

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

Regular Meeting – August 20, 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, Nate Smallcombe, Neil Boff, Tom Beam

Members Absent: Trish Downard

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

A motion was offered by Smallcombe to approve the minutes from the meeting held on July 16, 2025. The motion was supported by Boff, and the motion passed 4 to 0.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Chairman Arbanas called for public comment on non-agenda items. There were no public comments.

NEW BUSINESS:

1. Public Hearing and Consideration of Variances: Dwayne A. Herd requests a variance for a replacement deck to be placed six feet from the side property line instead of the required 15-foot setback and a variance for a replacement sunroom to be placed 14 feet from the side property line instead of the required 15-foot setback. The variances relate to Chapter 42, Article 6, Attachment 3 of the Paw Paw Township Zoning Ordinance. The subject property is located at 68124 Park Drive, Paw Paw, MI 49079 (parcel #80-14-660-032-01).

Chair Arbanas summarized the application and variance request and stated that the request was to rebuild the deck and sunroom in the exact same location. The applicant reiterated the same project proposal.

The Board members generally discussed the variance and the comments from the Planner's report from August 12, 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.*

Finding: Strict compliance would eliminate the possibility of rebuilding a sunroom and deck in the same footprint and by the exact dimensions as the existing arrangement. Requiring compliance could be considered unnecessarily burdensome, as it would prevent the reconstruction of the aging portions of the dwelling.

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

Finding: Nearby homes are also nonconforming to side setback requirements. Allowing the reconstruction of the sunroom and deck would do substantial justice to the applicant by enabling reasonable repairs and rebuilding within the exact location of the existing components of the home. Options for compliant rebuilding are not considered reasonable and would not impact the adjacent property owners more than the current arrangement.

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 variance requests are limited so as not to increase the existing degree of nonconformity with the Zoning Ordinance, 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.*

Finding: The combined property is unique as it is narrower than required by the WFR zoning district. The lot width is 80% of the required width, resulting in increased difficulty meeting the 15-foot side setbacks.

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

Finding: Although the applicant desires to improve their home, they did not create the lot in its current dimensions. The nonconforming dwelling was built before the WFR zoning district side setbacks became stricter.

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 Zoning Ordinance intends to enforce the requirements fairly and equitably. The requested relief will enable the reasonable use of the property, including rebuilding an aging sunroom and deck in the same location.

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

- Variance for a replacement deck to be placed six feet from the side property line instead of the required 15-foot setback.
- Variance for a replacement sunroom to be placed 14 feet from the side property line instead of the required 15-foot setback.

Boff 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 Smallcombe, and the motion passed 4 to 0.

Aye: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam

Nays: None

OLD BUSINESS: None

OTHER BUSINESS: None

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

A motion was offered by Smallcombe to adjourn the meeting at 7:23 pm. The motion was supported by Beam, and the motion passed 4 to 0.

Prepared by: David Jirousek, August 25, 2025

Approved: November 19, 2025