons.

CALL TO ORDER

The Acting Chairperson called the meeting to order at 3:00 p.m.

MINUTES

The Board considered the minutes of the meeting of March 18, 2002. Ms. Borgfjord moved to approve the minutes as submitted, and Ms. Jensen seconded the motion. The motion carried unanimously.

PATTISON - FRONTAGE AND DEPTH-TO-WIDTH VARIANCES - 1600 BLOCK OF 9TH STREET (AT THE END OF STEEPLECHASE COURT) - (PARCEL NO. 3905-11-355-041)

The Board considered an item tabled from the meeting of March 18, 2002. The applicant requested a variance to allow a parcel with inadequate frontage and a depth-to-width ratio in excess of 4-to-1 to be buildable. The subject property is west of 9th Street in the 1600 block, at the end of Steeplechase Court. The subject property is located in the "AG" Agricultural-Rural District zoning classification and is Parcel No. is 3905-11-355-041.

It was noted that the item had been tabled so that the Attorney could research and consider whether a 66-foot right-of-way could be required of the applicant should he decide to plat the subject property as a one-lot plat. The Township Attorney opined that the Land Division Ordinance did not allow for the requirement of an easement. The Ordinance did have an intent to connect to interior properties, and therefore, there was a section in the Land Division Ordinance concerning connection of street systems to adjacent properties. However, since the applicant would not be proposing an extension of Steeplechase Court, there would be no provision in the Ordinance to require a connection or right-of-way.

Ms. Bugge pointed out that Section 66.203 of the Zoning Ordinance allowed the Zoning Board of Appeals to grant a variance conditioned upon the requirement of conveyance or dedication of a public 66-foot right-of-way. Therefore, as a condition of any variance granted, the Board could require a 66-foot right-of-way. The requirement of such a right-of-way would meet the spirit and intent of the Zoning Ordinance and the Land Division Ordinance. The Attorney felt that the application was distinguishable from others that would be received in that the subject property was the only location which could connect the adjacent plat to the interior lands and ultimately 9th Street.

Ms. Bugge indicated that the Road Commission suggested that the 66-foot right-of-way run the entire length of the property along its north boundary line. The Road Commission had indicated that a road would probably not develop on the whole length of the property but would connect at some point to the property to the north. However, they had not evaluated the most appropriate place along the north boundary line to make that connection.

The applicant was present and had questions regarding the platting process. It was pointed out that the establishment of a plat could eliminate the need for the frontage variance, but that the applicant would continue to require a 4-to-1 depth-to-width ratio variance unless some of the parcel's area was deeded to the adjacent property.

Mr. Bushouse suggested that a variance be granted conditioned upon an easement 66 feet in width along the north boundary line of the property 100 feet east from the west property line where it met Steeplechase Court. He felt that this would best serve the goal of connection to 9th Street without overburdening the subject property. The applicant indicated that his property is flat for about one-third of the length east from Steeplechase but then drops.

After further discussion, Mr. Bushouse moved to grant a variance from the frontage and depth-to-width ratio requirements conditioned upon the conveyance or dedication of a public 66-foot wide right-of-way east 100 feet from the west property line of the subject parcel along its north boundary line. It was reasoned that the variance would best meet the spirit and intent of the Ordinance. Ms. Jensen seconded the motion, and the motion carried unanimously.

HARDINGS - WALL SIGN DEVIATION - 5161 WEST MAIN STREET- (PARCEL NO. 3905-13-430-036)

The Board considered the application of Harding & Hill, Inc. regarding the Hardings at West Main 2000, 5161 West Main Street, Parcel No. 3905-13-430-036. The application sought deviation from the wall sign provisions of Section 76.170 to allow a wall sign package that exceeds the number of wall signs and the area permitted. The subject property is located in the "C-1" Local Business District zoning classification. The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia indicated that her husband had an interest in the request, and therefore, she stepped down from the dais during consideration of the item.

Ms. Bugge stated that the applicant sought to relocate three of the existing signs from the front of the existing building to a new building which would house the Hardings Market. The Board was reminded that the store is located at West Main 2000 and will face Drake Road. Following completion of the new store, the existing Hardings store, which faces West Main Street and Drake Road will be demolished and replaced by a Kohl's department store. The current building has six signs on the West Main facade and three signs on the Drake side. The three signs that would be relocated, pursuant to the request, were the main Hardings Marketplace sign, the Flagstar Bank sign and the Spartan logo sign. The total area would be 392 square feet.

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD MAY 22, 2007

Agenda

**THE ROCK - DEVIATION FROM PAVING REQUIREMENT - 2901 NORTH 10TH STREET -
(PARCEL NO. 3905-11-230-038)**

**LAGEOC - SITE PLAN REVIEW - 6400 TECHNOLOGY DRIVE - (PARCEL NO. 3905-35-
450-002)**

**JAGER - FRONTAGE AND DEPTH-TO-WIDTH RATIO VARIANCE - SOUTH SIDE OF
WEST M AVENUE, WEST OF SOUTH 4TH STREET - (PARCEL NO. 3905-32-130-030)**

**JAGER - ACCESSORY BUILDING REVIEW - SOUTH SIDE OF WEST M AVENUE, WEST
OF SOUTH 4TH STREET - (PARCEL NO. 3905-32-130-030)**

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, May 22, 2007, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Grace Borgfjord, Chairperson
Duane McClung
Dave Bushouse
Roger Taylor
Robert Anderson
Cheri Bell, Alternate

MEMBER ABSENT: L. Michael Smith

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately four other interested persons.

Call to Order

The Chairperson called the meeting to order at 3:00 p.m.

- (11) Site plan approval shall be subject to the applicant providing a revised site plan satisfying the requirements of the Fire Department, pursuant to the adopted codes.
- (12) Site plan approval shall be subject to the applicant satisfying the requirements of the Township Engineer.
- (13) Stormwater easements and/or amendments to the condominium documents, as required, shall be submitted to the Township for review prior to the issuance of a Building Permit.
- (14) An Environmental Permits Checklist and a Hazardous Substances Reporting Form shall be completed and provided for each tenant locating in the building.
- (15) Each tenant shall be subject to review and approval by the Township consistent with the provisions of the Zoning Ordinance to ensure that the proposed uses are permitted in the "I-R" Industrial District Restricted zone.
- (16) An Earth Change Permit from the Kalamazoo County Drain Commissioner's Office is required before earth-moving activities commence on this site.

Mr. McClung seconded the motion. The Chairperson called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

JAGER - FRONTAGE AND DEPTH-TO-WIDTH RATIO VARIANCE - SOUTH SIDE OF WEST M AVENUE, WEST OF SOUTH 4TH STREET - (PARCEL NO. 3905-32-130-030)

The Chairperson announced that the next item on the Agenda was consideration of a variance from the 200-foot frontage and depth-to-width requirement under Section 66.201 to make a nonconforming parcel buildable. She said that the subject property was on the South side of West M Avenue, west of South 4th Street, Parcel No. 3905-32-130-030. The Chairperson called for a report from the Planning Department. Mr. Brian VanDenBrand submitted his report dated May 22, 2007, to the ZBA, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that the applicant wished to construct a second accessory building on the property, but that a split occurred sometime between 1965 and 1984, creating a non-buildable parcel with only 66 feet of frontage on a public road. He said that the split came after the 1965 Ordinance provision which required 200 feet of frontage on a public road. He also noted that the property exceeded the depth-to-width ratio, which was the other issue for which the applicant was seeking a variance. Mr. VanDenBrand then proceeded to take the Board through a review of the criteria for granting a nonuse variance, i.e., practical difficulty. Mr. VanDenBrand provided several examples of previous variance requests from the front footage requirement in which the property owners were denied a

variance. He also provided several examples of variance requests which had been granted for nonconformance to the depth-to-width requirements of the Ordinance.

At the conclusion of Mr. VanDenBrand's report, Attorney Porter suggested that the Board separate the two variance issues, first dealing with the issue of a variance from the front footage requirement, and if that variance was granted, dealing with the variance on the depth-to-width ratio. Attorney Porter asked that the Board review each specific standard and set forth its reasons in the record, which would either support a grant or a denial of the proposed variance.

The Chairperson asked for Board comment regarding the first standard, whether conformance would be unnecessarily burdensome, whether there were no reasonable options for compliance and whether reasonable use of the property existed with the denial of a variance. Mr. Bushouse noted that it was self-created so he did not think there was a basis to grant the variance. Mr. Taylor, however, said that creating a 200-foot road seemed somewhat burdensome.

Mr. McClung asked for clarification as to when the property was split. Ms. Jager said that the property was sold to her sister in 1966 and that her sister had split and sold the home off in 1971.

Mr. McClung asked if a private road could be developed. Ms. Bugge said not under the current circumstances.

Mr. Anderson asked if there was currently a drive to the property. Mr. Jager said yes.

Hearing no further comment, the Chairperson read the second variance standard; substantial justice, i.e., as applied to both the applicant and to others in the district when reviewing past ZBA decisions. The Chairperson noted that decisions were somewhat mixed. Attorney Porter pointed out that most of the variances for frontage requirements were denied while most of the variances for depth-to-width ratio were granted, but that the two were distinct issues.

The Chairperson asked if there were any physical limitations on the property which would prevent compliance. Mr. Taylor said he did not see any.

The Chairperson then asked if the Board felt that the problem was self created. She did note that the applicant's sister had divided the property in 1971 after the change in the Ordinance. Mr. Taylor said that if it was done in 1971, it was certainly after the Township established the 200-foot requirement, and therefore, it was self created.

Ms. Stefforia noted that the Township Board did not say anything to the property owners at the time when the land was divided. Attorney Porter noted there was no requirement within the law to notify people if they were dividing property in violation of the Township Zoning Ordinance, nor did the Township have any legal authority to prohibit such division at that time.

The Chairperson asked to read the fifth standard which was whether the spirit of the Ordinance would be observed and the public health, safety and welfare served.

Mr. Bushouse said he thought the Township had the 200-foot road frontage requirement in order to have large parcels. He also noted that, if you had large parcels and you exceeded the depth-to-width ratio requirement, it was not uncommon to grant such a variance. He said he thought the Township had granted similar variances and had asked the applicant to provide a 66-foot right-of-way as a means of developing the property in the future. He said, given that the Township wants to promote green area, he did not see how they were getting any more houses when they approved a division leaving a parcel with just a 66-foot right-of-way. Attorney Porter pointed out that Mr. Bushouse's example was the reverse from the present scenario. He said, in the cases where the Township has granted a variance to allow a division not in compliance with the Land Division Act and the frontage requirements, the applicant is told the remaining parcel will remain unbuildable until a road is developed.

Ms. Bugge pointed out perhaps a text amendment was necessary in order to allow building on these parcels. She agreed with Attorney Porter this was a reverse scenario from what Mr. Bushouse was saying.

Mr. Anderson said he did not see a problem with granting the depth-to-width ratio, but he was concerned about not conforming to the frontage requirements. Mr. McClung again pointed out what they had done on H Avenue. Ms. Bugge noted that what was done on H Avenue in the recent Chilimigras case was done knowingly, not in conformance with the strict provisions of the Ordinance, but subject to the condition that the property would not be built upon until it was brought into conformance by the construction of a road.

Mr. McClung said he thought there was a unique burden in this case and, therefore, made a motion to grant the requested variance. The motion failed for lack of support.

Mr. Taylor said he thought it was self created, and he could not ignore the frontage requirements provided for in the Ordinance. Therefore, Mr. Taylor made a motion to deny the variance as requested. The motion was seconded by Mr. Bushouse. The Chairperson called for a vote on the motion, and the motion passed 4-to-1, with Mr. McClung voting in opposition.

Attorney Porter noted that the second variance requested for depth-to-width ratio at this point was moot.

JAGER - ACCESSORY BUILDING REVIEW - SOUTH SIDE OF WEST M AVENUE, WEST OF SOUTH 4TH STREET - (PARCEL NO. 3905-32-130-030)

Mr. Taylor then asked if they could table the application so the applicant could look at some alternatives and come back to the Township Board without filing a re-application.