



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 24, 2024  
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 20, 2024
6. **Accessory Building Variance: Midgett (10273 Skyview Drive)**  
The applicant is requesting a variance from Section 57.100.D of the Zoning Ordinance to allow the expansion of an accessory building for a total square footage of 4,750 square feet where the ordinance limit is 2,954 square feet in the RR, Rural Residential District.
7. **Extension of Site Plan Approval: Faraday Properties (Unit 3 at BTR2)**  
The applicant is requesting a 12 month extension of the administrative site plan approval extension granted October 5, 2023 pursuant to Section 64.90 of the Zoning Ordinance.
8. Other Updates and Business
9. Adjournment

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

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

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

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

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

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

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

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

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

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

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Neil Sikora	760-6769	<a href="mailto:nsikora@oshtemo.org">nsikora@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Michael Chapman	375-4260	<a href="mailto:mchapman@oshtemo.org">mchapman@oshtemo.org</a>

<b>Township Department Information</b>			
<b><u>Assessor:</u></b>			
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>	
<b><u>Fire Chief:</u></b>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</u></b>			
Alan Miller	216-5230	<a href="mailto:amiller@oshtemo.org">amiller@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@oshtemo.org</a>	
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>	
<b><u>Planning Director:</u></b>			
Jodi Stefforia	375-4260	<a href="mailto:jstefforia@oshtemo.org">jstefforia@oshtemo.org</a>	
<b><u>Public Works Director:</u></b>			
Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>	

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD AUGUST 20, 2024

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**Agenda**

**Non-Motorized Facility Variance: Scott Williams (Complete Team Outfitters)**

The applicant is requesting a variance from Section 57 of the Zoning Ordinance to eliminate the requirement that a non-motorized facility be established at 1560 South 8th Street.

**Setback Variance: Michael Shields (Blackberry Systems)**

The applicant is requesting a variance from Section 50 of the Zoning Ordinance to allow a 15-foot side yard setback for building additions where the ordinance requires a 20-foot setback in the I-1, Industrial District. Subject property is 6477 West KL Avenue.

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, August 20, 2024, beginning at 3:00 p.m.

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

MEMBERS ABSENT:       Louis Williams, Chair

Also present were Jodi Stefforia, Planning Director; Leeanna Harris, Zoning Administrator; Jim Porter, Township Attorney; and 3 interested persons.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Vice Chair Jachym called the meeting to order at 3:03 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no comments on non-agenda items.

**APPROVAL OF THE MINUTES OF JUNE 25, 2024**

Vice Chair Jachym asked for additions, deletions, or corrections to the Minutes of the meeting held on June 25, 2024.

Mr. Smith **made a motion** to approve the minutes of the meeting held on June 25, 2024, Ms. Farmer **seconded the motion**. The **motion was approved** unanimously.

**NON-MOTORIZED FACILITY VARIANCE (1560 SOUTH 8<sup>TH</sup> STREET)**

Ms. Harris presented her staff report dated August 14, 2024, and incorporated herein, regarding a variance to not be required to install the non-motorized facility adjacent to South 8th Street.

Project Summary:

Mr. Scott Williams, owner of 1560 S. 8<sup>th</sup> St., is requesting a variance from the requirement to install a non-motorized facility adjacent to South 8th Street, per Section 57.90 of the Zoning Ordinance.

The applicant previously applied for Site Plan Review and a variance request to construct a new 6,684 square foot building with a connecting breezeway to the existing building on site. Since that approval on February 20, 2024, the applicant has made good progress and is nearing completion. However, as a condition of approval for the site plan review, the applicant was required to enter into an escrow agreement in lieu of installing the non-motorized facility and deposit funds of \$45,000 to an escrow account with the Township for future use. Ms. Harris shared an aerial view map of the property.

Recommendation:

Planning Department staff recommended that the motion of possible action should include the findings of fact relevant to the requested variance. Letters of support are incorporated herein by Township Attorney Porter and Township Public Works Director Ms. Anna Horner.

Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval
  - o There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
  - o Conformance to the Ordinance is unnecessarily burdensome.
  - o The request would not be considered a self-created hardship.
  - o It is not expected that the variance request would negatively impact the health, safety, or welfare of others.
  
- Support of variance denial
  - o Minimum necessary for substantial justice is not met.

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

1. Variance Approval

The Zoning Board of Appeals approves the variance request.

If the variance were approved, staff also recommend the Zoning Board of Appeals attach the following conditions:

- The applicant consents to a Special Assessment District.

2. Variance Denial

The Zoning Board of Appeals denies the variance request.

Discussion was held around the Special Assessment District (SAD). Vice Chair Jachym requested more information about the Special Assessment District. Mr. Porter stated that historically they would ask an applicant to sign an agreement that if and when a SAD is established, they would support it. This would run with the property.

Ms. Farmer stated that this Ordinance was recently amended, but recommends that it be reviewed again by the Township Planning Commission for recommendation to take into consideration scenarios like this request.

Ms. Stefforia shared that with the work on the comprehensive master plan, there will be a strong transportation component, and the non-motorized plan will be revisited to craft language for streets like this verses S. 9<sup>th</sup> Street which will see development happening along it and would want the facilities built or escrowed.

Mr. Matt Gibson, from Complete Team Outfitters, the tenant and business partner of Mr. Williams, spoke in support of the variance and offered to address any questions. Mr. Gibson informed the Board they are happy to sign any document or agreement for beautification in the future to put sidewalks in if that is required from the Township, but at this time they would be the only business with a sidewalk.

Vice Chair Jachym inquired about the sign posted out front, “build to suit” and if they were seeking new tenants. Mr. Gibson advised that they had previously planned to build additional spaces, but due to the downturn with commercial real estate, they are not actively seeking new tenants. If that changes, they would come back before the Township and start the process again.

Ms. Farmer **made a motion** that the Zoning Board of Appeals approve the variance request with the following condition:

- The applicant consents to a Special Assessment District.

Mr. Gould **seconded the motion**. The **motion was passed** unanimously.

**SETBACK VARIANCE: MICHAEL SHIELDS ( 6477 W KL AVENUE)**

Ms. Harris presented per her staff report from August 14, 2024, and is incorporated herein for a variance from Section 50 of the Zoning Ordinance to allow a 15-foot side yard setback for building additions where the ordinance requires a 20-foot setback in the I-1, Industrial District. The subject property is 6477 West KL Avenue.

Project summary:

SHIELDS MJ LLC is requesting a variance from setback requirements outlined in Section 50.60.C. of the Zoning Ordinance to allow for a reduced setback of 15 feet along the east property line where the Zoning Ordinance requires 20 feet, or the height of the building, whichever is greater, to allow for additions on the east side of the building. The applicant’s intent is to submit for full site plan review for planned site modifications once they have completed the variance process. Ms. Harris shared an aerial view map of the property.

Recommendation:

Planning Department staff recommended that the motion of possible action should include the findings of fact relevant to the requested variance.

- Support of variance approval
  - o It is not expected that granting the variance would negatively impact the health, safety, or welfare of others.
  - o The conditions or circumstances which created the variance request are not entirely self-created.
  - o There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
  
- Support of variance denial
  - o Minimum necessary for substantial justice is not proven.
  - o Compliance with the Ordinance is not unnecessarily burdensome as the property could continue to be utilized in its present state and constructing additions on the site is entirely discretionary.

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.

Ms. Harris advised that the addition would be a single-story addition.

Mr. Mike Shields, owner of Blackberry Systems, shared with the Board that the business has been growing and they enjoy the location and the being part of the Oshtemo Township community. With their growth, they need additional warehouse and office space.

Mr. Everette asked Mr. Shields if they had considered going to the South or building higher. Mr. Shields advised there is not enough room for them to build to the South and confirmed that the section being added is a one-story section.

Mr. Gould asked if this would make it impossible to expand again on this current site. Mr. Shields confirmed that with the three elements they are considering, they would not be able to expand further. They have previously looked for commercial property to build on or leasing options for additional space for warehousing but have been unsuccessful. With this addition, they anticipate they will remain at the current location at least 10 to 15 years.

Ms. Farmer shared that it is good to hear that businesses are expanding.

Mr. Smith **made a motion** that the Zoning Board of Appeals approve the variance request. Mr. Gould **seconded the motion**. The **motion was passed** unanimously.

Vice Chair Jachym thanked Mr. Shields. Mr. Shields thanked the Township staff for the assistance they received. The Board recognized staff for their work.

### **OTHER UPDATES AND BUSINESS**

Vice Chair Jachym called for other updates and business.

Ms. Stefforia shared that on October 15<sup>th</sup> at 6:00 p.m., there will be a joint meeting of all the Township Boards with a presentation by Progressive AE to share the comprehensive master plan. They are starting to flush out the future use master plan and starting to talk about if are there any additional sub areas that will warrant a closer look in this process.

### **ADJOURNMENT**

There being no further business, Vice Chair Jachym adjourned the meeting at 3:46 p.m.

Minutes Prepared: August 21, 2024

Minutes Approved:

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September 19, 2024

**Mtg Date:** September 24, 2024

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

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Mary Jane Canney Midgett

**Owner:** Mary Jane Canney Midgett

**Property:** 10273 Skyview Drive, Parcel Number 3905-18-460-003

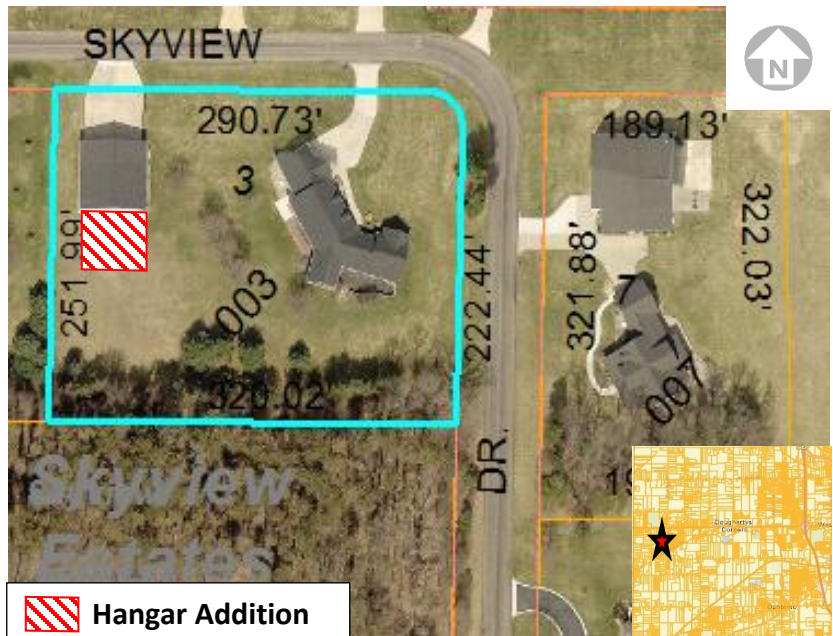
**Zoning:** RR: Rural Residential District

**Request:** A variance to expand an existing airplane hangar by an additional 2,250 square feet for a total area of 4,750 square feet whereas the Zoning Ordinance allows a maximum area of 2,954 square feet.

**Section(s):** Section 57.100.D - Accessory Buildings Serving A Primary Residence

**OVERVIEW:**

Mary Jane Canney Midgett is requesting a variance from the size restrictions for accessory buildings outlined in Section 57.100.D of the Zoning Ordinance to allow for a greater square footage than required by code. The square footage of any accessory building located on a property within a subdivision or site condominium cannot exceed the footprint of the livable portion of the property's principal building. If granted, the variance would allow for the expansion of an existing detached airplane hangar by an additional 2,250 square feet for a gross floor area of 4,750 square feet (net floor area of 4,500 square feet) whereas the Zoning Ordinance allows a maximum area of 2,954 square feet.



The property under consideration is outlined in light blue in the map above with the subject hangar addition illustrated through the red and white hatch marks. The property is zoned RR: Rural Residential District and is located on a corner building site within the Skyview Estates Site Condominium development located on the north side of Almena Drive between 1<sup>st</sup> Street and 2<sup>nd</sup> Street. Said development was approved by the Township in 1999 as an open space community, which includes the grass runway of Newman's Airfield as part of the development.

Although Newman’s Airfield is a public-use airport, the 15 site condominium unit owners within Skyview Estates have interest in the airport and can utilize the air strip, hence allowed to build airplane hangars on their respective properties.

STANDARDS OF REVIEW – STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional 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.

Staff has analyzed the request against these principles and offers the following information to the Zoning Board of Appeals.

Standards of Approval of a Nonuse Variance (practical difficulty)

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

*Comment:* The subject site condominium development was designed and intended for all residents to enjoy airplane hangars and have unique, direct access to Newman’s Airfield. Airplane hangars are often designed to be large, and in this case, large enough to store an average sized plane or multiple smaller planes along with other equipment or materials to be able to operate such successfully. However, there are no unique physical circumstances preventing compliance with the current Ordinance limitation as the applicant already has a functioning airplane hangar. See applicant’s comments on this factor.

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

*Comment:* The Township’s Zoning Ordinance for accessory buildings was amended in 2020 to define limits pertaining to maximum size allowed and placement restrictions. The 2020 amendment particularly detailed different size requirements for accessory buildings on unplatted parcels versus lots and building sites located within subdivisions and site condominium developments. This change in the code was mainly attributed to the Township being concerned with placement and size of outbuildings on properties in a neighborhood type setting as questions were raised as to the character and principal use of a property.

Although the subject property is located within a site condominium development, the mentioned Ordinance amendment does not provide for any allowance for increased square footage for airplane hangars located on properties within Newman’s Airfield. The master deed for Skyview Estates identifies that detached airplane hangars may contain up to 4,500 square feet of net floor

area. Prior to the 2020 amendment, the Township’s Zoning Ordinance did not have any maximum size requirements. Therefore, many other owners within the Skyview Estates development were able to utilize their deed restrictions to the fullest potential, hence the reason why several properties within the development possess larger hangars. The average hangar size within the development is 3,750 square feet. If the variance is denied, the applicant could only expand the net floor area of the airplane hangar by 602 square feet, for a maximum area of 2,954 square feet. See applicant’s comments on this factor.

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

**Comment:** In researching past Zoning Board of Appeals decisions regarding the request for relief from the size restrictions for accessory buildings, no similar variance requests were found. This is the first variance requesting relief from the size restrictions for any type of accessory building. This is directly linked with the fact that prior to the code amendment made in 2020, the Ordinance at that time only required formal site plan review by the Zoning Board of Appeals for accessory buildings which had a floor area exceeding the floor area of the dwelling on site. Therefore, there was no need for applicants to engage in the variance process.

*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 site condominium development the subject property is located within includes an airstrip and allows airplane hangars with a net floor area of up to 4,500 square feet. The zoning ordinance does allow for accessory buildings, such as a detached airplane hangar, on the property.

However, it is the applicant’s desire to expand the airplane hangar to a size which exceeds the maximum area allowed by Ordinance, which could be argued as being self-created. See applicant’s comments on this factor.

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

**Comment:** It is not expected that granting the variance request would negatively impact the health, safety, or welfare of others. There are several other properties within the same development that have significantly larger airplane hangars than the current size of the applicant’s existing hangar. The master deed for the Skyview Estates Site Condominium, which was reviewed and approved by the Township in 1999, specifically states that detached airplane hangars may contain up to 4,500 square feet of net floor area. The proposed addition to the airplane hangar would not be any closer to the east, west, or north property lines than what it is now. The south side of the addition would be at least 100 feet from the south property line. See applicant’s comments on this factor.

**POSSIBLE ACTIONS**

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
  - It is not expected that granting the variance would negatively impact the health, safety, or welfare of others.
  - The conditions or circumstances which created the variance request are not entirely self-created.
  - Conformance to the Zoning Ordinance is unnecessarily burdensome as the latest amendment to the Ordinance did not consider the properties tied to Newman’s Airfield.
  
- Support of variance denial
  - Minimum necessary for substantial justice is not proven.
  - There are no unique physical circumstances that prevent strict compliance with the Zoning Ordinance.

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.

Attachments: Application, Applicant’s Letter of Intent, Aerial Image, Floor Plan, and Elevation Drawings



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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS**

Newman's Airport Hangar Extension, 10273 Skyview Drive, Kalamazoo, MI 49009

**PLANNING & ZONING APPLICATION**

Applicant Name: Jim Midgett and Mary Jane Canney Midgett

Company: \_\_\_\_\_

Address: 10273 Skyview Drive  
Kalamazoo, MI 49009

E-mail: Maryjane@Canneys.com

Telephone: 269-330-6041 Fax: 269-343-0080

Interest in Property: owners

**OWNER\*:**

Name: Same as above

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))**

- |   |   |
|---|---|
| <input type="checkbox"/> Pre-Application Review                 | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088                | <input type="checkbox"/> Rezoning – I091                  |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089   |
| <input type="checkbox"/> Special Exception Use – I085           | <input type="checkbox"/> Interpretation – I082            |
| <input checked="" type="checkbox"/> Zoning Variance – I092      | <input type="checkbox"/> Other: _____                     |
| <input type="checkbox"/> Site Condominium – I084                |   |

**BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):** \_\_\_\_\_

Airplane Hangar Extension, requesting to add an additional 2,148 Sq. Ft. to existing Hangar at 2,352 SQ. FT. = 4,500 total Sq. Ft. for additional airplane storage.

Height of new extension is the same height as the existing Hangar on property.

Site Plans attached

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

SKYVIEW ESTATES LOT #3\* \*\*11-99 1999 SPLIT FROM 18-455-045, 18-480-010, 19-280-010 & 19-280-020

**PARCEL NUMBER:** 3905- 05-18-460-003

**ADDRESS OF PROPERTY:** 10273 Skyview Drive, Kalamazoo, MI 49009

**PRESENT USE OF THE PROPERTY:** Home

**PRESENT ZONING:** RR **SIZE OF PROPERTY:** 1.874 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)**

\_\_\_\_\_  
\_\_\_\_\_

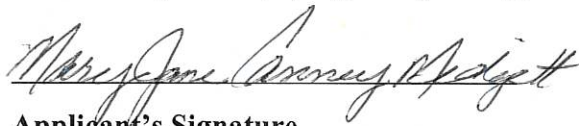
\_\_\_\_\_  
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**SIGNATURES**

*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**



8/6/2024

**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 Charter Township  
7275 W. Main Street  
Kalamazoo, MI 49009-9334

Date: August 6, 2024

Re: Letter of Intent

Dear Zoning Board Association

It is our intent to request a variance to add square footage to our existing airplane hangar, allowing for additional storage.

This letter of intent is to apply for a variance with the Zoning Board of Appeals to allow for a greater square footage of our current hangar, than what Section 57.100.D.1 of the Zoning Ordinance allows. This request is to construct an addition to our existing hangar located at 10273 Skyview Drive, Kalamazoo, MI 49009, Newman's Airport. The current hangar is detached from our home, with a current size as follows:

**Existing Hangar**

**Inside Floor Area:**

**48' - 6" x 48' - 6"**

**2,352 Sq. Ft**

**8' walls**

**Requested Addition to Hangar**

**Inside Floor Area:**

**48' - 6" x 44' - 4"**

**2,148 Sq. Ft**

**8' walls**

**Total Inside floor Sq. Ft (2,352+2,148) 4500 Sq. Ft**

Outside width of Hangar addition is the same as existing hangar (50' wide)

The requested hangar addition:

To be constructed in metal, same as the existing hangar.

To be white in color, matching existing hangar.

Criteria 1: Conformance Unnecessarily Burdensome

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

Yes: The new code did not take into account Newman's Airport designed to allow for large airplane hangars to house and maintain multiple planes.  
The Majority of other existing hangars, throughout the development, are much larger than our current hangar.  
This is not just an out building; it is a building to house and maintain airplanes at an airport.

Criteria 2: Substantial Justice:

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

Yes: Staff will present previous findings or variances allowed.  
Some variances have been granted.

Criteria 3: Unique Physical Circumstances:

Are there unique physical limitations or conditions which prevent compliance?

Yes: Existing hangar is not large enough to house and maintain multiple airplanes.  
Hangar addition will improve the property and fall in-line with other properties having larger hangars at Newman's airport.

Criteria 4: Self-Created Hardship:

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

Yes: Unable to house and maintain multiple airplanes in the existing hangar.

Criteria 5: Public Safety and Welfare:

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

Yes: An additional 2,148 sq ft inside floor area would not impact the lively hood of other surrounding properties that already have larger hangars built under the previous zoning.  
The hanger addition will be harmonious with other hangars within the Newman's Airport development. No harm to safety and welfare of public.

Thank you for your consideration and review of our request.

Sincerely,

Jim Midgett

Mary Jane Canney Midgett

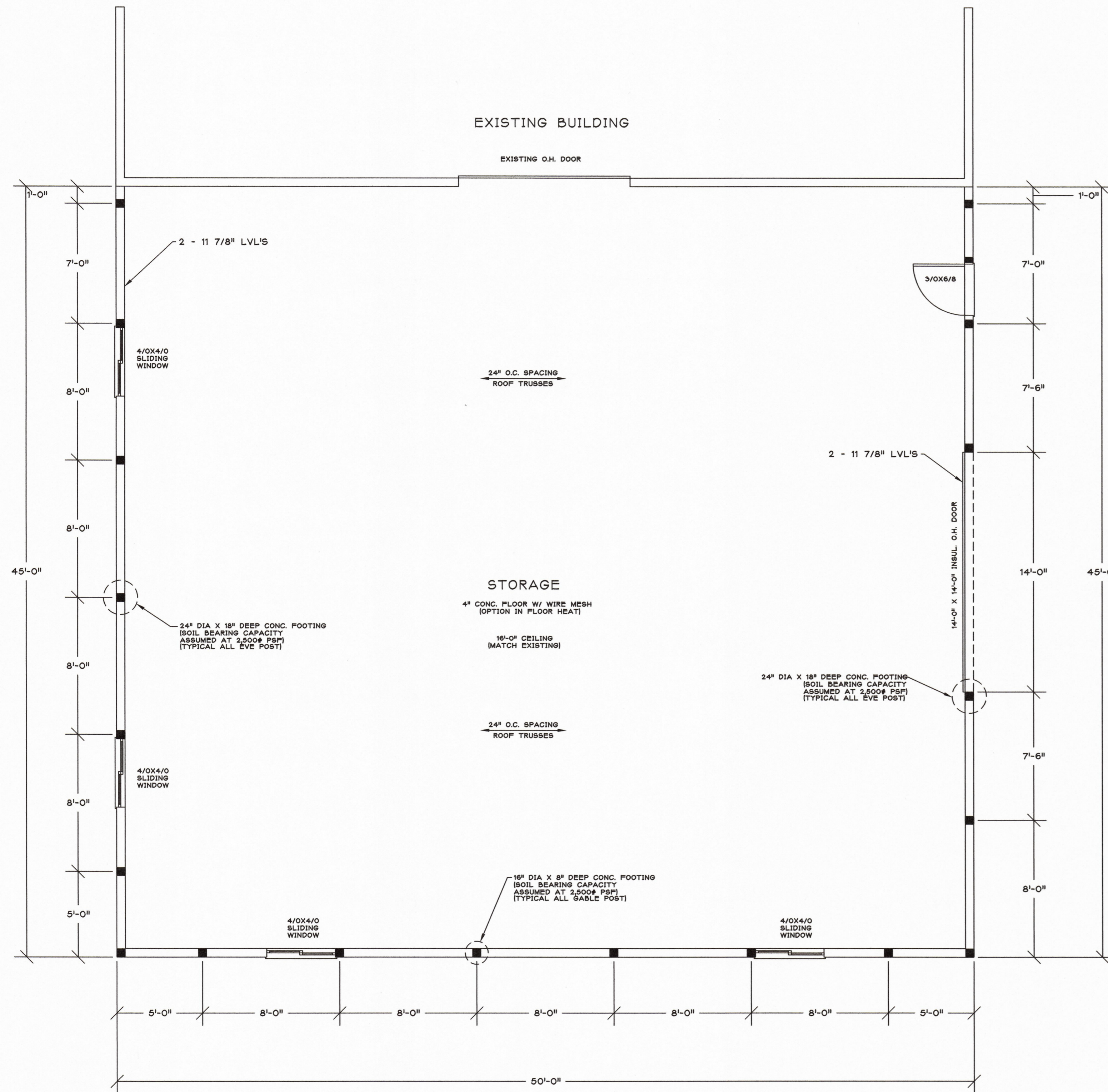


Aerial view of property located at: 10273 Skyview Drive, Kalamazoo, MI 49009

Requesting a variance: South side hangar Addition.



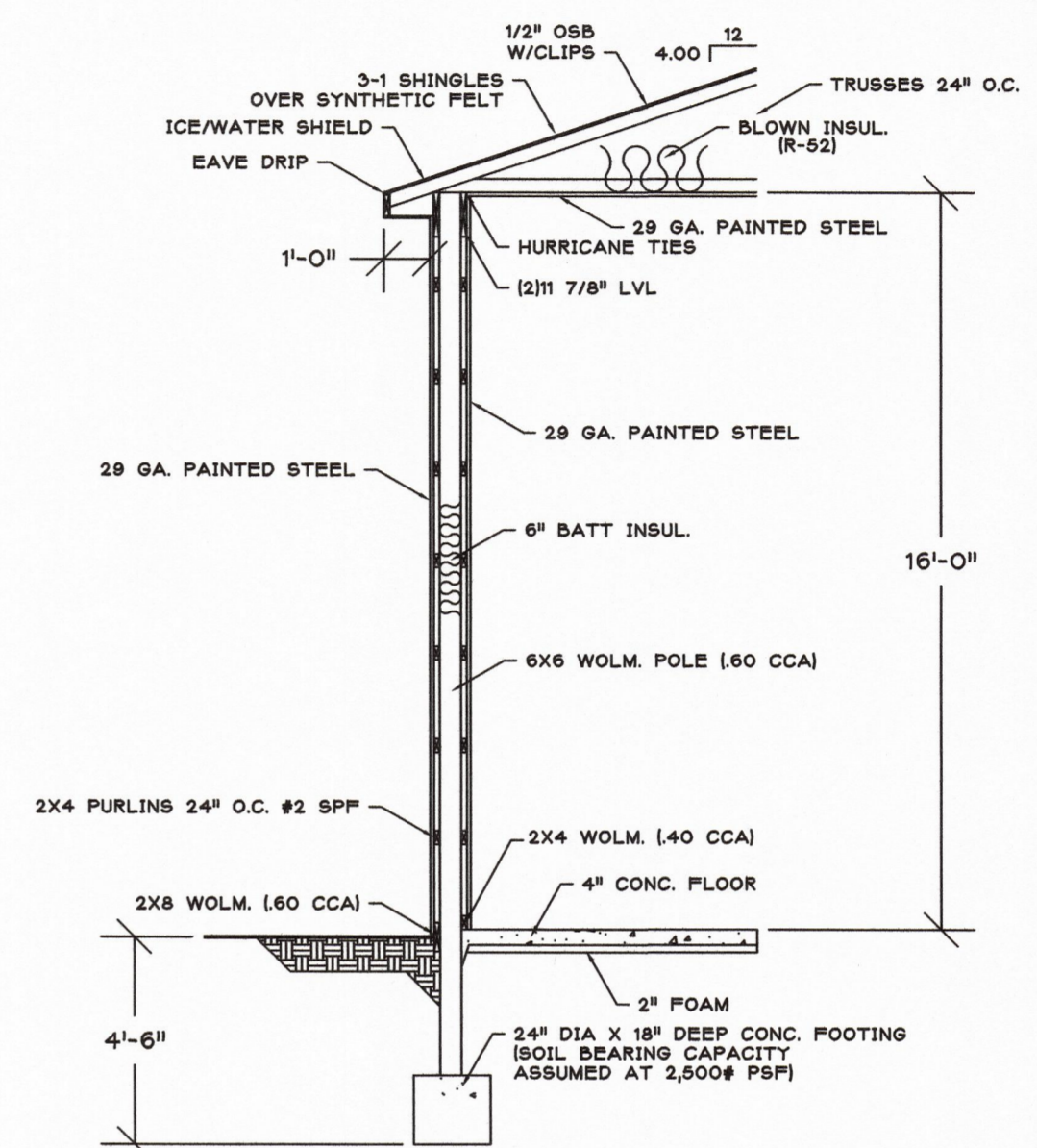
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FLOOR PLAN  
2250 SQ.FT. BUILDING ADDITION

ROOF TRUSS DATA:

TOP CHORD LIVE LOAD:	40.00 PSF
TOP CHORD DEAD LOAD:	7.00 PSF
BOTTOM CHORD LIVE LOAD:	0.00 PSF
BOTTOM CHORD DEAD LOAD:	10.00 PSF
TOTAL UNIFORM LOADING	57.00 PSF



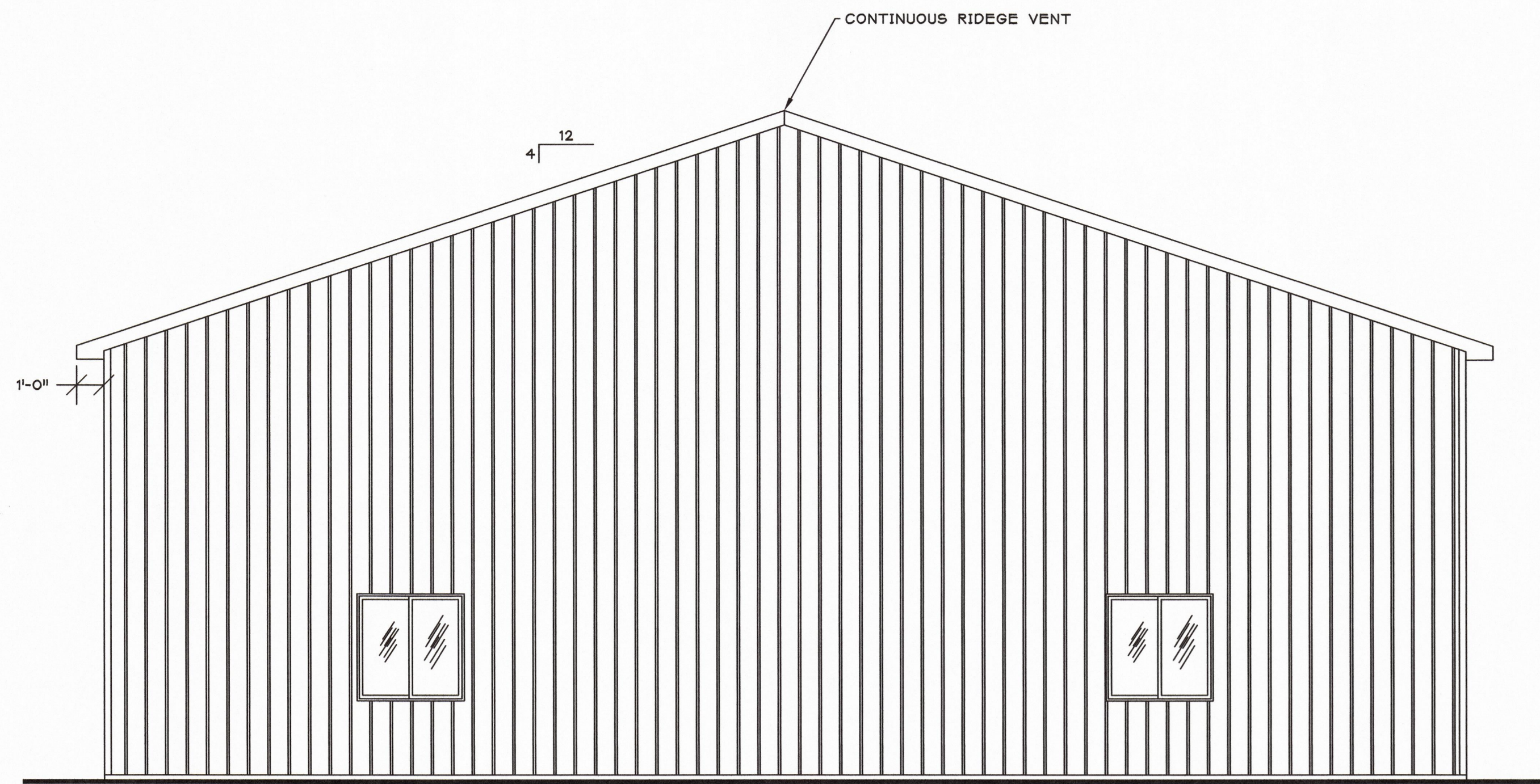
TYPICAL EXTERIOR WALL SECTION

ALL WORK TO COMPLY WITH  
2018 MICHIGAN BUILDING CODE

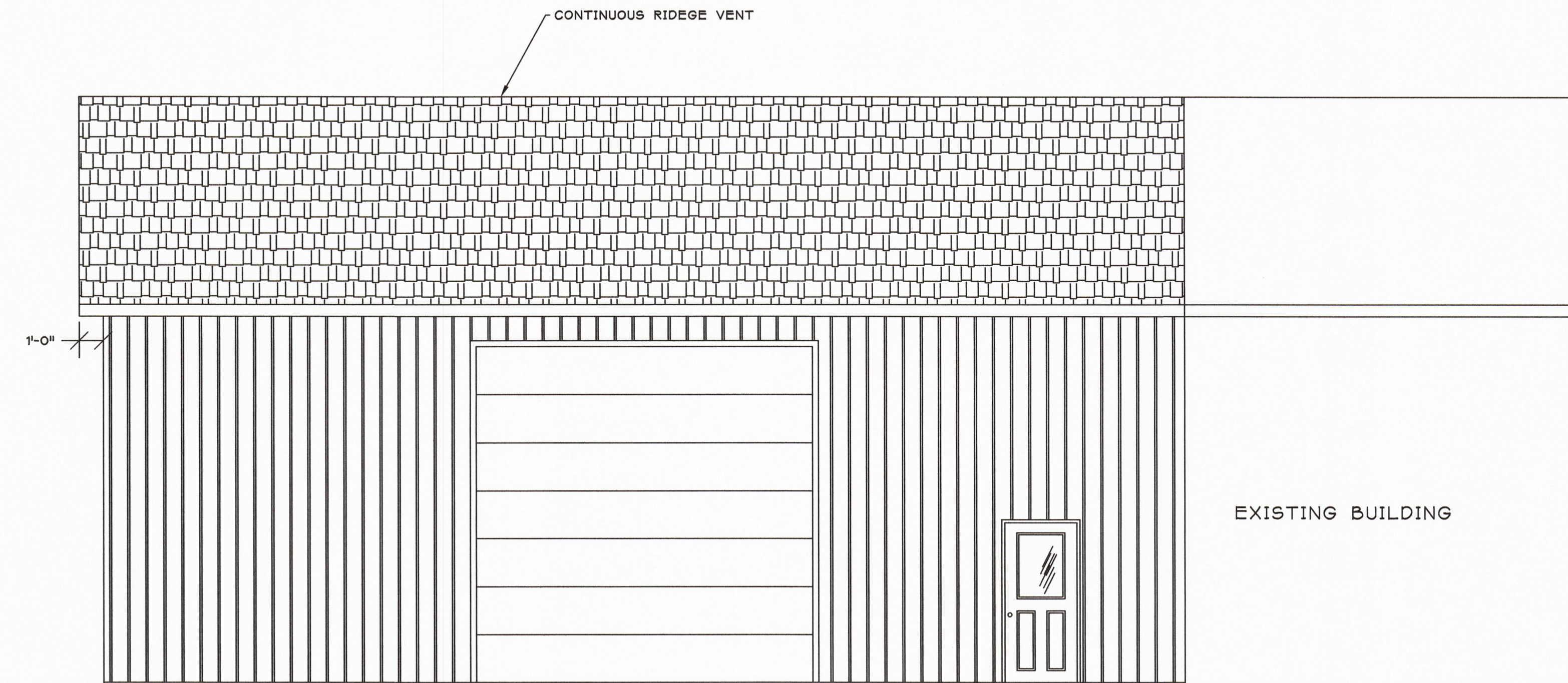
\*\* NOTE: ROB'S DESIGN'S IS A PROFESSIONAL RESIDENTIAL DESIGN SERVICE. ALL FEDERAL, STATE, & LOCAL CODES, ORDINANCES, REGULATIONS, ETC. ARE TO BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR EACH BUILDING AND ARE TO TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHERE ANY DISCREPANCIES MAY OCCUR. THE SITE CONDITIONS MAY VARY. 1ST STEP DESIGN'S LIMITED CANNOT WARRANT THE SUITABILITY OF THESE PLANS FOR USE ON EACH SPECIFIC SITE. DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION BEGINS. DIMENSIONS ARE NOT THE RESPONSIBILITY OF THE DESIGNER ONCE CONSTRUCTION HAS BEGUN. THIS DRAWING AND DESIGN IS THE COPYRIGHTED PROPERTY OF ROB'S DESIGN'S.

<b>ROB'S DESIGN'S</b> RESIDENTIAL AND LIGHT COMMERCIAL DESIGNS PLAINWELL, MI 49080		
SCALE: 1/4" = 1'-0"	DRAWN BY: ROB	DRAWING NUMBER:
DATE: 7/15/23	REVISED: 7/18/24	MIDGETT1
POST FRAME BUILDING ADDITIOIN		
JIM MIDGETT		SHT 2 OF 2

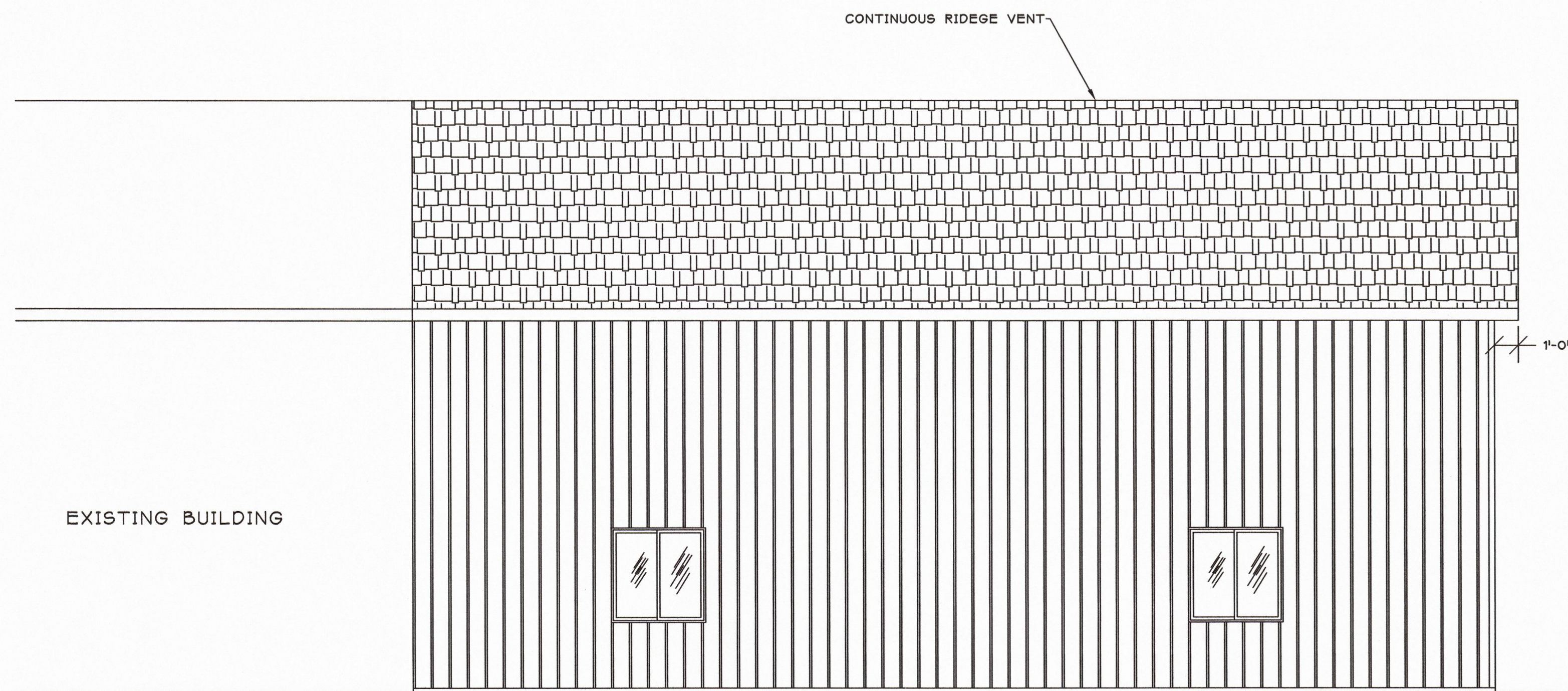
ADDRESS:  
10273 SKYVIEW DR  
KALAMAZOO, MI 49009



END ELEVATION



SIDE ELEVATION



SIDE ELEVATION

ALL WORK TO COMPLY WITH  
2018 MICHIGAN BUILDING CODE

\*\* NOTE: ROB'S DESIGN'S IS A PROFESSIONAL RESIDENTIAL DESIGN SERVICE. ALL FEDERAL, STATE, & LOCAL CODES, ORDINANCES, REGULATIONS, ETC. ARE TO BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR EACH BUILDING AND ARE TO TAKE PRIORITY OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHERE ANY DISCREPANCIES MAY OCCUR. THE SITE CONDITIONS MAY VARY. 1ST STEP DESIGN'S LIMITED CANNOT WARRANT THE SUITABILITY OF THESE PLANS FOR USE ON EACH SPECIFIC SITE. DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION BEGINS. DIMENSIONS ARE NOT THE RESPONSIBILITY OF THE DESIGNER ONCE CONSTRUCTION HAS BEGUN. THIS DRAWING AND DESIGN IS THE COPYRIGHTED PROPERTY OF ROB'S DESIGN'S.

<b>ROB'S DESIGN'S</b> RESIDENTIAL AND LIGHT COMMERCIAL DESIGNS PLAINWELL, MI 49080			
SCALE: 1/4" = 1'-0"	DRAWN BY: ROB	DRAWING NUMBER:	
DATE: 7/15/23	REVISED:	MIDGETTF	
<b>POST FRAME BUILDING ADDITIOIN</b>			
JIM MIDGETT			SHT 1 OF 2

ADDRESS:  
10273 SKYVIEW DR  
KALAMAZOO, MI 49009



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-375-4260 Fax 375-7180 TDD 375-7198  
www.oshtemo.org

**MEMO**

**To: Zoning Board of Appeals**  
**From: Colten Hutson, Zoning Administrator**  
**Date: September 24, 2024**  
**RE: Site Plan Extension Request, Faraday Project**

Faraday Properties, LLC is requesting a 12-month extension for their development located on Unit 3 of the Western Michigan University Business, Technology, and Research Park 2, a site condominium development on the corner of Parkview Avenue and Drake Road. The subject project, which consists of a new 60,785 square foot two-story office and manufacturing/distribution facility, was approved by the Zoning Board of Appeals on November 15, 2022. Administratively, the owner was previously granted a one-year extension on the site plan, extending its validity to November 15, 2023. The property owner has since expressed that construction for this project will not commence until Spring of 2025. As construction isn't scheduled to begin until after November 15, 2024, Faraday Properties, LLC has submitted a request to extend the validity of the site plan until November 15, 2025. Staff recommends the Zoning Board of Appeals grant the requested 12-month extension.

Attachments: Application and Letter Extension Request

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

**PLEASE PRINT**

PROJECT NAME & ADDRESS BTRZ Faraday Project

**PLANNING & ZONING APPLICATION**

Applicant Name: Faraday Properties LLC  
 Company: Jason DeVries  
 Address: Po Box 2343  
Portage, MI 49081  
 E-mail: j@devr11@protonmail.com  
 Telephone: 269 271 3510 Fax: \_\_\_\_\_  
 Interest in Property: \_\_\_\_\_

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \_\_\_\_\_  
 Escrow Amount \_\_\_\_\_

OWNER\*:  
 Name: Jason DeVries  
 Address: 8888 Mtn Pine Ln  
Kalamazoo, MI 49009  
 E-mail: j@devr11@protonmail.com  
 Phone & Fax: 269-271-3510

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

- |   |   |
|---|---|
| <input type="checkbox"/> Pre-Application Review                 | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088                | <input type="checkbox"/> Rezoning – I091                  |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089   |
| <input type="checkbox"/> Special Exception Use – I085           | <input type="checkbox"/> Interpretation – I082            |
| <input type="checkbox"/> Zoning Variance – I092                 | <input checked="" type="checkbox"/> Other: _____          |
| <input type="checkbox"/> Site Condominium – I084                |   |

**BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):** Extensions requiring Planning Commission Approval

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PARCEL NUMBER:** 3905- \_\_\_\_\_  
**ADDRESS OF PROPERTY:** BTRZ business park  
**PRESENT USE OF THE PROPERTY:** Land  
**PRESENT ZONING:** \_\_\_\_\_ **SIZE OF PROPERTY:** \_\_\_\_\_

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

Name(s)	Address(es)
<u>Jason DeVries</u>	<u>8888 Mtn Pine Ln, Kalamazoo</u> <u>MI 49009</u>
_____	_____

**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**



8-30-2024

**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**



07/18/2024

12 month Extension Request for Faraday Properties LLC Development BTR2

To whom it may concern,

Faraday Defense is requesting a 12 month extension on it's development project at BTR2. The project is currently projected to begin construction in Spring 2025 and complete within 18 months thereafter. We continue to obtain quotes in an effort bring down costs but fully plan to begin construction next year.

Thanks for your consideration,

A handwritten signature in black ink, appearing to read 'J. DeVries', with a long horizontal stroke extending to the right.

Jason DeVries

President

Faraday Defense