

Minutes of the Antwerp Township Zoning Board of Appeals
Wednesday, October 28, 2020
Draft

Consistent with Michigan Public Act 228 of 2020, attendance at this meeting was permitted in person, and also remotely by Zoom web application.

Members present: Phil Tarchala - Chair, Doug Cultra (remote, Mattawan), Daniel Seibert (remote, Paw Paw), Gary Stock (remote, Lawton), Ron Stoyonoff (remote, Paw Paw).

Guests present: at least three at the Township Hall.

Chair Phil Tarchala called the meeting to order at 6:34 pm. Some discussion ensued regarding remote use of Zoom.

Motion by Cultra, second by Stock to approve the agenda as presented. All in favor; motion passed.

Motion by Stoyonoff, second by Seibert to approve the minutes of August 27, 2020. All in favor; motion passed

Communications/Announcements: none.

The agenda includes a variance request by James and Kristina Adams to reduce the minimum lot frontage and width requirements from 175 feet to 160 feet to divide the subject parcel (Sections 3.4 A and 5.3 B of the Zoning Ordinance). The subject property is located at 64828 22nd Street, Mattawan, MI 49071 (parcel # 80-02-025-001-80).

Chair Tarchala called the public hearing to order at 6:40 pm.

Adams described their intent to sell the existing dwelling to their children, and build a new home on the proposed lot. They presented comments on lot configurations and related expenses that they consider a hardship, and on their desire for privacy for the new and existing dwellings. They also observed that the proposed frontage reduction would result in a lot width similar to that of two lots immediately north.

Public hearing closed at 6:48 pm.

New Business:

Discussion among ZBA ensued regarding alternative approaches to dividing the parent parcel without a variance. The parcel's ~526- foot width is three times the Township's longstanding 175' frontage requirement. A conforming lot could be split to the south of the existing dwelling, rather than to the north. Adams did not prefer that solution.

Further ZBA discussion addressed issues related to privacy, driveway access, lot configuration, and the placement of the existing dwelling.

ZBA member Stock referred to the Van Buren County online GIS service to estimate that a permitted lot 175' wide, to the north of the existing dwelling, would appear to leave an 18- to 20-foot required side setback for that dwelling. This was only a visual estimate; a physical survey might differ.

Several ZBA members commented on the failure to meet certain variance criteria. Some noted in particular that driveway or other costs, though unwelcome, would not constitute a hardship.

Motion by Stoyntoff, second by Cultra, to deny the variance request, as it does not meet the five conditions required by Section 13.5 of the Antwerp Township Zoning Ordinance. In particular, no hardship is evident, nor is the owner deprived of property rights; circumstances are not unique; and the requested variance would grant special privileges. All in favor; motion passed.

Pending Business: none.

Other Business: none.

Any other Business: The next ZBA meeting is scheduled for Thursday, November 19, 2020

Chair Tarchala adjourned the meeting at 7:34 pm.