

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

**Regular Meeting – May 17, 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, Trish Downard, Tom Beam

Members Absent: Neil Boff, Steve Richardson, Nate Smallcombe

**APPROVAL OF THE AGENDA:**

A motion was offered by Mr. Beam to approve the agenda as published. The motion was supported by Mr. Arbanas. The motion passed unanimously (3-0).

**APPROVAL OF MINUTES:**

A motion was offered by Ms. Downard to approve the minutes from the meeting held on March 15, 2023. The motion was supported by Mr. Beam. The motion passed unanimously (3-0).

**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: Adam Garland requests variances to reduce the required front setback for a proposed dwelling from 50 feet to 20 feet along 64th Avenue and to reduce the north side setback from 40 feet to 21 feet. The variances relate to Chapter 42, Article 6, Attachment 3 (note 6), of the Paw Paw Township Zoning Ordinance. The subject property is located at 63924 CR 665, Paw Paw, MI 49079 (parcel #80-14-024-011-00).**

Chair Arbanas summarized the application and stated that the lot was unique based on its size and width.

Chair Arbanas opened the public hearing at 7:04 pm.

Applicant Adam Garland explained that the lot was narrow, and there was previously a nonconforming home in the same general location. However, the proposed dwelling would be further back from the

road. He also stated that the existing powerlines would constrict the building area and that the lot was essentially unbuildable.

Chair Arbanas closed the public hearing at 7:09 pm.

Mr. Jirousek summarized his report from May 11, 2023, and read the recommended findings in the report, a document that is part of the public record for the meeting.

The Board members generally discussed the site conditions and agreed that the size and narrowness of the lot were unique and would render compliance overly difficult.

A motion was made by Chair Arbanas 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 size of the lot is much narrower than the 200-foot ARR zoning district width requirement. As stated before, the 132-foot-wide lot is likely much lesser in width, as 33-66 feet of right-of-way appears to be included with the property description and width measurement. Applying 50-foot front setback and 40-foot north side setback on a narrow nonconforming lot could be considered unnecessarily burdensome.

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

**Finding:** Granting the variance will provide substantial justice to the applicant by allowing a reasonable-sized dwelling. Granting the variance will also do substantial justice to nearby property owners, as the variance is intended only to allow a similar-sized home on a one (1) acre property.

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:** The proposed setbacks are reasonable based on the exceptionally narrow nature of the lot compared to the 50-foot front and 40-foot side setback requirements. Without variances, this lot is likely unbuildable. A lesser variance, or no variance, would not provide additional justice to the applicant or nearby property owners.

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 exceptionally narrow (132 feet) compared to the minimum width for the ARR zoning district (200 feet). Since the setbacks assume a 200-foot wide lot, applying setbacks to the unusually narrow lot would result in a hardship.

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 problem is not self-created. The lot is pre-existing and has been owned by multiple parties prior to the recent purchase by the current property owner and applicant.

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. Additionally, the intent is for homes to be placed in a manner that provides for general consistency with building placement and setbacks. However, it is common for reasonable variances to be granted when the characteristics of the lot or land are unique. Based on the unique characteristics of this property, compliant placement would be unnecessarily burdensome. Impacts on public health, safety, and welfare are not anticipated, and impacts on neighboring properties are not expected.

The motion was supported by Ms. Downard. The motion passed unanimously (3-0).

**OLD BUSINESS:** None

**OTHER BUSINESS:** None

**ADDITIONAL PUBLIC COMMENT:** None

**ADJOURNMENT:**

A motion was offered by Mr. Beam to adjourn the meeting at 7:17 pm. The motion was supported by Ms. Downard. The motion passed unanimously (3-0).

Prepared by: David Jirousek, AICP  
Township Consulting Planner  
May 18, 2023

Approved: June 21, 2023