

**Minutes, Zoning Board of Appeals  
Regular Meeting, March 19, 2007**

- 1) The Zoning Board of Appeals meeting Monday, March 19, 2007 convened at 7:00 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairman Hindenach presiding. **Meeting Convened**
- 2) Present: Greensly, Dent, Groenland, Hindenach and Porth. Also, present: KeVen Riley, Village Clerk. **Members Present**
- 3) Audience members included property owners, William Decker, John Murch, Shawn McGree, Dan & Joanne Sullivan. **Others in attendance**
- 4) Motion by Groenland, supported by Dent, to approve the minutes of the July 17, 2006 meeting as presented. All members voting yes, motion carried. **Minutes approved**
- 5) William Decker whom owns a 600 square feet cottage home at 620 N. Gremps Street was present to discuss his plans to tear-down this 100+ year old building and build a permanent 2,000 square feet home at this location. The original thought was to request for a reduced minimum lot size from 10,000 square feet to 4,902 square feet, reduce the minimum setback requirements for the front lot line from 30 feet to 14 feet and to reduce the side yard setback from 20 feet to 14 feet in accordance with the Zoning Ordinance No. 394 Article 14 Schedule of Regulations. **Discussion on 620 N. Gremps Street**
- 6) All property owners were in agreement the request would benefit all of them and be an improvement to the property and to the Village of Paw Paw.
- 7) The board reviewed the regulations and discovered it was not necessary to reduce the front lot line from 30 feet to 14 feet because the front line extends an additional 22 feet to Gremps Street, plus there is a permanent deeded easement.
- 8) The board then reviewed the definition of a lot line and set backs, the applicant is compliant because Clerk Riley was incorrect in determining the total required side yard set backs. She then asked for a determination on the definitions as to whether or not the eaves of a home are considered part of the set backs.
- 9) Motion by Porth, supported by Groenland, to define the setbacks to be measured at the foundation base parallel to the property line, not to include any extensions above the foundations, including but not limited to eave troughs and eaves. All members voting yes, motion carried. **Setback definition determination**
- 10) With this determination, that left one variance to be sought which was the lot size requirement. The board carefully reviewed the information and the four **Lot size variance**

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requirements on the application in which they can grant a variance and their findings are as follows: **reviewed**

11) List evidence of exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning classification

**(a) It was determined this was not applicable.**

12) List why such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the vicinity, provided that the possibility of increased financial return shall not be deemed sufficient to warrant a variance.

**(a) It was determined the board would be limiting Decker's rights to make a permanent home on this parcel which became unplatted lot in 1981. It was split and sold in 1981 prior to the zoning ordinance and the family purchased this with the intent to move to Paw Paw permanently.**

13) List that the authorization of such variance will not be of substantial

(a) detriment to adjacent property and will not materially impair the  
(i) intent and purposes of this ordinance or the public health, safety and welfare.  
(ii) and welfare.

**(b) All current property owners were in agreement and felt this improvement would benefit them by having someone living in  
(c) the area on a full-time basis to watch over the neighborhood and  
(d) their properties. This variance would not impair the public  
(e) health, safety and welfare of any adjacent properties or to the  
(f) Village of Paw Paw.**

14) List that the condition or situation of the specific piece of property

(i) or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations as  
(ii) part of the zoning ordinance.

**(b) This property is located on a peninsula of Maple Lake.**

15) The board discussed this and reviewed properties in the Village and could definitely see the uniqueness in this property because of its location on a peninsula.

16) Motion by Groenland, supported by Greensly to approve the request for the **Variance**

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variance for William Decker at 620 N. Gremps Street to decrease the lot size from 10,000 square feet to 4,902 square feet because the property is located on a peninsula of Maple Lake and no other adjacent properties could be sought to make this property compliant. All members voting yes, motion carried. **Approved**

17) Motion by Groenland, supported by Porth to adjourn the meeting. All members voting yes, motion carried. Meeting adjourned at 8:01 p.m. **Adjournment**

Respectfully submitted:  
KeVen L. Riley, Village Clerk