

Village of Paw Paw  
**Zoning Board of Appeals**  
**June 3, 2019**  
114 N. Gremps Street, 7:00pm

Present: Terry Davis, Marcos Flores, Mary Lou Hartwell, Wayne Wilhelmi, Barbara Carpenter (7:05pm), Julie Pioch (7:05pm)

Absent: None

Also Present: Village Manager Sarah Moyer-Cale, Harold Schuitmaker, Tom Shoemaker, members of the First Presbyterian Church in Paw Paw.

CALL TO ORDER: The meeting was called to order at 7:00 pm by Acting Chairperson Flores.

APPROVAL OF THE AGENDA: Motion by Hartwell, supported by Wilhelmi to approve the agenda as presented. All members present voting yes. The motion carried.

APPROVAL OF MINUTES: Motion by Hartwell, supported by Wilhelmi to approve the minutes of the regular meeting of October 1, 2018. All members present voting yes. The motion carried.

PUBLIC COMMENT: No public comment was received.

Chairperson Pioch joined the meeting at 7:05pm and took up chairperson responsibilities from Acting Chairperson Flores.

**PUBLIC HEARING:**

The First Presbyterian Church at 114 and 120 Pine Streets requested a variance from three requirements of the Village of Paw Paw Zoning Ordinance as follows:

- a. Sec 42-367 (8) e. - so as to allow off-street parking within the required front yard setback area.
- b. Sec 42-404 - so as to allow the provision of only 35 off-street parking spaces where 48 are required.
- c. Sec 42-406 b. - so as to allow less than 25% of the required landscaped open space between the building and the roadway.

Tom Shoemaker spoke in support of the requested variances. He informed those present of the church's history in the community and the church member's desire to remain in the same location over their 175-year history. He also spoke of the need for improved access to the building and additional parking.

Harold Schuitmaker spoke in favor of the application and indicated that the church had a unique property being that it is located in a neighborhood in town and does not have as much

property as other community churches. Schuitmaker presented a general description of the project elements and showed historical photographs demonstrating changes to the building that had been made over time. Schuitmaker emphasized that he felt the set back requirement should not apply to Pine Street but only to Kalamazoo Street because the main entrance to the church is on Kalamazoo Street. Schuitmaker also presented evidence of support by local neighbors of the project and the church's parking expansion and landscaping plan. Schuitmaker concluded that granting the variances would be in the best interest of the community.

No other public comment was received at the meeting.

Moyer-Cale reported that no public comment had been received at the Village office about this application.

Chairperson Pioch closed the public hearing to allow the ZBA to discuss the application. The Board proceeded with a review of the variance criteria set forth in Section 42-66 regarding the first variance request related to the front yard setback.

**The following findings were noted:**

1. The location of the property as a corner lot and the placement of the church on the property serve to minimize the area available for parking that is located outside of the required front setback area.
2. The built condition of the property limits the ability for compliance with noted provisions; a denial of the requested variances will essentially prohibit any future improvements to the property since any proposed modification will require compliance.
3. The proposed site improvements will not change the intensity of use on the site nor serve to reduce open space.
4. The proposed site improvements will improve site circulation.
5. The size and built condition of the property and its situation as a corner lot would not be considered general or recurrent in nature.

Motion by Flores, supported by Pioch to approve the requested variance from the required front yard setback standards set forth in Sec 42-367 (8) e. based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance.

Voting Yes: Carpenter, Davis, Flores, Hartwell, Pioch, Wilhelmi

Voting No: none

Motion Carried. **Variance Approved.**

The Board proceeded with a review of the variance criteria set forth in Section 42-66 related to the second variance request related to the number of required parking spaces.

**The following findings were noted:**

1. The proposed parking lot expansion will increase the number of on-site parking spaces currently provided, however, adequate area does not exist on the site to provide parking in compliance with the Ordinance.
2. The variance will essentially allow continued use of the property as a church with an improved parking situation and minimal change in existing open space conditions.
3. The proposed site improvements are intended to increase available on-site parking and to improve vehicular and pedestrian circulation patterns on the site.
4. The proposed site improvements will not change the intensity of use on the site nor serve to reduce open space.
5. The proposed site improvements will serve to increase the parking provided on site and introduce parking lot landscaping and improved site circulation.
6. Open space will be provided in compliance with Ordinance requirements, with the exception of its location between the building and the roadway which does not represent a change in the current situation.
7. The size and built condition of the property and its situation as a corner lot would not be considered general or recurrent in nature.

Motion by Flores, supported by Pioch to approve the requested variance from the required off street parking requirements set forth in Sec 42-404 so as to allow less than the 48 required parking spaces based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance.

Voting Yes: Carpenter, Davis, Flores, Hartwell, Pioch, Wilhelmi

Voting No: none

Motion Carried. **Variance Approved.**

The Board proceeded with a review of the variance criteria set forth in Section 42-66 related to the third variance request for less than 25% of green space to be located between the building and the roadway.

**The following findings were noted:**

1. The location of the existing church on the property prevents the ability to locate any open space between the building and the roadway.
2. The variance will essentially allow continued use of the property as a church with minimal change in existing open space conditions.
3. The proposed site improvements will not change the intensity of use on the site nor serve to reduce open space.
4. Open space will be provided in compliance with Ordinance requirements, with the exception of its location between the building and the roadway which does not represent a change in the current situation.
5. The proposed site improvements will increase on-site parking; improve site circulation; and accommodate pedestrian drop off.
6. The size and built condition of the property and its situation as a corner lot would not be considered general or recurrent in nature.

Motion by Flores, supported by Pioch to approve the requested variance from the required landscaped open space requirement that 25% of green space be located between the building and the roadway set forth in Sec 42-406 b. based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance.

Voting Yes: Carpenter, Davis, Flores, Hartwell, Pioch, Wilhelmi

Voting No: none

Motion Carried. **Variance Approved.**

ONGOING BUSINESS: No Ongoing Business was scheduled for Board consideration.

NEW BUSINESS: No New Business was scheduled for Board consideration.

MEMBER COMMENTS: Chairperson Pioch inquired of the other members if anyone would like to nominate a new chairperson. It was the unanimous consent of the members for Pioch to remain chairperson of the Zoning Board of Appeals.

VILLAGE MANAGER/PLANNING CONSULTANT COMMENTS: Moyer-Cale stated that Planning Consultant Harvey is unable to attend ZBA meetings held on the first Monday of the month due to a change in her schedule. Several other options for days she would be available were presented. It was the consensus of the members that regular ZBA meetings should continue to be held the first Monday of the month but that if necessary, they would reschedule to another day if they feel it is necessary for the consultant to be present for a particular application.

MEETING ADJOURNED at 7:53 pm.