

PAW PAW TOWNSHIP
ZONING BOARD OF APPEALS
April 16, 2014
Meeting Minutes

Acting Chairman Cubbage called the meeting of the Paw Paw Township Zoning Board of Appeals to order at approximately 7:03 p.m. on April 16, 2014 at the Township Office Building located at 114 N. Gremps Street.

PRESENT: Charles Cubbage, Rinaldo Cicchini, Thomas Palenick

ABSENT: Phil Arbanas, Neil Boff

ALSO PRESENT: Michael & Tamera Fleckenstein, Jeffrey Swenarton, Sara Wilkens, Richard Lulu, Shauna Lulu, Edward Westall, Bert Gale (Zoning Administrator), Troy Feltman (Zoning Administrator)

APPROVAL OF THE AGENDA:

Motion by Cicchini, supported by Palenick to approve the agenda. Motion passed 2-0.

APPROVAL OF MINUTES: March 19, 2014

Moved by Cicchini, supported by Palenick to approve the March 19, 2014 Minutes as presented.
Motion passed 3-0

PUBLIC COMMENT: None

NEW BUSINESS:

- A. Variance Request from Edward and Helga Westall—44515 North Shore Drive, Paw Paw, MI 49079. Seeking variance relief from Section 42-64 (f)(6)(e) regulating setbacks & Section 42-64 (f)(4) which regulates lot coverage.

Mr. Westall discussed the reason that he did not act upon the original variance which was granted by the Township ZBA in October of 2012. He explained that there was some issue with a railroad right-of-way that needed to be settled before he felt comfortable moving forward with the project. That issue has been resolved but the 12 month limit on the variance had expired.

Following a discussion by the ZBA members to confirm that the original findings of fact were still applicable to the current request, motion by Cubbage, supported by Palenick to approve the variance request as follows:

Allow a street setback of 20 feet, side setbacks of 5 feet, a rear (south) setback of 2 feet, and lot coverage of approximately 57%. Approval is based on conformance with the neighborhood, the addition will be no closer to the line than the existing garage, the total size of the garage is not excessive for the lot and the location will not have an effective on the view of neighboring properties.

Motion passed 3-0.

- B. Variance Request from Anthony & Nancy Cap—69766 Palmer Drive, Paw Paw, MI 49079. Seeking variance relief from Section 42-204 (c)(3) which regulates setbacks for accessory buildings.

ZBA members discussed the fact that no one was present to make any presentation regarding the “practical need” for the variance. The applicant is seeking to place a garage 3 feet from the side and rear property lines. Zoning Administrator Feltman explained that Mr. Cap had indicated that he would be out of town and unable to attend the meeting. ZBA member Cabbage stated that he did have an opportunity to talk with Mr. Cap about the project and why he felt the variance was needed. Mr. Cap explained that the property was impacted by the location of the septic system and utility easements. This being the case, the proposed location was the only spot on the property which would allow for the proposed structure.

ZBA member Palenick expressed concern about making a decision on a variance request when the applicant was not present to answer questions. Members discussed whether to table the request or proceed with a vote on the present application. Following a review of the finding of fact standards, a motion was made by Cabbage, supported by Cicchini to approve the variance request with the condition that the applicant move the structure as close as possible to the septic system to maximize the side yard setback.

Motion passed 2-1.

- C. Variance Request from Michael & Tamara Fleckenstein-- 37263 Texas Avenue, Paw Paw, MI 49079. Section 42-64 (2) (f) which requires a fifteen foot side yard setback(15) and fifty (50) foot rear yard setback in the Waterfront Zoning district.

Mr. Swenarton, attorney for Fleckenstein, updated the ZBA member on the project changes since the March 19, 2014 meeting. He gave the ZBA members a brief history the site and the facts which, in the applicant’s view, necessitate a variance. Mr. Swenarton outlined an agreement between the Fleckensteins and Wrights to alleviate any concerns expressed at the March 19th meeting. Two property owners (Wilkins & Lulu) addressed the ZBA with questions and concerns about parking, building height & general drainage.

Following an extensive conversation between the Fleckensteins, neighbors, ZBA members and Mr. Swenarton the finding of fact standards were discussed relative to the proposed variance. The ZBA members determined that the variance request met all six standards. Motion by Cicchini, supported by Palenick to grant the variance as requested.

Motion passed 3-0

OTHER BUSINESS: None

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

Motion by Palenick, supported by Cicchini to adjourn the meeting at 8:17 p.m.

Motion passed 3-0.

Respectfully submitted,

Troy L. Feltman
Zoning Administrator