

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD JANUARY 27, 2026

AGENDA

FRONTAGE VARIANCE: MEYER C WEINER (5313 WEST MAIN STREET, 3905-13-405-028)

Zoning Board of Appeals to consider request for a variance from the minimum frontage requirement to allow a land division resulting in a parcel upon which First National Bank sits to be without frontage in the C: Local Business District.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, January 27, 2026, beginning at 3:00 p.m.

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

MEMBERS ABSENT: None

Also present were Colten Hutson, Zoning Administrator; Leeanna Harris, Zoning Administrator; Jim Porter, Township Attorney; and approximately six interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Those in attendance joined in reciting the Pledge of Allegiance.

ELECTION OF OFFICERS

Mr. Jachym **made a motion** for Mr. Williams to remain the Chair of the Zoning Board of Appeals. Mr. Gould **supported the motion**. The motion was **approved unanimously**.

Mr. Williams **made a motion** for Mr. Jachym to remain as the Vice Chair of the Zoning Board of Appeals. Mr. Gould **supported the motion**. The motion was **approved unanimously**.

APPROVAL OF AGENDA

Chair Williams called for approval of the agenda.

Mr. Jachym **made a motion** to approve the agenda as presented. Ms. Farmer **supported the motion**. The motion was **approved 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 OCTOBER 28, 2025

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on October 28, 2025.

Ms. Farmer **made a motion** to approve the minutes of the meeting held on October 28, 2025, as presented. Mr. Jachym **supported the motion**. The **motion was approved** unanimously.

FRONTAGE VARIANCE: MEYER C WEINER (5313 WEST MAIN STREET, 3905-13-405-028)

Ms. Harris presented her staff report dated January 21, 2026, and is incorporated herein, requesting a variance from frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a land division resulting in a parcel without frontage where the ordinance requires 200 feet of frontage.

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

The parent parcel currently has approximately 484 feet of road frontage on the south side of West Main Street between Maple Hill Drive and South Drake Road.

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. As a reminder, the variance request is to allow a land division which results in a parcel without frontage where the ordinance requires 200

feet of frontage. The applicant has provided a narrative for the variance request, which is included in the agenda packet.

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

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

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

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

Comment: Consider the required front setback from West Main Street. If frontage on the parent parcel was used to reach the 200 feet requirement to the required depth of 170 feet, it would impose on the adjacent Aldi building and could be considered unnecessarily burdensome. Ms. Harris clarified that the graphic shown in the packet incorrectly showed a 170 foot setback from the front property line, and she provided an updated graphic showing the required 170 foot setback from the centerline of West Main in her presentation.

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

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

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

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

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

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

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

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

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

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

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

The draft 2045 Oshtemo Comprehensive Plan included a special study of underutilized commercial areas. With implementation of the plan commencing

later this year, it is fully expected that new requirements will be established for existing commercial areas allowing for situations such as proposed presently for First National Bank provided that access and parking remain shared elements.

Possible Actions:

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

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

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

- Support of variance approval
 - o Unique physical circumstances or limitations may exist.
 - o 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.
 - o The need for a variance might not be considered a self-created hardship.
 - o Compliance to the Zoning Ordinance is unnecessarily burdensome.
- Support of variance denial
 - o The minimum necessary for substantial justice might not be satisfied.
 - o There are options for compliance through creating a condominium or plat.
 - o The need for a variance might be considered a self-created hardship.

Ms. Harris noted that an additional condition of approval is suggested based on conversations with the Public Works director. This additional condition is noted under 1.a. in the possible motions for the Zoning Board of Appeals to consider below:

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

Chair Williams inquired if the Board had any questions for staff at this time. A Board member asked whether staff was recommending conditions should the Zoning Board of Appeals approve the variance to allow a land division without frontage, and staff responded that a condition of approval would require all resulting parcel boundary lines to comply with the minimum setback requirements from property lines under the Zoning Ordinance.

Chair Williams invited the applicant or their representative up to the podium to speak.

Mr. Josh Weiner, CEO of the Meyer C. Weiner Company, addressed the Board and thanked staff for the thorough application materials and presentation, noting that Ms. Harris was particularly helpful during the process. Mr. Weiner introduced members of his team present, including legal counsel, ownership representatives of Golf Ridge One, LLC, and management and construction staff. He explained that Golf Ridge One, LLC is the landlord of the existing First National Bank branch, while he serves as the managing member of Golf Ridge, which owns the remainder of the property. Mr. Weiner noted his role as a founder and board member of First National Bank and described the original lease arrangement, which included a future purchase option negotiated over 15 years ago, during a period when the zoning ordinance was undergoing changes related to frontage requirements. He stated that the request does not propose any changes to the existing development, including no additional curb cuts, and that required easements for parking, stormwater, and green space can be addressed immediately. Mr. Weiner indicated he had no objections to staff's analysis of the variance criteria and offered to answer any questions from the Board.

Chair Williams invited the public to comment. No one came forward.

Board discussion ensued.

1. Conformance Unnecessarily Burdensome:

The Zoning Board of Appeals finds that strict compliance with the zoning ordinance would require the applicant to acquire additional property or existing parking areas in order to meet frontage requirements, which would be unduly burdensome and impractical.

2. Unique Physical Circumstances:

The Board finds that the property exhibits unique physical circumstances, including access via a service drive rather than direct frontage on West Main Street, which distinguishes it from typical parcels. The Board further noted that nearby properties in the area function similarly and do not maintain direct frontage on West Main Street.

3. Self-Created Hardship:

The Board finds that the practical difficulty is not self-created, as the property configuration and access conditions predate the current request and are not the result of actions taken by the applicant.

4. Public Safety and Welfare:

The Board finds that granting the variance will not alter the essential character of the surrounding area and will not negatively impact public health, safety, or welfare. The request will result in no changes to ingress or egress and no additional curb cuts.

5. Minimum Necessary for Substantial Justice:

The Board finds that the variance represents the minimum necessary to afford relief and that granting the request will do substantial justice to the applicant while observing the intent of the zoning ordinance. The Board finds that approval of this variance does not establish a binding precedent, as each variance application is reviewed on its own merits in accordance with the Zoning Ordinance.

Mr. Everett added that the subject property does not have direct access to West Main Street and instead relies on service drive access. He noted that nearby properties, including Steak 'n Shake and Wendy's, similarly lack direct frontage on West Main and do not meet the typical frontage depth, but function comparably within the corridor. He stated that these conditions support the conclusion that the request is consistent with other properties in the area and meets applicable variance criteria related to access and site configuration.

Mr. Jachym **made a motion** to approve the variance request.

Upon additional discussion, it was confirmed that the approval would be subject to the conditions outlined in the staff report, including no additional curb cuts, completion of a certified survey, and compliance with stormwater requirements.

Chair Williams restated the motion as approval of the variance subject to the recommended Conditions A through D as outlined in the report from staff, along with the required stormwater agreement.

Mr. Smith **supported the motion**. The **motion was approved** unanimously.

OTHER UPDATES AND BUSINESS

Chair Williams asked if there was any other business. There was none.

ADJOURNMENT

The meeting was adjourned at 3:20 p.m.

Minutes Prepared: January 30, 2026

Minutes Approved March 24, 2026