

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

**Regular Meeting – July 16, 2025**

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, Nate Smallcombe, Neil Boff

Members Absent: Tom Beam

**APPROVAL OF THE AGENDA:**

A motion was offered by Boff to approve the agenda as published. The motion was supported by Downard, and the motion passed 4-0.

**ELECTION OF OFFICERS:**

A motion was offered by Boff to reappoint Arbanas as Chair and Boff as Vice Chair. The motion was supported by Downard, and the motion passed 4-0.

**APPROVAL OF MINUTES:**

A motion was offered by Downard to approve the minutes from the meeting held on September 18, 2024. The motion was supported by Boff, and 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 Variances:** James Van Horn on behalf of Dale Schuring requests a variance to reduce the required minimum side setback from 15 feet to approximately 2 feet on the west side for a new attached carport; a variance to reduce the required minimum side setback from 15 feet to approximately 3 feet and 4 inches on the east side for an addition; a variance to reduce the required minimum front setback from 50 feet to approximately 8 feet from the street easement for the new attached carport; and a variance to increase the maximum lot coverage from 30% to approximately 40%. The variances relate to Chapter 42, Article 6, Attachment 3 of the Paw Paw Township Zoning

Ordinance. The subject property is located at 49404 Fairbanks, Paw Paw, MI 49079 (parcel #80-14-635-002-00).

Chair Arbanas summarized the application and variance request. Applicant Jim Van Horn generally described the proposed improvements to the house, which include an east side addition and a south/front carport.

Chair Arbanas opened the public hearing, and there were no comments.

Township Planner David Jirousek explained the discrepancy between the application and the Zoning Administrator's measurements, and stated that all fire and building code requirements must be met.

Smallcombe expressed concern with the narrow setbacks, and Downard said it seems acceptable, as the east side addition was within the same footprint as the deck. Boff noted how close dwellings were in this area. Arbanas was concerned that the buildings were too close. However, the group generally felt the open nature of the carport was less concerning, and they felt that the addition within the existing deck footprint was not unreasonable.

The Board members generally discussed the variance and the comments from the Planner's report from July 7, 2025.

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.*

**Comment:** Strict compliance would eliminate all possibilities for sheltered parking, and it would significantly limit the possibility of expanded living space.

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

**Comment:** Nearby homes are also nonconforming to side setback requirements, and it appears that several encroach on the front/street setback area. Allowing reasonable expansion will allow the building to be consistent with other 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.*

**Comment:** The variance requests are already limited, and variances of lesser degrees would not give substantial relief.

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

**Comment:** The property is unique because of its exceptionally narrow nature and size compared to the requirements of the WFR district. For instance, the minimum lot width is 100 feet while the lot is

40 feet wide. The minimum lot size is 30,000 s.f., while the lot is 4,494 s.f. Setbacks and lot coverage are typically calibrated based on the minimum lot dimensions within the district. As such, when the lot is exceptionally nonconforming, it is unique.

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

**Comment:** Although the applicant desires to expand the house for year-round living, they did not create the lot in its current dimensions.

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.*

**Comment:** The intent of the Zoning Ordinance is to enforce the requirements in a fair and equitable manner. The requested relief will enable the reasonable use of the property. The building areas within the setback areas are limited in size and scale.

A motion was offered by Downard to approve the following variance requests:

- Reduce the required minimum side setback from 15 feet to 2 feet on the west side for a new attached carport;
- Reduce the required minimum side setback from 15 feet to the lesser of 3 feet and 4 inches or 2 feet for the east side for an addition (noting the discrepancy between the application and the Zoning Administrator's measurement);
- Reduce the required minimum front setback from 50 feet to approximately 8 feet from the street easement for the new attached carport;
- Increase the maximum lot coverage from 30% to 40%; and
- Allow a 12-inch overhang was approved beyond the setbacks noted above.

Downard stated that the Township Planner's findings were the basis for the motion, and the record shall reflect these findings.

The motion was supported by Boff, and the motion passed 3 (Downard, Smallcombe, Boff) to 1 (Arbanas).

**OLD BUSINESS:** None

**OTHER BUSINESS:** None

**ADDITIONAL PUBLIC COMMENT:** None

**ADJOURNMENT:**

A motion was offered by Boff to adjourn the meeting at 7:33 pm. The motion was supported by Smallcombe, and the motion passed 4-0.

Prepared by: David Jirousek, July 17, 2025

Approved: August 20, 2025