

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

Regular Meeting – December 17, 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, Trish Downard

Members Absent: None

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 5 to 0.

Ayes: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam, Trish Downard

Nays: None

APPROVAL OF MINUTES:

A motion was offered by Boff to approve the minutes from the meeting held on November 19, 2025. The motion was supported by Beam, and the motion passed 5 to 0.

Ayes: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam, Trish Downard

Nays: None

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: Jeremy Vainavicz (Field and Vine Development Group) requests variances for a new home to be constructed with a 16-foot setback from the street right-of-way (requirement is 50 feet) and an eight-foot (8') east side setback (requirement is 15 feet). The variances relate to Chapter 42, Article 6, Attachment 3 of the Paw Paw Township Zoning Ordinance. The subject property is located at 69211 Eagle Drive, Paw Paw, MI 49079 (parcel #80-14-430-026-00).

The ZBA removed the front setback request from the table, and Chair Arbanas summarized the revised application and variance request. He explained that the applicant requests variances to construct a new house with a 16-foot front setback instead of the required 50-foot minimum and an eight-foot (8') east side setback instead of the required 15-foot setback.

Chairman Arbanas called for public comments, and there were none. Chairman Arbanas referenced a letter of opposition from John and Izabelle Hosek, who live at 69260 Eagle Drive, and an email of opposition from Courtney Lindsey, who owns property at 69266 Eagle Drive.

Jeremy Vainavicz stated that the proposed house was shifted east to maintain a front setback of at least 16 feet, while the east-side setback would be reduced to 8 feet. He further stated that the proposed parking area would accommodate at least four vehicles, with additional parking available in the clear front yard outside the public right-of-way. The applicant also stated that the proposed location of the new home would increase the setback relative to existing conditions, noting that the setback for the proposed house would exceed that for the existing garage.

ZBA members noted the existing setbacks for other homes in the area and considered the situation unique.

The ZBA made the following findings against Section 42-11.03 B.4.a:

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: It would be unreasonable and unnecessarily burdensome to require filling the wetland, reducing building size, or rearranging the house and septic system.

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

Finding: The variances will allow the applicant to construct a house of a size and arrangement consistent with those of other property owners who are not subject to the same unique circumstances. Existing homes across the street have similarly short setbacks from the easement, so the proposed location could be considered equal justice to the applicant and nearby homeowners.

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 2,052-square-foot house is reasonable in size and dimensions, and a lesser variance would not be just to the landowner.

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 centrally located wetland is a unique feature of the property that does not similarly apply to nearby properties.

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 due to a wetland that impacts the central portion of the site, not a self-created issue.

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.*

Finding: The requested relief will enable the reasonable use of the property, given its unique natural circumstances.

A motion was offered by Boff to approve the variance requests based on the aforementioned findings and the staff report dated December 10, 2025, provided by the Township Planner. The motion was supported by Smallcombe, and the motion passed 5 to 0.

Ayes: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam, Trish Downard

Nays: None

2. Public Hearing and Consideration of Variances: Caleb Stout (Anchored Builders) requests variances for a new home to be constructed on an existing foundation with a five-foot (5') east side setback (requirement is 15 feet) and a 43-foot waterfront setback (requirement is 50 feet). The variances relate to Chapter 42, Article 6, Attachment 3 of the Paw Paw Township Zoning Ordinance. The subject property is located at 35321 51st Avenue, Paw Paw, MI 49079 (parcel #s 80-14-714-001-00 and 80-14-713-008-00).

Chair Arbanas summarized the application and variance request. The request seeks approval to reconstruct a single-family dwelling on an existing nonconforming foundation, requiring a five-foot (5') east side yard setback in lieu of the required 15-foot minimum side setback and a 43-foot waterfront setback in lieu of the required 50-foot minimum waterfront setback.

Jacob Stout said he is seeking retroactive approval for the reconstruction of a two-story residence with an approximate building footprint of 1,600 square feet and a total floor area of approximately 2,600 square feet. The applicant indicated that the proposed structure is being rebuilt on the existing foundation and that the requested variances relate to the structure's established placement on the lot.

Chairman Arbanas called for public comments, and there were none. Chairman Arbanas referenced a letter of support from Mary Ann Middaugh, who lives at 35361 51st Avenue.

As part of the background for the variance request, Jirousek noted that the circumstances leading to the demolition and reconstruction of the new house on the existing nonconforming foundation stem, in

part, from an apparent miscommunication between the applicant and SAFEbuilt regarding the applicability of zoning requirements and nonconformity regulations.

The ZBA found that all of the following standards were met based on the extenuating circumstances involved with the demolition of the existing home and reuse of the existing foundation. The ZBA made the following findings against Section 42-11.03 B.4.a:

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: It would be unreasonable and unnecessarily burdensome to require demolition of the house.

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

Finding: The variances will allow the reuse of the existing foundation.

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 home is reasonably sized and does not impact neighboring property owners and residents.

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 existing foundation is nonconforming.

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 setback requirements changed over time and prevent the reuse of a nonconforming foundation unless variances are secured.

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.*

Finding: The requested relief will enable the property's reasonable use, given the circumstances.

A motion was offered by Downard to approve the variance requests based on the aforementioned findings. The motion was supported by Boff, and the motion passed 5 to 0.

Ayes: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam, Trish Downard

Nays: None

OLD BUSINESS: None

OTHER BUSINESS: None

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

A motion was offered by Boff to adjourn the meeting at 7:55 pm. The motion was supported by Smallcombe, and the motion passed 5 to 0.

Ayes: Phillip Arbanas, Nate Smallcombe, Neil Boff, Tom Beam, Trish Downard

Nays: None

Prepared by: David Jirousek, December 23, 2025

Approved:

DRAFT