

Antwerp Township Zoning Board of Appeals

Meeting Date: May 23, 2024 at 630 PM

Members Present: Bill Schultz, Phil Tarchala, Mark Lefkes, Dan Seibert and Doug Cultra

Also Present – Brendon ,Graber- Home/Property Owner, Mrs. Graber, Mr. Graber father

Chairman Seibert called the meeting to order at 6:30 PM

Approval of Agenda – Chairman Seibert directed that the Secretary create a new agenda item: “Public Comment”. All members present agreed it was a good idea. Mark moved to approve the newly revised agenda, seconded by Phil all voted yes.

Election of 2024 Officers-New Officers were as follows: Dan Seibert as Chairperson, Mark Lefkes as Vice Chairperson and Doug Cultra as Secretary.

Mr. Schultz moved, Mr. Tarchala seconded we approve the 2024 Officers as presented. All voted in favor 5-0.

Approval of Minutes – September 28, 2023 Phil moved, Bill seconded, the Minutes were approved 5-0.

Committee Addressed six questions prior to voting on Mr. Graber’s Request:

1. Yes. Requiring a building with a second-floor ADU to be placed in the rear yard would be unnecessary burdensome because a driveway would need to be extended through a narrow property to the rear, and trees in close proximity to the river would need to be removed. Because a building can already be constructed where proposed it is unnecessarily burdensome to require compliance placement in the rear yard for living purposes.
ZBA Members agreed with this statement.
2. Yes. The predicament is caused by the narrow nature of the lot, sloping rear yard, dense vegetation, proximity to neighbors and proximity to the East Branch of the Paw Paw River.
ZBA Members agreed with this statement.
3. Yes. The problem is not self- created as the most logical and reasonable location for an accessory building, along with an ADU, is in the front yard.
4. Yes. Substantial justice will be done as the applicant would be able to reasonably use their property, and the building will be further away from the private rear yards of the neighboring dwellings than if placed in the rear yard.
5. Yes. Placing the building in the front yard will reduce the potential impact of development on the east branch of the Paw Paw River.

6. Yes. The purpose of the ordinance is to allow for variances where there are extraordinary or exceptional site conditions preventing all development or reasonable development. Relief aligns with the intent of the ordinance in section 13.5 as there are unique circumstances, and requiring the ADU in the rear yard would be unnecessarily burdensome for the applicant based upon the characteristics of the site.

Mr. Jirousek, Township Zoning and Planning Administrator, Recommendation: It is my opinion that positive answers can be provided to all six questions, and approval can be justified.

The ZBA recommends approval of a variance to allow a second floor ADU above the garage space within the front yard building as long as all other zoning requirements are met. However, the ZBA must conduct the same exercise as part of its deliberation to make the decision on this matter or confirm findings in this report. This has been successfully completed.

It was moved by Mr. Schultz seconded by Mr. Lefkes that the ZBA concur with Mr. Jirousek, AICP and Township Paid Expert, that we APPROVE WITHOUT CONDITIONS Mr. Brendon Graber request to construct an accessory dwelling unit.

Vote was 5-0 to approve.

Mr. Schultz moved, Mr. Lefkes seconded that the meeting be adjourned.