

AGENDA

WYOMING ZONING BOARD OF APPEALS

CITY COUNCIL CHAMBERS

Monday, November 17, 2025 – 1:30 P.M.

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Public Hearings

Application Number: PZV2025-0004
Applicant: Mberabagobo Merci
Location: 1653 Kentfield St SW
Parcel Number: 41-17-15-427-035
Previous Variances: None

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.

5. Public Comment
6. Informational Items

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 OCTOBER 6, 2025
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bovard Strong, Dishaw, LaPlaca, Richter, Tobian, Yonkers

MEMBERS ABSENT: Burrill, VandenBerg, VanderSluis

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

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes of July 21, 2025 were approved to stand as read.

APPROVAL OF AGENDA

The agenda was approved to stand as read.

AGENDA ITEM NO. 1

Application Number: PZV2025-0003

Applicant: Gene Fitzgerald

Location: 4300 52nd St SW

Parcel Number: 41-17-31-201-006

Acting Chair Richter read the request. The applicant was requesting a variance for Section 90-439A, which requires a minimum lot area of 87,120 square feet in the ER Estate Residential District. The applicant was requesting to reduce the minimum lot area to roughly 40,510 square feet.

Acting Chair Richter opened the public hearing.

The applicant Gene Fitzgerald (5010 Wilson Ave SW, Wyoming, MI 49418) spoke on behalf of his request. He stated that he represented Lynn Eugene Fitzgerald, the owner of the property 4300 52nd St SW.

Fitzgerald stated that he intends to split the northwest portion of 4300 52nd St where a single-family home currently sits into a smaller child parcel, essentially preparing the parcel to request a lot line readjustment. He then plans to develop the remaining larger parcel. Fitzgerald provided an ariel view of the area to demonstrate the surrounding properties are of a similar size he is proposing for the new child parcel. He highlighted that there were no parcels off 52nd St between Canal Ave and Wilson Ave that met the 2-acre requirement. Fitzgerald added that this change would not increase traffic because no new properties were being added to the area at this time. He stated that this variance would not change or diminish any property values in the surrounding area. Fitzgerald summarized previous variances for properties in the surrounding area that granted a smaller lot size than the 2-acre requirement, similar to the request before the board today.

Lisa Rizzo (4305 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She stated that she spoke with many neighbors along 52nd and 56th who signed a protest petition regarding this request. She highlighted 4 reasons for this protest: increased congestion in the streets; public safety concerns; significant environmental impact; and continual violations of City zoning of residential activity. She stated that her concerns are not just with the request before the board today, but also with the development plans of the larger remaining parcel in the future.

Christine Bovia (4265 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She stated that the neighbors are concerned with the future development plans for the larger parcel. She highlighted concerns regarding traffic congestion, public safety, and infrastructure costs of a future development. She asked about the traffic study completed for the area. Bovia also asked about the potential of the developer compensating the neighboring properties for the loss of trees and lower property values as a result of the potential future development.

Julie Geers (4283 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She shared her concern that not all the neighbors were notified regarding this meeting. She stated that she was concerned with the future development plans for the larger parcel. She highlighted safety, home value, greenspace, traffic congestion, light pollution, and noise pollution concerns.

Jim Meyers (4190 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. He stated that he was concerned with the future development plans for the larger parcel. He highlighted concerns with traffic congestion, specifically if a large number of

new homes were to be built, and infrastructure costs burdening taxpayers, along with the location of a future drive onto 52nd St.

Heather Krause (5327 Quest Dr SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She shared her concern that not all the neighbors were notified regarding this meeting. She stated that she was concerned with the future development plans for the larger parcel. She stated that the properties along Quest Drive are adjacent to the larger parcel and explained her concern that a future development would negatively impact the property values of those homes. She also highlighted environmental concerns and traffic congestion increasing.

Stephanie Kiefer (4224 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She stated that she was concerned with the future development plans for the larger parcel. She stated that the potential of an additional drive would cause increased traffic and congestion, along with public safety concerns.

Tim Datema (4277 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. He stated that he was concerned with the future development plans for the larger parcel. He stated that there were already 5 streets that connect to 52nd St and highlighted the traffic congestion concerns of adding more if the larger parcel was developed. He asked about when the most recent traffic study was completed for the area. He commented on alternative locations for a drive for the potential future development.

Cynthia O'Brien (5143 Windcrest Ct SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. She stated that she was concerned with the future development plans for the larger parcel. She highlighted traffic congestion, noise pollution, and public safety concerns.

Dan Engelking (4358 52nd St SW, Wyoming, MI 49418) spoke to the board and urged them to deny the variance request. He stated that he was concerned with the future development plans for the larger parcel. He highlighted traffic congestion and wildlife corridor concerns. He questioned how many new homes would be added and if the development would be single-family residential or multi-family apartments.

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

Smith spoke to the board to address the reasoning for the code section being referenced. The applicant was requesting a variance for Section 90-439A, which requires a minimum lot area of 87,120 square feet in the ER Estate Residential District. The applicant was requesting to reduce the minimum lot area to roughly 40,510 square feet.

Smith provided an aerial view of the applicant's parcel, highlighting the changes the applicant is requesting. He reminded the board that what they are considering today is not a plat or development: they are only considering the lot split. He stated that the smaller child parcel that would be created with this lot split would meet the minimum lot width requirement but not the minimum lot area, hence the need for a variance. He stated that any future development site plan review of the larger parcel would go before Planning Commission and City Council, not the Board of Zoning Appeals.

Smith presented the City staff's Findings of Fact.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

This property is not exceptional in its size, location, or shape. The subject parcel is 10 times larger than the minimum parcel size in the Estate Residential zone district. The parcel is not significantly impacted by areas of high slope or wetlands and it has sufficient access to the public road and utilities.

The applicant seeks this variance based on an accepted purchase agreement for a substandard parcel. It is common for Estate Residential property owners to request permission to split their lots to create substandard parcels, especially in the current real estate market where demand for housing is high. The applicant's decision to market a substandard parcel without completing a lot split nor the applicant's financial interest in that sale are not exceptional or extraordinary.

The majority of the parcels in this section of 52nd Street were created as R-1 parcels (i.e., 10,000 square foot minimum lot size and 75 feet of frontage) and there are only three conforming Estate Residential parcels (i.e., 2 acres minimum lot size and 150 feet of frontage) in this area: a public school, a house of worship, and the applicant's parcel. As the final under-developed Estate Residential parcel in the area, the applicant's parcel is exceptional.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

The zoning code provides two methods of splitting these parcels. If they are of sufficient size, as the applicant's is, they can be split into multiple conforming Estate Residential parcels (i.e., 2 acres minimum lot size and 150 feet of frontage). They may also be platted to R-1 standards (i.e., 10,000 square foot minimum lot size and 75 feet of frontage). The fact that the applicant already accepted a purchase agreement for a portion of the property that would create a substandard parcel does not create an expectation that a variance be granted. The applicant was already aware of the dimensional standards for Estate Residential, as evidenced by his prior applications for variances, and chose to market a substandard parcel for sale.

The applicant points to a history of variances in this area for Estate Residential parcels and correctly identifies that a number of nearby Estate Residential parcels are substandard. However, of the Estate Residential parcels along 52nd Street between Canal Avenue and Quest Drive, all but three substandard parcels were created as R-1 parcels (i.e., 10,000 square foot minimum lot size and 75 feet of frontage). Two of the three substandard parcels were created in a single lot split via a variance, which was granted because they were surrounded by parcels created at R-1 standards. The third substandard parcel was created via a variance at the applicant's request and the understanding was that the remainder of the parcel would be developed in the future—most likely platted to R-1 standards—thereby creating the same conditions as the other variance.

The majority of the parcels in this section of 52nd Street were created as R-1 parcels (i.e., 10,000 square foot minimum lot size and 75 feet of frontage). There are three conforming Estate Residential parcels (i.e., 2 acres minimum lot size and 150 feet of frontage) in this area: a public school, a house of worship, and the applicant's parcel. The applicant's parcel has two frontages along 52nd Street, both of which meet the Estate Residential standard. There is an existing home at the western frontage that can comfortably be split into a parcel of approximately 0.93 acres. At various times, the applicant has proposed platting this large Estate Residential parcel, which would result in a neighborhood of R-1 parcels (i.e., 10,000 square foot minimum lot size and 75 feet of frontage). The proposed 0.93 acre parcel is similar to the other parcels fronting 52nd Street, but would be much larger than the parcels in a platted neighborhood. Splitting the parcel allows for the value of this proposed parcel to be preserved and for the most efficient creation of a platted neighborhood.

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

The proposed variance will not diminish the marketable value of adjacent land and improvements, and its impact on traffic congestion will be minimal. The proposed parcel is similar to the other parcels fronting 52nd Street and splitting the parcel will not create additional vehicle trips or on-street parking at this time.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

As mentioned above, it is commonplace for owners of Estate Residential parcels to seek permission to create substandard lots. The sale of these lots can be lucrative. The zoning code provides two methods of splitting these parcels. If they are of sufficient size, as the applicant's is, they can be split into multiple conforming Estate Residential parcels (i.e., 2 acres minimum lot size and 150 feet of frontage). They may also be platted to R-1 standards (i.e., 10,000 square foot minimum lot size and 75 feet of frontage).

While this type of request may be commonplace, the applicant's situation is not. In the section of 52nd Street that is west of Wilson Avenue, the majority of the parcels fronting 52nd Street were created as R-1 parcels and rezoned to Estate Residential in the late 1980s. Plats on either side of 52nd Street further increased the prevalence of R-1 parcels in this area. There are three conforming Estate Residential parcels in this area: a public school, a house of worship, and the applicant's parcel. The applicant's parcel is the last parcel in this area that could be split, the applicant's parcel is large enough to be platted to a significant number of family homes, and the applicant's parcel could not be split again without impacting its ability to be platted efficiently. This combination of factors is unlikely to recur and could not be generalized for the remaining Estate Residential parcels in the City of Wyoming.

In summary, Smith revisited each of the four criteria and noted that each recommended approval, and therefore the City recommended approval of the variance request.

Smith noted that the request before the board is a dimensional variance, not a use variance, and only requires a simple majority to approve.

Dishaw acknowledged that the request before the board was specifically regarding the lot line adjustment for the smaller child parcel. However, he asked Staff to explain how the larger parcel fit into the City's Master Plan for the area. Smith responded that the larger parcel is currently zoned Suburban Residential for the creation of single-family homes. Dishaw followed up by asking if the applicant could apply for a plat and, if so, would the house that currently sits on the property be allowed on a lot that is far less than the 2-acre minimum. Smith responded that Dishaw was correct.

A motion was made by Tobian to deny the motion based on public comment. After clarification from Staff as to what Findings of Fact she would need to provide to support her motion, Tobian then withdrew her motion.

A motion was made by Dishaw, supported by LaPlaca, to approve the variance request based on the City staff's Findings of Fact.

Dishaw made a comment that the Planning Commission and City Council have the authority to address the concerns of the neighbors, but these concerns were not relevant to the request before the Board of Zoning Appeals today.

The Acting Chair invited the discussion of the variance request.

Dishaw asked the Staff if the granting of the variance would impact the applicant's ability to request different lot sizes during the platting process for future development. Smith responded that the Estate Residential Zoning District provides for platting to R-1 standards as long as it creates a minimum of 5 lots and these standards would be applied during the platting process. Smith clarified that the size of those lots would be one-fourth the size of the lot in question before the board today. Smith highlighted that the action the board could take today would have

no impact on the size or density of future platted lots because the request is only regarding the single child parcel.

LaPlaca clarified that any decisions made by the board today would not apply to the larger parcel.

Richter commented that the future development of the larger lot would require Planning Commission and City Council approval. Smith confirmed that Richter's comment was correct and detailed the approval process any future developments would be required to obtain. Richter clarified that the issue before the board was the creation of a child parcel only. He commented that there were valid concerns from the neighbors but that those concerns would need to be addressed in future meetings with Planning Commission and City Council.

A vote on the motion was taken with 5 Yeas and 1 Nay. The variance was approved for the reasons stated in the Findings of Fact.

PUBLIC COMMENT

Acting Chair Richter opened the public comment.

Dan Engelking (4358 52nd St SW, Wyoming, MI 49418) spoke to the board and thanked them for the information provided during the meeting. He commented that the letter received by the neighbors did not make it clear that the meeting was only regarding the child parcel. He urged future correspondence to provide more context.

Julie Geers (4283 52nd St SW, Wyoming, MI 49418) spoke to the board and shared her concern that not all the neighbors were notified regarding this meeting. She questioned if there would have been more neighbors present if they were notified. She questioned what future meetings would take place regarding the future development of the larger parcel.

Christine Bovia (4265 52nd St SW, Wyoming, MI 49418) spoke to the board and commented that she understands the intent to develop the larger parcel in the future. She reiterated concerns regarding the impact of a development on an already congested street and offered suggestions for how to mitigate that congestion. She commented that the area does not need more homes and that the City should consider the concerns of the current community.

There being no further remarks, Acting Chair Richter closed the public comment.

INFORMATIONAL ITEMS

There were no informational items.

ADJOURNMENT

The meeting was adjourned at 2:26 PM.

Russel Richter, Secretary
Board of Zoning Appeals

Kathleen Ortlieb, Recording Secretary
Board of Zoning Appeals

WYOMING ZONING BOARD OF APPEALS

AGENDA ITEM

NO. 1

BZA MEETING DATE: November 17, 2025

APPLICATION NUMBER: PZV2025-0004

APPLICANT: Mberabagobo Merci

LOCATION: 1653 Kentfield St SW, Parcel Number 41-17-15-427-035

- I. Application Materials
 - a. Application
 - b. Narrative
 - c. Site Plan
- II. Findings of Fact

BOARD OF ZONING APPEALS – APPLICATION FOR REVIEW

Please contact the City Planner at 616-530-7285 or email plan_info@wyomingmi.gov if you have any questions. Applicants are encouraged to discuss the proposal with the City Planner prior to submitting to facilitate the review process. Please note that applications will not proceed for review until all required information and fees are provided.

Type of Variance Requested: Use Variance Non-Use Variance

Zoning Ordinance Section(s) Appealed: _____

Brief Description of Appeal: I have added/Attached a brief description of use variance request with this Application.

Address of Variance: 1653 Kentfield St SW Wyoming, MI 49519

Parcel Number: 411 715 427 035

Authorization for City staff and BZA members to enter the property for evaluation: Yes No

Applicant: Mberabagoba Merci Property Owner: Mberabagoba Merci

Address: 1653 Kentfield ST SW Wyoming, MI 49519 Address: 1653 Kentfield ST SW Wyoming, MI 49519.

Phone: 806-335-5260 Phone: 806-335-5260

Email: _____ Email: _____

Date: 10/09/2025 Date: 10/09/2025

Signature: Mberabagoba Merci Signature: Mberabagoba Merci

Filing Fee

<input type="checkbox"/>	Non-Use Variance: 1 & 2 Family Uses	\$275.00
<input type="checkbox"/>	Non-Use Variance: All Other Uses	\$525.00
<input checked="" type="checkbox"/>	Use Variance: All Uses	\$525.00

Total 525

USE VARIANCE

Procedures and Regulations

1. Submittal Requirements:
 - a. Completed application
 - b. Filing fee
 - c. Drawing (to scale) demonstrating the requested variance(s) and its relationship to property boundaries and existing structures. The identification of any unusual additional site features (wetlands, topography, utilities, etc.) that may influence the decision of the BZA should also be provided. We require one hard copy and a digital copy emailed to plan_info@wyomingmi.gov.
2. To authorize a use variance, the BZA is required by both State law and City ordinance to determine whether defined practical difficulties have been met. If any standard is found to not be met, the variance request must be denied. A majority vote of at least five BZA members is necessary to authorize a use variance. Petitioners are encouraged to provide a written statement addressing how the requested variance would meet the following review standards.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. The variance will not impair the intent and purpose of this chapter.
 - f. The immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

Process

- City staff will provide public notice of the proposed variance by mail to all property owners within 300 feet of the site with an additional notice published in the newspaper.
- City staff will prepare a recommendation to the BZA based on the ordinance standards outlined above.
- Petitioners are required to attend the hearing and should be prepared to explain their request in detail before the BZA.
- A use variance shall be void after six (6) months from the date of approval unless implemented.

USE VARIANCE REQUEST STATEMENT

Requested Variance: Permission to operate an Adult Foster Care home serving up to six residents in an R-2 district

1. Exceptional or Extraordinary Circumstances

The subject property presents unique circumstances that do not generally apply to other properties in the same district. This home is intended to provide essential residential care services for vulnerable adults who require a supportive, home-like setting rather than institutional housing.

Designed as a standard single-family residence, the home is fully consistent in scale, design, and appearance with neighboring properties. The requested variance is not intended to change the character of the neighborhood but to permit a state-licensed, small-capacity AFC home to operate within an existing residential structure. The layout, accessibility, and built-in safety features of the home make it uniquely suited for this type of care and fully compliant with state licensing requirements.

2. Preservation and Enjoyment of Substantial Property Rights

Granting this variance is necessary to preserve the substantial property rights afforded to others in the same zoning district—specifically, the right to use residential property to provide housing and care. Other homes within the district are permitted to operate foster care or daycare services for up to six children, which is comparable in use and intensity to the proposed AFC home.

Denying the variance would unnecessarily limit the ability to offer a lawful and beneficial service aligned with the intent of the residential zone. Approval would allow the applicant to use the property in a way that provides both community benefit and responsible stewardship of the neighborhood's residential character.

3. No Diminishment of Adjacent Property Value or Public Congestion

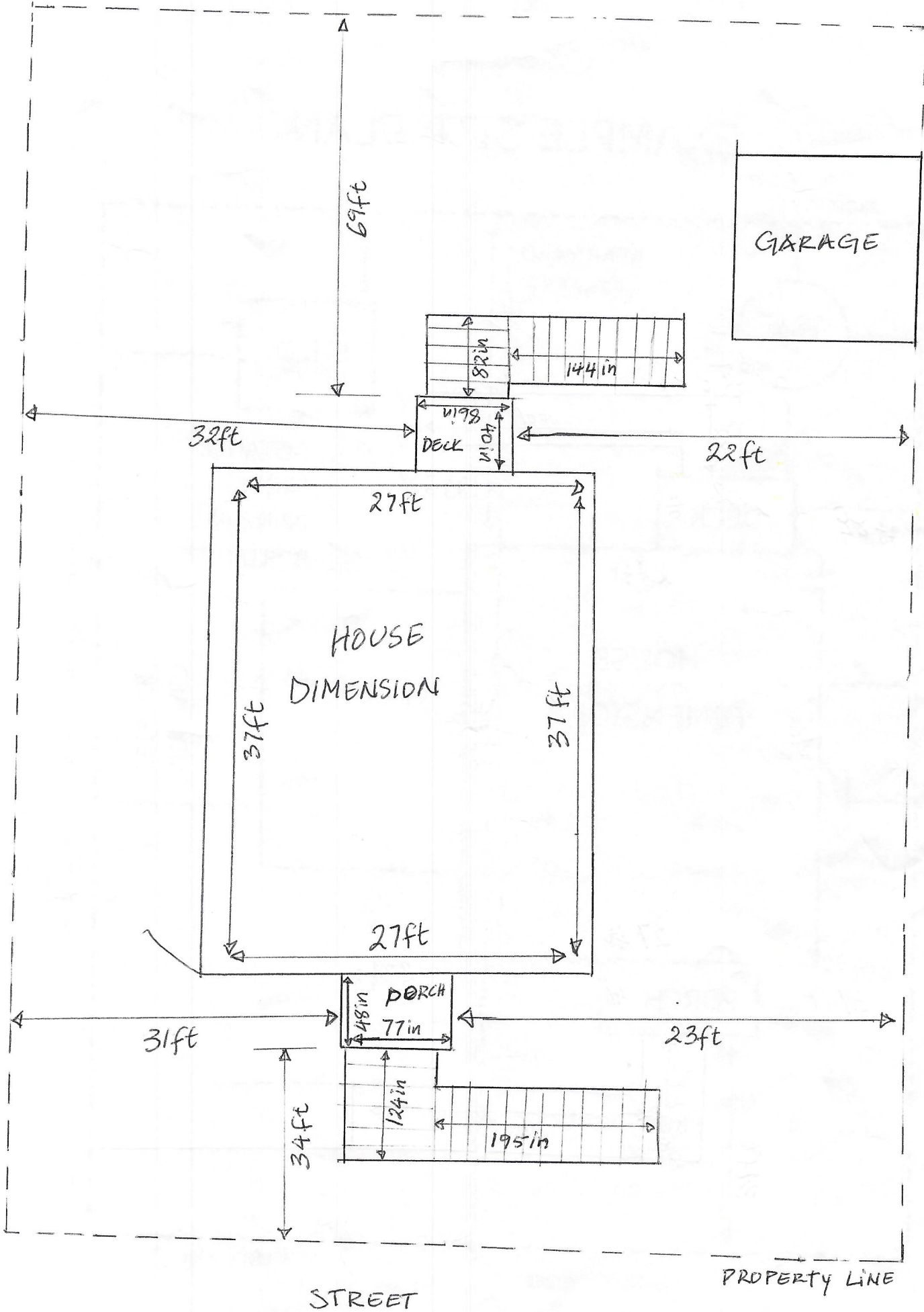
Approval of this variance will not negatively affect the value of surrounding properties. The property is maintained to a high residential standard, with regular maintenance, landscaping, and a clean, well-kept exterior that matches neighborhood expectations.

The AFC home will have a minimal impact on local traffic and parking. Staffing is limited and scheduled in shifts, and visitors arrive at different times, reducing the potential for congestion. All care and activities occur indoors in a quiet, controlled environment, ensuring continued compatibility with the residential setting.

4. Not a General or Recurrent Condition

This request is based on the unique characteristics of this specific property and its suitability for use as an AFC home. The condition prompting this request is not general or recurring in nature and cannot be addressed through broader zoning changes.

Each AFC home operates under specific licensing and operational guidelines established by the State of Michigan. Therefore, general regulations would not sufficiently accommodate the individual requirements and suitability of this property. The requested variance reflects the applicant's intent to provide care in a regulated, family-style setting tailored to this location.



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 use variance.