

VILLAGE OF MATTAWAN
ZONING BOARD OF APPEALS

AUGUST 25, 2025

MINUTES

1. CALL TO ORDER AT 7:00 P.M.
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE : *Begeman, Daniel, Gurley, McLean, Streeter, Stuut*
OTHERS IN ATTENDANCE: *Manager McGrew, Clerk Storm-Artis, Administrative Assistant Ranney-Holroyd, Attorney Graham*
4. WELCOME TO THE PUBLIC
5. ANNOUNCEMENT OF MEETING BEING RECORDED
6. ADDITIONS TO THE AGENDA *None*
7. APPROVAL OF THE AGENDA
Motion by McLean, supported by Daniel to approve the agenda. All members voted in favor.
8. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM
Michael Karnak, David Jones, Ryan Benoit, Tess Severson, Lisa Shandley, Jenie Resch, and Tammie Seicore spoke in opposition:
Jacqueline Davis and Steve Kuchnich spoke in favor.
Jeff Lonchor spoke on behalf of the developer and clarified some of the project specifics.

Clerk Storm-Artis stated the office had received 7 letters of opposition that were presented to the ZBA and would be included with the minutes for public review.
9. OLD BUSINESS
 - A. DISCUSSION & DECISION ON VARIANCE REQUEST SUBMITTED BY EDWARD AND FLORENCE KUCINICH TRUST
Member Daniel stated he did not feel the application meets the legal requirements of hardship. The goals, business plans, or finances of the owner do not constitute legal hardship. Variances can only be granted due to a unique condition of the property itself. The request cites an inability to use the property to its potential. However, self-created hardships, such as purchasing or attempting to develop property with knowledge of existing ordinances cannot be the basis of a variance. To meet operational standards including safety, accessibility, and customer service are business or operational needs, not intrinsic physical characteristics to which a variance would apply. The sites proximity to major roads and its suitability for a fueling station make it distinct makes the property more desirable, or valuable, commercially but is not a physical limitation or difficulty for a hardship. According to Michigan cases on Zoning cost, profit, or market potential does not justify a variance.

Member Streeter asked Attorney Graham about the approval of variances and legal liability for litigation. Attorney Graham explained the ZBA has to evaluate the provisions of the Zoning Ordinance that are consistent with Michigan State Law. The factors to consider are outlined in the ordinance and if the ZBA makes a good faith determination based on those factors and the chances of litigation would be minimized as much as possible.

Member Streeter stated he heard the members of the public but also wanted to consider the sellers and their opportunities.

Member Daniel stated a variance is a request to go outside the laws due to a hardship created. In his opinion, what was presented does not meet this and cannot be financial to be considered a hardship. It must be about the property, and since we are only examining the 1000 square foot versus a larger building, we are only examining this variance for this particular property and something unique about it.

Member Streeter asked about denying the variance and setting precedent for future opportunities for property owner to sell.

Member Daniel explained that past approvals or disapprovals do not set precedent. Each variance is considered on its own and based on the particulars of the individual property and specifics of the request.

Attorney Graham clarified that property owners have, will have, and should have rights attached to that ownership. If the community were not zoned, this would not be an issue. The State of Michigan states that the community can adopt a Zoning Ordinance. Once the Zoning Ordinance is adopted that controls over the bundle of rights that you would have with property, The variance is there are times when it is unfair to restrict the use property. The variance requirements are strict, because there is a presumption that the community wants the property used the way it is zoned and there are always other means to approach the problem, such as ordinance amendments.

Member Daniel called the question.

Motion by Daniel, supported by Begeman to deny the variance request. Roll call vote taken. Begeman, Daniel, Gurley, McLean, Streeter and Stuut voted in favor. Motion carried 6-0.

10. NEW BUSINESS *None*
11. PUBLIC COMMENT *None*
12. COMMENTS FROM VISITORS *None*
13. COMMENTS FROM MEMBERS *None*
14. ADJOURNMENT @ 7:34 PM

Motion by Begeman, supported by Gurley to adjourn. All members voted in favor. Motion carried.

Council Approved 9/8/25


Luann Begeman, Council President Pro Tem


Jolie Storm-Artis, Village Clerk