

**PAW PAW TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES**

**Regular Meeting – March 15, 2023**

Chairman Arbanas called the Paw Paw Township Zoning Board of Appeals (ZBA) meeting to order at 7:00 pm.

**ROLL CALL:**

Members Present: Phillip Arbanas, Ron Cicchini, Neil Boff, Steve Richardson

Members Absent: Trish Downard

**APPROVAL OF THE AGENDA:**

A motion was offered by Mr. Boff to approve the agenda as published. The motion was supported by Mr. Richardson. The motion passed unanimously (4-0).

**APPROVAL OF MINUTES:**

A motion was offered by Mr. Boff to approve the minutes from the meeting held on January 18, 2023. The motion was supported by Mr. Cicchini. The motion passed unanimously (4-0).

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Chairman Arbanas called for public comment on non-agenda items. No public comments were offered.

**NEW BUSINESS:**

**1. Public Hearing and Consideration of Variance: Melody and Larry Meachum request a variance to reduce the required front setback for a proposed dwelling from 120 feet to 100 feet. The variance relates to Chapter 42, Article 6, Attachment 3 (note 6), of the Paw Paw Township Zoning Ordinance. The subject property is located at 45425 Red Arrow Hwy, Paw Paw, MI 49079 (parcel #80-14-018-032-20).**

The request was summarized and read for the record.

Chair Arbanas opened the public hearing.

- Melody Meachum explained the design of the proposed home and stated that the contractor suggested the placement of the house and septic area. She stated that the driveway would circle to the side and back so no parking would occur to the front of the home. It was explained that

the septic system was already in place and kept away from the slope to the swamp in the back of the property. Also, the drive would be kept away from the flea market entrance.

- John Menzor stated that the driveway should go to the east, and the lot is deeper there, with more room for the house. He felt that the contractor led them wrong and the septic would have to be moved.
- Mary Slocum asked if the house was going to be 100 feet from the centerline of the road.
- Melody Meachum said that the proposal was 100 feet, but they could go back another 10 feet.

Chair Arbanas closed the public hearing.

Mr. Boff stated that he has built on Red Arrow and typically had to build 60 feet from the centerline in case a lane was added in the future. That would be the road would be 40 feet from a house. He stated that slide-offs would be possible being on a curve.

Chair Arbanas stated that there could be a hardship and maybe a compromise could be made because of the rear slope.

Mr. Boff stated that the Planning Commission amended the property classification, and it is not big enough for commercial. He felt that 110 feet would be the answer.

The ZBA discussed the comments outlined in the Township Planner's supplemental memo and agreed with the positive findings.

Based on the slope of the rear property to a swamp, the amended property classification, and the hardships listed with the pre-prepared positive findings, it would be substantial relief to allow a variance of 10 feet for a 110-foot setback from the centerline of the road.

A motion was made by Mr. Boff to approve the variances requested by the applicant based on the following findings against Section 42-11.03 B(4)(a) of the Zoning Ordinance:

1. *Strict compliance with the letter of the Zoning Ordinance will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*

**Finding:** The property is unique based on its slope toward the rear of the clear area. It would be unnecessarily burdensome to require the site to be leveled out for a new home 120 from the centerline.

2. *A grant of the variance will do substantial justice to the applicant, as well as to other property owners.*

**Finding:** Granting the variance would do justice for the applicant as they would be able to build on the most level portion of the site. Approval or denial would have no impact on justice for nearby property owners.

3. *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*

**Finding:** A lesser variance would give substantial relief as the most reasonable building area of the site is 110 feet from the centerline of Red Arrow.

4. *That the hardship asserted by the applicant by way of justification for a variance is due to the unique circumstances of the property.*

**Finding:** The property is unique as it slopes to the rear, where the required setback would place a compliant home site.

5. *The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.*

**Finding:** The need for the variance is based on a unique sloping characteristic of the land.

6. *That, in granting a variance, the ZBA is insuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.*

**Finding:** The intent of the Zoning Ordinance is to enforce the requirements in a fair and equitable manner, and the request is not extreme. Substantial justice would be done by allowing a reasonable home site away from the sloping section of the property.

The motion was supported by Mr. Richardson. The motion passed unanimously (4-0).

**OLD BUSINESS:** None.

**OTHER BUSINESS:** None

**ADDITIONAL PUBLIC COMMENT:**

No public comments were offered.

**ADJOURNMENT:**

A motion was offered by Mr. Richardson to adjourn the meeting at 7:46 pm. The motion was supported by Mr. Cicchini. The motion passed unanimously (4-0).

Prepared by: Neil Boff on March 15, 2023

Formalized by: David Jirousek, AICP  
Township Consulting Planner  
March 24, 2023

Approved: May 17, 2023