

CITY OF PORTAGE ZONING BOARD OF APPEALS

AGENDA

Monday, June 8, 2026
7:00 PM

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

1. Minutes dated May 11, 2026

OLD BUSINESS:

1. ZBA #25-05; 3629 East Shore Drive

NEW BUSINESS:

1. ZBA #25-06; 2339 Woody Noll Drive

OTHER BUSINESS:

1. Election of officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

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

CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – May 11, 2026

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

MEMBERS PRESENT: Aimee Potts, David Bergher, Mark Martin (alt), Ken Seybold, Linda Fry, Hillary Taylor (alt),

MEMBERS EXCUSED: None

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; Josh Thiel Assistant City Attorney.

APPROVAL OF THE MINUTES:

A motion was made by Martin, and seconded by Seybold, to approve November 10, 2025, minutes. Upon voice vote, motion passed 6-0.

NEW BUSINESS:

ZBA #25-03; 5324 Meredith Street: Staff explained the request for a Temporary Use permit for outdoor barbecue sales in the parking lot of 5324 Meredith Street. Jimmie Harvey explained he has operated barbecue sales at several location in Portage over the past 11 years and proposed to operate in the Lume parking lot from May through September this year. Martin inquired if any complaints had been received about previous events. Mais responded no.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Martin, seconded by Seybold to grant a Temporary Use permit with the following conditions:

1. The Temporary Use be permitted from May 12 through September 30, 2026;
2. The outdoor barbecue be licensed by the Kalamazoo County Department of Health and Community Services
3. Hours of serving customers be limited to 7:00 a.m to 6:00 p.m. Tuesday through Saturday
4. The site be kept free of trash and refuse and no sound amplifying equipment be permitted.

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: Martin-Yes, Seybold-Yes, Bergher-Yes, Taylor-Yes, Potts-Yes, Fry-Yes. The motion passed 6-0.

ZBA #25-04; 4824 West Milham Avenue: Staff explained the request for a Temporary Use permit for Mexican food sales in the parking lot of 4824 West Milham Avenue from May 12 through November 12, 2026. Miranda Cantu explained that when they began sales at 330 East Centre Avenue they didn't understand what the City required to operate, as that wasn't spelled out on the website, but understood now and wanted to do whatever they needed to do to operate legally. Taylor inquired if sufficient required parking remained if the Temporary Use was permitted. Mais responded yes. Martin noted the days of the week should be clarified to specify seven days a week.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Martin, seconded by Burgher, to grant a Temporary Use permit to allow Mexican food sales in the parking lot at 4824 West Milham Avenue with the following conditions:

DRAFT

1.The Temporary Use be permitted from May 12 through November 12, 2026;
2.The applicant be licensed by the Kalamazoo County Department of Health and Community Services;
3.Hours of serving customers be limited to Sunday through Saturday, 12:00pm-9pm;
4.The site be kept free of trash and refuse and No sound amplifying equipment be permitted. 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: Martin-Yes, Seybold-Yes, Bergher-Yes, Taylor-Yes, Potts-Yes, Fry-Yes. The motion passed 6-0.

ZBA #25-05; 3629 East Shore Drive: Staff provided background on the request to reestablish a nonconforming accessory building on a lot that has no principal use. Contractor, Amil Alwan spoke on behalf of the applicant and explained that they didn't begin the job intending to remove the entire structure, but once they got the roof removed it became clear that the walls were in an advanced state of decay and would be unable to support a new roof. Mr. Alwan stated it should not be a problem for the Board to approve this variance, as they were only seeking to replace what had been there for about 80 years previously. Mais clarified that the applicant was seeking a use variance, not simply a dimensional variance, and that there was a very high bar for the Board to grant a use variance. One of the criteria the Board must find exists is that the property cannot be reasonably used for a permitted use, and in the case of residential zoning that meant asking if a house could be constructed. The house may conceivably need a setback variance, but there was no question a dwelling could be constructed on the subject property, therefore, the Board should not grant a use variance. The Board discussed issues related to traffic safety, the history of the surrounding development and the cost of conforming alternatives.

A public hearing was opened. Letters of support from the owners of 3620 East Shore Drive and 3612 East Shore Drive were read into the record. A letter of opposition from the owner of 8738 Balmoral Street was read into the record. Keith Newberry, 8970 East Shore Drive spoke in favor of the request. There being no further comments, the public hearing was closed.

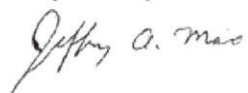
Seybold stated he understood that the applicant had conforming alternatives available, and also understood that if the application was denied they couldn't come back to the Board with a similar request for at least a year. As a consequence, he wanted to give the applicant the time and opportunity to work with city staff to come up with a request that might conform more closely with the zoning code. A motion was made by Seybold, seconded by Martin, to postpone the item until the June 8th meeting. Upon roll call vote: Martin-Yes, Seybold-Yes, Bergher-Yes, Taylor-Yes, Potts-Yes, Fry-Yes. The motion passed 6-0.

OTHER BUSINESS: Election of officers was postponed to June, as a full board was not present.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: Motion by Burgher, seconded by Potts to close the meeting. The meeting was adjourned at 9:12 pm.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

TO: Zoning Board of Appeals

DATE: June 8, 2026

FROM: Peter Dame, Chief Development Officer

SUBJECT:

CODE SECTION:

APPEAL:

STAFF

RECOMMENDATION: At the May 11th meeting, the applicant was granted a postponement to the June meeting in order to give the opportunity to work with city staff in exploring more conforming alternatives. The applicant has been doing so, and now requests an additional postponement to the July 13, 2026 meeting, after the new Unified Development Ordinance has been adopted by City Council and the new zoning regulations go into effect.

It is recommended the Board grant the postponement to June 13, 2026 so the applicant can finalize plans for a conforming use.

**PRACTICAL
DIFFICULTY:**

Attachments:

1. ZBA 25-05; request postponement to July 13

Jeff Mais

From: Tim Wenzel <twenzel@theuniformoutlet.com>
Sent: Monday, May 18, 2026 2:55 PM
To: Jeff Mais
Cc: Maureen Wenzel
Subject: 3629 East Shore Drive - Zoning Board of Appeals Meeting

Jeff:

Thanks for meeting with us last week to discuss a way forward with our property at 3629 East Shore Drive. After our appeal for a use variance was tabled by the Zoning Board of Appeals, we believe we should skip the June meeting and get on the agenda for the July meeting. This will be after the Portage City Council has a chance to review and decide on a path forward on new policy on building code. That outcome may offer more flexibility for our project.

Can you make sure to have us on the agenda for the July Zoning Board of Appeals meeting?

Thanks-
Tim

TIM WENZEL

3630 East Shore Drive
Portage, MI 49002

T: (877) 240-6474
D: (269) 323-8778
E: twenzel@theuniformoutlet.com
W: theuniformoutlet.com

TO: Zoning Board of Appeals**DATE:** June 8, 2026**FROM:** Peter Dame, Chief Development Officer**SUBJECT:** ZBA #25-06**CODE SECTION:** 42-350; Schedule of Regulations**APPEAL:** Request variance to construct a 3rd garage stall five feet from the (east) side property line where a minimum 10-foot side yard setback is required**STAFF****RECOMMENDATION:** The applicant requests the variance per the enclosed application, photos, site sketch, and related materials. The subject property is a 0.3 acre lakefront lot and is improved with a 1,824 square-foot dwelling and attached two-stall garage. The property is zoned R-1B, and is located on a cul-de-sac in a residential neighborhood. The applicant proposes to construct a 21-foot by 11.5'-foot third garage stall attached to the dwelling by the roof. The proposed garage addition would extend to within five feet eight inches (plus roof overhang) where a minimum 10-foot side yard setback is required. A five-foot variance is therefore requested.

A conforming alternative is available: the applicant could technically construct a side-loading detached garage in the middle of the front yard. However, beyond the unusual aesthetics, this option also presents some difficulties. Stone retaining walls line both sides of the existing driveway, as a two to three-foot elevation difference exists between the driveway grade and the adjacent front yard. Even more problematic is the underground sewer and water utilities that run directly through the middle of the front yard where any detached garage would need to be located.

The lot's topography and the location of underground utilities are extraordinary circumstances applying to the property that do not apply generally of other properties in the same zoning district. While the right to have a third garage stall is not necessarily a given in every location throughout the city, their frequent presence in more affluent neighborhoods, such as this, could argue for the variance being necessary to preserve a substantial property right to have a third garage stall which is similar to that possessed by other properties in the same zoning district and the vicinity. Neither the site's topography nor the presence of underground utility easements was caused by the applicant. Five-foot side yard setbacks are commonly found in connection with lakefront properties, so the variance will not be out of character or detrimental to adjacent properties. And lastly, the variance will not materially impair the intent and purpose of the zoning ordinance. For these reasons, the variance can be recommended.

PRACTICAL

DIFFICULTY: topography of lot and presence of underground utility easement.

Attachments:

1. ZBA 25-06 supplemental info
2. ZBA 25-06; application form
3. aerial layout
4. Notification Map Layout
5. motion form

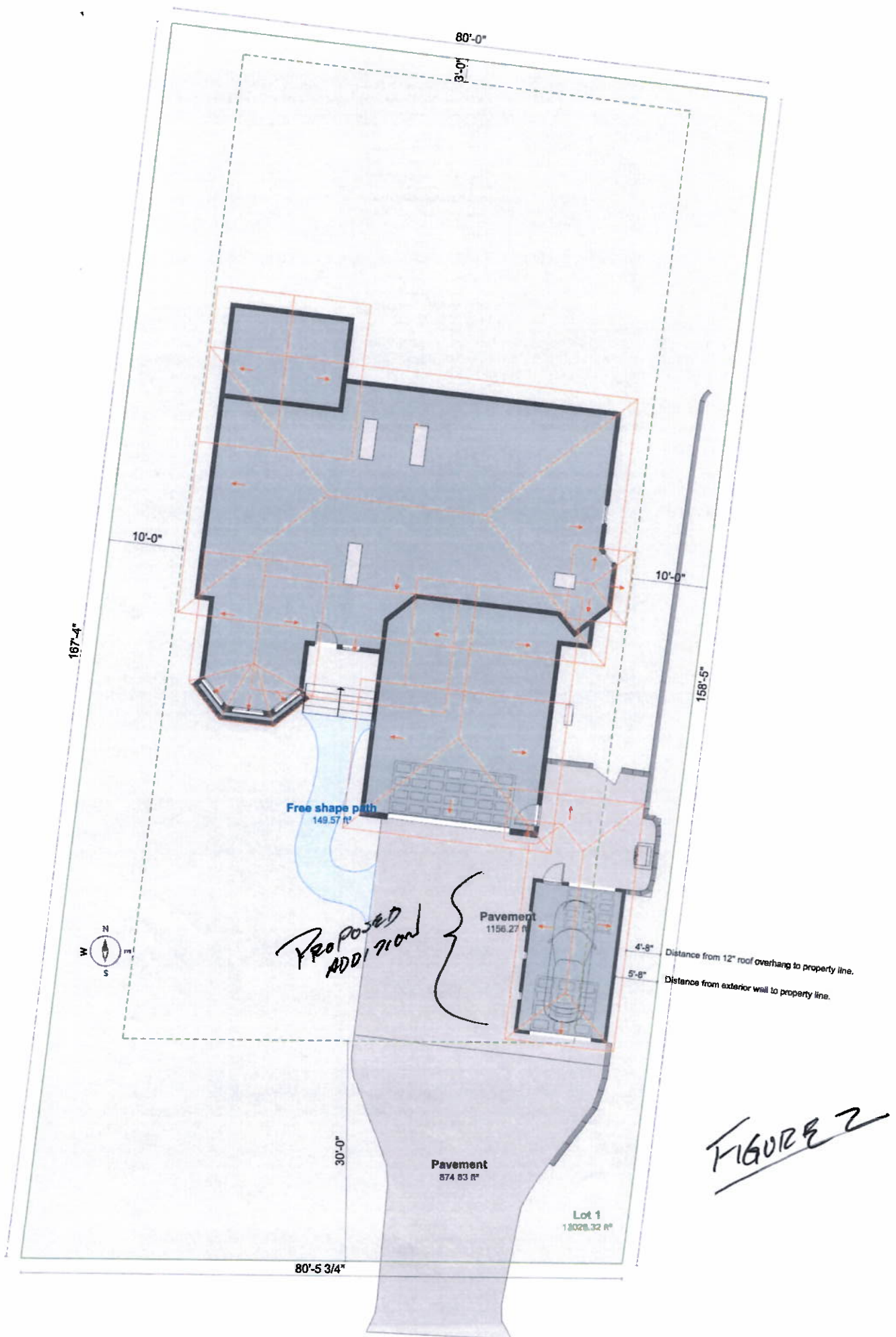


FIGURE 2



FIGURE 4A - "YERFOLDS"



Figure 4B - MEER



FIGURE SA - MEADOW



Figure 5B-After



FIGURE 6A - BEFORE





Figure 4B - AFMR

FIGURE 74 - BERRICK



Figure 7B - After



FIGURE 8- EXISTING VIEW

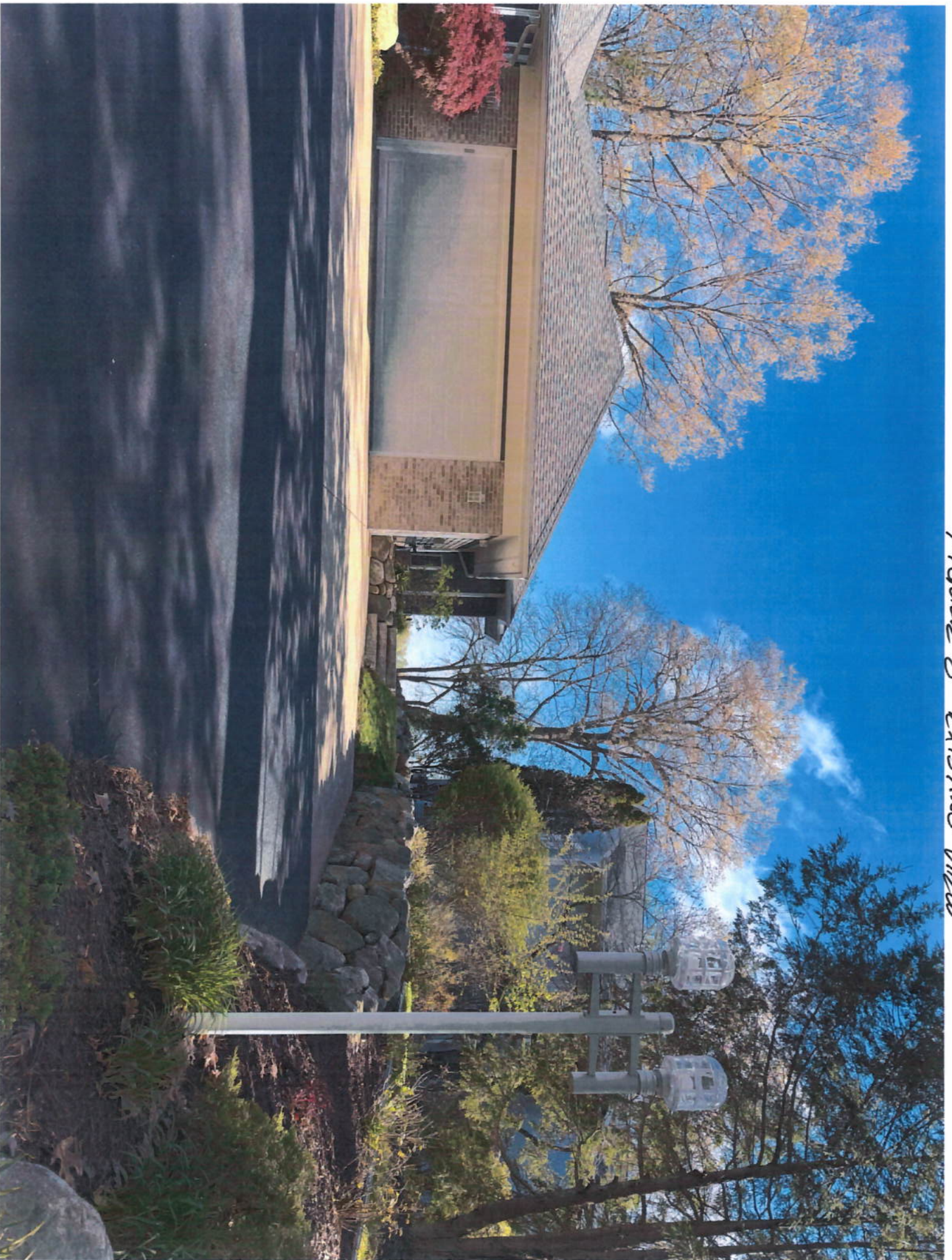


FIGURE 7 - EXISTING VIEW

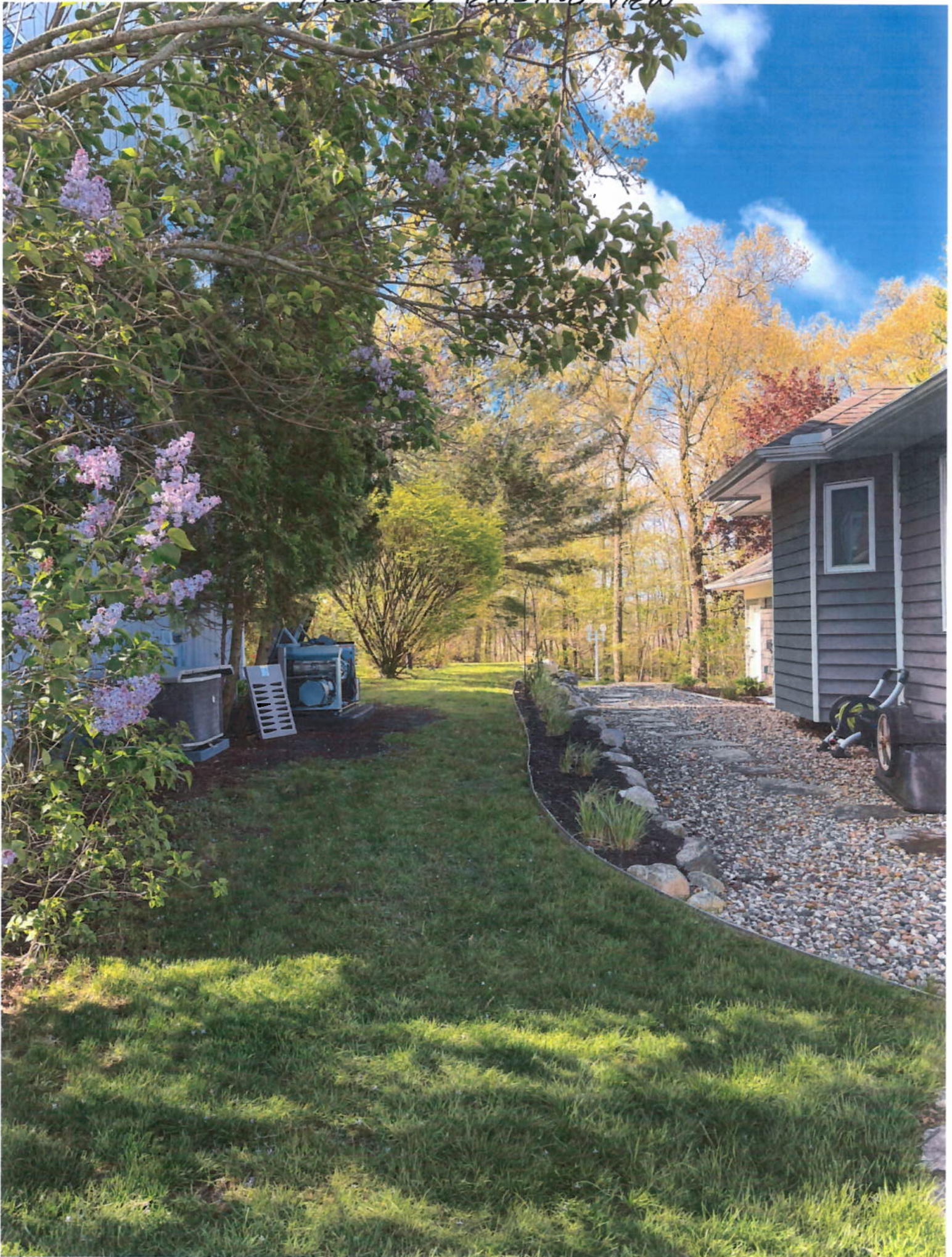


Figure 10 - Existing View



FIGURE 11A - RECENT SURVEY VIEW



Figure 11 B-Property View in Relation to Neighbors
Project Completed View.



ZONING BOARD OF APPEALS APPLICATION
FOR COMPLETION BY APPLICANT

Application Date:

Name of Applicant: **Brian A. Mack**

Signature:

Applicant's Address: **2339 Woody Noll Dr. Portage, Michigan 49002**

Phone No.: **(269) 207-2608**

Name of Property Owner (if different from Applicant): **same as above**

Address: **same as above**

Phone No.: **same as above**

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

Street Address: **2339 Woody Noll Dr. Portage, Michigan 49002**

For Platted Property: Lot **15** of: **"WOODY NOLL NO. 1"** 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: **Owner**

Application Fee: (Residential Uses)

(All Other Uses)

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

X **Variance from Zoning Ordinance:** Article **4** Section **Subdivision 10** Paragraph **Sec. 42-350 (Setbacks)**
Regarding: Use Area Yards
Setbacks Parking Other

Reason for Request (Also complete page 2 of application): **10-foot side yard setback requirement on narrow lakefront lot does not allow for adequate room to add an attached (to main dwelling) 3rd stall garage accessory building - requesting a variance for 5-foot side yard setback.**

____ **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: 25-06	Filing Date: 5/5/26	Tentative Hearing Date: 6/8/26
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.)

10-foot side yard setback requirement on narrow lakefront lot does not allow for adequate room to add an attached (to main dwelling) 3rd stall garage accessory building; requesting a variance for 5-foot side yard setback. Refer to attached FIGURES 1 thru 3.

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

Property has a very steep driveway and sits high up off the road which poses an additional safety and security concern for parked property that is also not visible from the main premises. Additionally, the footprint of the main dwelling was constructed to maximize all the available lot width within the construction envelope i.e. wide structure on a narrow lakefront property. The two (2) adjacent neighboring properties to the east have similar driveway/elevation configurations however one has a 3-car garage and the other does have room to add a 3rd stall accessory building if desired. The neighboring properties to the west do not have steep elevated driveways.

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

Not within the context of safely, securely, and protectively storing watercraft and/or vehicles outside of an existing two car garage.

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.)

For construction purposes, a variance from 10 feet of setback to 4 feet of setback would be very ideal. However, layout drawings show that we can *just* achieve the construction goal with 5'-8" of setback. We are requesting a 5-foot setback variance to allow for some margin in field and construction conditions. Additional setback will negatively affect layout aesthetics, line-up of roof lines between the main dwelling and attached accessory building (refer to FIGURE 3) and prohibitively compress the existing two-vehicle wide parking area in front of the dwelling garage adjacent to the proposed attached accessory building. See responses to question 5 below regarding logical and just to other property owners in the area.

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

- a. **I have reviewed the project (including sharing of all layout drawings) and the nature of the variance itself with the adjacent neighbor property owner; they like the aesthetics and have zero issues or concerns – refer to attached FIGURES 4 thru 11.**
- b. **Many, many other lake front properties (if not seemingly most, on some stretches of road) on Austin Lake utilize attached or unattached accessory buildings that do not adhere to the 10-foot or 5-foot setback requirements. In numerous cases, the accessory buildings appear to be right on, or within, just a few feet of property lines. Granting this variance for 5 feet will not create any unusual aesthetic in the character of the area that will detract, be noticed, or stand out. Additionally, the location for the building would start approximately 40 feet off the road.**
- c. **As the proposed project will build an attached accessory building that matches and enhances the thoughtful design character of the main residence, the overall area aesthetic will also be enhanced as there will no longer be watercraft and/or an additional vehicle sitting open in the driveway – refer to attached FIGURES 4 thru 11.**

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 nature of the project will not result in increased traffic congestion or noise. This project will not result in any additional risk of fire, flood, or other typical hazards. Regarding side yard access from the front of the property, there will be adequate area of entry for emergency access on the west side between the main residence and the accessory building - refer to FIGURE 1. The new addition also features overhead doors on both the north and south sides further facilitating entry to the narrow side yard from the south - refer to attached figures 5B and 6B.

Continued...

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 proposed project is due to the “practical difficulty” arising out of insufficient protected storage space for watercraft and/or vehicles in an elevated location that is not visible from the main dwelling. We have lived at this address for 7 years, and the home was built in 1992. We did not foresee this circumstance when we originally purchased the property hence, we are working to remediate the security, safety, and protective concerns mentioned prior.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
- a. **Safety (fire protection) – The location of the proposed attached accessory building does not align with the neighboring residence in a manner that reduces the minimum distance of 20 feet (i.e. both property’s 10-foot setbacks added together). The minimum distance between neighboring structures is not compromised and adequate separation is maintained.**
 - b. **Safety (emergency access) – Given the topology of the two neighboring side yards and existing trees, emergency vehicles are currently not able to traverse directly between the two properties using side yard access. The location of the new structure still allows for 16 feet of driveway width for emergency vehicles to transit and park. Side yard access is maintained as explained prior.**
 - c. **Privacy (buffer zones) – The location of the proposed structure does not align with the neighboring residence - it does, however, align with the neighbor’s guest parking area thus maintaining the “feng shui”.**
 - d. **Privacy (seclusion) – The ground level of the proposed structure is ~3 feet below grade with respect to the neighboring property and is also buffered by shrubbery, trees, and plants – refer to attached FIGURES 5A, 5B, and 8.**
 - d. **Aesthetic Harmony – Visual consistency and architectural proportions are maintained as the proposed project will build an attached accessory building that matches and enhances the thoughtful design character of the main residence; the overall area aesthetic being also enhanced as there will no longer be watercraft and/or an additional vehicle sitting open and unprotected in the driveway – refer to attached FIGURES 4 thru 11.**

Aerial Photography 2339 Woody Noll Drive

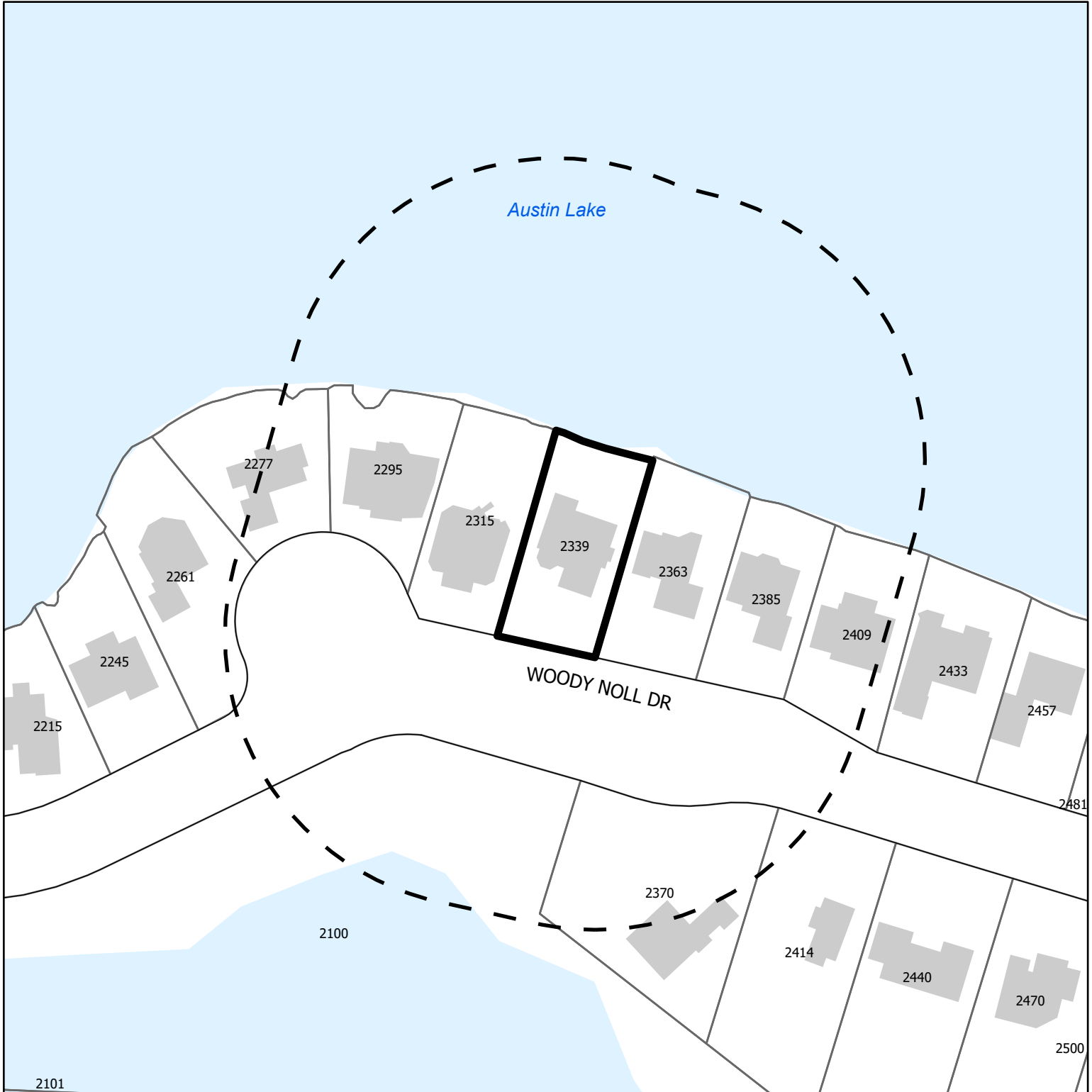


5/11/2026

1 inch equals 200 feet
(27)

ZBA #25-06

2339 Woody Noll Drive



 Subject Property
 300' Notification Buffer



5/11/2026

1 inch equals 150 feet
(28)

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.**

Zoning Board of Appeals

First Name	Last Name	Current Term	
David	Bergher	01/26-02/29	
Mark	Martin	01/26-02/29	Alt.
Linda	Fry	01/25-02/28	
Aimee	Potts	01/26-02/29	
Michael	Stempihar	01/26-02/29	
Ken	Seybold	01/25-02/28	
Hillary	Taylor	01/25-02/28	
Dan	Merkle	06/26-02/28	Alt.