

CITY OF PORTAGE ZONING BOARD OF APPEALS

AGENDA

**Monday, November 10, 2025
7:00 PM**

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

1. October 13, 2025 meeting Minutes

OLD BUSINESS:

NEW BUSINESS:

1. ZBA#25-02; 4815 West Milham Ave

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 13, 2025

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Eichstaedt at 7:00 p.m. eight people were in the audience.

MEMBERS PRESENT: Jay Eichstaedt, David Bergher, John Sloan, Ken Seybold, Linda Fry, Mike Stempihar

MEMBERS EXCUSED: Aimee Potts

A motion was made by Seybold, and seconded by Fry, to excuse the absent board member. Upon voice vote, the motion passed 6-0.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Alex Johnson, City Planner.

APPROVAL OF THE MINUTES:

A motion was made by Bergher, and seconded by Stempihar, to approve May 12, 2025, minutes. Upon voice vote, motion passed 6-0.

NEW BUSINESS:

ZBA #25-01; 6005 South Westendge Avenue: Staff explained the background and request for a variance for two additional wall signs which would exceed the maximum allowance by 160.5 square feet. The applicant explained that the proposed dog image is not intended for advertising purposes but reflects the company's logo. Rick Williams spoke on behalf of the applicant and stated the right in and right out entrance design limited visibility of the building, and that heavy traffic could potentially block the view of the pylon sign making the need for larger wall signs more important. Stempihar asked if the applicant had considered placing the dog image on the menu or some other locations. The applicant responded they try to keep the appearances of their stores uniform.

A public hearing was opened. A letter of opposition from Jeffrey Case, 5691 Tradewind Drive was read into the record. Paul Goldenbeld, 219 E. Milham Avenue spoke in opposition to the request stating that any lights shining on the proposed signs or building would have negative impacts on the neighboring residences. The applicant stated the mural would not be illuminated. The public hearing was closed.

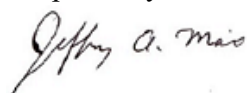
A motion was made by Fry, seconded by Seybold to deny the variance for two additional wall signs which would exceed the maximum allowance by 160.5 square feet for the following reason: the variance will materially impair the intent and purpose of the ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record, and that the action of the Board be final and effective immediately. Upon roll call vote: Eichstaedt-Yes, Seybold-Yes, Bergher-Yes, Sloan-Yes, Stempihar-Yes, Fry-Yes. The motion passed 6-0.

OTHER BUSINESS: The Board accepted Lena Jomaa's resignation and thanked her for her time and service.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: Motion by Bergher, seconded by Sloan to close the meeting. The meeting was adjourned at 8:12 pm.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

TO: Zoning Board of Appeals**DATE:** November 10, 2025**FROM:** Peter Dame, Chief Development Officer**SUBJECT:****CODE SECTION:** Section 42-262 C(4)(a) Vehicle Fueling Station separation distance**APPEAL:** Seeking a variance to construct a vehicle fueling station 66 feet from a residential zoned property where a minimum 300-foot separation distance is required.**STAFF****RECOMMENDATION:** The applicant is requesting the variance per the enclosed application and site sketch. The subject property is zoned B-3, General Business. A parcel line adjustment was recently approved splitting the north (roughly half of the parcel) portion of the lot from the south B-2 zoned portion, and this north portion was recently approved to be rezoned to B-3, General Business. The property is adjacent to undeveloped properties zoned B-2, Community Business to the south and east, commercial zoned property located in the Charter Township of Texas across the street to the west, and to B-3 General Business and R-1A One Family Residential zoned property (Westfield Park) across the street to the north.

The property at 4815 West Milham Avenue is currently undeveloped, but the applicant proposes to construct a vehicle fueling station/convenience store (Casey's) there. As noted, the subject property is across the street from Westfield Park, which is zoned R-1B, One Family Residential. Section 42-262C(4)(a) requires that vehicle fueling stations must be located at least 300 feet away from residential zoned property. The park's underlying zoning is residential and is 66 feet to the north. A variance is therefore requested.

The requirement for a 300-foot separation distance from residential property is intended to protect residences from the sounds, sights, smells, and other potential negative impacts associated with the operation of vehicle fueling stations. In the instant case, however, there are no nearby residences. The nearest residential property that actually has a residence on it is located 463 feet to the north; well beyond the minimum 300-foot separation distance requirement. Westfield Park was created in 1969, and while the underlying zoning happens to be residential, the prospect of it being redeveloped as a subdivision at any point in the foreseeable future is highly unlikely. In addition, the Westfield subdivision was originally located closer to an automotive service station than the proposed development when Moore's Automotive (site of the current Sunny Mart at 4824 West Milham Avenue) was constructed in 1959. The separation standards found in Section 42-262 were not adopted until 2003. Westfield Park, however, has historically

served as a buffer for the Westfield neighborhood. The buffer is even more effective today as rows of now mature evergreen trees are located along the park's north and south property lines.

The surrounding development pattern is an exceptional circumstance applying to the property that does not generally apply to other properties in the same zoning district; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a fueling station that is similar to that possessed by other properties in the same zoning district; the surrounding development pattern was not created by the applicant, and they did not cause the need for the variance; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. For these reasons, the variance can be recommended.

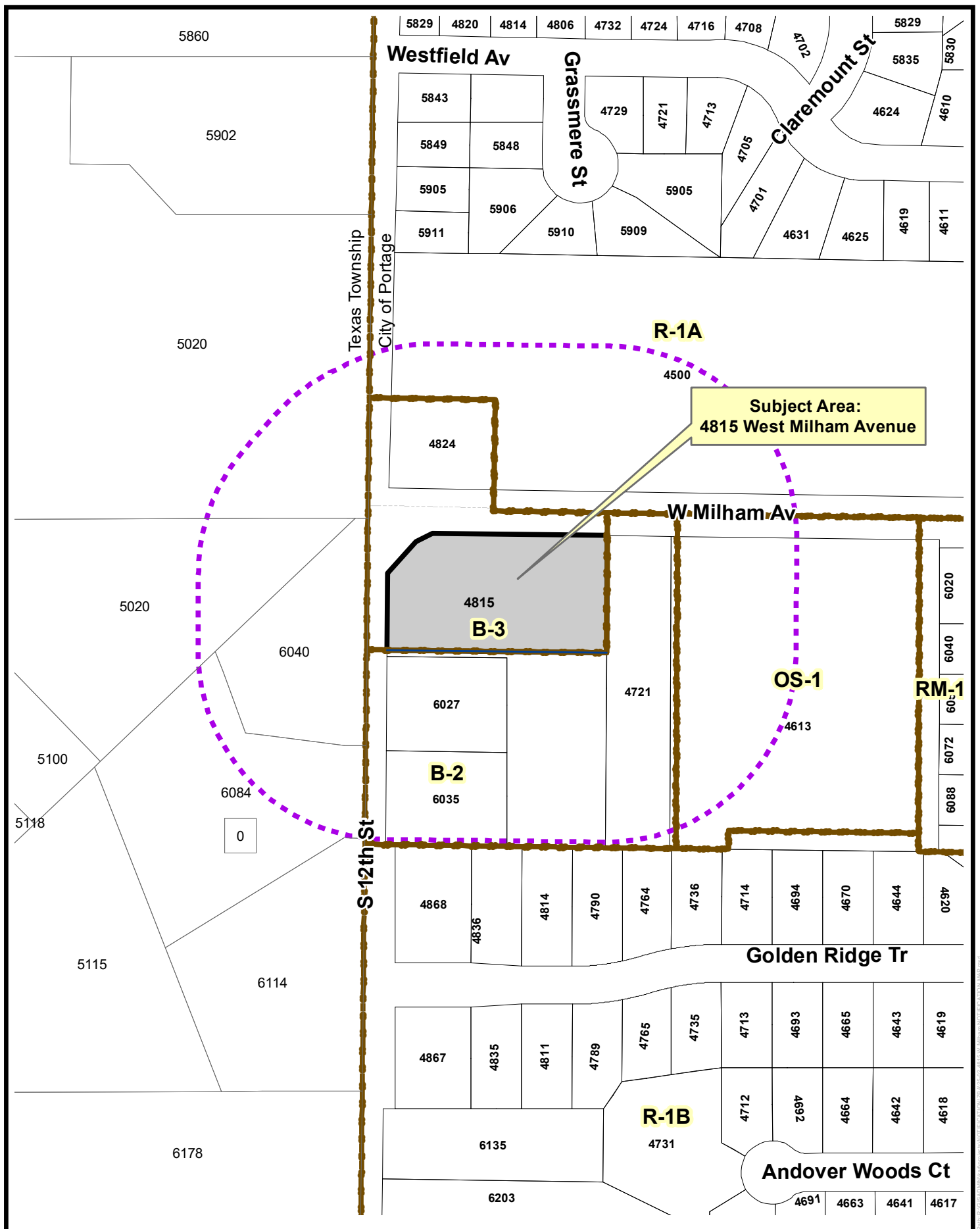
**PRACTICAL
DIFFICULTY:**

surrounding development pattern

Attachments:

1. 25-02 4815 W Milham Aerial MAP
2. 25-02 4815 W Milham Notification Map
3. 25-02 4815 W Milham Zoning MAP
4. ZBA 25-2 Application
5. ZBA 25-2 Site Plan 4815 W Milham
6. Motion Form





ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 10.08.25

Name of Applicant Paul Hanson
Print

Paul

Signature

Applicant's Address 7777 Bonhomme Avenue, Suite 1853 Clayton, MO 63105

Phone No. 618-604-7157

Name of Property Owner (if different from Applicant) Milham Crossing, LLC.

Address 241 East Michigan Ave, Suite 135, Kalamazoo, Mi 49007

Phone No. _____

Address of the Property that is the subject of this Application:

Street Address 4815 W. Milham Ave.

For Platted Property: Lot Parcel 2 of 39-10-00007-120-A Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: vehicle fueling station

Application Fee _____ (Residential Uses)

\$374 (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):



Variance from Zoning Ordinance: Article 4 Section 42-262C(4)(a) Paragraph _____

Regarding: Use vehicle fueling station Area _____ Yards _____

Setbacks _____ Parking _____ Other proximity to residential zoning

Reason for Request (Also complete page 2 of application): Reduce the 300' separation requirement from the residentially zoned park to 65'

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number:	Filing Date:	Tentative Hearing Date:
Previous Application Filed Regarding This Property:		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

The request for variance is not due to physical characteristics of the property. The site itself is fully capable of accommodating the proposed use in compliance with the zoning ordinance. The need for a variance arises solely due to the property's proximity to a neighboring public park. Section 42-262C(4)(a) states vehicle fueling stations are not to be located within 300' of a residential zoning district.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

N/A

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)

Yes, the property could potentially be used for other permitted uses within the zoning district without the need for a variance. The variance is not being sought to avoid compliance with the zoning regulations, but rather to allow a appropriate use that is otherwise permitted but restricted solely due to the property's location relative to the park.

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

Yes, the requested variance is the minimum necessary to allow for a reasonable and permitted use of the property. The variance specifically addressed the unique issue of proximity to the neighboring park and does not seek to waive or reduce any other zoning requirements.

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

The proposed use is consistent with other permitted uses in the zoning district and is compatible with existing commercial developments at the intersection. All standard zoning requirements related to setbacks and screening will be met to ensure minimal impact on neighboring properties.

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

The need for a variance arises solely due to the property's proximity to a neighboring public park. The stormwater runoff from the site will be detained via underground detention and released into existing public infrastructure, in order to prevent any concerns of flooding. There are two site access being proposed to help with the circulation of traffic at the intersection. The access off S. 12th street will be a shared access point with future development to eliminate the need for additional driveway cuts along the street.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

The hardship arises solely from the property's location in relation to the adjacent public park, which is an external condition beyond the control of either party.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

This variance allows the property to be developed in a way that respects the character of the area, supports land use planning, and does not create adverse impacts on the adjacent park or nearby properties. Granting this limited and reasonable variance strikes an appropriate balance between ordinance intent and the unique circumstances of the site.

Paul

Signature of Applicant

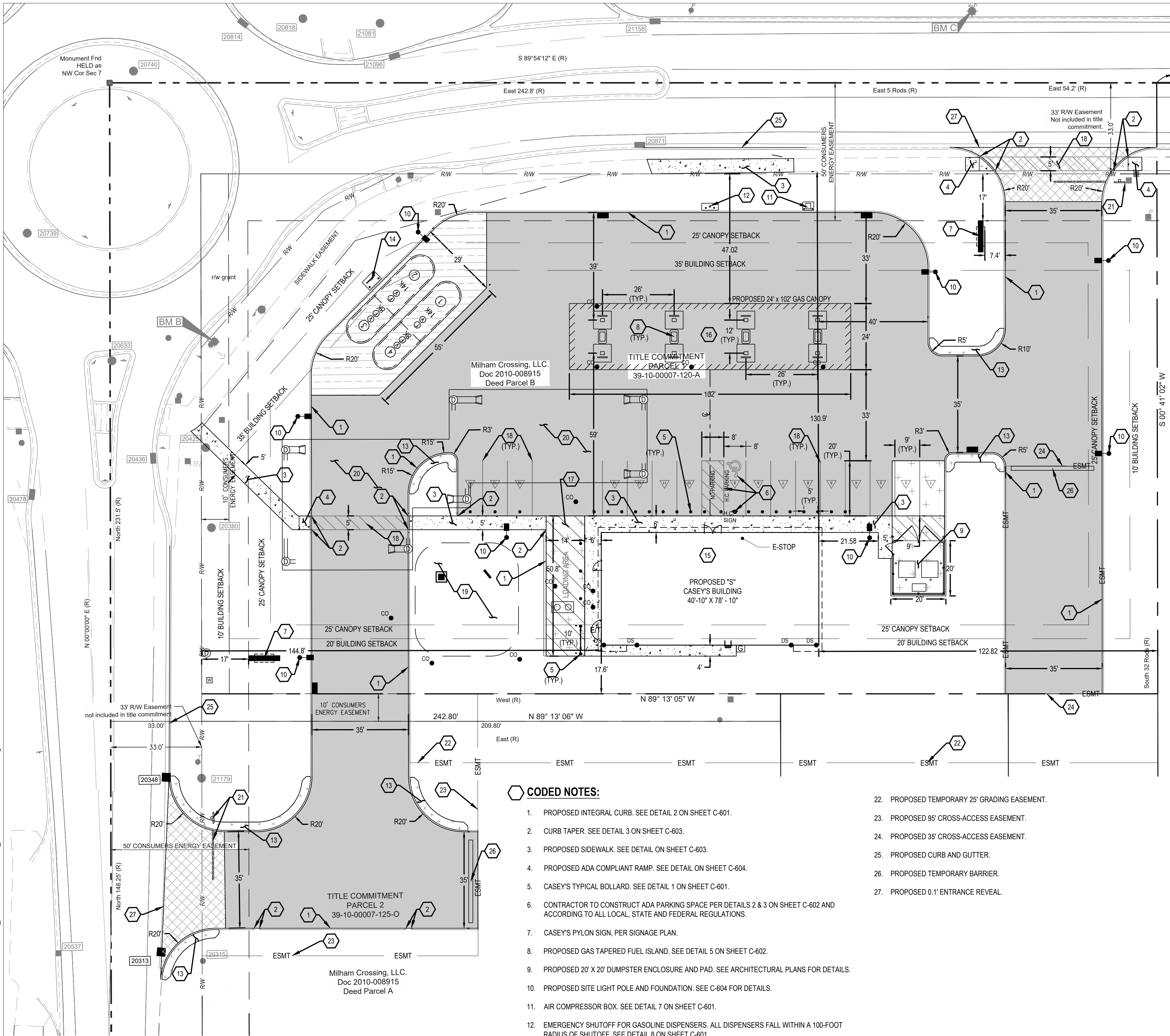
10.06.25

Date

7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477

www.portagemi.gov

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CODED NOTES:

1. PROPOSED INTEGRAL CURB. SEE DETAIL 2 ON SHEET C-601.
2. CURB TAPER. SEE DETAIL 3 ON SHEET C-603.
3. PROPOSED SIDEWALK. SEE DETAIL ON SHEET C-603.
4. PROPOSED ADA COMPLIANT RAMP. SEE DETAIL ON SHEET C-604.
5. CASEY'S TYPICAL BOLLARD. SEE DETAIL 1 ON SHEET C-601.
6. CONTRACTOR TO CONSTRUCT ADA PARKING SPACE PER DETAILS 2 & 3 ON SHEET C-602 AND ACCORDING TO ALL LOCAL, STATE AND FEDERAL REGULATIONS.
7. CASEY'S PYLON SIGN, PER SIGNAGE PLAN.
8. PROPOSED GAS TAPERED FUEL ISLAND. SEE DETAIL 5 ON SHEET C-602.
9. PROPOSED 20' X 20' DUMPSTER ENCLOSURE AND PAD. SEE ARCHITECTURAL PLANS FOR DETAILS.
10. PROPOSED SITE LIGHT POLE AND FOUNDATION. SEE C-604 FOR DETAILS.
11. AIR COMPRESSOR BOX. SEE DETAIL 7 ON SHEET C-601.
12. EMERGENCY SHUTOFF FOR GASOLINE DISPENSERS. ALL DISPENSERS FALL WITHIN A 100-FOOT RADIUS OF SHUTOFF. SEE DETAIL 8 ON SHEET C-601.
13. PROPOSED LANDSCAPE PROTECTOR. SEE DETAIL 4 ON SHEET C-601.
14. PROPOSED FUEL TANK VENTS AND PAD. SEE DETAIL 6 ON SHEET C601.
15. PROPOSED 3,220 SF BUILDING. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
16. PROPOSED 24' X 102', 4 DISPENSER AUTO FUEL CANOPY. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
17. PROPOSED 14' X 50' LOADING ZONE.
18. PROPOSED PAVEMENT MARKINGS.
19. PROPOSED DETENTION BASIN. REFER TO C-202 FOR DETAILS.
20. PROPOSED UNDERGROUND DETENTION SYSTEM. REFER TO C-203 FOR DETAILS.
21. PROPOSED "STOP" SIGN (R1-1) AND STOP BAR. REFER TO C-604 FOR DETAILS.

22. PROPOSED TEMPORARY 25' GRADING EASEMENT.
23. PROPOSED 95' CROSS-ACCESS EASEMENT.
24. PROPOSED 35' CROSS-ACCESS EASEMENT.
25. PROPOSED CURB AND GUTTER.
26. PROPOSED TEMPORARY BARRIER.
27. PROPOSED 0.1' ENTRANCE REVEAL.

BENCHMARK		DATUM: NAVD88
BM "A":	BENCHMARK SET EAST SIDE OF POWER POLE #131200, WEST SIDE OF SOUTH 12TH STREET BEHIND SIDEWALK BETWEEN ENTRANCE TO STRIP CENTER AND NEXT HOME BUSINESS. ELEVATION = 923.59'	
BM "B":	BENCHMARK SET NORTH SIDE OF POWER TELEPHONE POLE, BETWEEN SIDEWALK AND CURB, SOUTHWEST CORNER OF MILHAM AVENUE AND SOUTH 12TH STREET ROUNDABOUT, NORTHEAST FROM A LIGHT POLE. ELEVATION = 931.64'	
BM "C":	BENCHMARK SET SOUTH SIDE OF TELEPHONE POLE WITH UNDERGROUND, NORTH SIDE OF MILHAM AVENUE, BETWEEN CURB AND SIDEWALK, TWO POLES EAST FROM PORTAGE CITY SIGN. ELEVATION = 935.15'	

NOTE: REFER TO ALTA SURVEY, SHEET C-003, FOR BENCHMARK LOCATIONS

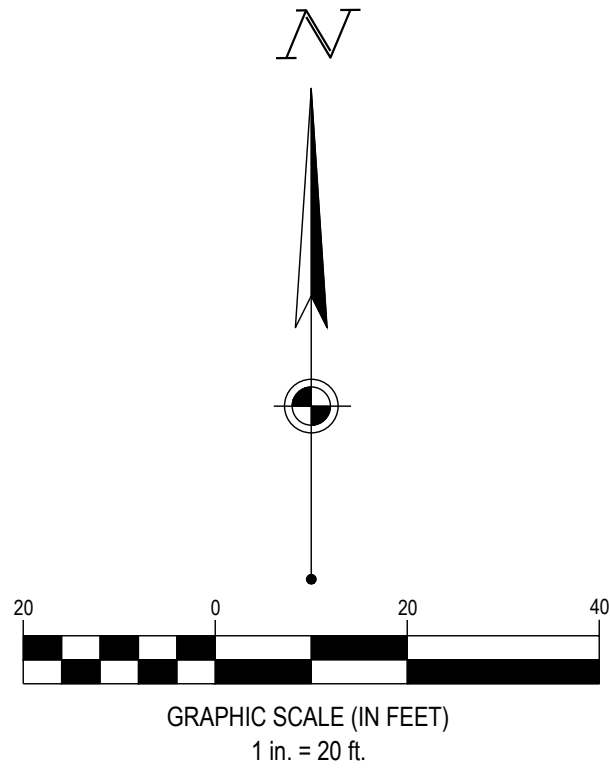
SITE LEGEND

EXISTING

REFER TO C-001 FOR EXISTING FEATURES LEGEND

PROPOSED

- PROPOSED STANDARD DUTY CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED FUEL TANK CONCRETE PAVEMENT. SEE DETAIL 2 AND 6 ON SHEET C-601
- PROPOSED HEAVY DUTY NON-REINFORCED CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED CONCRETE SIDEWALK. SEE DETAIL 1 ON SHEET C-601
- PROPOSED APPROACH CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- SEE ENLARGED PLAN, THIS SHEET
- SETBACK
- EASEMENT
- BUILDING
- CANOPY
- CONCRETE CURB
- PAVEMENT/WALK
- RETAINING WALL
- PARKING SPACE COUNT
- SIGN
- DETECTABLE WARNING MAT.
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- CURB INLET
- CLEANOUT
- AREA DRAIN
- DOWN SPOUT
- FIRE HYDRANT
- LIGHT POLE
- BOLLARD



SEVENTY-TWO (72) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: MICHIGAN UTILITIES PROTECTION SERVICE AT 811 OR 800-482-7171 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF STATE UTILITIES PROTECTION SERVICE



CESO
WWW.CESOINC.COM

3601 Rigby Rd., Suite 300
Merrimack, NH 03042
Phone: 937.435.8584 Fax: 888.208.4826



CASEY'S #4654

PORTAGE, MI

SEC S 12TH ST & W MILHAM AVE. 4815 W MILHAM AVE.
PORTAGE, MI 49024

Revisions / Submissions		
ID	Description	Date

Project Number:	765037
Scale:	1" = 20'
Drawn By:	BTW
Checked By:	PDH
Date:	06/12/2025
Issue:	NOT FOR CONSTRUCTION

Drawing Title:

SITE PLAN

C-101

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____
for a variance from _____

be:

a. granted for all of the following reasons:

- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one or more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**