

Minutes of the Antwerp Township Zoning Board of Appeals
Thursday, August 27, 2020
Draft

Consistent with Executive Orders by the Governor of Michigan, attendance at this meeting was permitted in person, and also remotely by Zoom web application.

Members present: Phil Tarchala - Chair, Doug Cultra, Daniel Seibert (remote), Gary Stock (remote), Ron Stoynoff (remote).

Guests present: at least two at the Township Hall, and up to two via Zoom.

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

All were in favor of approving the agenda as presented.

All were in favor of approving the minutes of May 28, 2020.

Communications/Announcements: none.

The agenda includes a variance request by Kayla Ruszkowski to reduce the required front setback for an accessory building from sixty feet from the public right of way to thirty feet from the public right of way. The subject property is located at 66726 CR 652, Mattawan, MI 49071 (parcel # 80-02-026-008-10). The name David Ginebaugh also is associated with the property and related documentation.

The Township pursued enforcement against a previous placement of this structure, but that effort is on hold pending this variance request, and is not relevant to the matter now before the ZBA.

David Jirousek of Horizon Community Planning, in his role as Antwerp Township Zoning Administrator, described the circumstances of the request in his memorandum of August 19, 2020, included here by reference. The memorandum also outlines the five conditions from Section 13.5 of the Antwerp Township Zoning Ordinance that must be met in order to grant a dimensional variance of this kind.

Chair Tarchala called the public hearing to order at 6:48 pm.

Kayla Ruszkowski presented comments about the structure's history, use, and placement. A significant portion of the site is wooded and sloped. Its current placement, the subject of the variance request, was chosen to improve its accessibility both by the residents and by an elderly horse in their care.

A neighboring landowner asked questions regarding the appropriateness of the placement and the enforcement of ordinance requirements.

Members of the ZBA requested clarification about the size of the parcel, location of trees, and other aspects of the site and its use.

Public hearing closed at 7:12 pm.

New Business:

Chair Tarchala invited ZBA deliberation on the variance request.

ZBA members reviewed comments from the public hearing, and discussed their relevance to a decision.

Motion by Stoyhoff, second by Cultra, to deny the variance request, as it meets none of the five conditions required by Section 13.5 of the Antwerp Township Zoning Ordinance as articulated in the Memorandum of August 19, 2020. In particular, the owner is not deprived of property rights; circumstances of the property do not make it unique; conditions that prompted the request were created by the owner; the requested variance would grant special privileges; and such a variance would be contrary to the spirit and intent of the ordinance. All in favor; motion passed.

Pending Business: none.

Other Business: none.

Any other Business: The next ZBA meeting is not yet scheduled.

Chair Tarchala adjourned the meeting at 7:29 pm.