

Minutes of the Antwerp Township Zoning Board of Appeals
Thursday, January 27, 2021
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, Daniel Seibert (remote, Antwerp Township), Gary Stock (remote, Antwerp Township), Ron Stoyhoff (remote, Antwerp Township). Absent: Doug Cultra.

Guests present: David Jirousek.

Chair Tarchala called the meeting to order at 6:32. Discussion ensued regarding remote use of Zoom.

Motion by Stoyhoff, second by Seibert to approve the minutes of December 17, 2020. All in favor.

Communications/Announcements: none.

New Business:

David Jirousek of Horizon Community Planning attended to discuss proposed new ordinance language to refine variance standards. After the Planning Commission's general agreement with the draft, the ZBA began its own review at its last meeting, then invited Mr. Jirousek to examine several themes.

After considerable discussion, ideas emerged for several possible enhancements.

- Applicants often submit a variance application with personal (or financial) justifications for a request. These are not considerations for ZBA approval. The variance application could make clear that a legal justification must exist, and ask the applicant more directly for more relevant responses. This could help applicants understand the process, and ZBA approval standards.
- Example justifications (included for reference within the draft amendment) may be useful if included with the variance application request, or as part of a checklist for ZBA use.
- Ordinances generally use "statements" of conditions ("Strict compliance would prevent...") rather than "questions" about them ("Would strict compliance prevent...?"). Ordinance language might remain in statement form, but the application might benefit from an equivalent question.
- Current standards require considering all parcels in the same district anywhere in the Township. Changing that to "neighboring property" as proposed in 13.5 A.2 (from Court of Appeals language) suggests only parcels that abut, or in a small area, lowering the standard significantly. The ZBA perceives this as contrary to the historical intent of variances, and deserving review.

- Similarly, the proposed change from conditions being “unique” (only one exists) to “exceptional” or “extraordinary” (multiple may exist) reduces clarity about conditions for approval. The ZBA would prefer to adopt and apply a standard that carries a consistent definition for every request.

Mr. Jirousek will research the Court’s intent and related issues, and provide a revised draft.

Pending Business: none.

Other Business: none.

Any other Business: The ZBA will meet in February, 2021 to further review the proposed standards.

Chair Tarchala adjourned the meeting at 7:43 pm.