

**MINUTES SILVER CREEK TOWNSHIP  
ZONING BOARD OF APPEALS HEARING HELD ON DECEMBER 15, 2015**

The meeting was called to order by Bruce Nevins at 7:00 p.m. on Tuesday, December 15, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Bruce Nevins.

MEMBERS PRESENT: Bruce Nevins, Jean Rowe, Richard Morey, Adele Straub, Joel Moore

OTHERS PRESENT: Attorney John Magyar, Building and Zoning Administrator Todd Herter, Supervisor Bill Saunders, three members from the public.

ABSENT: Jerry Donley

**PUBLIC HEARING**

Bruce Nevins read the notice aloud. He asked Todd Herter to explain the reason for the variance request. Todd replied that in section 6.04 C for Waterfront District, Front Yard Setback is calculated by taking the average of each property within 150 feet in either direction, which would require Robert Prost to have an 81-foot set back. Todd added that Mr. Prost would need a 36-foot variance to allow their new home to be 45 feet from the water's edge.

Attorney Magyar noted that someone from the audience gave the members pictures of the property, which they would mark as Exhibit A.

**PUBLIC COMMENT**

Bruce Nevins opened the floor for public comment at 7:07 p.m. Mr. Prost stated that he was requesting a variance so he could build a 30 foot wide home.

Attorney John Magyar commented that Mr. Prost had given them a photograph of the lake, with houses on each side, which appears to be the East side. He requested verification that the arrow references his existing 22-foot wide home. John asked Mr. Prost if they were planning to build closer to the lake.

Mr. Prost explained that they were requesting the variance to build a wider home, further from the lake. He explained that the new home would line up with the homes on each side.

Mrs. Prost stated that they wished to straighten out the home and line up with the neighboring homes.

Magyar commented that their neighbors could look at this as an improvement.

There were no other comments or communications received regarding the variance request.

Bruce closed the public comment at 7:10 p.m.

Adele clarified that the current home was being demolished. She also questioned the markings and where the proposed home and garage would be built on the property. Discussion followed.

Richard Morey asked Building and Zoning Administrator Todd Herter if the second house to the south, 51080 3<sup>rd</sup> Street, was included to come up with the 81-foot average, since the home has since been leveled. Todd replied that the house was included.

Todd explained that on the exhibit they were reviewing, the blue indicated what is proposed, including the deck and garage. The other exhibit indicated the existing home. Attorney Magyar commented that they were looking at the Certificate of Survey Job Number 14-0597 dated 8/21/14.

Adele questioned how much space would be between the houses, and commented that it looked close. Todd answered that the house would meet the side yard setbacks of 7 feet on one side, and 7 feet from the deck on the other side. Adele then stated that the new house would be further in line with the other houses.

Bruce commented that the yellow flags on the property showed a perfect layout of how the house would be. He stated that it would be squared on the lot, which it currently is not.

#### **MOTION TO APPROVE VARIANCE REQUEST**

Joel Moore motioned to approve the variance request, seconded by Richard Morey. Motion carried by roll call vote:

Yes: (5) Joel Moore, Richard Morey, Jean Rowe, Bruce Nevins, Adele Straub

No: (0): None.

Absent (1): Jerry Donley.

Magyar referenced the Standards of Review. He commented that the variance would not be detrimental to adjacent properties, and all agreed.

Bruce Nevins adjourned the meeting at 7:20 p.m.

#### **ADJOURNMENT**

Bruce Nevins adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary