

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING BOARD
OF ZONING APPEALS AT ITS NEXT REGULAR MEETING.

BOARD OF ZONING APPEALS
MEETING MINUTES OF DECEMBER 1, 2025
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bovard Strong, Burrill, Dishaw, Richter, Tobian, VanderSluis,
Yonkers

MEMBERS ABSENT: LaPlaca, VandenBerg

STAFF PRESENT: Smith, Assistant Director, Community & Economic Development
Ortlieb, Recording Secretary

CALL TO ORDER

Chair VanderSluis called the meeting to order at 1:30 PM.

APPROVAL OF MINUTES

Member Dishaw noted a correction for the minutes of the November 17, 2025 meeting. Dishaw stated that the minutes should state that there was a motion to postpone the request until the December 1, 2025 meeting instead of the current language to table the request. Richter supported the motion. Yonkers seconded the motion. The motion to revise the minutes of the November 17, 2025 meeting passed unanimously. The revised minutes were approved.

APPROVAL OF AGENDA

The agenda was approved to stand as read.

AGENDA ITEM NO. 1

Application Number: PZV2025-0004

Applicant: Mberabagobo Merci

Location: 1653 Kentfield St SW

Parcel Number: 41-17-15-427-035

Secretary Richter read the request. The applicant is requesting a use variance for Section 90-406A, which does not allow adult foster care group homes in the R-2 Residential District. The applicant is proposing an adult foster care group home and is requesting a variance to allow this type of use at this property within the R-2 Residential District.

Secretary Richter commented that the board received 7 letters from various neighbors surrounding the property in question. All the letters state their position opposing the variance request. Richter confirmed that all members of the board have had a chance to review the letters prior to the meeting and motioned that the letters should be added to the record of the meeting. Burrill supported the motion. The motion passed unanimously.

Charla Williams (1661 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request, citing the failure to meet the use variance standards under the zoning ordinance.

Marcie Tepper (1652 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request, stating the request is not exceptional or extraordinary, does not preserve substantial property rights, and negatively affects adjacent property value.

Kelli Bandstra (1646 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request, citing the changing character of the neighborhood.

Stephanie Stafford (1711 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request, stating the neighborhood fit and traffic impact.

Laron Hill (1647 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request due to the potential individuals living in the proposed home.

Samantha Jacob (1704 Kentfield St SW, Wyoming, MI 49519) wrote to the board opposing the variance request, citing the neighborhood fit and complex operations typical with a foster care group home.

Elisabeth Wyn (1906 Cannon St SW, Wyoming, MI 49519) wrote to the board opposing the variance request due to the potential traffic and safety concerns.

Chair VanderSluis opened the public hearing.

Juvenal Rutaramirwa (448 Van Allen St SE, Grand Rapids, MI 49548) spoke on behalf of the applicant. Rutaramirwa explained that the applicant started at the state level to apply for an adult foster care (AFC) group home. The State said that zoning approval at the local level was not required because the home would have less than 6 residents; this is why the applicant went ahead with the group home without getting City approval first.

When the applicant came to the City, Staff explained that a group home for residents under the age of 18 would not require approval, but a group home for residents over the age of 18 would need approval through the BZA.

Rutaramirwa stated that the applicant and others running the home have up to 6 years experience running this type of operation. He explained that 5 people run the home and stated that the homes do not interfere with the neighbors.

Kelli Bandstra (1646 Kentfield St SW, Wyoming, MI 49519) spoke to the board and urged them to deny the variance request. She stated that there were many family homes in this neighborhood and that there were better locations suited for an AFC group home.

Marci Tepper (1652 Kentfield St SW, Wyoming, MI 49519) spoke to the board and urged them to deny the variance request. She stated she also sent the board an email with her concerns. Tepper referenced a ramp that had been constructed at the front of the house that currently is missing the side railing and does not meet the door. She stated that some of the neighbors on the road have legal weapons, which could create a dangerous situation if adults from the group home wandered onto those properties. She stated the AFC group homes were not allowed to lock their doors and that could cause problems if the adults at the home left. She stated there were multiple neighbors who lived alone and did not want to feel responsible for the adults at the AFC group home. Tepper stated that she was concerned about the company that would be running the group home and referenced other addresses in surrounding municipalities where this company ran AFC group homes. She stated that she was not comfortable with the property in question being rented out to a business to open the AFC group home.

Christa Studebaker (1660 Kentfield ST SW, Wyoming, MI 49519) spoke to the board and urged them to deny the variance request. She stated that she had concerns about the number of people who could stay at the AFC group home and how it would affect the neighborhood. She stated her worries about the potential for dangerous or disruptive adults at the group home. Studebaker stated that there was concern about the precedent approving this request could set for future AFC group homes in the area. She also mentioned parking concerns with an increase in caretaker and visitor vehicles parking on an already crowded street, especially during the winter months. Studebaker referenced the open door policy at AFC group homes and expressed concern about the safety of the neighborhood with such a policy in place.

Stephanie Stafford (1711 Kentfield St SW, Wyoming, MI 49519) spoke to the board and urged them to deny the variance request. She stated that there were multiple neighbors with pools, including herself, and that she had a concern about the vicinity of an AFC group home to the pools. She stated she had concerns about parking on an already crowded street, especially in regard to emergency vehicles being able to travel down the road safely. Stafford stated that this was a family neighborhood and that adding a business to the neighborhood was concerning. She stated that there were elderly neighbors with health issues who do not want to worry about this potential change. She stated there was a security concern if the AFC group home would be allowed to open.

There being no further remarks, Chair VanderSluis closed the public hearing.

Smith noted that the request before the board is a use variance, which would require a minimum of 5 votes to pass.

Smith spoke to the board to address the reasoning for the code section being referenced. The applicant is requesting a use variance for Section 90-406A, which does not allow adult foster care group homes in the R-2 Residential District. The applicant is proposing an adult foster care group home and is requesting a variance to allow this type of use at this property within the R-2 Residential District.

Smith provided an aerial view of the applicant's parcel, highlighting the changes the applicant is requesting. He provided a photo of the front of the house and noted that the photo is slightly outdated. He stated that there is now a partially constructed ramp on the front of the house. He also provided a visual of the site plan provided by the applicant detailing ramps on the front and rear of the residence they would like to construct to provide access for the residents of the AFC group home. Smith provided the two code sections related to the request: Sec. 90-406A (Principal permitted uses) and Sec. 90-407A (Special permitted uses after special approval).

Smith presented the City staff's Findings of Fact.

1. That the condition, location or situation of the specific piece of property or of the intended use of the property is unique to that property in the zoning district in which it is located because:

The condition, location, and situation of the parcel are not unique. It is a parcel of approximately 8,200 square feet and located in the R-2 zone district. Its present use as a single family home is a principal permitted use in the R-2 zone district and the market for single family homes in Wyoming continues to be competitive.

There are no access issues or other impairments that would impact the ability of the property to be used as a single family home or would be likely to prevent it from being marketed as such.

Adult foster care is not a use that specifically requires single family homes to be successful. There are a number of adult foster care facilities established as multifamily facilities that have proven successful in Wyoming.

2. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located:

There are no outstanding code violations or known structural issues with the single family home on the site that would prevent its use as such. As mentioned above, there are no known impairments to the land that would prevent its use as a single family home.

The R-2 zoning district is a residential zoning district that focuses primarily on single family homes and other uses that are traditionally included in single family neighborhoods. The R-2 zoning district does permit “Foster care facilities, nursery schools, day nurseries, and child care facilities for the care of not more than six people as defined by the Michigan Family Independence Agency,” but staff has historically read that use as a general permission of childcare uses that fit in the context of a single family home.

The permitted uses after special approval in the R-2 zoning district allow for nursery schools, day nurseries, and childcare facilities for 7 or more people. This bolsters the staff interpretation that the intent of the language principal permitted uses is childcare and not adult foster care. Typically, the a special use similar to a principal permitted use is merely a more intense version of that principal permitted use and not fundamentally different.

The definitions provided in the Wyoming Zoning Code separate “Adult care facilities” and “Child care/residential care facilities.” Section 90-203 defines “Child care/residential care facilities” and includes two definitions of foster care, both of which are specific to children, as well as multiple definitions for child day cares and child day nurseries of various sizes and types. Section 90-201 defines “Adult care facilities” and provides definitions for four types of adult foster care as well as adult day care. Staff have interpreted the “foster care” use in R-2 as child foster care as the remainder of the listed use matches the uses listed under “Child care/residential facilities.” This use is consistent with a single family neighborhood as child foster care facilities typically look and operate like single family homes and do not require additional staff to provide medical or social services.

Adult foster care homes tend to provide permanent supportive services to their residents, which require more staffing and additional resources. In this regard, adult foster care homes tend to operate more like permanent supportive housing or convalescent homes, which are permitted in multifamily zoning districts, commercial districts, and form based code districts.

3. That the use variance will not alter the essential character of the neighborhood, nor the intent of the city master plan, nor be of detriment to adjacent property:

As stated above, adult foster care homes tend to operate more like permanent supportive housing or convalescent homes, which often require additional services and staffing. These staffing needs may create additional parking demands that exceed what can be provided on site.

4. That the requested use is not of so general or recurring a nature as to make reasonably practicable the formulation of a general or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts.

The Board of Zoning Appeals could choose to interpret the permitted uses in the R-2 zoning district to include both child foster care and adult foster care. Absent that interpretation, there are no distinguishing conditions or situations for this parcel that set it apart from other parcels in the R-2 zoning district and a variance could create a precedent that would be challenging to administer.

5. The variance will not impair the intent and purpose of this chapter.

The proposed variance will not impair the intent and purpose of this chapter. Adult foster care is a residential use. Permitting it in a single family zoning district would not impair the intent of the code, but could create a precedent that would be challenging to administer.

6. The immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

There more than 2,100 parcels in the City that allow for permanent supportive housing or convalescent homes. That accounts for almost 10% of all parcels in the City of Wyoming. At the time of purchase, the applicant already intended to pursue this use and undertook renovations without seeking zoning approval. The applicant's failure to choose a suitable property does not create a necessity to grant a use variance.

In summary, Smith revisited each of the 6 findings and noted that findings numbered 1 through 4 and finding number 6 recommended denial, while only finding number 5 recommended approval. Therefore, staff recommended denial of the variance request.

Tobian motioned to deny the request based on the Findings of Fact. Dishaw supported the motion.

Richter asked Smith a question regarding the code 90-406A – Principal permitted uses. He wanted to clarify that under the code, foster care facilities for not more than 6 people are allowed in the R-2 district. Smith confirmed that was correct.

Richter clarified that the applicant is asking to open a home for 6 people, so he questioned why the applicant needed to get a zoning variance under the code. Smith responded that the staff's interpretation of the code requires a variance. He specified that 90-406A(6) (Principal permitted uses) allows for "Foster care facilities, nursery schools, day nurseries, and child care facilities for the care of not more than 6 people as defined by the Michigan Family Independence Agency" and that 90-407A(3) (Special permitted uses after special approval) allows for "Nursery schools, day nurseries and child care facilities for the care of 7 or more people," but staff has historically read that use as a general permission of childcare uses that fit in the context of a single family home, not adult foster care facilities.

Richter referenced the code 90-407A(7) (Special permitted uses after special approval) that allows for "Adult education facilities not operated for profit" and asked for clarification

regarding the applicant's use. Smith clarified that what the applicant is proposing is not the same as what is referenced in 90-407A(7), which is how staff came to its interpretation regarding adult foster care facilities. Smith added that the Board has the ability to interpret the code that differs with staff's interpretation.

Richter wanted clarification from staff as to why staff believes there will be staff working in the proposed adult foster care group home. Smith responded that other AFC facilities the City has worked with in the past indicate that it would be highly unusual for a family to have multiple adults who are immediate family in their home that would require adult foster care services.

Richter clarified that staff's interpretation of the code 90-406A(6) is geared toward children. Smith responded that was correct.

Tobian stated that in a child foster care facility, children are allowed to share bedrooms as long as they share the same gender, which can affect the size of a home that is allowed to foster care children. Smith affirmed this was correct. Tobian asked if there was requirement for adult care facilities in relation to sharing bedrooms. Smith responded that the State regulates both adult and child foster care facilities as well as adult and child care facilities. The City does not add any additional regulations on these facilities. Tobian stated that her interpretation of the code agrees with the staff interpretation of child facilities only.

Yonkers asked if the Board of Zoning Appeals has seen other requests for adult foster care facilities in the past. Smith responded that there was variance granted for 3210 Gladiola Ave SW in the 1970s to allow for adult foster care that was a boarding house. He clarified that the home was set up as a multifamily residence that allowed up to 10 people to live there. He mentioned that the address was before the Planning Commission in November of this year and was approved to be converted to permanent support housing, which is how Staff views these types of facilities.

Dishaw had a question for staff regarding the City's zoning code reflecting the State's regulatory standards for adult and child foster care facilities in relation to lot size, number of bedrooms, bedroom size, etc. He asked if there was anywhere in the City's zoning code where the standards were defined. Smith responded that no, the City code does not specify. He added that the City has loosened their standards for child care facilities to match the State requirements so it is more straightforward for applicants seeking to open this type of facilities within the City. Dishaw asked the same question for adult foster care facilities because it appears there is no such clarity. Smith confirmed that was correct and that the request before the board today was the first such request the City has received in some time. Smith state that there is not formal policy, only the Staff interpretation of the code.

Burrill had multiple points of clarification. He stated that he assumes when zoning codes sections 90-201 and 90-203 were written that City leadership differentiated between adult and child care facilities. He also assumed that the City can override State policy in this instance by making a separation between adult and child care facilities. He asked if the State does not make the

differentiation but that the City does.

Smith had multiple clarifications to make regarding Burrill's comments. He stated that the foster care entry pre-dates the definitions of the child foster care and adult foster care entries in the city zoning code. So, Burrill was correct that the clarification was added later. In regard to regulation, Smith stated that child and adult foster care are the same in that the State requires the applicant provides a municipal approval form that confirms they have local zoning approval to have 7 or more individuals at a site. For 6 or fewer, that form is not required. This can lead to confusion in the past because applicants might not be aware of zoning limitations, and the State does not require confirmation.

Burrill stated that the Findings of Fact made several references to multifamily units. He mentioned that there were some changes being discussed at the Planning Commission and City Council level related to residential zoning districts. He asked if those changes being discussed or approved would change anything about the request before the board today. Smith confirmed that there are some changes to the R-2 and R-3 zoning districts that are under discussion. None of the changes in discussion would affect the Principal or Special permitted uses before the Board today.

Burrill stated that he has not seen this type of request during his time on the board.

A vote on the motion to deny the request was taken which passed unanimously. The variance was denied for the reasons stated in staff's Findings of Fact.

Dishaw wanted to comment on his reasoning behind his vote to deny. He commented that he wants to see as much use as possible in the City but that he sees this issue as a legislative issue. This is a zoning question that could create a new standard; therefore, this question has to go back to the Planning Commission and the City Council.

PUBLIC COMMENT

Chair VanderSluis opened the public comment.

There being no remarks, Chair VanderSluis closed the public comment.

INFORMATIONAL ITEMS

There were no informational items.

ADJOURNMENT

The meeting was adjourned at 2:05 PM.

Russel Richter, Secretary
Board of Zoning Appeals

Kathleen Ortlieb, Recording Secretary
Board of Zoning Appeals