

Minutes of the Antwerp Township Zoning Board of Appeals
Thursday, May 28, 2020
Draft

Consistent with Executive Orders by the Governor of Michigan, attendance at this meeting was permitted in person, and also remotely by Zoom web application.

Members present: Phil Tarchala - Chair, Doug Cultra, Daniel Seibert (remote), Gary Stock (remote), Ron Stoynoff.

Guests present: at least four at the Township Hall, and up to ten via Zoom.

Chair Phil Tarchala called the meeting to order at 6:32 pm. Motion by Stoynoff, second by Seibert, to approve the agenda as presented All in favor.

Motion by Stoynoff, second by Seibert to approve the minutes of December 27, 2018. All in favor.

Communications/Announcements: none. Some discussion ensued regarding remote use of Zoom and of microphones within the room.

The agenda includes an appeal by Ryan Rarick of a Township Administrative Determination that a group ORV riding facility on the subject property is a use not permitted in the AG Zoning District per Section 5.2. The subject property is located at 64981 CR 657, Lawton, MI 49065 (parcel # 80-02-027-002-25).

Township Planner David Jirousek of Horizon Community Planning described the circumstances, including his letter as Antwerp Township Zoning Administrator of April 21, 2020, included here by reference. The letter addresses certain uses considered a violation of the Zoning Ordinance. Its contents are the subject of the appeal.

Mr. Jirousek noted that the Township received complaints about ORV use on this site in 2019 and 2020, these being the first instances of complaints about ORV use in his seven years as administrator. Although the Township has no general ordinance on ATVs or ORVs, group riding is not clearly related to residential use, and is beyond what would normally be considered incidental.

Chair Tarchala called the public hearing to order at 6:45 pm,

Some neighbors described noise from riding on the site, including of dirt bikes and other machinery, and by groups, as being loud, obnoxious, or horrible. Other neighbors described the noise as rare, or not objectionable. Mr. Rarick, the appellant, read his written response to the administrative letter and offered other comments, including from other residents.

Public hearing closed at 7:12 pm.

New Business:

Chair Tarchala invited ZBA questions. Cultra inquired about a map supplied by Mr. Rarick, indicating neighbors supporting his position. Stoyonoff observed that motorcycles may not provide the utility that some other ORVs can. Mr. Jirousek explained that while some neighbors may prefer restrictions, and others may not, the role of the ZBA is to determine whether the use is acceptable, as addressed in the administrative letter. Stock noted that zoning defines permitted uses, and that uses not listed are not permitted, as the letter explained. Members discussed issues related to noise, nuisances, and ordinance enforcement. The letter describes a fine of up to \$500 for a municipal civil infraction, but does not require payment of any fine. The ZBA may reverse, affirm, or modify the administrative letter.

Motion by Seibert, second by Cultra, to modify the letter by striking references to non-resident use. Discussion ensued as to whether that would modify the letter, or reverse it. To give the motion a clear effect, the ZBA might also need to define “group.” Consensus arose that the Planning Commission may be better and more properly suited to that task. Motion withdrawn.

Discussion addressed how to modify the administrative letter, while establishing certain definitions. Delaying fines or other enforcement for a period of time may be a solution.

Motion by Tarchala, second by Cultra, to hold the letter in abeyance for ninety days, and ask the Township Planning Commission during that time to address the definition of “group,” and to discuss or consider a noise ordinance. All in favor; motion passed.

Pending Business: none.

Other Business: none.

Any other Business: The next ZBA meeting is not yet scheduled.

Chair Tarchala adjourned the meeting at 8:20 pm.