

**VILLAGE OF PAW PAW  
ZONING BOARD OF APPEALS**

**May 5, 2014**

PRESENT: Chairperson Pioch, Barb Carpenter, Marcos Flores, John Hunt

ABSENT: None

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant and three (3) members of the public.

CALL TO ORDER

Chairperson Pioch called the meeting to order at 7:15 p.m.

APPROVAL OF AGENDA

It was noted that public comment prior to Board consideration of the November 4, 2013 minutes has been requested. Board members agreed to accept public comments prior to their consideration of the minutes. The agenda was then approved as modified.

APPROVAL OF MINUTES

The next matter to come before the Board was consideration of the proposed minutes of the November 4, 2013 Zoning Board of Appeals meeting.

Tom King was present on behalf of the Smith variance request application considered by the Board on November 4, 2014 and requested that the Board delay action on the minutes from that meeting. He explained that James Smith has made application to the Planning Commission for consideration of a text amendment and rezoning involving the property in question and that the public hearing for same has been scheduled for the July Planning Commission meeting.

Mr. King stated that if the legislative process does not provide a resolution to the Smith's land use issue, then an appeal of the Zoning Board of Appeals' November decision will be considered. He explained that a 21-day appeal period from the date of the approval of the minutes exists. Therefore, if the minutes are approved today, the decision to appeal would need to be made prior to the Planning Commission's consideration of the Smith's request in July.

Specifically, Mr. King requested that the Board defer action on the November 4, 2013 meeting minutes to a future meeting to allow for Planning Commission consideration of the Smith's request and, in effect, avoid the potentially unnecessary efforts and costs associated with an appeal for both the Smith's and the Village.

Ms. Harvey provided an update on the specifics of the Smith's applications for text amendment and rezoning and the Planning Commission's public hearing schedule for same.

Ms. Carpenter then moved to postpone Board consideration of the November 4, 2013 meeting minutes to a future meeting. Mr. Hunt seconded the motion. The motion carried unanimously.

Mr. King requested notification of the meeting date at which the Board would consider the minutes.

#### PUBLIC COMMENTS REGARDING NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

#### VARIANCE REQUEST – Walko

The next matter to come before the Board was the request of Ashley Walko for Variance Approval from the 30 ft front setback requirement for the proposed construction of a single family dwelling on a vacant lot. The subject property is located at 306 Maple Street and is within the "R-1" Residential District.

Chairperson Pioch explained that she resides within 300 ft of the subject property and therefore, as defined by the Michigan Zoning Enabling Act, has a conflict of interest regarding the subject request. She stated that she would be abstaining from the Board's consideration of the request.

*(Chairperson Pioch exited the meeting)*

Ms. Carpenter agreed to serve as Acting Chairperson. She noted that the applicant was not present. Dan Meeker stated that he lives in the neighborhood and was interested in the specifics of the request. He speculated that the reduced front setback may be requested due to the high water table at the rear of the property.

No further public comment was offered on the matter.

Acting Chairperson Carpenter stated that she had visited the site and could not determine the need for a reduced front setback. She noted that the lot had adequate depth and that she had noticed no topographic limitations.

Mr. Hunt expressed concern that the applicant was not present to substantiate the reasons for the request or to respond to Board questions.

Mr. Hunt then moved to postpone consideration of the variance request until the June 2, 2014 Zoning Board of Appeals meeting and requested that the applicant (or applicant's representative) be present to support the request. Mr. Flores seconded the motion. The motion carried unanimously.

Ms. Harvey noted that the Village will advise the applicant of the Board's action.

*(Chairperson Pioch re-entered the meeting.)*

### UNFINISHED BUSINESS

No Unfinished Business was scheduled for Board consideration.

### NEW BUSINESS

No New Business was scheduled for Board consideration.

### MEMBER COMMENTS

Chairperson Pioch stated that Board Member George Kolosar has recently resigned from the Zoning Board of Appeals. Board members expressed their gratitude for Mr. Kolosar's many years of service to the Board.

Chairperson Pioch questioned if the Zoning Board of Appeals ByLaws (accepted by the Board at the November 4, 2013 meeting) had been presented to the Village Council. She further inquired if the Village Council had had the opportunity to discuss the appointment of alternates to the Board. Mr. Flores stated that the matter had not yet been considered by the Council.

It was confirmed that the Board currently has a vacancy, and that accepting the use of alternates would require the appointment of three (3) new members. Chairperon Pioch and Mr. Flores stated that they will contact the Village Manager to discuss both the proposed bylaws and the use of alternates on the Board.

VILLAGE MANAGER/PLANNING CONSULTANT COMMENTS

No staff comments were offered.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 7:45 p.m.