7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

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

**OSHTEMO TOWNSHIP HALL**
**7275 WEST MAIN STREET**

**TUESDAY, SEPTEMBER 23, 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: August 26, 2025
6. **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.
7. **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.
8. Other Updates and Business
9. Adjournment

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

# OSHTEMO CHARTER TOWNSHIP
# ZONING BOARD OF APPEALS
# MINUTES OF A REGULAR MEETING HELD AUGUST 26, 2025

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**SETBACK VARIANCE: CARON (2550 CUTTY SARK DRIVE 3905-11-225-380)**
Zoning Board of Appeals to consider request for a front yard setback variance for an accessory building in the R-2, Residence District.

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, August 26, 2025, beginning at 3:00 p.m.

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

MEMBERS ABSENT: Al Smith

Also present were Jodi Stefforia, Planning Director; Colten Hutson, Zoning Administrator; Jim Porter, Township Attorney; and approximately 4 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.

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

## PUBLIC COMMENT ON NON-AGENDA ITEMS

One individual spoke during the public comment period.

## APPROVAL OF THE MINUTES OF JUNE 24, 2025

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on June 24, 2025.

Mr. Jachym **made a motion** to approve the minutes of the meeting held on June 24, 2025, as presented. Mr. Gould **seconded the motion**. The **motion was approved** unanimously.

**SETBACK VARIANCE: CARON (2550 CUTTY SARK DRIVE 3905-11-225-380)**

Mr. Hutson presented his staff report dated August 20, 2025, and is incorporated herein, regarding a variance request to allow for a reduced setback for an accessory building of 24'7" where the Zoning Ordinance requires 30' for the property located at 2550 Cutty Sark Drive.

The property owner, Vern Caron, is requesting relief from Section 50.60 of the Zoning Ordinance which governs setbacks for structures in residential zoning districts. If granted, the variance would allow for a reduced setback of 24'7" from the north front yard property line in order to construct a 23'6"x23'6" accessory building on the property. The minimum front yard setback along Maple Leaf Avenue is 30 feet from the edge of the public right-of-way. The property is zoned R-2: Residence District.

Mr. Porter asked Mr. Hutson to clarify how Oshtemo Township's Zoning Ordinance defines a front yard for properties located on multiple roads.

Mr. Hutson explained that, according to the ordinance, all corner lots are required to meet front yard setback requirements on both road-facing sides. This definition can be found in Article 2 – Definitions of the Oshtemo Zoning Ordinance.

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 as follows:

- 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): The applicant has provided a narrative for each variance request, both of which are included in the attached packet. Staff's review against these criteria is provided below.

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

Comment: There is presently a single-family home on this approximately 0.5-acre corner lot. As far as unique physical circumstances are concerned, the property is heavily wooded. Relocating the accessory building elsewhere other than the proposed location would require substantial tree removal.

There is also a significant change in grade in several areas of the property which drops between 8' - 10' over a very short distance. The only portion of property where a significant grade change does not exist is the area between Cutty Sark Drive and the home. Such placement would require a much larger setback reduction than the 5'5" the applicant is currently requesting. See applicant's narrative.

*Standard:* 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 occupy the property in its present state. The home already has an attached 425 square foot garage. The applicants own the small, vacant lot adjacent to the east. The lots could be combined, and the building could be built there.

It could be argued that conformance is unnecessarily burdensome. Corner lots are encumbered by two front yards whereas non-corner lots only have one front yard. The façade of the principal residence on the subject property faces south along Cutty Sark Drive. The area between the home and Maple Leaf Avenue serves and acts as the applicant's rear yard. There are minimal locations on the property in its current configuration where the accessory building could be placed without the need to request a variance.

*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 (ZBA) for consistency (precedence).*

Comment: In researching past ZBA decisions regarding the request for relief from the setback requirements, Planning Department staff were able to identify four similar cases. A summary of these findings is included in the report by staff included in the meeting packet.

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

Comment: The applicant's interest to construct an accessory building is what is creating the request. The property possesses an existing 425 square foot attached garage. The

applicants own the lot adjacent to the immediate east. A detached garage could be constructed on that property if a land combination was executed. While it could be argued that the request is self-created, there are unique site conditions that exist. The property owner did not create the significant grade changes on the property.

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

Comment: Setbacks are a building restriction which are designed to provide a form of security for the health, safety, and welfare of the public and property owners. If the variance is granted as requested, the nearest edge of the proposed accessory building would be over 32' away from the edge of pavement along Maple Leaf Avenue. The lot is heavily wooded between the road and proposed accessory building. It is not expected that the variance request would negatively impact the health, safety, or welfare of the public and neighboring property owners. See applicant's narrative.

Possible actions
The Zoning Board of Appeals may take the following possible actions:

- 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
    - There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
    - Minimum necessary for substantial justice is met as similar cases in the past were identified where accessory buildings were constructed within the required setback area.
    - It could be argued that compliance to the Ordinance is unnecessarily burdensome given the site restrictions related to topography and natural features.
    - The conditions or circumstances which created the variance request are not entirely self created.
    - Granting a variance would likely not negatively impact the health, safety, and welfare of others.

- Support of variance denial
    - Compliance to the Ordinance is not unnecessarily burdensome as the property could continue to be utilized in its present state, and constructing an accessory building on the site is entirely discretionary.

- The applicant has the opportunity to combine his two lots and build the accessory building in compliance with setback requirements.

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

1. Variance Approval
   The Zoning Board of Appeals approves the variance request.

2. Variance Denial
   The Zoning Board of Appeals denies the variance request.

Chair Williams invited the applicant up to the podium to speak.

The applicant, Mr. Vern Caron of 2550 Cutty Sark Drive, addressed the Board requesting a reduced setback for the addition of an accessory building. Mr. Caron explained that constructing an accessory building on the second, adjacent parcel would be impractical. He emphasized that removing trees or putting in a new driveway would be costly and environmentally disruptive, and a structure on that lot would not serve the intended purpose—providing nearby, practical storage for a garden tractor with a snowblower to maintain the primary driveway. The applicant also clarified that the proposed 26x26-foot structure is already as small as possible, with its size dictated by the need for a standard garage door, ADA-compliant access, and space for a pickup truck. He noted the structure only slightly encroaches into the setback area due to necessary tree avoidance.

Board members asked clarifying questions regarding the proposed use of the building, (confirming it functions as a garage), existing garage capacity, and whether the applicant had considered or completed a lot combination. The applicant responded that combining the lots would not provide a viable solution, as the second lot is not a practical solution for the proposed purpose. Mr. Caron also noted the vague nature of the zoning regulations around front, side, and rear setbacks, and discussed potential alternatives for meeting setback requirements, though he maintained that any repositioning was not a viable solution.

Chair Williams opened the floor for public comment.

One person spoke in support of the request.

Mr. Jachym spoke in support of approving the variance request based on the following findings:

1. **There is a special condition affecting this property**—it is an odd-shaped corner lot with significant grade changes that limit usable space and make compliance with standard setback requirements unusually difficult.
2. **Denial of the variance would create an unnecessary burden** on the property owner, potentially requiring relocation of the structure, construction of an additional driveway, or removal of numerous mature trees—none of which are practical or desirable.

3. **Granting the variance will not negatively affect public safety or welfare.** The proposed location of the accessory building poses no threat to neighboring properties or the general public.
4. **The hardship is not entirely self-created.** The constraints stem from the lot's natural topography and corner configuration, not from actions taken by the applicant.
5. **While any property improvement may result in some financial benefit,** that is not the driving factor behind this request. The applicant seeks to address a functional need, not to gain economically.

Mr. Jachym **made a motion** to approve the variance request to allow a reduced setback of 24 feet, 7 inches, where the minimum of 30 feet is required, for the construction of an accessory building on the property located at 2550 Cutty Sark Drive based on the findings outlined above. Mr. Gould **seconded the motion**. The **motion was approved** unanimously.

## OTHER UPDATES AND BUSINESS

Ms. Stefforia announced that the next meeting is scheduled for September 23rd. Following that meeting, there will be a joint session with all Township Boards, during which the Township's planning consultants will deliver a presentation on the Comprehensive Master Plan and the Master Streets Plan.

## ADJOURNMENT

There being no further business, Chair Williams **made a motioned** to adjourn the meeting at 3:27 p.m. Ms. Farmer **seconded the motion**. The **motion was approved** unanimously.

Minutes Prepared: August 28, 2025
Minutes Approved:

September 18, 2025

**Mtg Date:** September 23, 2025

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

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Andrew Rossell, AR Engineering

**Owner:** Neal and Amy Miedema

**Property**: 5991 Venture Park Drive, Parcel Number 3905-25-153-160

**Zoning:** C: Local Business District

**Request:** Site plan approval to construct a 4,129 square foot building addition onto the existing 2,180 square foot office building on-site.

**Section(s):** Section 64: Site Plan Review
Section 18: C – Local Business District

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PROJECT OVERVIEW:

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.

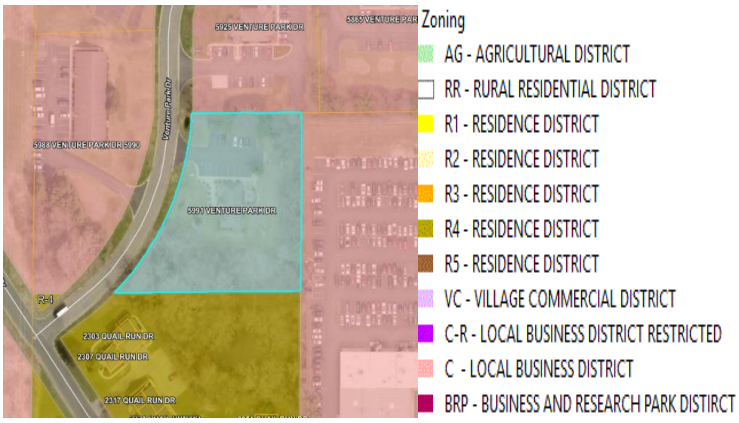
A visual of the subject property is outlined in light blue on the aerial map to the right with the subject building addition and detached garage illustrated through the red and white hatch marks. The approximate 1.5-acre site is located on the east side of Venture Park Drive, north of Stadium Drive between Quail Run Drive and West Michigan Avenue.


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 Compliance:**




*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. The drive aisle on site will be 24 feet in width and is designed to accommodate two-way travel. Additional HMA pavement will be installed to accommodate parking and site circulation needs. The Fire Marshal has reviewed the site plan and found it adequate to service emergency vehicle circulation.

*Parking:* The site currently has 16 parking spaces, two of which are ADA accessible. The applicant is proposing to add 14 more standard stalls, offering a total of 30 parking spaces. An office building with a net floor area of 4,440 square feet is allowed to have a *maximum* of 30 parking spaces. The applicant is proposing to mill and resurface where the ADA parking spaces are currently located. Per the parking ordinance, resurfacing such area will require the ADA parking spaces and accessible aisle to be constructed in concrete. An updated site plan illustrating the change in surface material type will be a condition of approval. All other parking requirements have been met.

*Easements:* Existing easements are indicated on the site plan. No new easements are proposed.

*Sidewalks:* The Township's adopted Non-Motorized Action Plan does identify a 5-foot-wide concrete sidewalk along Venture Park Drive; however, 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**

*Building Information:* 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. An excerpt of the elevation sheet is provided to the right.

The 1,080 square foot detached garage will include overhead doors and vinyl siding.

*Lot Dimensions:* The site is located within the Venture Park Condominium development. The building site exceeds both the minimum property area (13,200 square foot minimum) and frontage (120' minimum) requirements for building sites serviced by water and sewer in the C: Local Business District. The site's dimensions satisfy zoning ordinance requirements.

*Setbacks:* Properties located within Commercial zoning districts are required to have a minimum front yard setback of 70 feet and a 20-foot minimum side and rear yard setback. However, if commercially zoned properties abut residential zoning, an enhanced building setback is required. The applicant applied for a text amendment following the denial of the setback variance at the June 24, 2025 Zoning Board of Appeals meeting. Earlier this month, the Township Board adopted the applicant's requested amendments to reduce supplemental setback requirements for low intensity, commercial uses. Therefore, since the property immediately south of the subject office use is zoned R-4: Residence District, a 42.5-foot building setback is required rather than the customary 85 feet. The minimum setbacks for the building addition from the front yard, side yard, and rear yard have all been met.

Accessory buildings, such as a detached garage, are also subject to a minimum side and rear yard setback of '20 feet or the height of the accessory building at its highest point as measured from the grade of the property line, whichever is greater.' Detailed building drawings will need to be submitted to confirm that the setback from the east property line is met for the proposed detached garage.

*Waste Disposal Container:* No dumpster enclosure is proposed as the proposed office use will utilize herby curbys rather than a commercial dumpster. This portion of the review is not applicable.

*Fencing:* No fencing on site is currently proposed. This portion of the review is not applicable.

*Lighting:* A photometric plan has been provided. New pole mounted lights and building mounted lights are proposed. Mounting height details, however, are still needed to confirm whether lumen

output satisfies ordinance requirements. Otherwise, all lighting ordinance requirements have been met.

*Signs:* No changes to the current signage on site is proposed presently. This portion of the review is not applicable.

**Landscaping**
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. The landscape plan will need to be revised to meet parking lot landscaping requirements as well as further information on tree credits will be required to ensure conformance with buffering requirements and interior site landscaping, which can be subject to administrative review and approval.

**Engineering**
The Township Engineer has reviewed the proposed site improvements and overall is satsified 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.

Attachments: Application, Site Plan, and Landscape Plan

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

**PLEASE PRINT**

PROJECT NAME & ADDRESS: Ameriprise Office Addition; 5991 Venture Park Drive, Kalamazoo, MI 49009

# PLANNING & ZONING APPLICATION

Applicant Name: AR Engineering

Company: AR Engineering / Ameriprise Financial - Miedema Associates

Address: 5991 Venture Park Drive, Kalamazoo, MI 49009

E-mail: andrew@arengineeringllc.com

Telephone: (269) 329-1683 Fax: _____

Interest in Property: Civil Engineer / Owner

OWNER*:

Name: Neal & Amy Miedema

Address: 5991 Venture Park Drive, Kalamazoo, MI 49009

E-mail: neal_miedema@hotmail.com

Phone & Fax: (269) 329-1683

THIS SPACE FOR TOWNSHIP USE ONLY

Fee Amount _____

Escrow Amount _____

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

- ____ Pre-Application Review
- X 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): Owner seeks site plan approval for an approximate 4,129 sft office addition to their existing 2,180 sft financial planning office making it a total of 6,309 sft. Additional parking, stormwater reconstruction and a storage barn is proposed.

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):
See attached

**PARCEL NUMBER:** 3905- 05-25-153-160

**ADDRESS OF PROPERTY:** 5991 Venture Park Drive

**PRESENT USE OF THE PROPERTY:** Office

**PRESENT ZONING:** C - Commercial: Local Business **SIZE OF PROPERTY:** 1.45 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.*

| | |
|---|---|
| | 5/5/2025 |
| **Owner's Signature** *(*If different from Applicant)* | **Date** |
| | |
| **Applicant's Signature** | **Date** |

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

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

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**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

Rev. 9/14/22

## SITE DATA

1. PROPERTY INFORMATION:
   PARCEL #S: 05-25-153-160
   SITE AREA: 63,162 SF (1.45 AC)

   OWNER: MIEDEMA & ASSOCIATES
   5991 VENTURE PARK DR
   KALAMAZOO, MI 49009

   ARCHITECT: BOSCH ARCHITECTURE
   STEVE BOSCH, AIA, RA
   8065 VINEYARD PARKWAY
   KALAMAZOO MI 49009
   PHONE: 269-321-5151

2. ZONING:
   PROPERTY CURRENTLY ZONED:
   C - COMMERCIAL: LOCAL BUSINESS

   ABUTTING PROPERTY CURRENTLY ZONED: BUSINESS
   NORTH: C - COMMERCIAL: LOCAL BUSINESS
   SOUTH: R4 - RESIDENTIAL: SINGLE AND TWO-FAMILY
   EAST: C - COMMERCIAL: LOCAL BUSINESS
   WEST: C - COMMERCIAL: LOCAL BUSINESS

3. SETBACKS
   FRONT = 70'
   SIDES = 20' ; 42.5' IF ABUTTING RESIDETIAL
   REAR = 20'

4. PARKING:
   REQUIRED = (1) PARKING SPACE PER (150) SF. OF NET FLOOR AREA
   4,440 SF/ 150 = 30

   PROVIDED = STANDARD 10'X20' SPACES = 28
   BARRIER FREE SPACES = 2
   TOTAL PROVIDED 30

5. BUILDING:
   OFFICE BLDG: 16'-7" TO THE MEAN OF THE SLOPED ROOF
   STORAGE BLDG: 21'-2" TO THE MEAN OF THE SLOPED ROOF
   MAXIMUM HEIGHT: 35'
   EX BLDG = 2,180 SFT, ADDITION = 4,129 SFT
   TOTAL AREA OF 6,309 SFT. (SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL)
   PROPOSED BUILDING COVERAGE: 10.6%

6. LOT:
   MINIMUM LOT AREA: 2,900 SFT
   MINIMUM LOT AREA PER DWELLING UNIT: 1,800 SFT
   LOT SIZE: 63,162 SF / 1.45 AC
   LOT DIMENSIONS: IRREGULAR
   OPEN SPACE: 41,297 SFT / 0.95 AC / 65%

7. LANDSCAPING:
   SHALL BE IN ACCORDANCE WITH LANDSCAPING PLAN.

8. STORM WATER DETENTION REQUIRED:
   STORM WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH TOWNSHIP STORM WATER GUIDELINES.

## LEGEND

- ASPHALT PAVEMENT (SEE DETAIL THIS SHEET)
- 1.5" ASPHALT OVERLAY
- CONCRETE PAVEMENT AND SIDEWALK (SEE DETAIL THIS SHEET)
- 1-2" RIVER ROCK ON GEOTEXTILE FABRIC (SEE DETAIL ON L1.0)

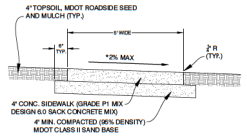
## GENERAL NOTES

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTON OF THE ARCHITECT/ ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
3. ALL CURB RADII AND DIMENSIONS ARE TO FACE OF CURB. CURB TO BE PROVIDED WHERE SHOWN AND INTEGRAL WITH SIDEWALK AT PAVING EDGE.
4. SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN. NOMINAL GRADING, SLOPE SIDEWALKS AWAY FROM BUILDING AT 1/4" PER FOOT ON ENTRY WALK.

## BENCHMARKS

BM-1: ELEV: 952.18
SET "X" IN THE NORTHWEST CORNER OF BUILDING SIGN LOCATED ± 30' SOUTH OF CENTERLINE OF PRIVATE DRIVE OF SUBJECT PROPERTY AND ±48' EAST OF CENTERLINE OF VENTURE PARK DR.

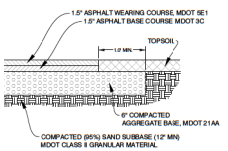
BM-2: ELEV: 951.14
SET MAG NAIL IN EAST SIDE OF 24" DECIDUOUS TREE LOCATED ±48' NORTH OF SOUTHERLY PROPERTY LINE AND ±204' EAST OF CENTERLINE OF VENTURE PARK DRIVE.



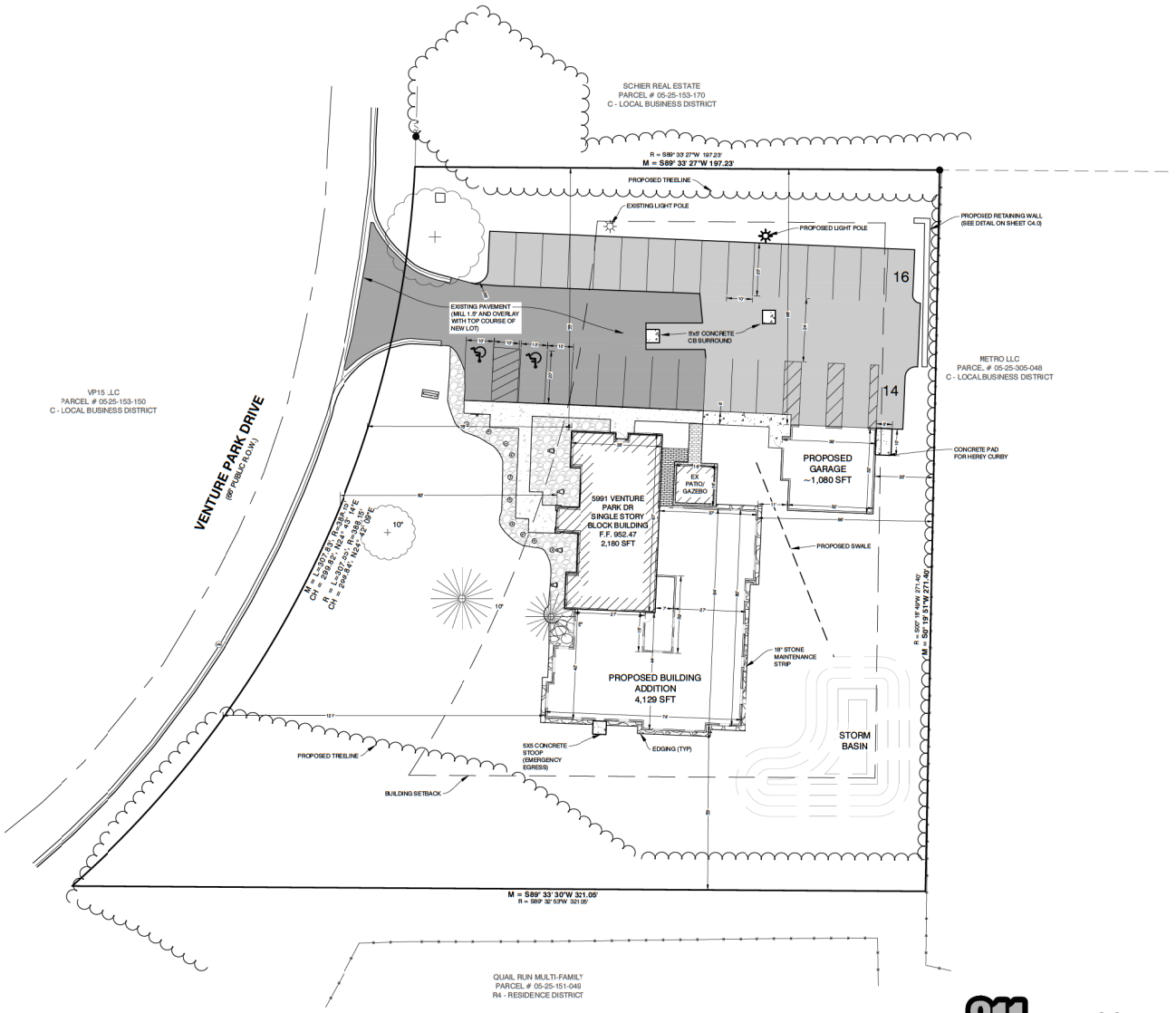

*TRANSVERSE SIDEWALK SLOPES ARE TYPICALLY 1.5% OR 2% MAXIMUM. IN ORDER TO MEET SITE CONDITIONS, IF THE TRANSVERSE SLOPE IS REQUIRED TO BE LESS THAN 1.5%, LONGITUDINAL DRAINAGE MUST BE PROVIDED.

REFER TO MDOT STANDARD PLAN R-29-I (DRIVEWAY OPENINGS & APPROACHES, AND CONCRETE SIDEWALK)

**5' WIDE SIDEWALK SECTION**
C2.0 - 030301 NOT TO SCALE




**ASPHALT SECTION**
C2.0 - 030401 NOT TO SCALE




811 Know what's below. Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BEASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING

PLANS PREPARED BY:

AR ENGINEERING
CIVIL ENGINEERING & SURVEYING
MICHIGAN | INDIANA | ILLINOIS | OHIO
269.250.5081 PHONE | 866.569.9604 FAX
www.arengineering@.com

| | |
|---|---|
| DRAWN | EG |
| CHECKED | ASR |

STATE OF MICHIGAN
ANDREW SHEA ROSSELL
ENGINEER
No. 6201056221
PROFESSIONAL ENGINEER

ANDREW ROSSELL, P.E.
No. 6201056221

| No. | ISSUED FOR: | DATE | BY |
|---|---|---|---|
| 0 | SITE PLAN REVIEW | 05/02/25 | LM |
| 1 | BIDS | 06/10/25 | LM |
| 2 | TOWNSHIP REVISIONS | 08/27/25 | LM |
| 3 | . | . | . |
| 4 | . | . | . |



PROJECT: SITE LAYOUT
CLIENT: MIEDEMA ASSOCIATES OFFICE ADDITION
SITE ADDRESS: MIEDEMA ASSOCIATES
SITE SECTION: 5991 VENTURE PARK DRIVE, KALAMAZOO, MI SECTION 25, T02S, R12W.

JOB NUMBER
25200001

DATE
08/27/2025

SHEET NUMBER
C2.0

## LANDSCAPING NOTES

1. INSTALL CONSTRUCTION FENCE AROUND DRIP LINES OF EXISTING TREES TO REMAIN. NO COMPACTION OR INCREASED DEPTH OF SOIL OVER THE ROOT SYSTEM AREA PRIOR TO AND DURING CONSTRUCTION.
2. ALL LAWN AREAS SHALL BE SEEDED AND MULCHED WITH THE FOLLOWING MIXTURE: 20% IMPROVED PERENNIAL RYEGRASS, 40% FINE FESCUE, AND 40% KENTUCKY BLUEGRASS AT A RATE OF 3-4 LBS/ 1000 SFT.
3. ALL EDGING SHALL BE STANDARD COMMERCIAL-STEEL EDGING 3/16" X 4". ROLLED EDGE, FABRICATED IN SECTIONS OF STANDARD LENGTHS, WITH LOOPS STAMPED FROM OR WELDED TO FACE OF SECTIONS TO RECEIVE STAKES IN STANDARD FINISH OF GREEN PAINT.
4. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK." MEASURE ACCORDING TO ANSI Z60.1 STANDARDS.
5. MAINTAIN AND ESTABLISH LAWN BY WATERING, FERTILIZING, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, REGRADE, AND REPLANT BARE OR ERODED AREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN.
6. BEGIN LAWN MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL ACCEPTABLE LAWN IS ESTABLISHED: A MINIMUM OF 60 DAYS AFTER SUBSTANTIAL COMPLETION.
7. PROTECT ADJACENT AND ADJOINING STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND PLANTINGS FROM HYDROSEEDING OVER-SPRAY AND DAMAGE CAUSED BY PLANTING OPERATIONS.
8. REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICK, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER FROM SITE.
9. MAINTAIN LAWN UNTIL A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED, FREE OF WEEDS AND SURFACE IRREGULARITIES, WITH COVERAGE EXCEEDING 90% OVER ANY 10 SFT AND BARE SPOTS DO NOT EXCEED 5 BY 5 INCHES.
10. MAINTAIN TREES AND SHRUBS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION BY PRUNING, CULTIVATING, WATERING, WEEDING, FERTILIZING, RESTORING PLANTING SAUCERS, TIGHTENING AND REPAIRING STAKES AND GUY SUPPORTS, AND RESETTING TO PROPER GRADES OR VERTICAL POSITION, AS REQUIRED TO ESTABLISH HEALTHY VIABLE PLANTINGS. SPRAY AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.
11. REMOVE AND REPLACE DEAD PLANTS IMMEDIATELY. REPLACE PLANTS THAT ARE MORE THAN 25% DEAD OR IN AN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD. A LIMIT OF ONE REPLACEMENT OF EACH PLANT WILL BE REQUIRED, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE TO COMPLY WITH REQUIREMENTS.
12. TREES, AND SHRUBS SHALL BE WARRANTED FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM INCIDENTS THAT ARE EEYOND CONTRACTORS CONTROL.

## LEGEND

- 1 / Xx — NUMBER AND TYPE OF PLANTS TO BE PROVIDED AND INSTALLED
- PROPOSED DECIDUOUS TREE
- PROPOSED SHRUB DECIDUOUS/ EVERGREEN TREE
- HYDROSEED WITH IRRIGATION ON 4" TOPSOIL
- PERENNIAL RYE GRASS WITHOUT IRRIGATION ON 4" TOPSOIL
- 1-2" RIVER ROCK ON GEOTEXTILE FABRIC

ALL PLANTINGS AND LANDSCAPED BEDS REQUIRE IRRIGATION - EITHER DRIP LINE OR MISTERS AS REQUIRED TO ESTABLISH GROWTH AND MAINTAIN HEALTH OF ALL PLANTINGS/LANDSCAPED BEDS.

LANDSCAPING CONTRACTOR RESPONSIBLE FOR TOUCHING-UP AND FINISH-LEVELING OF TOPSOIL AS NECESSARY TO ENSURE HYDROSEED AND SOD ARE INSTALLED ON A SMOOTH AND LEVEL SURFACE FREE OF CLUMPS, STICKS, HOLES, ETC.

## LANDSCAPING REQUIREMENTS

PARKING LOTS WITH 11 SPACES OR MORE SHALL PROVIDE LANDSCAPING AT 25 SQFT PER PARKING LOT SPACE

REQUIRED
30 SPACES * 25 SQFT = 750 SQFT
1 CANOPY TREE AND 2 LOW GROWING SHRUBS/200 SQFT
REQUIRED PARKING LOT LANDSCAPING

PROVIDED
788 SQFT
4 CANOPY TREES, 11 SHRUBS, 8 EVERGREEN TREES

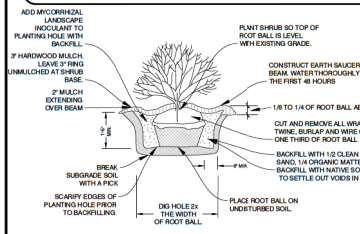
GREENBELT REQUIRMENTS:
REQUIRED
1 CANOPY TREE AND 2 UNDERSTORY TREES PER 100 LINEAR FEET

PROVIDED
3 CANOPY TREES, 6 EVERGREEN TREES

INTERIOR LANDSCAPE REQUIREMENTS:
REQUIRED
10% OF DEVELOPED AREA MUST BE LANDSCAPED
1 CAPOPY TREE PER 1,500 SFT / 1 UNDERSTORY TREE PER 2,500 SFT
22917.970 SFT * .10 = 2,291.797 SFT

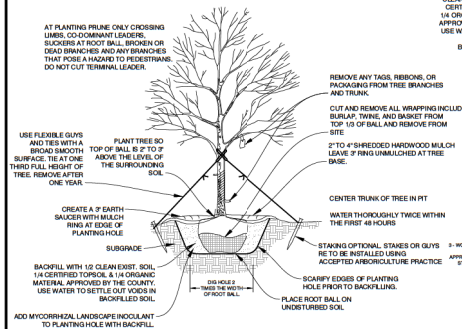
PROVIDED
3 CANOPY TREES, 5 EVERGREEN TREES

0 20 30 40
1 inch = 20 ft.

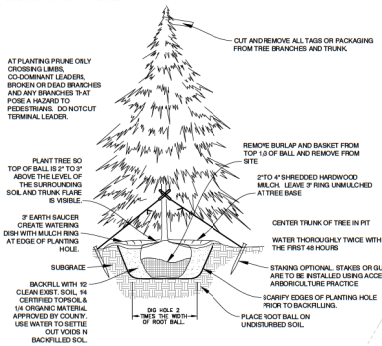



**TYPICAL SHRUB PLANTING DETAIL**
L1.0 - 170103 NOT TO SCALE

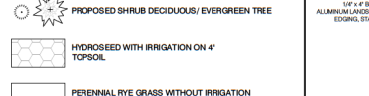
NOTE:
STAKING OF BALL AND BURLAF TREES REQUIRED AT THE DISCRETION OF THE CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF ALL STAKING AT END OF ONE YEAR WARRANTY PERIOD.



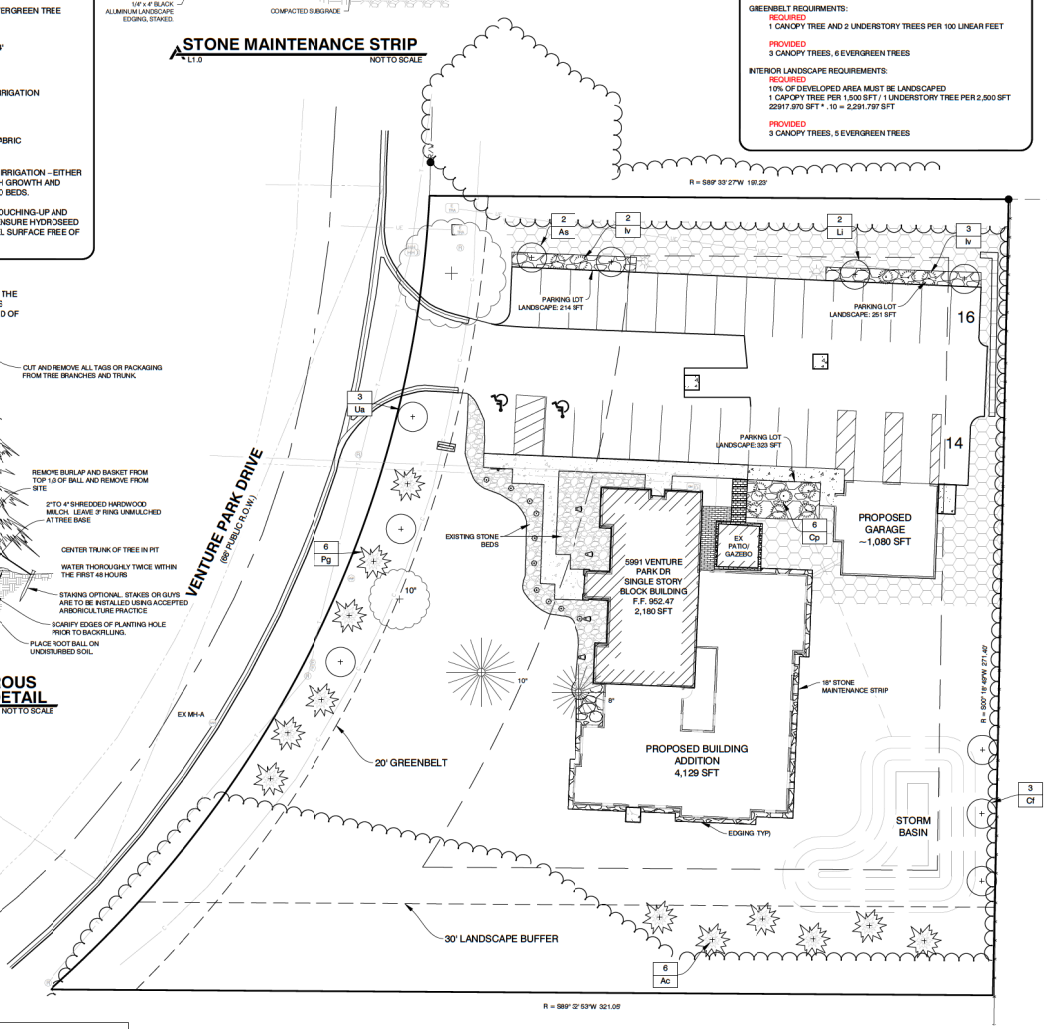

**TYPICAL DESCIDUOUS TREE PLANTING DETAIL**
L1.0 - 170102 NOT TO SCALE




**TYPICAL CONIFEROUS TREE PLANTING DETAIL**
L1.0 - 170101 NOT TO SCALE




**STONE MAINTENANCE STRIP**
L1.0 NOT TO SCALE




### Tree Planting Schedule

| Symbol | Latin Name | Common Name | Size | Container Type | Comments |
|---|---|---|---|---|---|
| Pg | Picea Glauca | Black Hills Spruce | 6' Ht. | | |
| Ac | Concolor Fir | Ables Concolor | 6' Ht. | | |
| As | Acer rubrum 'October Glory' | October Glory Red Maple | 2.5" | | |
| Li | Liriodendron Tulipifera | Tulip Tree | 2.5" | | |
| Ua | Ulmus Americana | Princeton | 2.5" | | |
| Cf | Cornus Flordia | Flowering Dogwood | 2.5" | | |

### Shrub Planting Schedule

| Symbol | Latin Name | Common Name | Size | Container Type | Comments |
|---|---|---|---|---|---|
| Iv | Ilex Verticillata | Winterberry | 24" | | |
| Cp | Charnaecyparis Pisifera | Gold Mop Cypress | 24" | | |

Know what's below. Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: AR ENGINEERING

PLANS PREPARED BY:


AR ENGINEERING
CIVIL ENGINEERING & SURVEYING
MICHIGAN | INDIANA | ILLINOIS | OHIO
269.250.5081 PHONE | 866.559.9604 FAX
www.arengineering@.com


| | |
|---|---|
| DRAWN | EG |
| CHECKED | ASR |

STATE OF MICHIGAN — TODD BRUNNER — LANDSCAPE ARCHITECT — No. 1301201351 — REGISTERED LANDSCAPE ARCHITECT

| No. | ISSUED FOR: | DATE | BY |
|---|---|---|---|
| 0 | SITE PLAN REVIEW | 05/02/25 | LM |
| 1 | BIDS | 06/10/25 | LM |
| 2 | TOWNSHIP REVISIONS | 08/27/25 | LM |
| 3 | - | - | - |
| 4 | - | - | - |



PROJECT: LANDSCAPE PLAN
CLIENT: MIEDEMA ASSOCIATES OFFICE ADDITION
SITE ADDRESS: MIEDEMA ASSOCIATES
SITE SECTION: 5991 VENTURE PARK DRIVE, KALAMAZOO, MI SECTION 25, T02S, R12W.

JOB NUMBER 25200001
DATE 08/27/2025
SHEET NUMBER L1.0

**Mtg Date:** September 23, 2025

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

**From:** Planning Department

**Applicant:** Fenner Brown, 5442 W G Avenue

**Owner:** Presley Penola S Living Trust

**Property**: 5418 W G Avenue, Parcel Number 3905-01-230-030

**Zoning:** RR: Rural Residential District

**Request:** Requesting an area variance to allow for a redescription of an unplatted parcel.

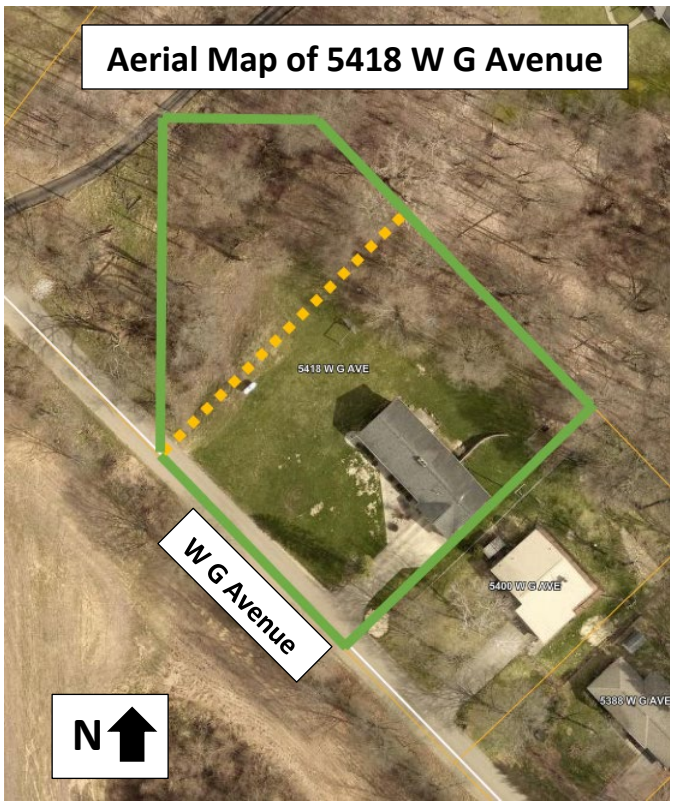
**Section(s):** Section 50 – Schedule of Regulations

**Planning/Zoning Department Report:**

Overview:

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 property, shown outlined in green on the aerial map to the right, is located on the north side of W G Avenue. The yellow dashed line shows the approximate redescription configuration. 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.



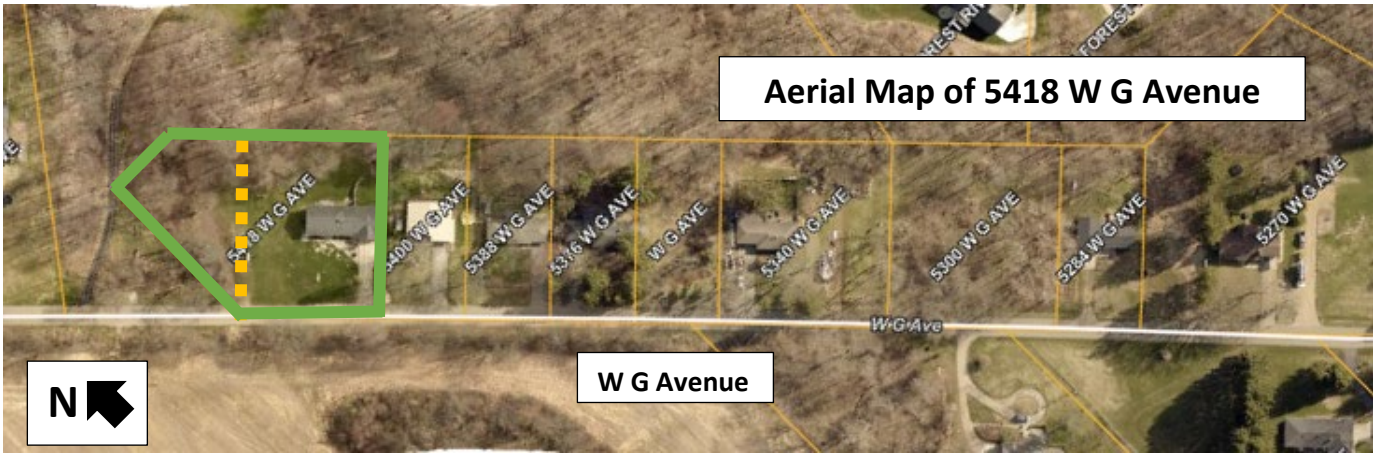
Department Review:
The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty. The Zoning Board of Appeals should consider the following standards in considering the variance request.

*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 is attached to this report.

S*tandard:* 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
*Is 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 is 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.
    - Is it 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.

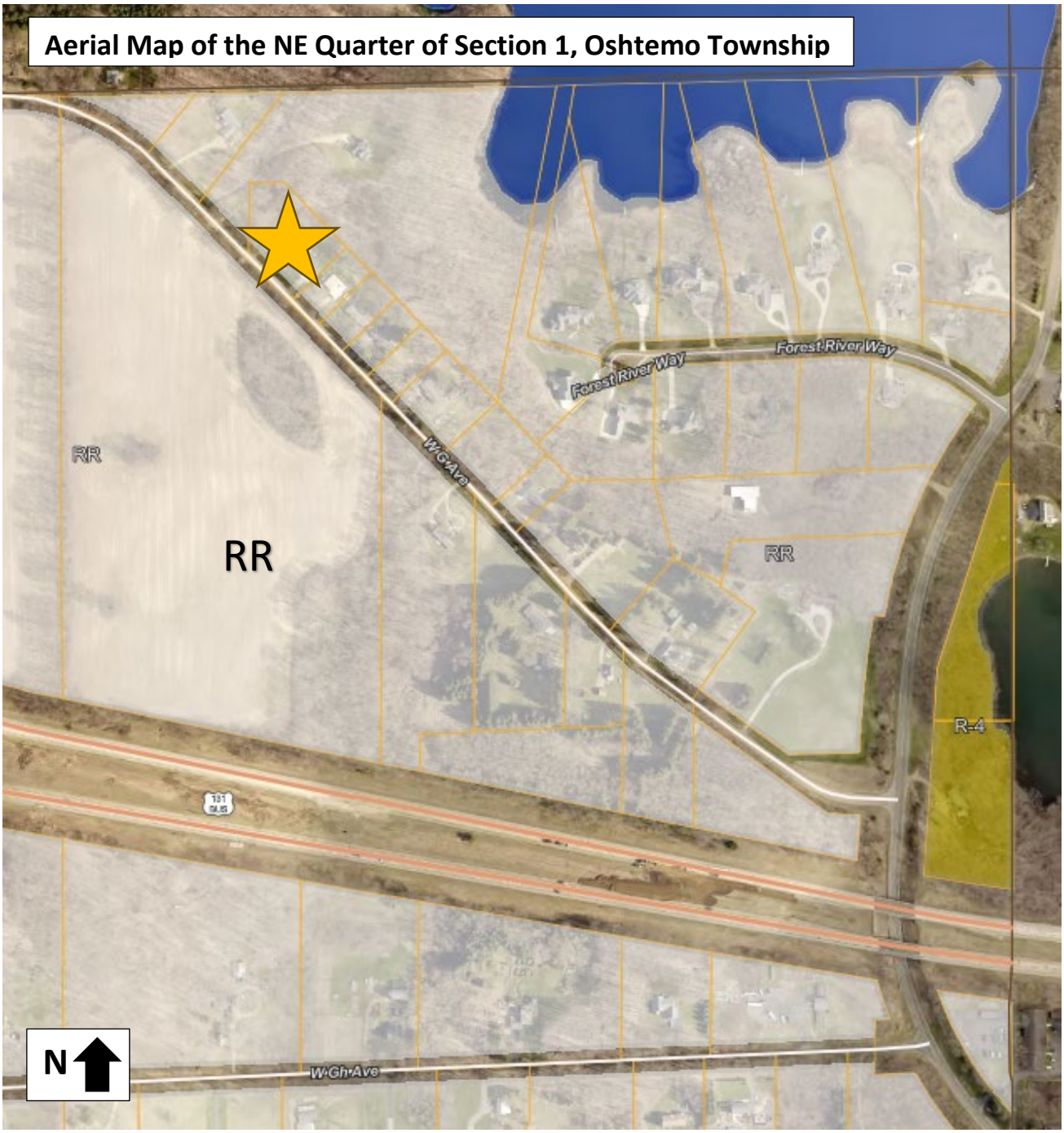
Possible motions for the Zoning Board of Appeals to consider include:

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.

Attachments: Application, Applicant Narrative, and Maps


Aerial Map of the NE Quarter of Section 1, Oshtemo Township
Forest River Way
Forest River Way
W G Ave
RR
RR
RR
R-4
131
W Gh Ave
N

Oshtemo CHARTER TOWNSHIP · Established 1839 ·

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

**PLEASE PRINT**

PROJECT NAME & ADDRESS: Variance Request - 5418 West G Avenue

# PLANNING & ZONING APPLICATION

Applicant Name: Pamela Jane Brown

Company: _____

Address: 5442 W. G Ave

E-mail: _____

Telephone: 269 381-0532 Fax: —

Interest in Property: _____

THIS SPACE FOR TOWNSHIP USE ONLY

Fee Amount _____

Escrow Amount _____

OWNER*:

Name: PRESLEY PENOLA S LIVING TRUST

Address: 5418 West G Avenue

E-mail: _____

Phone & Fax: 269 343-7929

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
X 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): _____

Requesting a variance to allow a land re-description of a non-conforming parcel that would decrease the area.

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):
See attached.

**PARCEL NUMBER:** 3905- 01-230-030

**ADDRESS OF PROPERTY:** 5418 West G Avenue

**PRESENT USE OF THE PROPERTY:** Residential

**PRESENT ZONING:** RR: Rural Residential **SIZE OF PROPERTY:** 1.210

**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.*

8/12/25

**Owner's Signature** *(*If different from Applicant)* **Date**

August 11, 2025

**Applicant's Signature** **Date**

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

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

****

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

Rev. 9/14/22

charter township
oshtemo
est. 1839

# 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: Very necessary for the maintenance & property usefulness

**No**: _____

Criteria 2: Substantial Justice
*Is the decision consistent with past decisions of the ZBA (precedence)?*

**Yes**: Referred to zoning administrator

No: _____

Criteria 3: Unique Physical Circumstances
*Are there unique physical limitations or conditions which prevent compliance?*

**Yes**: The parcel is an unique shape making it unusable space to easily maintain with the excessive weed growth & tree overgrowth.

No: _____

Criteria 4: Self-Created Hardship
*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Yes: Were not dependent on either neighbor uses original property lines, Inherited.

**No**: _____

Criteria 5: Public Safety and Welfare
*If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?*

**Yes**: Not a safety consideration. In best interest of both parties,

No: _____

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