

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

**June 27, 2017**

PRESENT: Chairperson Julie Pioch, Barb Carpenter, Terry Davis, Mary Lou Hartwell, Alternate Wayne Wilhemi

ABSENT: Marcos Flores

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant, Sarah Moyer-Cale, Assistant Village Manager and six (6) members of the public.

CALL TO ORDER

Chairperson Pioch called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF MINUTES

The next matter to come before the Board was consideration of the proposed minutes of the February 6, 2017 Zoning Board of Appeals meeting. It was noted that the 'Approval of Minutes' discussion (on page 1) should be corrected to reference the minutes of the November 28, 2016 Zoning Board of Appeals meeting (instead of 2017). Ms. Hartwell moved to approve the minutes as corrected. Ms. Carpenter seconded the motion. The motion carried unanimously.

PUBLIC COMMENT REGARDING NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

VARIANCE REQUEST – *Freshwater Community Church*

The next matter to come before the Board was the request of Freshwater

Community Church for Variance Approval from the following Zoning Ordinance requirements as they apply to a proposed parking lot expansion and related site improvements:

- : Section 42-401 – 30% Maximum Lot Coverage Requirement
- : Section 42-401 – Front, Side and Rear Yard Setback Requirements
- : Section 42-406 – Minimum Landscaping Requirements

The subject property consists of four (4) lots located at or in the area of 600 East Michigan/610 East Main and is within the R-1 and R-2 Districts.

Jason Bull, Executive Pastor, Alex Frasier, Project Engineer, and Mark Leathead, Project Contractor were present on behalf of the application.

Referencing a site plan, Mr. Frasier provided an overview of the proposed project, noting the addition of a drop-off drive and sidewalk extension on the 3.2 acre site of Freshwater Community Church and the establishment of a 68-space parking lot on the 0.7 acre vacant site situated on the south side of East Main, opposite the church. He explained that the proposed improvements are designed to provide safe access to the church and respond to the parking demand at the site. Mr. Frasier stated that the proposed new parking lot will result in eliminating hazardous on-street parking practices along East Main on Sunday and provide parking to Freshwater Community Church in compliance with Zoning Ordinance parking requirements.

Mr. Bull provided additional background information on the church's identified needs and future use plans, noting the importance of providing a main building entrance for the 'community center' use element. He further explained that adequacy of parking is crucial in a church's ability to attract membership.

In response to Board questions, Mr. Frasier noted that the proposal intends to meet screening and planting requirements . . . and that the variance request from the 'landscaping requirements' is specific to the 30% open space standard.

Ms. Harvey then summarized the requested variances, noting the following:

- the R-1 and R-2 Districts allow a maximum 35% lot coverage and require 30% of the site to be landscaped open space;
- the existing site of Freshwater Community Church (3.2 acres) is currently provided 68% lot coverage and 32% open space;
- the proposed drop-off drive and sidewalk extension on the 3.2 acre site will increase the lawful nonconforming lot coverage to 73.5% and decrease the on-site open space to 26.5%;

- variance approval from the lot coverage standard and the open space standard is requested;
- the 68-space parking lot proposed to be established on the 0.7 acre site opposite the church will provide 74.8% lot coverage and result in 25.2% open space;
- variance approval from the lot coverage standard and open space standard is requested;
- per the applicant's presentation, the planting requirements set forth in 42-406 are proposed to be met on both sites.

Ms. Harvey added that the proposed parking lot is also subject to a 15 ft setback requirement from the right-of-way of East Main (pursuant to Section 42-404 (6) ) and that a 5 ft setback has been proposed. To that end, variance approval from the front setback requirement is also requested.

Deb Sleuter requested clarification on the design of the proposed drop-off drive. Cathy Healy inquired if the proposed parking lot screen fence will interfere with the existing row of pine trees in the vicinity of the east property line. Mr. Bull stated that the fence will be setback from the existing tree line.

Whitney Burke stated that the walnut trees that exist on the west side of the church property are messy and capable of causing damage. She noted that she would not object if the trees were removed. Ms. Burke also noted that she believes the proposed parking lot will remove the congestion on East Main on Sundays and improve safety in the area.

No further public comment was offered on the matter.

The Board proceeded with consideration of the lot coverage variance requested for the 3.2 acre site occupied by the church. In review of the variance criteria set forth in Section 42-66, the following findings were noted

1. The existing lot coverage on the site is the result of historical (old) development of the property as school grounds, which qualifies as an 'exceptional or extraordinary condition' of the property.
2. The proposed increase in lot coverage from 68% to 73.5% is minimal and will have little impact on adjacent property or the general area.
3. The proposed increase in lot coverage represents a minor increase in an existing nonconformity.
4. The property is proposed to comply with storm water run-off standards and planting requirements.
5. The proposed drop-off drive will improve safety both on the site and in the general area.
6. The condition of the property is not of a 'general or recurrent nature' and does not justify an amendment to the Ordinance.

Ms. Hartwell then moved to grant variance approval from the 35% lot coverage requirement set forth in Section 42-401 to allow for the proposed drop-off drive and sidewalk extension on the site of the existing church, based upon the site plan presented and the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. Ms. Carpenter seconded the motion. The motion carried unanimously.

The Board then proceeded with consideration of the open space variance requested for the 3.2 acre site occupied by the church. In a review of the variance criteria set forth in Section 42-66, the following findings were noted

1. The existing open space on the site is the result of historical (old) development of the property as school grounds, which qualifies as an 'exceptional or extraordinary condition' of the property.
2. The proposed reduction in open space on the site from 32% to 26.5% is minimal and will have little impact on adjacent property or the general area.
3. The property is proposed to comply with storm water run-off standards and planting requirements.
4. The proposal to bring the property into compliance with planting requirements will improve the appearance of the property.
5. The proposed drop-off drive will improve safety both on the site and in the general area.
6. The condition of the property is not of a 'general or recurrent nature' and does not justify an amendment to the Ordinance.

Ms. Capreuter then moved to grant variance approval from the 30% 'open space' requirement set forth in Section 42-406 (b) to allow for the proposed drop-off drive and sidewalk extension on the site of the existing church, based upon the site plan presented and the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. Mr. Wilhemi seconded the motion. The motion carried unanimously.

The Board continued with consideration of the request for variance approval from the 15 ft front setback requirement for the proposed parking lot to be located on the vacant 0.7 acre site situated opposite the church. In a review of the variance criteria set forth in Section 42-66, the following findings were noted

1. The subject 0.7 acre site is vacant and level and does not possess any exceptional or unique physical circumstance preventing compliance.
2. Options for compliance with the 15 ft setback requirement exist; namely, a reduction in the number of driveways, a minor reconfiguration of the parking area, and a reduction in the number of spaces provided.

3. Compliance with the 15 ft setback requirement will allow for compliance with the front yard landscaping requirement and improve the percent open space provided on the site.
4. A 15 ft setback will improve the safety and comfort in using the sidewalk that extends along the frontage of the site.
5. A 15 ft setback will be more consistent and compatible with the residential character of the adjoining properties and the area in general.
6. The condition of the property is not of a 'general or recurrent nature' and does not justify an amendment to the Ordinance.

Ms. Caprenter then moved to deny variance approval from the 15 ft front setback requirement applicable to the proposed 68-space parking lot set forth in Section 42-404 (6), based upon the site plan presented and the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. Mr. Davis seconded the motion. The motion carried unanimously.

Lengthy Board discussion then ensued regarding options for reconfiguration of the parking lot. The following was noted:

- a 68-space parking lot only requires a single driveway;
- placement of a single driveway directly opposite the proposed drop-off drive would improve roadway safety and allow for compliance with the 20 ft setback requirement from adjacent residential property applicable to parking lot driveways;
- reducing the number of driveways would increase the area available for parking spaces; and,
- compliance with the 15 ft setback requirement would increase the percent open space provided on the site.

Mr. Bull and Mr. Frasier requested that the Board postpone consideration of the lot coverage and open space variance requests to allow for a reconfiguration of the parking lot. They noted that effort will be made to comply with the setback requirements, 30% open space requirement, and planting/screening requirements so that reasonable consideration can be given to the lot coverage variance request.

Ms. Harvey explained that the applicant has applied for Special Land Use Permit/Site Plan Review for the proposed property improvements and is scheduled for consideration at the July 6, 2017 Planning Commission meeting.

Ms. Hartwell then moved to postpone further consideration of the variance requests to a special meeting to be scheduled for Thursday, July 6 at 6:00 p.m. to allow the applicant the opportunity to revise the parking lot design. Ms. Carpenter seconded the motion. The motion carried unanimously.

ONGOING BUSINESS

No Ongoing Business was scheduled for Board consideration.

NEW BUSINESS

No New Business was scheduled for Board consideration.

MEMBER COMMENTS

No member comments were offered.

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 8:30 p.m.