

ANTWERP TOWNSHIP
24821 FRONT AVENUE
MATTAWAN, MI 49071-9598

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HEATHER MITCHELL, Clerk
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Office Hours:
Mon., Wed., Thurs.
7:00 a.m. – 5:00 p.m.
Tuesday: 7:00 a.m. – 6 p.m.
Fridays: Closed
Closed for lunch M, T, W, Th
11:30 a.m. – 12:00 p.m.

ANTWERP TOWNSHIP ZONING BOARD OF APPEALS MEETING
THURSDAY AUGUST 27, 2015
approved

Chairperson Gary Stock called meeting to order at 7:00 PM.

Board Members Present: Gary Stock-Chair, Joe Stimac-Vice Chair, Heather Mitchell-Secretary, Ron Stoyhoff, Phil Tarchala

Board Members Absent: None

Guests Present: One

Motion by Tarchala, second by Stimac to approve the agenda as presented. All voted in favor. Motion carried.
Motion by Stoyhoff, second by Stimac to approve minutes from the December 2, 2014 meeting. All voted in favor.
Motion carried.

Communication/Announcements: None.

New Business:

A. Election of Officers

Overview of current officers. Chairman: Gary Stock, Vice Chair: Joe Stimac, Secretary: Heather Mitchell.
Motion by Stimac, second by Tarchala to ~~leave~~ elect officers as stated. All voted in favor. Motion carried.

B. Interpretation of “Main Building” when determining front yard locations

Chairman Stock gave an overview of the ZBA and its role in relation to other boards within Antwerp Township. Interpretation is needed concerning designation of front yards; specifically, whether or not an accessory structure can be used to establish a front yard. Antwerp Township zoning ordinance currently defines front yard with “main building,” while most ordinances use “principal building.” Question is when an accessory building is placed forward of a principal building, which is allowed as long as it remains outside of the required front setback, does it shift the front yard designation forward?

Chad Alexander was present and asked question specific to his property as this interpretation directly affects a current ordinance violation on his property. Mr. Alexander placed a 6 ft. fence on his side yard. However, since his “side” yard abuts a public right of way (street) a 6 ft. fence is not allowed in front of the principal building (residential home). If an accessory building shifts the front yard forward then the 6 ft. fence would be allowed at a certain distance from the public right of way.

Board discussed definition of corner lot (Section 2.7 Lot:A) as each yard is bound to comply with front yard setback. It became apparent that the definition needs to be clearer. The language that “each yard must also comply with the front setback” contributes to a sense that there are two front yards, and causes confusion between “yard” and “setback.” Better language might clarify that within the side yard on the secondary street only front setbacks would apply.

Definition of “structure” might also be overly broad. As plain reading suggests that it includes fences, and fences, therefore, are not permitted within any setback. However, fences clearly are permitted in all rear and side yard setbacks, and (below three ft. in height) in front yard setbacks, as well.

Motion by Stimac, second by Stoyhoff to recommend to the Township Board that the Township not pursue enforcement action regarding current ordinance violations relative to front yards for Mr. Alexander, at least until the

Planning Commission had reviewed the current issue and makes recommendations. All voted in favor. Motion carried

Motion by Tarchala, second by Stoyloff to affirm that the principal residence does in fact create the front yard and is the basis for defining the front yard and also to make recommendations to the Planning Commission to create text amendments which would apply to corner lots redefining front yard and side yard as they pertain to front yard setbacks and to create a more inclusive definition of "structure" as to not include things such as fences and flagpoles, etc. All voted in favor. Motion carried.

Pending Business: None

Any Other Business: Next meeting will be September 24, 2015.

Public Comments: None.

Motion by Stimac, second by Tarchala to adjourn. All voted in favor.
Meeting adjourned at 8:20 pm.

Respectfully submitted by,

Heather Mitchell / Secretary