

AGENDA

WYOMING ZONING BOARD OF APPEALS

CITY COUNCIL CHAMBERS

Monday, June 15, 2026 – 1:30 P.M.

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

Application Number: PZV2026-0002
Applicant: RCP Development, LLC
Location: 155 28th Street SW
Parcel Number: 41-17-12-476-013
Previous Variances: VC1151
VC1153

Request: The applicant is requesting a variance for Section 90-508, which requires a drive or curb opening to be a minimum of 20 feet from any interior lot line for a gas station use.

The applicant is proposing to construct a gas station on the site utilizing an existing shared drive opening along the interior lot line. The request is to reduce the minimum distance requirement to zero feet.

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 FEBRUARY 16, 2026
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bovard Strong, LaPlaca, Tobian, VandenBerg, VanderSluis,
Yonkers

MEMBERS ABSENT: Burrill, Dishaw, Richter

STAFF PRESENT: Smith, Assistant Director, Community & Economic Development
Hyble, Planner I
Zuniga, Recording Secretary

CALL TO ORDER

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

A motion was made by Yonkers, supported by Tobian, to excuse Burrill, Dishaw, and Richter.

APPROVAL OF MINUTES

The minutes of December 1, 2025 were approved to stand as read.

APPROVAL OF AGENDA

The agenda was approved to stand as read.

AGENDA ITEM NO. 1

Application Number: PZV2026-0001
Applicant: John Thibodeaux
Location: 4129 Clay Ave SW
Parcel Number: 41-17-24-327-003

Acting Secretary LaPlaca read the request. The applicant is requesting a non-use variance for Section 90-311(7), which limits the total accessory building area to 1,000 sq. ft. for a property that is up to 22,000 sq. ft. in size and limits the maximum single building size to 768 sq. ft. for a property of the same size. The applicant is requesting to exceed the total accessory building area by 471 sq. ft. and the maximum single building size by 576 sq. ft.

Chair VanderSluis opened the public hearing.

The applicant John Thibodeaux (4129 Clay Ave SW, Wyoming, MI 49548) spoke on behalf of his request.

Thibodeaux stated that he would like to get approval to replace his garage with a structure 4 feet wider to store his vehicle and safely navigate his property. Thibodeaux said the garage is in poor shape and a safety concern, so he would like to tear it down and rebuild it. He also said he started looking into this project last summer and spoke to the City's Engineering Office. He expressed that the new garage would meet code requirements with proper permitting, which will allow him to safely secure his property. Thibodeaux stated that he has fallen multiple times and has mobility issues, and he asked for the board's approval for the new garage for his safety.

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

Hyble spoke to the board to address the reasoning for the code section being referenced. He stated that the request is to remove the existing garage and replace it with a larger garage, which requires two variances. Hyble provided an aerial view showing the applicant's parcel adjacent to the highway and industrially zoned property, conditions that make it unique. He then showed a parcel map highlighting nearby uses and the location of the existing garage. Hyble discussed the rationale for the request being a safety concern, as the existing garage's foundation is sinking and the applicant also has mobility issues. The conditions of the garage also make it difficult to store and secure items.

Hyble provided a street view of the property, making note of the adjacent highway to the west. He mentioned that the applicable code section for this request is 90-311(7), which governs maximum accessory building total size and single accessory building size. The requested garage is proposed to be larger than the single building area requirement by 576 sq. ft. The requested garage would exceed the total accessory building area requirement by 471 sq. ft. when considering the existing 120 sq. ft. shed on the property. Hyble provided the survey that shows the demolition of the existing building, the construction of the proposed garage, and a proposed lot line adjustment. view of the applicant's parcel, highlighting the adjacency to the highway and industrial land.

Hyble 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:

The property is exceptional in size and location. This parcel exceeds the minimum lot size in its respective zoning district and is located adjacent to industrially zoned land while abutting an interstate highway. There are only two other parcels within the City of Wyoming that meet these conditions with an existing residence on the property. Considering the tens of thousands of residential parcels, the conditions of this parcel are unique.

The property is also extraordinary in its circumstances for requesting such a variance. The existing garage onsite is sinking, which can be attributed to the soil underneath the garage's foundation. The changing conditions of the soil beneath the property is a rare condition not typically seen within residential areas of the city. The variance requested by the applicant is the minimal amount necessary to mitigate these extraordinary conditions, exceeding the existing structure by 224 square feet.

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

This variance is necessary for the preservation and enjoyment of substantial property rights because it will allow the applicant to utilize their garage, whereas currently that is not possible. Under the current conditions, the applicant cannot park vehicles in the garage, which greatly hinders the applicant's ability to store and secure vehicles on the property. The current location of the house and code requirements for garages give few alternatives to garage placement, meaning that the existing location is the most suitable for a structure.

The zoning code gives property owners the right to reconstruct damaged accessory structures in instances of fire or natural disaster by using the existing foundation to rebuild. In this case, the existing foundation for the garage is damaged to the point where repair would be prohibitively costly. The prefabricated structure proposed by the applicant would allow the replacement of the existing garage to the nearest degree possible, since the applicant cannot reuse the foundation and prefabricated garages have set dimensions.

The applicant, who owns the adjacent property to the south, has submitted a lot line adjustment to ensure setbacks will be met and the neighboring property maintains its ability to build an accessory structure anywhere on site. The proposed variance will allow the applicant to solve issues presented by the current garage and invest in their property.

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:

By granting this variance, the applicant would be able to park vehicles in the garage, which removes potential congestion from the street.

This variance would not diminish the marketable value of the adjacent land or improvements, as the proposed size is the minimum necessary to resolve issues on the property. This is a large property located adjacent to both highway and industrial properties. A larger accessory building is unlikely to impact neighboring properties, as the applicant owns the adjacent residential property and all other property within 500 feet east of the highway is owned

by industrial users. As previously mentioned, the applicant has also submitted a lot line adjustment to ensure the neighboring property is not impacted by this structure.

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:

The conditions of this parcel in its size, location abutting an interstate highway and industrial district, and extraordinary soil conditions are unlikely to apply to any other properties in the City of Wyoming. This combination of conditions is not so general or recurrent to warrant a general regulation for this type of situation

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

VandenBerg wanted to verify that the board would not be setting a precedent if this request was approved. Hyble confirmed that this is correct. The conditions of the property are 0.005% of all residentially zoned parcels.

VandenBerg asked if an accessory building would be allowed to be built on the neighboring property to the south if the applicant decided to sell it. Hyble showed the site survey and showed that the existing garage does not meet setbacks. With the lot line adjustment proposed by the applicant, both the proposed garage and any future garages to the south could meet setbacks.

VandenBerg wanted to confirm that the city would allow the property to the south to build an accessory structure. Hyble confirmed that it would be possible by meeting the requirements of section of 90-311.

Yonkers asked for clarification of the size of the proposed building. Hyble confirmed the request was for a 1,344 sq. ft. building.

Yonkers asked if anything would be done to remediate the sinking of the proposed structure. Hyble stated that the applicant can take steps to remediate the soil conditions.

LaPlaca asked for the current use of the southernmost property zoned residential near the property in question. Hyble clarified the use is residential.

LaPlaca asked if that same property was previously industrial. Hyble said that property is owned by the industrial user to the south. He mentioned that redevelopment could occur if the parcels are merged.

LaPlaca asked if there was any issue with the garage being detached. Hyble said non-conforming garages are very common in the R-2 district. He added this garage can exist and could be rebuilt on the same foundation if it was not sinking.

VandenBerg asked if the applicant could put up a covered walkway to connect the house to the garage. Hyble confirmed that this would be allowed without a variance. The applicant would need to get a building permit through the Inspections Office.

VandenBerg asked if the applicant would need to return to the Board to gain approval for that covered walkway to connect the house to the garage. Hyble confirmed this would not need the Board's approval. The applicant would need to pull a residential building permit.

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

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

PUBLIC COMMENT

Chair VanderSluis opened the public comment.

There was no public comment and the hearing was closed.

INFORMATIONAL ITEMS

There were no informational items.

ADJOURNMENT

The meeting was adjourned at 1:53 PM.

Russel Richter, Secretary
Board of Zoning Appeals

Rocio Zuniga, Recording Secretary
Board of Zoning Appeals

WYOMING ZONING BOARD OF APPEALS

AGENDA ITEM

NO. 1

BZA MEETING DATE: June 15, 2026

APPLICATION NUMBER: PZV2026-0002

APPLICANT: RCP Development, LLC

LOCATION: 155 28th Street SW, Parcel Number 41-17-12-476-013

- I. Application Materials
 - a. Application
 - b. Narrative
 - c. Site Plan
 - d. Easement Documents
- 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: 90-508 (Automobile Service Stations)

Brief Description of Appeal: No drive or curb opening may be located nearer than 20' to any interior lot line.
There is an existing shared driveway that abuts the property line with an access easement.

Address of Variance: 155 28th Street SW; Wyoming, MI 49509

Parcel Number: 41-17-12-476-013

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

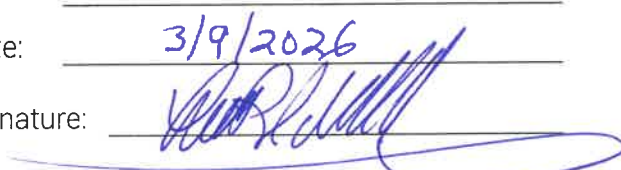
Applicant: RCP Development, LLC - Series Wyoming Property Owner: Detroit II Automobiles, Inc - Lee Wells

Address: 3033 North Clark Street Address: 255 E. Brown Street, Suite 200
Chicago, IL 60657 Birmingham, MI 48009

Phone: 312-545-5697 Phone: 313 410-8200

Email: Rob@rcpllc.com Email: lee.wells@detroitii.com

Date: 3/5/2026 Date: 3/9/2026

Signature: Robert Horton Signature: 

Filing Fee

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

Total \$525

**Variance Justification Statement
Speedway-branded 7-Eleven
NE corner 28th Street and Buchanan Ave
April 15, 2026**

The applicant is requesting a variance to allow an existing shared driveway along 28th Street to remain in its current location. The zoning ordinance requires that no drive or curb opening be located within 20 feet of an interior lot line for automobile service stations.

The driveway currently exists and functions as a shared access point serving both the subject property and the adjacent parcel to the east. The proposed redevelopment of the site as a Speedway-branded 7-Eleven convenience store and fueling facility does not create this condition but seeks to maintain the existing driveway configuration.

Closing or relocating this driveway would negatively affect the adjacent property owner, would move the driveway closer to the intersection, and could require additional curb cuts along the roadway. The requested variance allows the continued use of an existing access arrangement while supporting safe and efficient site circulation.

The following statement demonstrates how the requested variance meets the required review standards.

A. Exceptional or Extraordinary Circumstances

Exceptional circumstances exist due to the existing shared driveway configuration and the property's corner location.

The driveway along 28th Street currently serves both the subject property and the adjacent parcel. This shared access arrangement predates the proposed redevelopment and represents an established condition unique to this site. The need for variance arises from the property's existing physical layout and the shared access arrangement, conditions that do not generally apply to other properties in the same zoning district.

In addition, the subject site is located at the intersection of two public streets, which limits the feasible locations for access points while maintaining safe driveway spacing and traffic circulation. These factors create site-specific circumstances that distinguish the property from others in the vicinity.

B. Preservation and Enjoyment of Substantial Property Rights

Granting the requested variance is necessary to preserve the reasonable access and use of both the subject property and the adjacent property.

The shared driveway has historically provided access to both parcels and continues to serve an important function for the neighboring property. Eliminating this driveway to strictly comply with

the setback requirement would negatively impact access to the adjacent parcel and could require significant site modifications or additional driveway locations along the roadway.

Allowing the driveway to remain will preserve the functional access that both properties currently rely upon, ensuring that the redevelopment of the site does not unnecessarily disrupt existing access arrangements.

C. No Diminishment of Adjacent Property Values or Public Safety

The requested variance will not diminish the marketable value of adjacent properties nor create congestion or safety issues on the public street system.

The driveway is an existing access point that has historically served both properties, and maintaining it will not introduce new traffic patterns or operational conditions beyond those already present. Retaining the shared driveway may also help limit the need for additional curb cuts along 28th Street, thereby reducing potential traffic conflict points.

Because the variance applies to an existing condition that will continue to function in the same manner, approval will not negatively affect surrounding properties or the public roadway network.

D. Not a Condition of General or Recurrent Nature

The circumstances associated with this variance request are specific to this property and not applicable to other properties within the zoning district.

The request stems from the existing shared driveway configuration serving two separate parcels, combined with the redevelopment of the site as a convenience store and fuel facility. This situation is tied to the existing site layout and established access pattern, rather than a condition that commonly occurs across the district.

Because this request addresses a unique property-specific condition, it does not constitute a general issue warranting modification of the zoning ordinance itself.

Conclusion

The requested variance will allow the continued use of an existing shared driveway that predates the proposed redevelopment and serves both the subject property and the adjacent parcel. The condition requiring the variance is not self-created but rather the result of an established access arrangement that has historically served both properties.

Granting the variance will preserve existing property access, maintain safe traffic circulation, and avoid unnecessary disruption to the neighboring property. For these reasons, the applicant respectfully requests that the Board of Zoning Appeals approve the variance to allow the existing shared driveway along 28th Street to remain in its current location.

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QUIT CLAIM DEED

This Indenture, made this 15th of May, in the year of our Lord one thousand nine hundred and sixty-five, between BARNES OIL COMPANY a partnership consisting of MARGARET BARNES and ARTHUR H. BARNES, 159-28th Street, S.W., Grand Rapids, Michigan, party of the first part and ARTHUR H. BARNES, of 159-28th Street, S.W., Grand Rapids, Michigan, party of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of one (\$1.00) Dollar and other sufficient consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release and forever QUIT-CLAIM unto the said party of the second part, and to his heirs and assigns, Forever all that certain piece or parcel of land situated in the City of Wyoming in Kent County and State of Michigan and described as follows to-wit:

That part of the Southeast one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section 12, Town 6 North, Range 12 West, in the City of Wyoming, Kent County, Michigan, described as: Commencing at the Southwest corner of the Southeast one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section (being also a point .85 feet North of the intersection of the centerline of Buchanan Ave. and the centerline of 28th Street); thence North on the West line of the Southeast one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section (being also the centerline of Buchanan Avenue) 1316.60 feet to the Northwest corner thereof; thence Easterly on the North line of the Southeast one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section 236.19 feet to the Southerly line of the Michigan Central Railroad right-of-way; thence Southeasterly 958.21 feet along the Southerly line of said right-of-way to a point 436.75 feet West of the East line of said Section; thence Southerly 140 feet on a line parallel with the East line of said Section to a point 500 feet North of the South line of said section; thence Westerly parallel with the South line of said Section 378.7 feet; thence South 500 feet to a point on the South line of said Section 815.45 feet West of the Southeast corner of said Section; thence Westerly 504.60 feet to the place of beginning.

Excepting from said description the following:

Exception No. 1. Excepting commencing 32 feet West of the Southeast corner of said description; thence West along the South line thereof 148 feet; thence North

parallel with the East line thereof 200 feet; thence East parallel with the South line thereof 148 feet; thence South parallel with the East line thereof 200 feet to the place of beginning.

Exception No. 2. Excepting commencing at the Northwest corner of said description; thence South 115 feet; thence East parallel with the North line of said description 345.8 feet to the Southerly line of the Michigan Central Railroad right-of-way; thence Northwesterly 162.74 feet along said right-of-way to the North line of said description; thence West 236.19 feet on the North line of said description to the place of beginning.

Subject to the following easements which the party of the first part hereby reserves:

1. An easement over the South 200 feet of the East 32 feet and over the South 200 feet of the West 30 feet of the East 210 feet and over the East 210 feet of the North 30 feet of the South 230 feet for driveway access to Exception No. 1.
2. An easement over the North 30 feet for driveway access to Exception No. 2.
3. An easement for underground storm sewers extending on to said description from Exception No. 2 and connecting with the storm sewer system serving said description together with the right to discharge surface water from Exception No. 2 into said storm sewer system.
4. An easement for underground storm sewers extending onto said description from Exception No. 1 and connecting with the storm sewer system serving said description together with the right to discharge surface water from Exception No. 1 into said storm sewer system.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: TO HAVE and to HOLD the said premises to the said party of the second part, and to his heirs and assigns, to the sole and only proper use, benefit and behoof of the said party of the second part his heirs and assigns, FOREVER.

In Witness Whereof, The said party of the first part has caused this deed to be executed by its partners as its free act

and deed the day and year first above written.

Signed, Sealed and Delivered
In the Presence of

BARNES OIL COMPANY

John R. Porter
John R. Porter

By Margaret Barnes
Margaret Barnes, Partner

Sharon K. Buer
Sharon K. Buer

And Arthur H. Barnes
Arthur H. Barnes, Partner

STATE OF MICHIGAN }
County of Kent } ss.

On this 25th of May, 1965 before me a Notary Public in and for said county personally appeared Margaret Barnes and Arthur H. Barnes who being duly sworn by me did say that they are the partners of Barnes Oil Company, the partnership which executed the foregoing instrument, and they acknowledged said instrument to be the free act and deed of said partnership.

Sharon K. Buer
Sharon K. Buer
Notary Public, Kent County, Mich.
My commission expires: April 22,
1967

STATE OF MICHIGAN
COUNTY OF KENT
RECEIVED FOR RECORD
1965 MAY 28 PM 3 14
Ruth C. Keston
REGISTER OF DEEDS

NAME OF PERSON WHO DRAFTED THIS INSTRUMENT

John R. Porter
1036 Michigan Trust Building
Grand Rapids, Michigan

Application No.:	<u>PZV2026-0002</u>	STAFF RECOMMENDATION
Applicant:	<u>RCP Development LLC</u>	Approve: <u>X</u>
Address:	<u>155 28th St SW</u>	Deny: _____

FINDINGS OF FACT SHEET

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:

The property is exceptional in size and dimension. This parcel greatly exceeds the minimum lot size in its respective zoning district by nearly 30 times. Its shape is also atypical among corner lots along major intersections, and the frontage along 28th Street is nearly half of the frontage along Buchanan Avenue, with additional property extending to the northeast.

The property is also extraordinary in its circumstances and existing conditions. The applicant is requesting this variance to redevelop the property for a gas station use, which is required to have drive openings a minimum of 20 feet from interior lot lines. Due to the site being previously developed, there is an existing drive opening along 28th Street that is subject to a shared access easement along the interior lot line with the adjacent property to the east. A gas station use is the only use with drive opening requirements, and a shared access easement for an existing drive opening along a state-owned roadway is an extraordinary circumstance. The possibility of relocating this drive opening would be low due to the shared access easement, while also coming at a significant expense to the applicant.

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

This variance is necessary for the preservation and enjoyment of substantial property rights because it will allow the property to maintain the existing access to the site. Currently, the ability to relocate the drive aisle is limited by the existing shared access easement. Amending or releasing the easement requires the adjacent owner to agree to new terms, which limits the applicant’s ability to both meet the code and develop the property. Maintaining the existing drive opening allows for the continued shared access while not impeding development to occur on the applicant’s site. When Planning Commission noted the need for this variance in their approval of the project, the development meets all other requirements for gas stations. The applicant also intends to donate the unused northern portion of this property to an affordable housing developer, which would not be possible without the development of the gas station.

To the west, a parcel received numerous variances to accommodate a gas station’s use and expansion. This neighboring use required considerably more substantial dimensional variances and does not currently meet drive opening requirements. Without the requested dimensional variance for the existing drive opening, the neighboring property across Buchanan Avenue would have expanded property rights in comparison, as their variances grant them greater economic freedom in use and the expansion of that use. Granting this variance would create parity between the applicant’s property and the neighboring parcel.

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:

This variance would not diminish the marketable value of the adjacent land or improvements, as development of vacant land typically increases the marketable value of adjacent areas. The proposed use the applicant intends to bring to the property is similar to existing nearby uses.

Without the requested variance, the applicant would likely have to create a second drive aisle closer to the intersection and limit access to the neighboring property. If the applicant were to do this, that reduced access would diminish the value of the neighboring property’s land. Drive openings placed close to an intersection would create additional traffic safety concerns by introducing new traffic patterns and conflict points. Maintaining the existing drive opening would allow the interaction between the public street and the properties

to continue to successfully function as they have.

By granting the variance, the site would be able to maintain the existing drive aisle along 28th Street and contain all traffic onsite. While development will increase traffic to the site, the City's Engineering Office has confirmed this use will not create a significant impact on congestion on adjacent public streets.

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:

The conditions of this parcel in its size, dimensions, and existing shared access easement are unique to this property and unlikely to recur in such a combination within the City of Wyoming. The same use across the street was granted substantially greater variances. The existing drive opening, use, and variances granted to the neighboring parcel create the specific situation that warrants granting a variance, instead of general regulation changes concerning all gas station development standards.