

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

Regular Meeting – June 21, 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, Neil Boff, Nate Smallcombe, Tom Beam

Members Absent: Trish Downard, Steve Richardson

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

A motion was offered by Mr. Boff to approve the minutes from the meeting held on May 17, 2023. The motion was supported by Mr. Beam. The motion passed 4-0.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Chairman Arbanas called for public comment on non-agenda items.

- None

NEW BUSINESS:

1. Public Hearing and Consideration of Variance: Shane Doehrmann requests a variance to reduce the required front setback for a proposed garage addition to the existing dwelling from 50 feet to 15 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 40406 62nd Avenue, Paw Paw, MI 49079 (parcel #80-14-021-029-00).

Chair Arbanas summarized the variance request and opened the public hearing at 7:05 pm.

Applicant Shane Doehrmann explained that his request conceptually is simple. He explained that the proposed location for the garage is no closer to the road than the existing home, and the front of the

house (with porch) is significantly closer to the road than the new garage would be. The porch of the existing home would still be the closest element to the road (not the new garage). Placing it there safely allows a pull-through for the garage with an RV to use the existing circle drive. A concrete pad may be added in the front drive as well, and further improvements would be made to the driveway, fresh gravel etc.

With respect to there being any other options available, Mr. Doehrmann stated that there are no other reasonable options. The left side of the home has a new septic tank, and moving the garage toward the back of the home would put the garage closer to the new septic field. If the new garage is moved any further back than where it is proposed, the new septic field would be in the way and would likely be driven on by an RV due to the turning radius. The new septic field was located and installed per the county's direction; Mr. Doehrmann was not involved with the placement of the new septic field. The new garage would be attached to a breezeway of the house. The history of the house was attractive for Mr. Doehrmann, and he stated if the garage was approved, he would like to add additional new upgrades besides the new well system, septic system, and water heater that they have already completed.

Chair Arbanas called for public comment.

- Kevin Prinze, the owner of the property adjacent to the subject property, stated he has no issue with where the new garage is proposed to go, and he wants to see it be aesthetically pleasing with the existing structure. He said the proposed location would not impact his side of the property.

Chair Arbanas closed the public hearing at 7:28 pm.

The Board members generally discussed the existing site conditions, septic location, aesthetics of the proposed location, and alternative locations. Generally, the discussion focused on the septic tank and field that were installed, which restricted possible locations near the house that were viable.

Generally, the Board felt that the septic system location had limited the possible locations of the new garage to where Mr. Doehrmann had proposed it.

A motion was made by Mr. Boff to approve the variance 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.*

The proposed location of the new garage will allow safe entry and exit from the property and garage via the existing circle drive. Strict compliance with the Zoning Ordinance would be unnecessarily burdensome because it would require the garage to be far away from the home,

and the existing driveway would not be usable with the garage due to the location of the new septic field.

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

Granting of the variance will provide substantial justice to the applicant by allowing the new garage to be adjacent to the home and used safely as it is intended with the existing circle drive.

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

The proposed location Due to the turning radius requirements to use the existing driveway, the only location that will give the applicant relief is his proposed location. Without the variance, the garage would not be in a location where the drive could be used.

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

The applicant has demonstrated that there are unique circumstances related to the location of the new septic tank and septic field, which restricts the turning radius of the existing circle drive.

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

The problem was not self-created; it was created by the county requiring the septic field leaving no other options for the location of the garage where it can be near the home and allow the driveway to be safely used as a circle drive without damaging the septic field.

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

The intent of the Zoning Ordinance is to enforce the requirements in a fair and equitable manner. It is common and appropriate for reasonable variances to be granted when the characteristics of the lot or land are unique. Due to the septic tank and field installed per the county's direction, there are no other locations near the home that will allow for the garage to be constructed and used with the existing driveway.

The motion was supported by Mr. Beam, and the motion passed (3-1).

2. Public Hearing and Consideration of Variance: Brenda and Tim Tortorelli request a variance place a new accessory building in the front yard of the subject property. The variance relates to Chapter 42, Section 42-8.01 B.3, of the Paw Paw Township Zoning Ordinance. The subject property is located at 34663 64th Avenue, Paw Paw, MI 49079 (parcel #80-14-025-004-10).

Chair Arbanas summarized the application.

Chair Arbanas opened the public hearing at 7:51 pm.

Applicant Brenda and Tim Tortorelli explained their request: They would like to build a new barn in a location that lines up with the front of the existing garage. Behind the existing garage, there are Oak trees which eliminates this location as an option. On the left side of the home, there is a water drainage issue where an existing horse barn is located, and this area is not at all suitable for a new barn. Mrs. Tortorelli stated that the neighbors stated they were OK with the placement of the barn that the Tortorelli's had originally proposed, which was in line with the front of the existing shed. Mr. Tortorelli stated that the existing non-compliant shed in the front yard was there when they purchased the home and that it was a newer structure.

Chair Arbanas called for public comment.

Shane Doerhmann stated that the new building being placed where SAFEBuilt wants it would create the hardship that the Tortorelli's would not be able to use the land for its intended purpose.

Chair Arbanas closed the public hearing at 8:15 pm.

The Board members generally discussed the site conditions and generally felt that the new building should not be in the front yard, and they discussed putting it flush with the front deck of the home. The Board suggested that it would be better to table the discussion for this meeting and give the Tortorelli's a chance to revisit the location of the new barn.

A motion was made by Mr. Boff to table this variance request discussion requested by the applicant. The motion to table was supported by Chair Arbanas. The motion to table the discussion passed (4-0).

OLD BUSINESS: None

OTHER BUSINESS: None

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

A motion was offered by Mr. Boff to adjourn the meeting at 8:20 pm. The motion was supported by Mr. Smallcombe. The motion passed (4-0)

Prepared by: Kyle Salay and David Jirousek
June 27, 2023

Approved: September 20, 2023